



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

JUL 1 2013

MCPB No. 13-119
Preliminary Plan No. 12004018F
Multi-Service Agency Park (Airpark North Business Park)
Consent Agenda: June 20, 2013

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on July 26, 2004, the Planning Board approved Preliminary Plan No. 120040180 for up to 559,300 square feet of research and development office use, up to 247,626 square feet of business park use (i.e., generally light industrial and commercial office uses), and up to 461,285 square feet of warehouse use, or a combination of non-residential development with an equivalent number of weekday morning and evening peak hour trips on approximately 134 acres of land located on the east side of Snouffer School Road opposite the intersection with Alliston Hollow Way ("Subject Property"), in the Gaithersburg and Vicinity master plan ("Master Plan") area;

WHEREAS, there have been five separate amendments to Preliminary Plan No. 120040180:

- Amendment A allowed a one year extension to complete a parking lot;
- Amendment B approved abandonment of two public streets, Turkey Thicket Drive and Hubble Court;
- Amendment C allowed an additional 16-month extension for the parking lot;
- Amendment D approved minor changes to lot lines to accommodate the reconfiguration of a street;
- Amendment E consolidated previously approved lots into three lots (Lot 10, Lot 14, and Lot 15), two large buildable parcels (Parcel D, and Parcel F), and two stream valley parcels (Parcel E, and Parcel G); and

WHEREAS, Montgomery County has since obtained ownership of the Subject Property for development of a multi-agency service park; and

WHEREAS, on December 20, 2012, Montgomery County, through its Department of General Services, ("Applicant"), filed a preliminary plan amendment to: i)

Approved as to
Legal Sufficiency

[Signature] 6/17/13

reconfigure previously approved but unplatted lot lines to coincide with previously approved forest conservation easements; ii) provide additional dedication of Snouffer School right-of-way; and iii) confirm Montgomery County as the owner of the Subject Property; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12004018F, Multi-Agency Service Park (Airpark North Business Park) ("Preliminary Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board on June 7, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 20, 2013, the Planning Board, as part of its Consent Agenda voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12004018F subject to the following conditions:¹

1. Except as amended herein, Applicant and future heirs and assigns continue to be bound by all conditions of approval for Preliminary Plan 120040180, including Amendment A, Amendment B, Amendment C, Amendment D, and Amendment E.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

This Amendment does not materially change the existing approvals for uses and square footage. The Subject Property is currently limited to a total of 1,268,211 total square feet of development for uses allowed in the I-4 zone including up to 559,300 square feet of Research and Development; up to 461,285 square feet of Warehouse and up to 247,626 square feet of Business Park, or a combination of

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.

non-residential development with an equivalent number of weekday morning and evening peak hour trips. This Amendment makes no changes to these limitations.

- 2. Public facilities will be adequate to support and service the area of the proposed subdivision.*

The development of this site continues to be bound to the density and uses approved with the original preliminary plan. The finding of Adequate Public Facilities, including schools, fire and rescue access, roads, water and sewer remains valid for the square footages approved.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots are of the appropriate dimensions with respect to size, shape, width and orientation to accommodate the multiple uses expected to occur on this County-owned property. The Amendment remains in conformance with all applicable sections of the Subdivision Regulations.

- 4. The Amendment satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved preliminary forest conservation plan. The Subject Property continues to be bound by the conditions of the approved forest conservation plan. Category I easements, in accordance with that plan, will be shown on the record plats.

- 5. The Amendment meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

This finding is based on the fact that the Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the original preliminary plan approval. This Amendment does not change the elements of that concept.

BE IT FURTHER RESOLVED, that the date of mailing of the original Resolution was July 26, 2004, and as extended by subsequent actions by the County Council this Preliminary Plan now remains valid until August 26, 2022; and

BE IT FURTHER RESOLVED, 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 among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

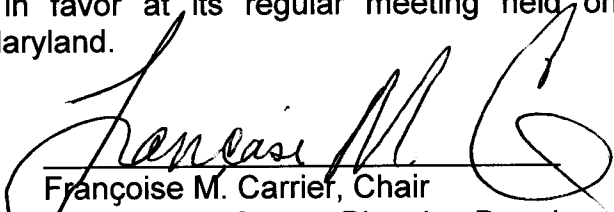
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~JUL 1 2013~~ (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, June 20, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board