



ITEM #
MCPB 04/12/07

MEMORANDUM

DATE: March 30, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Supervisor *RK*
 Development Review Division
FROM: Joshua C. Sloan, ASLA *JCS*
 Development Review Division
 (301) 495-4597



REVIEW TYPE: Limited Site Plan Amendment
PROJECT NAME: Milestone Business Park
CASE #: 82001009A
APPLYING FOR: Site plan amendment to adjust parcels and phasing, reduce commercial and retail square footage, and make associated changes related to building layout and parking.
REVIEW BASIS: Div. 59-D-3.7.
ZONE: I-1
LOCATION: Northeast quadrant of the intersection of Interstate 270 and Ridge Road (MD 27).
MASTER PLAN: Germantown

APPLICANT: Milestone Industrial L.C.
FILING DATE: November 6, 2006
HEARING DATE: April 12, 2007

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan 820010090 and approval of the attached draft Planning Board Resolution for Site Plan 82001009A with the following conditions:

1. The applicant must construct a 4' wide concrete sidewalk between Buildings 2 & 4 to connect the originally proposed sidewalks to the northeast and southwest.

2. The applicant must install a shrub bed along the northwest façade of Building 2. These plantings will match the shrub beds indicated along the southeast foundation of Building 4.
3. The applicant must provide a full lighting schedule including type, height, and finishes and cut-sheets of each proposed fixture.
4. The applicant must submit a minor subdivision record plat to shift the boundary between Parcels “M” and “N” to avoid all structures.
5. The applicant must amend the approved Site Plan Enforcement Agreement Exhibit A and Exhibit A-1 to reflect the amended phasing.

BACKGROUND

Original Preliminary Plan Approval

The subject site is part of a larger tract area that is and has been developed according to several preliminary plans over several years and for various acreages. The plans that directly impact this amendment are 119987271R, 119872840, 11985116R.

Original Site Plan Approval

Site Plan 820010090, Milestone Business Park, was approved with conditions by the Planning Board on January 17, 2001. The approved plan proposed 822,700 square feet of office, 22,050 square feet of retail, 25,000 square feet of restaurant, and 5,000 square feet of day care on 44.70 acres in the I-3 Zone. The Stormwater Management Concept for the subject site plan was approved with conditions on August 31, 2006 (Attachment B). The site is exempt from Forest Conservation Law (Attachment C).

Conformance to Conditions of Approval

The proposed development shall comply with the conditions of approval for Site Plan 820010090 as listed in the Planning Board opinion dated January 17, 2001 except as modified by this amendment. Further, the applicant shall construct the proposed development in accordance with the Certified Site Plan and Site Plan Enforcement Agreement signed March 14, 2001 (Attachment D) except as modified by this amendment.

Exhibit A2 of the Site Plan Enforcement Agreement requires that:

Prior to submission for building permits for buildings 4, 5 and/or the parking structures, a revised Site Plan shall be submitted and approved by the Planning Board’s designee. Elevations for the parking structures shall be submitted and approved. The elevations shall demonstrate that the structures have been designed to be compatible with the architecture of the office buildings, incorporating similar architectural details and materials, and shall be designed to minimize glare and noise

impacts on the nearby residential community. Prior to approval the plans shall be sent to the homeowner associations of the adjacent condominiums and town homes and to the adjoining apartment complex.

We have reviewed illustrative plans for the parking structures and buildings and determine that they are compatible with the architecture of the offices and will not cause undue glare or noise on the nearby residential community. Although this amendment satisfies Exhibit A2 of the Site Plan Enforcement Agreement, Exhibit A and A1 must be modified to incorporate the change in phasing as delineated in the above conditions.

