



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

SEP 17 2015

MCPB No. 15-91
Site Plan No. 82001009E
Milestone
Date of Hearing: July 23, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-7.1.2 of the Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS by Opinion dated January 17, 2001, the Planning Board approved Site Plan No. 820010090 for 822,700 gross square feet of office, 22,050 gross square feet of retail, 25,000 gross square feet of restaurant, and 5,000 gross square feet of day care uses on 44.7 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 April 12, 2007, the Planning Board approved Site Plan Amendment No. 82001009A to modify the development phasing; adjust the net site area, building, and green space square footages; reduce parking counts; and revise the loading areas, SWM, lighting, and landscape areas; and

WHEREAS, on December 12, 2008, the Planning Director approved Administrative Site Plan Amendment 82001009B for minor revisions to the lighting and landscape plans, SWM easement locations, and grading; and

WHEREAS, on February 17, 2011, the Planning Board approved Site Plan Amendment No. 82001009C to reallocate density for Building 5, Parcel J and to construct Building 5 with associated parking; modify development programming; address revisions to the stormwater management plans and revise landscape and lighting; and approve a parking waiver; and

WHEREAS, on September 21, 2012, the Planning Director approved Administrative Site Plan Amendment No. 82001009D to modify the building entrances; modify generator enclosures; modify signage; modify loading docks; modify curbs; create parking for hybrid vehicles; and modify sidewalks and landscaping; and

WHEREAS, on February 25, 2015, W-M Milestone Holdings VII, LLC (“Applicant”), filed a site plan amendment application for approval of the following modifications:

1. Construct three multi-family residential buildings;
2. Expand an existing parking structure affiliated with Building 5;
3. Modify internal circulation, public open space, and landscaping;
4. Revise existing parcel boundaries to accommodate the proposed development;
5. Rename the Subject Property from “Milestone Business Park” to “Milestone”;
- and
6. Clarify existing uses on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82001009E, Milestone (“Site 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 of, 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 conditions, on the 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 Site Plan No. 82001009E for up to 1,214,935 square feet of mixed-used development, including up to 485 residential units and up to 28,250 square feet of retail in three new buildings, subject to the following conditions:¹

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No.11987271C, as amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for the previous site plan approvals as listed in the Planning Board Resolution(s) unless amended.

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.

3. Transportation

- a. Prior to the release of Site Plan Surety, the Applicant must provide MCDPS Zoning & Site Plan Enforcement Staff with certification from a licensed engineer that Milestone Center Drive, a private street, and associated sidewalks have been built to the structural standards as specified in the Certified Preliminary Plan.
- b. All internal sidewalks must be a minimum of five feet.
- c. The Applicant must install a bike rack in the bike rooms in each of the three residential buildings with the ability to accommodate thirty bicycles in each building (90 total bicycle parking spaces). The bike rooms must be constructed in the area as shown on the Site Plan.
- d. The Applicant must install short term public bicycle parking racks (inverted U or a design approved by the Department of Permitting Services) as indicated on the Site Plan.

4. Forest Conservation

The development received a Forest Conservation Exemption (42015145E) on February 12, 2015, making the Property exempt from the applicable Forest Conservation requirements.

5. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 4.9 acres of public open space (11.3% of lot area) on-site.
- b. Prior to the issuance of any use and occupancy certificates for the commercial development, all public use space areas on the Subject Property must be completed, with the exception of the main Plaza, which must be completed in conjunction with the issuance of the Use and Occupancy Permit(s) for the 3rd residential floor in Building 3A.

6. Recreation Facilities

- a) The Applicant must provide at a minimum the following recreation facilities:
 - i. Twelve Picnic/Sitting areas;
 - ii. Two Swimming Pools;
 - iii. Three Indoor Community Spaces; and
 - iv. Two Indoor Fitness Facilities

7. Maintenance of Public Amenities

Maintenance of all on-site public use space is the responsibility of the Applicant and any successor(s) and assigns. This includes maintenance of paving, commuter parking, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term "Applicant and any successor(s) and assigns" means the owner or any successor(s) in interest to the Public Use Space that is responsible for common area

maintenance, such as a homeowners association, a condominium association, or a merchants' association.

8. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 11, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

a) The Applicant must provide 12.5 percent MPDUs on-site as shown on the Certified Site Plan consistent with the requirements of Chapter 25A and the Germantown Employment Area Sector Plan. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build units in accordance with the Site Plan between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

9. Site Design

a) The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on Sheets A-301, A301-A and A302 of the submitted architectural drawings dated April 14, 2015, as determined by M-NCPPC Staff.

b) Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis.

c) Provide electric and water connections in outdoor settings to enable outreach events to be staged more readily.

d) Provide kiosks in busy outdoor areas to provide opportunity for information displays and assistance.

e) Provide concierge/reception desk with an area where transit information and pass sales can be transacted –e.g. obtaining transit information, loading of SmarTrip cards.

10. Lighting

a) Prior to issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential and commercial development.

b) All onsite down-lights must have full cut-off fixtures.

c) Deflectors must be installed on all fixtures causing potential glare or excess illumination.

d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.

e) The street light height must not exceed 23 feet including the mounting base.

f) On top of the parking structure adjacent to Building 5, the light pole height must not exceed 12 feet from the top of the roof surface including the mounting base.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each block/phase.

12. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Prior to release of the Use and Occupancy Certificate, the Applicant must obtain the necessary approvals for dedications, stormwater management, sediment and erosion control and other features to be implemented for each respective development phase.
- b) Subject to alternate conditions herein, on-site amenities including, but not limited to, recreation amenities and public use space adjacent to each building, must be installed prior to the release of any Use and Occupancy Certificate for the respective building.

13. Prior to the approval of the Certified Site Plan the Applicant must provide drawings which show compliance with Section 59.6.2.9.D.1, Structured Parking Requirements (screening requirements).

14. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation exemption letter, stormwater management concept approval letter, development program, and Site Plan resolution in the Certified Site Plan set.
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect any tree-save area and protection devices before clearing and grading."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

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

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest version of the Milestone drawings submitted in ePlans as of the date of the Staff Report shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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, unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect. The Board also FINDS, with the conditions of approval, that this Amendment:

- a. *satisfies any previous approval that applies to the site;*

This Amendment is consistent with the substantive requirements in the previously approved Preliminary and Site Plans and is in conformance with the Preliminary Plan Amendment approved concurrently with this Amendment. Existing development on the Subject Property approved under the former I-3 and TMX-2 zoning classifications is also in conformance with the current Commercial Residential standards under Section 7.7.1.A of the Zoning Ordinance.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

There are no previous approvals for a development plan or schematic development plan on the Subject Property.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

The zoning classification on the Subject Property on October 29, 2014 was not the result of a local map amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Use and Development Standards

The Subject Property is zoned CR2.0 Zone, C-1.75, R-0.5, H-125T. The Application meets the development standards of Section 59-4.5.3, Commercial Residential - Standard Method Development, as shown in the Data Table below:

**Site Plan Data Table
 Germantown Transit Mixed Use Overlay Zone²**

| STANDARD | ALLOWED/ REQUIRED | APPROVED |
|---------------------------------------|----------------------|--------------|
| 1. SITE (4.5.3.C.1) | | |
| Area – Square Feet (SF) | N/A | 1,931,190 SF |
| Dedications (SF) | N/A | 937,327 SF |
| Tract (SF) | N/A | 2,868,517 SF |
| Public Use Open Space (min. %) | 10% | 11.3% |
| 2. LOT AND DENSITY (4.5.3.C.2) | | |
| Lot area | | |
| Density (max) | | |
| Total Floor Area Ratio (FAR) | 2.0 FAR | 0.42 FAR |
| Total Square Footage (SF) | 5,737,036 SF | 1,214,935 SF |
| Commercial FAR | 1.75 FAR | 0.24 FAR |
| Commercial SF | 5,019,906 SF | 683,250 SF |
| Residential FAR | 0.50 FAR | 0.19 FAR |
| Residential SF | 1,434,259 SF | 531,685 SF |
| 3.PLACEMENT (4.5.3.C.3) | | |
| Existing Buildings (#1,2,4 and 5) | | |

² Requires 50% of incentive density area to be obtained through BLT purchases for optional method projects – not applicable to this standard method project.

