



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

MCPB
Item #7
1/27/11

MEMORANDUM

DATE: January 14, 2011
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief
Development Review Division
FROM: Cathy Conlon, Subdivision Supervisor
Development Review Division



Ki Kim, Planner Coordinator
Transportation Planning Division

REVIEW TYPE: Limited Preliminary Plan Amendment

APPLYING FOR: New Adequate Public Facilities (APF) approval for 428,000 square feet of previously approved office use.

PROJECT NAME: Milestone Business Park
CASE #: 11987271B
REVIEW BASIS: Chapter 50, Subdivision Regulations

ZONE: I-3 zone
LOCATION: Located at the northeast quadrant of the intersection of Interstate 270 and Ridge Road.

MASTER PLAN: Germantown

APPLICANT: Milestone Industrial L.C.
ENGINEER: VIKA, Inc.
ATTORNEY: Lerch, Early & Brewer

FILING DATE: January 4, 2011

Approval signatures

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EXECUTIVE SUMMARY: Preliminary Plan 11987271A, Milestone Business Park, was approved by the Planning Board on April 24, 2003, for 1,378,778 square feet of office use, 22,050 square feet of retail use, and 25,000 square feet of restaurant use. The validity period for the adequate public facilities (APF) review ran until May 16, 2008. Subsequent to the Preliminary Plan approval, Site Plan 820010090 was approved for a slightly different combination of uses that are also permitted in the zone and do not generate any more peak-hour vehicle trips than the uses approved in the Preliminary Plan. Building permits were received for a portion of the approved Site Plan uses, but not all. The current limited Preliminary Plan amendment is a request for a new adequate public facilities (APF) approval that will permit construction of the remainder of the uses envisioned by the Site Plan. The new APF is limited to the peak-hour vehicle trips associated with 428,000 square feet of office use. This memorandum summarizes staff's review of the request for a new APF approval, and our justification for support of a conditional approval of the request.

STAFF RECOMMENDATION:

Approval of Preliminary Plan 11987271B to grant a new validity period for the Adequate Public Facilities (APF) review for Milestone Business Park, subject to the following conditions:

1. Total development under the subject preliminary plan and site plan is limited to 198,000 square feet of office use under Phase I and 230,000 square feet of office use under Phase II for a total development of 428,000 square feet of office, or a combination of other uses that are permitted in the zone. These other uses must be approved as part of a site plan, and when combined, must not generate more peak-hour vehicle trips than 428,000 square feet of office use.
2. The Applicant must provide the following roadway improvements prior to release of any use and occupancy for Phase I development:
 - a. Restripe the existing pavement to provide an exclusive dual left-turn lane from northbound Observation Drive to westbound Ridge Road.
 - b. Restripe the existing pavement on the west leg of the MD 355/MD 118 intersection to provide two eastbound through lanes across MD 355, and transition the two through lanes back to a single eastbound lane.
 - c. Restripe the single eastbound MD 118 to northbound I-270 left-turn lane to provide for dual left-turn lanes.
3. Prior to the first use and occupancy permit for Phase I, the amount required for PAMR in Phase I must be calculated and its payment must be applied against the cost of the required Phase I road improvements and the Applicant's Transportation Impact Tax Credit.
4. The Applicant must provide the following roadway improvements prior to the release of any building permit for Phase II development:

- a. Channelize southbound Observation Drive to the westbound Ridge Road right-turn lane and provide associated westbound acceleration lane.
5. Prior to issuance of any building permit for Phase II, the amount required for PAMR in Phase II must be calculated and its payment must be applied against the cost of the Phase II road improvements and the Applicant's Transportation Impact Tax Credit.
6. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SITE DESCRIPTION

The subject property consists of 44.7 acres of land in the I-3 zone, located in the northeast quadrant of the intersection of Ridge Road and Interstate 270 (I-270) (Figure 1). The property is surrounded by residential dwellings in the R-30 zone to the north-northeast and office use in the R&D zone to the north-northwest. The site is subdivided into five recorded parcels that currently contain three buildings with associated surface parking lots (Figure 2). The existing uses consist of a combination of 410,000 square feet of office use and 70,000 square feet of light industrial use.