PROPOSED AMENDMENTS

The applicant, Milestone Industrial L.C., filed the subject Site Plan Amendment 82001009A on November 6, 2006. The proposed amendment requests the following modifications:

1. Modify the phasing of the development to add an interim phase.
 - 1.1. Phase II will now be limited to Building 4. This building was originally approved for 201,000 square feet of office, restaurant and retail. The new building will be smaller - 162,000 of office space with the flexibility to add first floor retail at a later stage.
 - 1.2. Phase III is added to include the construction of Buildings 3 and 5, additional surface parking, a parking deck, and a parking garage.
2. Delete the 10,000 square foot, two-story connection between Buildings 2 and 4; due to market changes, it is not anticipated that only one tenant will occupy both buildings as was originally intended.
3. Reduce the Floor Area Ratio from 0.49 to 0.47 due to changes in Buildings 2 and 4.
4. Increase green area from 37.9% to 38.5% due to changes in parking layout and a decrease in impervious area.
5. Reduce total parking provided from 3,689 to 3,653, which still exceeds the number required.
6. Building 2 was constructed in Phase I to a total of 188,000 square feet, rather than the approved 199,000 square feet.
7. Revise Net Site Area to 1,947,209 square feet from 1,947,208 square feet.
8. Site Plan Changes due to changes in Building 4 and the connection between Buildings 2 and 4:
 - 8.1. Alteration to stormwater management facilities.
 - 8.2. Adjustment to the loading dock and retaining wall adjacent to Building 4.
 - 8.3. Revision of landscaping and lighting between Buildings 2 & 4, adjacent to Building 4, and in parking lot.
 - 8.4. Alteration of hardscaping around revised building footprints and parking lot configuration.
9. Revise site plan to reflect re-subdivision of parcels "H" and "I" into Parcels "K", "L", "M", and "N".

10. Modify the vehicular connection (street and curb layout) to Milestone Center Court as indicated on Sheet 6.

The amended site data is summarized in the following table.

<u>Standard</u>	<u>Required/ Allowed</u>	<u>Previously Approved</u>	<u>Amended</u>
Net Site Area (square feet)	871,200 (20 acres)	1,947,208	1,947,209
FAR – Net Site	0.5	0.49	0.47
Green Area, min. (%)	35	37.3	37.9
Internal Green Area, min. (%)	5	11.15	9.55
Parking Coverage, max (%)	45	38.7	39.8
Impervious Area (acres)	n/a	29.88	28.49
Parking Spaces – Total	3,057	3,689	3,653

All other standards, such as setbacks and building heights, remain unchanged.

PUBLIC NOTICE

A letter regarding the subject site plan amendment was sent to all parties of record by the Applicant on October 10, 2006 (Attachment E). The letter gave notice of a public meeting to present the amended site plan and respond to questions from the community. One pre-submission meeting was held on the subject site plan amendment on October 23, 2006, (Attachment F). A second Notice of Application was sent to all parties of record on November 16, 2006 (Attachment G). Staff did not receive any comment from the parties of record during the period of the review.