| | | |
|---|-------------------------|-----------------------------|
| Setbacks (min.) ³ | 0 feet or N/A | See footnote 4 ⁴ |
| Parking Lots, Front | Behind front bldg. line | See footnote 4 |
| Parking Lot, Side and Rear | 6 feet | See footnote 4 |
| Build-To-Area (BTA) | | |
| Front Setback (max) | 20 feet | See footnote 4 |
| Front Building in BTA (min.%) | 70 % | See footnote 4 |
| Side Street Setback (max.) | N/A | See footnote 4 |
| Side Building in BTA (min. %) | N/A | See footnote 4 |
| Multi-Use Buildings (#3A, 6 and 7) | | |
| Setbacks (min) | 0 feet or N/A | 0 feet |
| Parking Lots (min.) | | |
| Build-To-Area (BTA) | | |
| Front Setback (max.) | 15 feet | 15 feet |
| Front Building in BTA (min. %) | 70% | 80% |
| Side Street Setback (max.) | 15 feet | 15 feet |
| Side Building in BTA (min. %) | 35% | 38% |
| 4. HEIGHT (4.5.3.C.4) | | |
| Maximum Building Height – Feet | 125 feet | 80 feet |
| 5. FORM (4.5.3.C.4) | | |
| Existing Buildings (#1,2,4 and 5) | Required | Approved |
| Entrance Facing Street or Open Space Entry Spacing (max.) | 100 feet | See footnote 3 |
| Transparency (Facing Street or Open Space) | | |
| Ground Floor, Front (min.) | 40% | See footnote 4 |
| Ground Floor, Side/Rear (min.) | 25% | See footnote 4 |

³ Section 4.1.8 Compatibility Requirements do not apply because the property is separated from the confronting R-30 Zone by a transit right-of-way

⁴ Existing buildings deemed conforming under Sec. 7.7.1.A.1 of Zoning Ordinance

| | | |
|--|---------------------|----------------------|
| Upper Story (min.) | 20% | See footnote 4 |
| Blank Wall, Front (max.) | 35 feet | See footnote 4 |
| Blank Wall, Side/Rear (max.) | 35 feet | See footnote 4 |
| Multi-Use Buildings (#3A, 6 and 7) Entrance Facing Street or Open Space – Entrance Spacing (max.) | Required 75 feet | Approved ≥75 feet |
| Transparency (Facing Street or Open Space) | | |
| Bldg. 3: Ground Floor Frontage | 60% | 67% |
| Bldg. 3: Residential Floor (upper) | 20% | 36% |
| Bldg. 6: Ground Floor Frontage | 60% | 76% |
| Bldg. 6: Residential Floor (upper) | 20% | 35% |
| Bldg. 7: Ground Floor Frontage | 60% | 65% |
| Bldg. 7: Residential Floor (upper) | 20% | 39% |

The Site Plan meets the four Development Standards of Section 6.1.3, General Access Requirements listed below.

- Allow a vehicle, pedestrian, or bicycle to enter and exit the property to and from a street or an abutting site safely;
- Limit vehicle access across a primary pedestrian, bicycle, or transit route wherever feasible;
- Allow a vehicle to enter and exit any on-site parking area in a forward motion; and
- Allow a vehicle to access any pad site from within the site.

The Site Plan meets the Development Standards of Section 6.2.3.A, Calculations of Required Parking as shown in the Data Table below:

| PARKING SUMMARY | | | | |
|------------------------|--------------|----------------|-----------------|---------------|
| | REQUIRED | | PROVIDED | |
| Building | (spaces) | Garage Parking | Surface Parking | Total Parking |
| 1 | 390 | - | 395 | 395 |
| 2 | 564 | - | 577 | 577 |
| 3A | 246 | 215 | 31 | 246 |
| 4 | 516 | - | 512 | 512 |
| 5 | 525 | 635 | 93 | 728 |
| 6 | 296 | 218 | 28 | 246 |
| 7 | 238 | 254 | 34 | 288 |
| Park and Ride | 179 | | 179 | 179 |
| Total | 2,953 | 1,322 | 1,849 | 3,171 |

The Site Plan meets the Development Standards of Section 6.2.3.D, Motorcycle/Scooter Parking as shown in the Data Table below:

| MOTORCYCLE PARKING | | |
|---------------------------|----------|----------|
| | REQUIRED | PROVIDED |
| Building 3A | 4 | 5 |
| Building 6 | 6 | 6 |
| Building 7 | 5 | 5 |