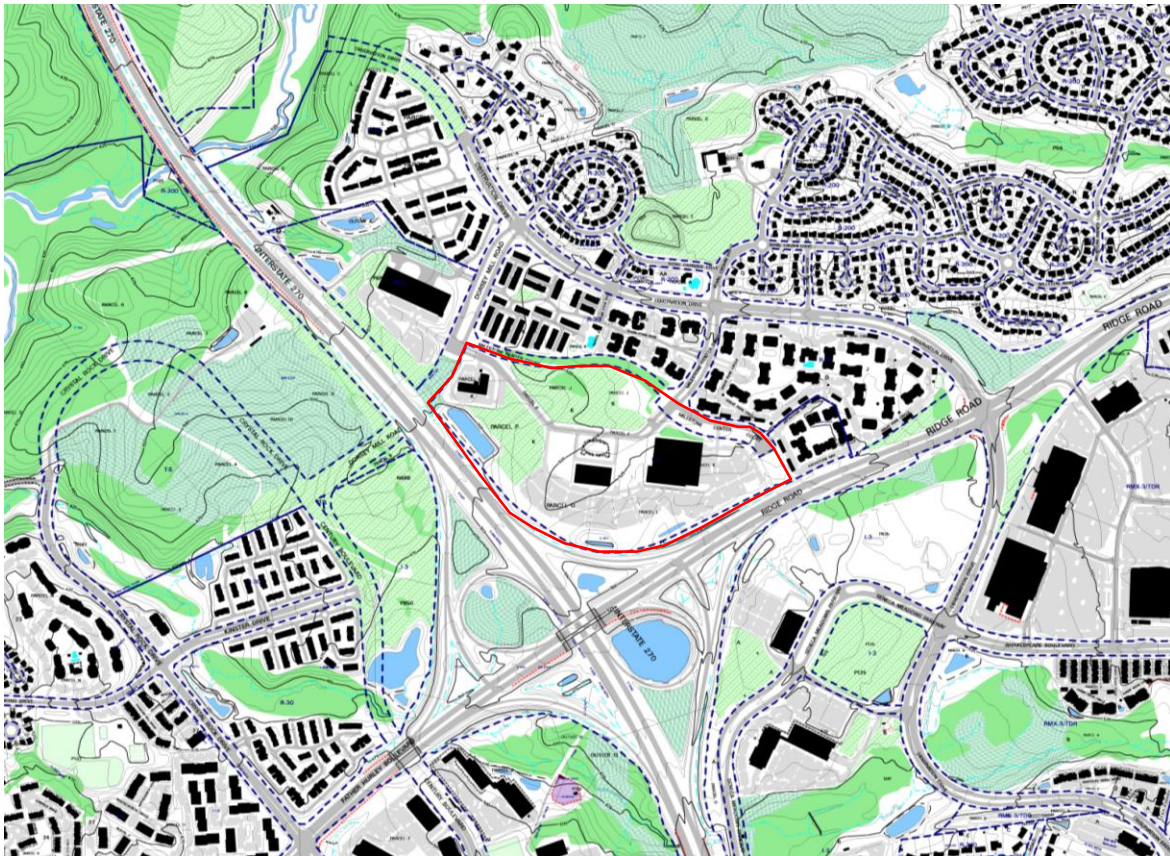


Figure 1. Vicinity Map



Figure 2. Existing Conditions Photo

PREVIOUS APPROVALS

The original preliminary plan (Preliminary Plan 119872710) for Milestone Business Park was approved by an Opinion dated May 16, 1991 for 1,000,000 square feet of office use and 50,000 square feet of retail. By an Opinion dated July 22, 1996, the plan was amended to add an additional 378,778 square feet of office use and change the previously approved retail use to 22,050 square feet of retail and 25,000 square feet of restaurant use. A site plan for this square footage (Site Plan 820010090) was then approved on January 17, 2001. Approximately 440,000 square feet of the approved office use had been built prior to April, 2003 when the applicant applied for a preliminary plan amendment (Preliminary Plan 11987217A) to request extension of the adequate public facilities (APF) approval that was due to expire on May 16, 2003. The Board approved this amendment by Opinion dated May 30, 2003 to give additional time for construction of 563,700 square feet of the remaining uses. As of May 16, 2008, the APF validity for the project expired. At that time, approximately 480,000 square feet had been constructed on the property.

SUBJECT PRELIMINARY PLAN AMENDMENT

The current preliminary plan amendment was filed for the limited purpose of obtaining a new APF approval for 428,000 square feet of office use, or for a combination of uses that are otherwise permitted in the I-3 zone and that would not exceed the total number of peak-hour vehicle trips for that much office use.

ANALYSIS AND FINDINGS FOR ADEQUATE PUBLIC FACILITIES

Roads and Transportation Facilities

The site is proposed to be accessed from Observation Drive with regional access to the site via the I-270 interchange with Father Hurley Boulevard, MD 355, MD 27, and MD 118/MD 119. Staff finds that the proposed access point is adequate to accommodate the site-generated traffic. Staff has also reviewed the proposed internal traffic/pedestrian circulation system shown on the site plan and finds it to be adequate.

Local Area Transportation Review (LATR)

Thirteen intersections were identified by the newly submitted traffic study as critical intersections affected by the proposed office development, and these were examined to determine whether they meet the applicable congestion standard for this area. The congestion standard in the Germantown East and Germantown West Policy Areas is 1,425 Critical Lane Volumes (CLV). The result of the CLV analysis is summarized in Table 1.