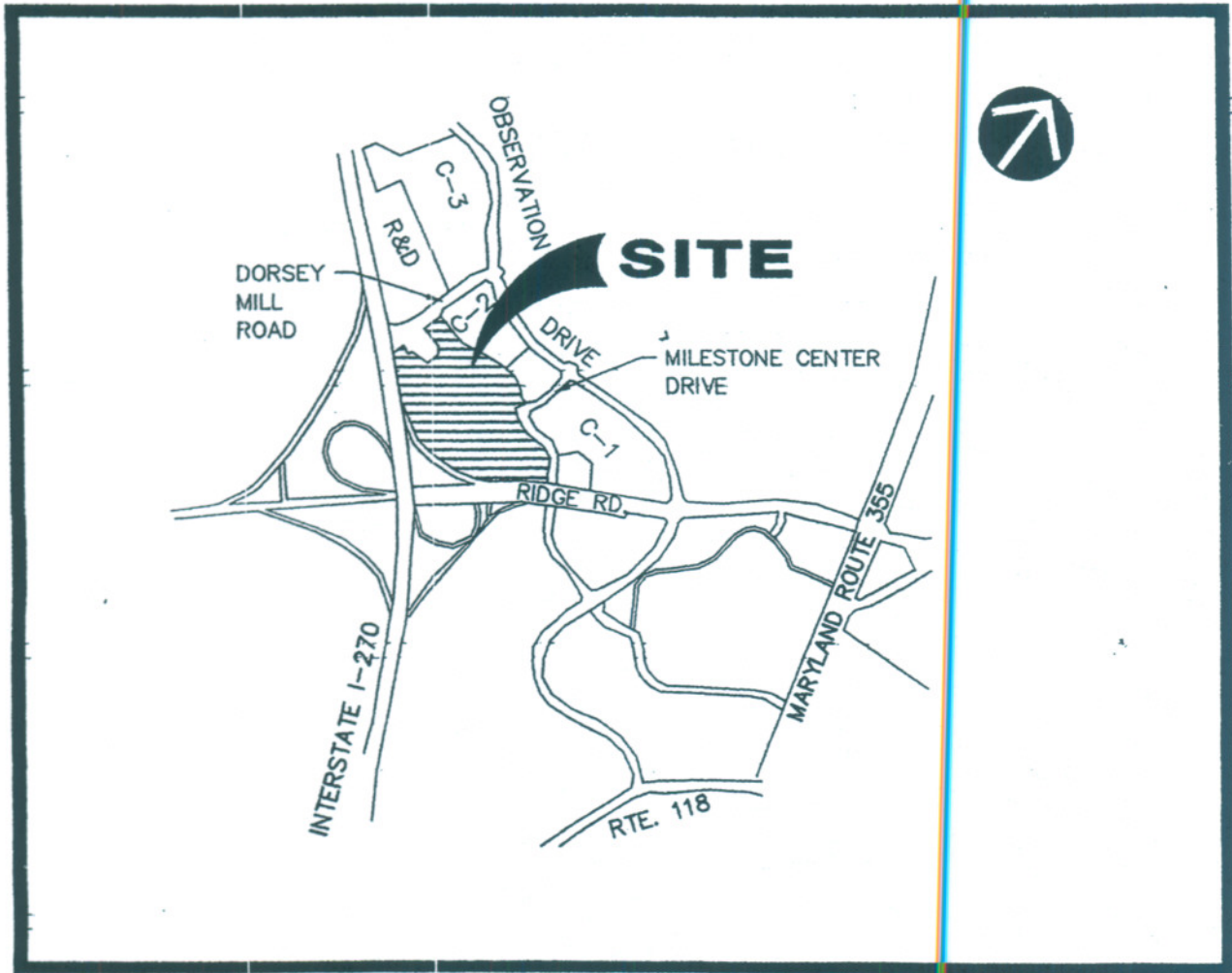
STAFF RECOMMENDATION

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval. The previously approved garage is a 4 story - 38' to parapet – tall parking garage with internal ramping (not visible from exterior), stair towers at the corners and a landscaped perimeter area. The intent is to construct the garage with the same façade materials as the existing buildings. Due to shifts in the parking layout and drive aisles the area of parking has increased despite the fact that fewer spaces are provided. As it stands, however, the decreased mass of the structures and the newly opened space between Buildings 2 and 4 will only enrich the

pedestrian experience of the site – overall FAR is decreased by 0.02 percent while green area is increased by 0.6 percent. The modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, or landscape and lighting. Further, these modifications do not affect the compatibility of the development to its surrounding neighborhood. Staff, therefore, recommends **approval** of Site Plan Amendment 82003021A as modified by the conditions enumerated above.

ATTACHMENTS

- A. Vicinity Map
- B. Stormwater Management Concept Approval
- C. Forest Conservation Exemption
- D. Site Plan Enforcement Agreement
- E. Notice of Public Meeting
- F. Affidavit of Public Meeting
- G. Notice of Application



VICINITY MAP

SCALE: 1" = 2000'



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

August 31, 2006

Ms. Randa Khour
VIKA Inc.
20251 Century Blvd.
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Milestone Business Park (DA #1)
Preliminary Plan #: 1-89270
SM File #: 227778/xref 1-89270
Tract Size/Zone: 44ac/ I-3
Total Concept Area: 34.97ac
Parcel(s): F-K
Watershed: Little Seneca Creek

Dear Ms. Khouri:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via the existing Father Hurley Boulevard Interchange Ponds; on-site water quality control via the existing sand filter and wetland extended detention marsh. In addition several water quality inlets will be used for pretreatment. Onsite recharge will be provided through the use of a recharge trench.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Stormceptors design criteria will be limited to that which is currently approved by the County.
6. The proposed recharge area should be located below one or more of the islands in the parking lot as opposed to below the parking lot.
7. The existing sediment basin/future sand filter must be converted and completed as part of the sediment control plan approved for this phase of construction.