The Site Plan meets the Development Standards of Section 6.2.3.D, Car-Share Spaces. Two shared parking spaces within the garage for Building 3A and three spaces provided for Building 7, which will serve both Buildings 6 and 7. Buildings 6 and 7 are connected by a pedestrian at the second floor level.

| CAR-SHARE SPACES | | |
|-------------------------|----------|----------|
| | REQUIRED | PROVIDED |
| Building 3A | 1 | 2 |
| Building 6 | 1 | 0 |
| Building 7 | 2 | 3 |

The Site Plan meets the Development Standards of Section 6.2.3.E, Spaces for Charging Electric Vehicles by providing six EV charging stations. One charging station is required for every 100 parking spaces.

| SPACES FOR CHARGING EV'S | REQUIRED | PROVIDED |
|--------------------------|-------------|----------|
| | Building 3A | 2 |
| Building 6 | 2 | 2 |
| Building 7 | 2 | 2 |

The Site Plan meets the Development Standards of Section 6.2.3.F, Bicycle Parking as shown in the Data Table below:

| BICYCLE PARKING | | NUMBER OF SPACES | NUMBER OF SPACES |
|--|-----------|------------------|------------------|
| | | REQUIRED | APPROVED |
| Buildings 3A, 6 and 7 (Residential Units ⁵) | 485 Units | 100 | 100 |
| Building #3A (Retail) | 8,250 SF | 1 | 1 |
| Building 6 (Retail) | 10,000 SF | 1 | 1 |
| Building 6 (Office) | 10,000 SF | 1 | 1 |
| Total | | 103 | 103 |

The Site Plan also meets the Development Standards of Section 6.2.9.C, Parking Lot Requirements for 10 or more spaces. The Application does not change the existing surface parking areas (except for limited parking in the front of Building 5). Therefore the surface parking areas are deemed to be conforming under Sec. 7.7.1.A.1 of the Zoning Ordinance.

General Requirement - Section 59.6.29.D Structured Parking Requirements

1. A structured parking garage must have a living green wall or public artwork along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.

Condition of approval 13 requires the Applicant to provide drawings showing compliance with this requirement before approval of the certified site plan.

2. The roof illumination of a structured parking garage must satisfy Section 6.4.4, General Outdoor Lighting Requirements, except:
 a. any lighting fixture located within 30 feet of the deck perimeter must be 15 feet or less in height; and

⁵ Bicycle parking will be distributed proportionately among the three residential buildings and be accessible to all residents.

b. any fixture located elsewhere on the deck must be 30 feet or less in height.

All lighting located on the top of the existing parking structure adjacent to Building 5 will be no more than 12 feet in height.

General Requirement - Section 6.3.5.B Common Open Space, Design Requirements

1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.

2. The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.

3. A minimum 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

The Application is in conformance with the three requirements noted above. The existing 63,000 square-foot plaza will be transformed from a formal space to an informal multi-use space. This centrally located space is designed to accommodate a range of passive to active activities, and will include an interactive water fountain, a kiosk, seat walls, lawn areas, and other features to create an attractive gathering space for the project. The reconfigured open space area will be framed by Buildings 2, 3A and 4, which will have retail and restaurants at the street level, helping to activate the space during daytime and nighttime hours.

General Requirement - Section 6.3.8.C, Lighting

In public open space and amenity open space, illumination at the property line must be:

- a. 0.1 footcandles or less if the subject property abuts a property that is in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and*
- b. 0.5 footcandles or less if the subject property abuts any other property, excluding street lights within the right-of-way.*

Lighting is 0.5 footcandles or less along the northern boundary of the Subject Property, which is adjacent to the 50-foot wide CCT right-of-way and the residential community. In addition to building lighting and accent lighting, the following types of lighting will be provided:

- Double-headed and single-headed decorative street lights, 23 feet in height.

- Bollard lighting in the central open space and pedestrian areas, 16 feet, and 40 inches in height.
- Parking garage (upper deck) lighting, 12 feet in height.

