



MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SEP 17 2015

MCPB No. 15-90
 Preliminary Plan No. 11987271C
 Milestone
 Date of Hearing: July 23, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, by Opinion dated July 22, 1996, the Planning Board approved Preliminary Plan No. 119872710, Milestone Business Park, creating 6 lots on 29.05 acres of land in the I-3 zone, located in the northeast quadrant of I-270, between Ridge Road and Dorsey Mill Road ("Subject Property"), in the Germantown Employment Area Sector Plan ("Master Plan") area and;

WHEREAS, on May 30, 2003, the Planning Board approved Preliminary Plan Amendment No. 11987271A, Milestone Business Park, to extend the APF determination for five years beyond the existing expiration date; and

WHEREAS, on March 15, 2011, the Planning Board approved Preliminary Plan Amendment No. 11987271B, Milestone Business Park, to grant a new validity period for the APF determination that extended the validity period for seven years; and

WHEREAS, on February 25, 2015, W-M Milestone Holdings VII, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plans to create 13 parcels on 44.33 acres with a total maximum density of 1,214,935 square feet, including 655,000 square feet of existing office, light industrial, and retail uses, a maximum of 485 new residential units including a minimum of 12.5% MPDUs, and up to 28,250 square feet of retail uses; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11987271C, Milestone ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 10, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 23, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 23, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, and Presley voting in favor, and Commissioner Wells-Harley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11987271C to create 13 parcels on 44.33 acres of land zoned CR 2.0, subject to the following conditions:¹

1. Approval under this Preliminary Plan is for 13 lots (parcels) allowing a maximum density of 1,214,935 square feet of total development including 655,000 sq. ft. of office, retail and light industrial (existing), 485 new residential units, up to 28,250 square feet of retail, and parcels for a private street and open space. A minimum of 12.5% of residential units must be moderately priced dwelling units (MPDU's).
2. The Applicant must show on record plat, a reservation for a commuter parking lot with a minimum of 170 park and ride spaces on proposed Parcel KK. A use and maintenance agreement between the Applicant and Montgomery County, Maryland is to be recorded for the expense, design, and construction of the commuter parking lot.
3. The Record Plat must show Milestone Center Drive as a private street, recorded in its own parcel from Milestone Center Court to Dorsey Mill Road. The Record Plat must reference a public use and access easement to be recorded with Montgomery County Maryland over the entire parcel. The parcel must be recorded to the widths specified below.
 - a. From Milestone Center Court to the proposed roundabout, Milestone Center Drive must be placed in a parcel that is a minimum 100 feet wide.
 - b. The roundabout on Milestone Center Drive must be placed in a parcel that is a minimum of 100 feet in diameter.
 - c. From the proposed roundabout to the proposed western garage entrances for Buildings 6 and 7, Milestone Center Drive must be placed in a parcel that is a minimum 60 feet wide.
 - d. From the proposed western garage entrances for Buildings 6 and 7 to Dorsey Mill Road Milestone Center Drive must be placed in a parcel that is a minimum 60 feet wide or wider as shown on the Preliminary Plan.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

4. Milestone Center Drive must be constructed to the specifications as shown below:
 - a. From Milestone Center Court to the proposed roundabout, Milestone Center Drive must be constructed to the applicable MCDOT Road Code Standard MC-2005.04: Divided Business District Street Modified. The following elements will be contained within the property parcel for the private road: four 11-foot travel lanes, 8-foot parallel parking on both sides of the road, a 25-foot wide median, sidewalks, and a landscape area as shown on the Preliminary Plan.
 - b. The roundabout on Milestone Center Drive must be constructed as shown on the Preliminary Plan.
 - c. From the proposed roundabout to the proposed western garage entrances for Buildings 6 and 7 Milestone Center Drive must be constructed to the applicable MCDOT Road Code Standard MC-2005.02: Business District Street Modified. The following elements will be contained within the property parcel for the private road: two 11-foot travel lanes, 8-foot parallel parking on both sides of the road, sidewalks, and a landscape area as shown on the Preliminary Plan.
5. The Applicant must satisfy the Adequate Public Facilities – Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services at the time of building permit.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated May 21, 2015, and hereby incorporate them as conditions of the Preliminary Plan approval, except for Comment #3. The internal private street must be built to a business district street standard as specified in these conditions. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, except Comment #3, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated May 22, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
8. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) in its letter dated June 21, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be

amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

9. Provide a minimum of 21 feet and 4 inches of vertical clearance from Milestone Center Drive to the pedestrian bridge linking Buildings 6 and 7 per the Washington Suburban Sanitary Commission (WSSC). The Applicant (or its successor) must properly indemnify WSSC for any damage to the bridge that may occur during the course of WSSC's repair/maintenance of the underlying sewer system.
10. The Property is in the Clarksburg High School Cluster where, according to the FY 2016 Subdivision Staging Policy, there is inadequate classroom capacity at the high school and elementary school levels, therefore; a school facility payment will be required at these levels. The Applicant must make a school facilities payment to MCDPS at the multi-family residential, high-rise with structured parking unit rates, for all residential units for which a building permit is issued and a school facilities payment is applicable.
11. The Certified Preliminary Plan must contain the following note: *"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height and lot coverage. Other limitations for site development may also be included in the conditions of the Planning Board's approval."*
12. Final approval of the number and location of buildings, MPDU's, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at Site Plan.
13. No clearing, grading or recording of plats prior to Certified Site Plan approval; however, the Applicant may submit the record plat for initial review upon Planning Board approval of the Preliminary Plan and Site Plan Resolution.
14. All necessary easements must be shown on the Record Plat.
15. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED, that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is referred to in the Master Plan as the Milestone North property. The Master Plan states that the Milestone Business Park will be expanded with new residential and retail uses, and that six-story office buildings will surround an urban courtyard within walking distance of existing and future residential units near Observation Drive. The Master Plan recommends that the Milestone North property be developed with an average density of 1.0 FAR, with a mix of research and development, employment, technology, street level retail, restaurants, and new housing, with up to 225 new multifamily housing units oriented to the existing residential areas. Residential uses are not to exceed 20% of the site.