This list may not be all-inclusive and may change based on available information at the time.

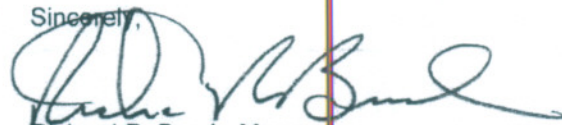


Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Richard Gee at 240-777-6333.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN227778

cc: C. Conlon
S. Federline
SM File # CN227778

QN -On-site; Acres: 34.97
QL - on-site; Acres: 34.97
Recharge is provided



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 16, 1993

Mr. Mark Friis
Rodgers & Associates, Inc.
15800 Crabbs Branch Way
Rockville, Maryland 20855

8-95635

Re: Forest Conservation Requirements for
the Milestone Property
Plan Nos. 1-90137, 1-90140, 1-90169,
1-90170, 1-90171, 1-89270, 1-89271,
1-87243

Dear Mark:

Per your request, this letter is to verify the status of the Milestone Property preliminary plans with regard to the requirements of the Montgomery County Forest Conservation Law. Per Chapter 22A, Section 22A-5(K) of the Montgomery County Code, any lots covered by a preliminary plan of subdivision or site plan that have not received a sediment control permit before July 1, 1991 but were approved between July 1, 1984 and July 1, 1991 are exempt from the Forest Conservation Law. This section further states that if such a plan may be revised after July 1, 1991 at the initiative of the applicant, but will not be exempt from the law if the revision results in cutting of more than 5000 additional square feet of forest.

Since the Milestone Property plans were approved during the period for which this grandfathering applies, they are exempt from the forest conservation law. Any 59-D-3 site plans which may still be required for the preliminary plans will also be exempt. Any preliminary or site plan revisions initiated by the applicant(s) for plans which are already approved will continue to be exempt provided not more than 5000 additional square feet of forest is disturbed.

Please let me know if you have any questions regarding the exemption or any other forest conservation requirements.

Sincerely,



Catherine A. Conlon
Environmental Planning Division

CAC:cc

cc: Candy Bunnag
Joe Davis
Larry Ponsford
Steve Federline

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SITE PLAN ENFORCEMENT AGREEMENT

Milestone Business Park

THIS AGREEMENT, by and between MILESTONE INDUSTRIAL L.C., a Maryland limited liability company (the "Applicant"), and the MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (the "Planning Board"), is effective the date signed by the Planning Board.

WHEREAS, §59-D-3.3 of the Montgomery County Code (the "Code") requires the Applicant, as part of the site plan review process, to enter into a formal agreement with the Planning Board; and

WHEREAS, the Code requires the Applicant to agree to execute all features of the approved site plan noted in §59-D-3.23 in accordance with the development program required by §59-D-3.23(m).

NOW THEREFORE, in consideration of the mutual promises and stipulations set forth herein and pursuant to the requirements of §59-D-3.3 of the Code, the parties hereto agree as follows:

1. The Applicant agrees to comply with all of the conditions set forth in the Planning Board's Opinion and to execute all of the features of approved Site Plan No. 8-01009 (the "Site Plan"), including all features noted in §59-D-3.23, in accordance with the approved Development Program required by §59-D-3.23(m), attached and incorporated herein by reference.
2. This Agreement is binding on the Applicant, its successors and assigns, and on the land and improvements in perpetuity or until released in writing by the Planning Board.
3. Applicant will comply with the transportation management program set forth in the trip reduction agreement and any other conditions of approval.

IN WITNESS WHEREOF, the parties hereto have set our hands and seals as of the date and year set forth below.