General Requirement - Section 6.3.9. Recreation Facilities

The Planning Board must adopt guidelines that detail the standards and requirements for recreation facilities. The guidelines must:

- be consistent with the purposes of this Chapter;*
- be in addition to any standards, requirements, or rules in this Chapter; and*
- establish the minimum standards for development of a property with more than 19 residential units.*

As shown in the Data Table below, the development meets or exceeds the required demands. The Applicant's plans show that twelve picnic/sitting areas; two swimming pools; three indoor community areas and two indoor fitness areas will be provided.

| RECREATION | | | | | | |
|---------------------------------|------------------------|----------------|--------------------|-----------------|------------------|-------------------|
| Demand Calculations | | | | | | |
| | Number of Units | D1 Tots | D2 Children | D3 Teens | D4 Adults | D5 Seniors |
| Hi Rise | 485 | 19.4 | 19.4 | 19.4 | 373.5 | 223.1 |
| Total Units | 485 | | | | | |
| Total Demand | | 19.4 | 19.4 | 19.4 | 373.5 | 373.5 |
| On-Site Supply | | 20.0 | 32.6 | 47.3 | 732.2 | 425.6 |
| % Demand On-Site | | 102.9 | 167.9 | 243.8 | 196.1 | 190.8 |
| Off-Site Supply | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total On-Site & Off-site Supply | | 20.0 | 32.6 | 47.3 | 732.2 | 425.6 |
| % Demand Met On + Off site | | 102.9 | 167.9 | 243.8 | 196.1 | 190.8 |

| On-Site Supply Calculations | | | | | | | |
|------------------------------------|--------------------|---------------------|----------------|--------------------|-----------------|------------------|-------------------|
| Ref# | Description | No. Provided | D1 Tots | D2 Children | D3 Teens | D4 Adults | D5 Seniors |
| 4.0 | Picnic/Sitting | 12 | 12.00 | 12.00 | 18.00 | 60.00 | 24.00 |

| | | | | | | | |
|--------------|-------------------------|---|--------------|--------------|--------------|---------------|---------------|
| 24A | Swimming Pool | 2 | 1.69 | 6.31 | 6.31 | 148.23 | 53.13 |
| 26A | Indoor Community Space | 3 | 4.62 | 6.93 | 13.86 | 266.81 | 212.52 |
| 27.0 | Indoor Fitness Facility | 2 | 0.00 | 3.08 | 3.08 | 118.58 | 53.13 |
| Total | | | 18.31 | 38.32 | 41.25 | 593.61 | 342.78 |

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Site Plan is in conformance with Chapter 19, Erosion, Sediment Control and Stormwater Management. The Department of Permitting Services, in a letter dated May 22, 2015, accepts the stormwater management concept for the Subject Property. The stormwater management concept proposes to meet required stormwater management goals via the use of micro-biofiltration, permeable pavement and existing downstream structural facilities.

ii. *Chapter 22A, Forest Conservation.*

The Applicant received a Forest Conservation Exemption (42015145E) on February 12, 2015.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Site Plan provides safe, well-integrated parking and circulation patterns. The three residential buildings will have their own integrated parking structures with parking for street level retail in the buildings. The existing two-lane Milestone Center Drive will be widened to four lanes with a median with parking on both sides from Milestone Center Court to a roundabout. Building massing is at a pedestrian-friendly scale with a reconfigured 63,000 square-foot central open space with a number of amenities.

Bicycle parking for the three new residential buildings will be provided with bike rooms located in the parking garage. Each residential building will have one bike room that can accommodate thirty bikes. The new residential buildings require 100 bicycle parking spaces. The balance will be provided outside of the buildings within close proximity of the main entrance. Bike racks will be provided on Milestone Center Drive, just to the west of the roundabout and on Milestone Center Drive just to the west of the driveway entrance for Building 3A. Milestone

Center Drive will be reconstructed from Milestone Center Court to Dorsey Mill Road as part of this Amendment to match the boulevard section between the north Property line and Observation Drive. The road is currently designed as a two-lane road (one lane per direction) with parking on both sides.

The Applicant will completely redesign the road, which will be built in two phases. The first phase is associated with this Amendment. The second phase will be constructed under a future development application. The first phase includes widening Milestone Center Drive from Milestone Center Court to a roundabout that will be constructed at the driveway entrance located to the southwest of existing Building 5. The road will have four 11-foot travel lanes with on-street parking on both sides of the road from Milestone Center Court to the proposed roundabout.