Intersections Analyzed	Existing		Background		Total without road improvements (Phase I/II)		Total with road improvements (Phase I/II)	
	AM	PM	AM	PM	AM	PM	AM	PM
Father Hurley Blvd/Crystal Rock Dr	690	568	1380	1201	1384/1389	1221/1249	1384/1389	1221/1249
Father Hurley Blvd/I-270 SB off-ramp	609	549	1032	791	1058/1095	798/808	1058/1095	798/808
Father Hurley Blvd/I-27 NB off-ramp	517	577	840	670	845/866	698/739	845/866	698/739
Ridge Rd/Observation Dr	720	1025	956	1425	1109/1333	1519/1650	1109/1333	1362/1074
MD 27/MD 355	1132	1085	1163	1220	1174/1196	1231/1241	1174/1196	1231/1241
MD 27/Henderson Corner Rd	650	899	777	1016	786/796	1024/1032	786/796	1024/1032
MD 27/Brink Rd	968	1069	911	802	919/932	807/813	919/932	807/813
MD 355/MD 118	1193	1369	1369	1525	1386/1405	1540/1560	1390/1405	1446/1455
MD 118/Observation Dr	585	810	771	892	779/788	934/992	779/788	934/992
MD 118/I-270 NB off-ramp	1050	1441	1198	1697	1198/1198	1697/1697	1031/1031	1389/1389
MD 118/I-270 SB off-ramp	814	1010	932	1135	932/932	1135/1135	932/932	1135/1135
MD 355/Middlebrook Rd	1315	1339	1387	1377	1389/1391	1380/1384	1389/1391	1380/1384
Watkins Mill Rd/Apple Ridge Rd	836	964	913	1010	927/948	1012/1016	927/948	1012/1016

Table 1. Calculated Critical Lane Volume at Studied Intersections

As shown in the above table, all intersections are currently operating at an acceptable CLV level of 1,425 except the PM peak hour condition at the MD 355/MD 118 intersection. Under the background development (the existing traffic plus traffic from the approved/unbuilt developments), the MD 355/MD 118 and the MD 118/I-270 northbound on-ramp intersections are projected to operate at unacceptable CLV levels during the weekday PM peak hours. Under the total future development (the background traffic plus traffic from the site), with implementation of the intersection improvements to be provided by the applicant under Phase I and Phase II, the MD 355/MD 118 intersection, the MD 118/I-270 northbound on-ramp intersection, and the Ridge road (MD 27)/Observation Drive intersection would operate either at an acceptable CLV or at a number of trips equal to 150 percent of the CLV impact attributable

to the development during both the weekday AM and PM peak hours. Therefore, this preliminary plan application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the Germantown East Policy Area where there is a 50% PAMR requirement according to the current Growth Policy. The site will generate 570 new peak hour trips (232 trips for Phase I and 338 trips for Phase II) that are subject to PAMR, and the applicant is required to mitigate 50% or 285 of these trips to meet the PAMR requirement. However, the applicant is conditioned to provide intersection improvements to meet the LATR requirements and the cost of these improvements is applicable toward PAMR mitigation at the rate of \$11,300 per trip. The applicant must submit and gain approval from the Montgomery County Department of Transportation for the cost estimated for the LATR improvements prior to issuance of any use and occupancy permits for Phase I and prior to issuance of any building permit for phase II. The remaining obligation (after determination of the LATR cost) for PAMR mitigation at the rate of \$11,300 per trip will be applied against the applicant's Transportation Impact Tax Credit that is currently estimated at \$15.5 million.

On October 21, 2010, the County Council passed Expedited Bill No. 55-10 with an amendment that allows applicants like Milestone to use its Transportation Impact Tax Credit to satisfy the PAMR mitigation requirements if the project is identified as a "strategic economic development project" by the County Executive. Under this legislation, Milestone Business Park may use up to \$1.7 million of its remaining (approximately \$15.5 million) Impact Tax Credits for PAMR obligations associated with this request for APF capacity. The Milestone Business Park is currently in the process of applying for this status and expects that it will be granted. Staff believes that the PAMR mitigation requirements must be determined at a later date when the LATR improvement cost is calculated, and then the amount of the Transportation Impact Tax Credit can be used to establish the applicant's actual obligations. In other words, the timing should be contingent upon knowing the costs of LATR improvements for each of the two remaining phases of development at Milestone Business Park because Impact Tax Credits will only be applied to net PAMR obligations after LATR costs have been subtracted from the gross PAMR obligations for each phase. Staff has determined that the subject preliminary plan's PAMR mitigation obligation will be satisfied in the non-typical manner described above once the cost of the LATR improvements have been calculated.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. Public sewer and water service is available to the property. Proposed buildings will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating within the standards set by the Growth Policy resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the property.

CONCLUSION

Staff reviewed the traffic study for the remaining development proposed on the subject property and found it to be complete and in compliance with the LATR/PAMR Guidelines. The study indicates that roadway improvements are needed. With these roadway improvements, the proposed development meets the APF requirements of section 50-35(k) of the Subdivision Regulations. Staff therefore recommends establishment of a new 7-year APF validity period with the conditions specified above.