Joseph R. Davis
Montgomery County Planning Board of the
Maryland-National Capital Park and
Planning Commission

Date 3/14/01
Joseph R. Davis, Chief
Development Review Division

Applicant:

MILESTONE INDUSTRIAL L.C.

By: J.W. Todd
Name: James W. Todd
Title: Manager

APPROVED AS TO LEGAL SUFFICIENCY
MR 3/14/01
M-NCPPC LEGAL DEPARTMENT

EXHIBIT "A"
DEVELOPMENT PROGRAM
SITE PLAN NO. 8-01009
Milestone Business Park

Applicant agrees to complete the following site plan features within the time frames stipulated below.

A. The project will be completed in two phases as detailed on Exhibit A-1, attached and incorporated herein by reference.

B. Applicant will complete the following site plan elements prior to occupancy of the building(s) constructed in that constructed phase or section:

1. Paving of roads (excluding final topping).
2. Parking areas.
3. Sidewalks (on-site).
4. Lighting (street and parking lot).
5. Grading.
6. Landscaping.
7. Fences or noise berms.
8. Recreational amenities (as required).

C. Other stipulations as required by the Planning Board, and as enumerated in Exhibit A-2, attached and incorporated herein by reference. If no other stipulations are required, Exhibit A-2 to be attached stating "None."

D. Site Inspections:

1. Applicant shall conduct a preconstruction meeting with M-NCPPC staff and MCDPS Sediment Control staff prior to clearing and grading.
2. Prior to occupancy of the building(s), the Applicant shall schedule with M-NCPPC staff an inspection to ensure compliance with this Development Program and Site Plan Enforcement Agreement.
3. Applicant shall send written notice to M-NCPPC's Inspection Unit to initiate scheduling of preconstruction meetings and site inspections.

EXHIBIT A-1

Milestone Business Park

Phase One

The first building will be building No. 2 which will start in February of 2001. The next building will be building No. 1 which will start in April of 2001. The last building in this phase will be building No. 3. Applicant has a lease with Acterna, the tenant of Buildings Nos. 1 and 2, for Building No. 3, but no authorization to proceed has been issued as yet. All buildings will take approximately 18 months to complete. At the completion of building No. 3, the Urban Park will be complete.

Phase Two

The first building will be building No. 4 and the last building will be building No. 5. Applicant has entered into options with Acterna for these two buildings which will expire in 2006 and 2009, respectively. These buildings will also take 18 months to complete. The development and timing of Phase Two will depend on Acterna's expansion plans. The two garages will be constructed as part of Phase Two, if needed.

EXHIBIT A-2

Milestone Business Park

The Planning Board has included the following stipulation to be required of the Applicant:

Prior to submission for building permits for buildings 4, 5 and/or the parking structures, a revised Site Plan shall be submitted and approved by the Planning Board's designee. Elevations for the parking structures shall be submitted and approved. The elevations shall demonstrate that the structures have been designed to be compatible with the architecture of the office buildings, incorporating similar architectural details and materials, and shall be designed to minimize glare and noise impacts on the nearby residential community. Prior to approval, the plans shall be sent to the homeowner associations of the adjacent condominiums and town homes and to the adjoining apartment complex.

Trammell Crow Company

October 10, 2006

Re: Milestone Business Park- Proposed Mid-Rise Office Building (Building #4)

Dear Neighbor:

Trammell Crow Company ("Developer"), on behalf of property owner Milestone Industrial, LC, is planning the construction of a six-story office building ("Building #4") in Milestone Business Park. Consistent with the approved Site Plan (File No. 8-01009), Building #4 will be located on Milestone Center Drive northwest of the existing six-story building and southeast of the neighboring Extended Stay America hotel. Developer is submitting for a Site Plan Amendment to reduce building size from 201,000 S.F. to 165,000 S.F, eliminate a proposed parking structure and reconfigure the supporting surface parking. The Developer wants to discuss the proposed plans with its neighbors and has scheduled a meeting as follows:

Date: October 23, 2006
Time: 7:00 pm
Location: Main Lobby (Six Story Building)
12410 Milestone Center Drive
Germantown, MD 20867
RSVP: Megan Stewart
(202) 295-3823
mstewart2@trammellcrow.com

Please feel free to contact me at (202) 295-3349 if you have any questions about the meeting or the proposed plans. We look forward to seeing you on October 23, 2006.