From the roundabout to Dorsey Mill Road, the road will have two 11-foot travel lanes with on-street parking. Reconstructed Milestone Center Drive will use some of the existing sidewalks, mainly on the south side of the road from the roundabout to Milestone Center Court, which is 6-feet wide. The new sidewalk in front of existing building 5 will be 6-feet wide to match the existing sidewalk on the south side of the road. The sidewalks in the roundabout and fronting the two residential buildings that frame the roundabout will vary in width but are predominately 15-feet wide. Phase two for Milestone Center Drive will be the construction of a second roundabout at the southeast driveway to existing Building 5. This is predicated on building a new road connection to Ridge Road and a slight modification to the I-270/Ridge Road interchange. Phase two is not part of this Application and will require a separate Planning Board approval as well as approval from Maryland State Highway Administration (MDSHA) and the Federal Highway Administration (FHWA).

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 Application 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 residential and street level retail uses along with a redesigned central plaza will serve to create the urban 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 Site Plan conforms to these requirements and will create a more active, attractive, and sustainable development.

Design Guidelines

The Germantown Urban Design Guidelines were approved in 2010. The guidelines for the North End District – Milestone North, are listed in the following three categories:

1. Streets
 - *Provide boulevard, main street, greenway, or local street treatment where indicated in district diagram.*
 - *Create an internal street with streetscape to facilitate circulation within the Milestone Business Park and define the existing Green Commons.*
 - *Extend Dorsey Mill Road over I-270 to improve east/west access.*
 - *Surrounding new development should provide pedestrian connections to the Dorsey Mill Transit Station.*
 - *Locate limited retail uses along Milestone Drive, adjacent to the existing neighborhood green.*

In conformance with the streets recommendations, the Applicant will reconstruct Milestone Center Drive from Milestone Center Court to Dorsey Mill Road in order to improve the overall circulation and enhance pedestrian connections. Milestone Center Drive will be converted into four lanes with on-street parking, sidewalks, a landscaped median, pedestrian-orientated lighting and a landscaped roundabout. There is a bus stop in each direction on Milestone Center Drive that provides direct transit service to the site. As part of this Application, the Applicant will work with Montgomery County Ride-On to upgrade the bus stops with shelters and move the stops as needed to provide to make the stops more convenient. A revised central open space also fronts onto Milestone Center Drive, a private road that runs through the middle of the site, and no buildings are more than 80 feet in height.

2. Open Space

- *Locate public use spaces primarily along Milestone Drive, where they can be activated by adjacent retail uses.*
- *Locate neighborhood green defined by streets close to residential development.*
- *Create a privately developed transit station plaza.*
- *Create a transit sidewalk loop with special paving.*

In conformance with the Open Space recommendations, the existing 63,000 square-foot central plaza that fronts along Milestone Center Drive will be redesigned to include an interactive water fountain, a kiosk, seat walls, lawn areas and other features to create an attractive gathering space on the Subject Property. Restaurants and other retail uses on the street level of Buildings 2,3A, and 4 will also further activate the central open space. A transit station plaza and a transit sidewalk may be provided at a later phase of this development.

3. Buildings

- *Building setback: 25 feet minimum from curb along all streets*
- *Highest density and height should be around the existing commons along Milestone Drive and along I-270 interchange – maximum height 143 feet along I-270 and 125 feet along Milestone Drive.*

In conformance with the buildings recommendations, building setbacks range from a minimum of 15 feet (in accordance with the CR Zone) to about 21 feet where outdoor cafes and other retail may be located. Setbacks in this range are appropriate for this Application, allowing a variety of pedestrian-oriented activities to occur along the street edge. The highest density buildings are located along Milestone Center Drive, but none of the buildings are over 80 feet in height.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The Board reviewed and approved an adequate public facilities test as part of Preliminary Plan Amendment No. 11987271C, approved concurrently with this Site Plan.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Application is compatible with the existing character of the residential neighborhood to the north and with the three-story hotel to the west. Currently there is a 50-foot wide wooded right-of-way for the CCT on the northern boundary of the Subject Property that provides a buffer between the development and the neighborhood. No buildings will be taller than 80 feet in height, and similar to the existing buildings on the site, the approved buildings will make extensive use of brick materials.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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).

* * * * *

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