This Preliminary Plan includes 485 residential units that will utilize 19% of the Subject Property's allowed density, under the Master Plan's 20% limit. 192 of the new residential units will be located in Building 6, which is oriented toward the residential uses adjacent to the northern portion of the Subject Property just south of the CCT Transitway and is thus in keeping with the Master Plan recommendation. Additionally, the approved residential and retail uses will serve to create the mix of uses envisioned in the Master Plan.

The Master Plan also recommends a step-down in building height from I-270 to the residential communities, and the creation of green commons in the interior of the Subject Property. The Preliminary Plan creates a lot pattern that allows the central plaza to be framed with buildings and reconfigured with new landscaping, lighting, and pedestrian-oriented amenities.

3. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Master Planned Transportation Facilities

The Master Plan and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby road and bikeway facilities:

- Ridge Road (MD 27): A controlled major highway (M-27) with six divided travel lanes (three in each direction) and a minimum right-of-way of 150 feet. The Bikeways Master Plan and Germantown Employment Plan both call for a shared use path (SP-68).
- Corridor Cities Transitway (CCT): A CCT alignment is shown traversing the north side of the site between Milestone Center Drive and Observation Drive. The line would connect with an east-west planned line on the west side of I-270 at the planned Dorsey Mill station that is located just to the north of the Milestone Center Drive/Dorsey Mill Road intersection. The transitway alignment that runs along the north side of the site is 50 feet in width. The Applicant has already dedicated the easement area for the transitway.
- Park and Ride Facility: The Master Plan calls for a 250 space park-and-ride facility on both the east and west sides of I-270. The Applicant already has a recorded plat that has reserved space for a 170 space park-and-ride facility. The Applicant will move the easement within the Subject Property, closer to Ridge Road.

Ridge Road has already been fully dedicated and constructed to the ultimate cross section envisioned in the Master Plan, including the off-road shared use path along its north side. Previous dedications have also provided the right-of-way necessary for the eventual construction of the CCT along the northern and eastern borders of the Subject Property. The existing record plats for the Subject Property contain a reservation for a 170 space park and ride lot, and as part of this Amendment, it will be relocated on the Subject Property.

Local Area Transportation Review (LATR)

The Preliminary Plan meets applicable LATR requirements. It is replacing 252,250 square feet of approved but unbuilt office space with 485 residential units and up to 28,250 square feet of retail that generates fewer total peak hour trips than the previously approved but unbuilt office development in both the morning and afternoon peak hours. Accordingly, the Applicant was not required to submit a traffic study, and no mitigation is required under the Board's *LATR/TPAR Guidelines*.

Transportation Policy Area Review (TPAR)

The Subject Property is located in the Germantown East Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Germantown East area is adequate under the roadway test but inadequate under the transit test; therefore, the Applicant must make a payment of 25% of the General District Transportation Impact Tax to satisfy the TPAR test.

School Capacity

The Subject Property is within the Clarksburg High School cluster area, which has inadequate classroom space at the high school and elementary school levels. The Applicant must make a School Facilities Payment to MCPDS at the multi-family residential, low-rise with structured parking unit rates, for all residential units for which a building permit is issued and a school facilities payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Other Adequate Public Facilities

Other public facilities and services are available and will be adequate to serve the approved development. The Subject Property is in water and sewer categories W-1 and S-1, respectively, and has access to existing public utilities. Other utilities including electric and telecommunications services are adequate to serve the development. The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service, which has determined that the approved development has adequate access for fire and rescue vehicles. Other public facilities and services such as police stations and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect.

- 4. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The size, width, shape, and orientation of the lots are appropriate given the location of the subdivision and in consideration of the recommendations in the Master Plan. The Preliminary Plan will create thirteen parcels (AA-MM), including a parcel for Milestone Center Drive. The size, width, and shape of the lots are established in part by the shape of the Subject Property, which is driven by the I-270 interchange and the Corridor Cities Transitway, and the parcel pattern is one that allows for an urban mix of uses envisioned in the Master Plan. Therefore, the Preliminary Plan meets the requirements of Chapter 50, the Subdivision Regulations.

This Application also meets the requirements of Chapter 59, the Zoning Ordinance. The uses and density comply with the allowances of the CR Zone and the Master Plan recommendations.

5. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Application received a Forest Conservation Exemption (42015145E) on February 12, 2015. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property was approved on December 20, 1996. The Subject Property is not within a Special Protection Area and contains no wetlands or their buffers, 100-year floodplains, or rare, threatened, or endangered species.

6. *All storm water management requirements shall be met as provided in Chapter 19, Article II – “Storm Water Management,” Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

On May 22, 2015, MCPDS Water Resources Section found the stormwater concept for this Application to be acceptable. The stormwater management concept proposes to meet required stormwater management goals through the use of micro-biofiltration, permeable pavement, and existing downstream structural facilities.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 17 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor, and Commissioner Presley absent, at its regular meeting held on Thursday, September 10, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board