Sincerely,



D. Reid Townsend
Vice President
Development and Investment Group

CERTIFICATE OF PRE-SUBMITTAL PUBLIC MEETINGS

**MILESTONE BUSINESS PARK
AMENDMENT TO SITE PLAN 8-01009**

Consistent with the requirements of Section 59-D-3.23(p) of the Montgomery County Zoning Ordinance, I hereby certify that Milestone Industrial, LC, the applicant for the referenced Site Plan Amendment, held a meeting with interested persons prior to submitting its application. The meeting was held as follows:

Meeting Date and Location

The meeting was held at 7:00 p.m. on October 23, 2006, in the main lobby of the building located at 12410 Milestone Center Drive, Germantown, Maryland 20867.

Meeting Notice / Invitees

A letter of invitation to the meeting was sent on October 10, 2006 to adjoining and confronting property owners and applicable civic groups (as identified by Park and Planning). A copy of the invitation letter and mailing labels is attached.

Attendees

A sign-in sheet of attendees is attached.

Meeting Minutes

The meeting minutes, including issues of concern voiced by those present, is attached.

I have personal knowledge of and attest to the above statements:

Patrick L. O'Neil
Patrick L. O'Neil,
Attorney for Milestone Industrial, LC

10/26/06
Date

STATE OF MARYLAND :
: ss.:
COUNTY OF MONTGOMERY :

I HEREBY CERTIFY that on this 26th day of October, 2006, before the subscriber, a Notary Public of the State of Maryland and for the County of Montgomery, aforesaid personally appeared Patrick L. O'Neil, and did acknowledge the foregoing to be his act.

IN TESTIMONY WHEREOF, I have affixed my official seal.

[Signature]
Notary Public

My Commission Expires: 8/1/2007



NOTICE OF APPLICATION

Site Plan Amendment: 82001009A

Date: November 16, 2006

Name of Plan: Milestone Business Park

Current Zoning: I-3 Zone

No. Proposed Lots/Area Included: Building No. 4 located on Milestone Drive
(northwest of the existing six-story building, Building No. 2)

Geographical Location: Parcels F, J, K, L, M and N, Block K, Milestone Business Park

Dear Property Owner:

The Applicant for the above site plan amendment, Milestone Industrial, LC, has submitted plans to amend the current site plan (82001009), primarily to reduce the size of a previously approved, but as yet unconstructed, building. You were invited to a meeting regarding the proposed site plan changes on October 23, 2006 and a copy of the proposed plan is enclosed.

The application was filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code and the Planning Board's Policies and Procedures. The site plan amendment includes the following changes:

- Reduce the size of building #4 from approximately 201,000 square feet to approximately 162,000 square feet for consistency with investment grade property and to respond to market demand.
- Commence construction of building #4 prior to building #3 because of the existing parking configuration and building #4's visibility along the I-270 corridor.
- Eliminate a 2-story connection link between building #4 and existing building #2.

The enclosed plan may change because of specific reviews and changes suggested by the Park and Planning Commission and other County and State agencies.

The Planning Board will hold a public hearing on the site plan amendment application to obtain public comment. Written notification of the public hearing date will be sent to you no later than ten days before the hearing. If you have any questions or comments about the plan, please contact the Applicant's project manager, Reid Townsend, at (202) 295-3349 or the Park and Planning Commission's Development Review Division at (301) 495-4595. If you have written comments, please send them to Reid Townsend, the Trammel Crow Company, Suite 650, 1055 Thomas Jefferson St., NW, Washington, DC 20007, or the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Ave., Silver Spring, Maryland 20910.

Sincerely,

MILESTONE INDUSTRIAL, LC



Patrick L. O'Neil
Attorney for Milestone Industrial, LC