



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

MCPB No. 16-132
 Preliminary Plan No. 120160240
 Montgomery College Germantown Campus
 Date of Hearing: December 8, 2016

DEC 12 2016

RESOLUTION

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

WHEREAS, on March 30, 2016, the Montgomery College Life Sciences Park Foundation (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot for up to 150,000 square feet of commercial office space on 5.75 acres of land in the LSC zone, located at the northwest corner of Observation Drive and Exploration Lane (“Subject Property”), in the Germantown East Policy Area and the 2009 Germantown Employment Area Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120160240, Montgomery College Germantown Campus (“Preliminary Plan” 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 November 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 8, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board 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. 120160240 to create one lot for up to 150,000 square feet of

Approved as to
 Legal Sufficiency: 

commercial office space on the Subject Property, subject to the following conditions:¹

- 1) This approval is limited to one (1) lot for up to 150,000 square feet of Office and Professional uses as defined in Section 59.3.5.8.
- 2) Offices or companies that are not principally engaged in health services, research and development, or high technology industrial activities are limited to 40% of the gross floor area on the Subject Property.
- 3) The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. MR2009720.
- 4) 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 October 19, 2016, 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 MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated July 25, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 6) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 20, 2016, 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 MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 8) Prior to recordation of plat(s), the Applicant must satisfy MCDPS requirements to ensure construction of the following:

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.

- a. A five-foot-wide sidewalk across the Subject Property's frontage, from Exploration Lane to opposite the northern entrance to Holy Cross Hospital.
 - b. A five-foot-wide sidewalk across the Subject Property's frontage along Exploration Lane.
- 9) The record plat must show an easement for possible future driveway access, located across the Subject property, opposite the northern entrance to Holy Cross Hospital. for use by the property located to the west, consistent with the Preliminary Plan drawing.
 - 10) Record plat must show necessary easements.
 - 11) 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.
 - 12) The Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment for Transit, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services ("MCPDS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
 - 13) Revise the Certified Preliminary Plan to include the following:
 - a. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
 - b. Show the construction of ADA accessible receiving ramps on the east side of Observation Drive on both sides of the Holy Cross Hospital entrance, accessible for pedestrians crossing Observation Drive.
 - c. Modify the shown ADA accessible sidewalk ramps on either side of the subject properties entrance on Observation Drive for pedestrians crossing Observation Drive to better align with the Holy Cross entrance.
 - 14) 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. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
 - 15) Any above ground building permits that are issued must show that the structures satisfy the build-to-area requirements for Exploration Lane and

Observation Drive. If the proposed building does not meet the build-to-area requirements, Site Plan approval by the Planning Board is required.

- 16) Any expansion in the limits of disturbance above what is currently shown on the Preliminary Plan for the construction of a parking facility must be approved with a Preliminary Plan amendment.

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

The subject property is located within the limits of the 2009 Germantown Employment Area Sector Plan, in the Montgomery College District sub-area. The Sector Plan's Land Use recommendations include expanding Montgomery College's academic facilities and creating up to one million square feet of technology park uses that can link the business and academic communities together. The Sector Plan also promotes preserving high quality forest and using structured parking to reduce imperviousness.

The Preliminary Plan creates up to 150,000 square feet of commercial office space on a portion of the Montgomery College Campus identified by the College as appropriate for office development. The location of this office space is near the southern entrance to the college campus providing good access to the academic buildings and the newly opened Holy Cross Hospital.

Although there are disturbances of forest resources on the Subject Property, the primary area of high quality forest is located off-site on other portions of the Montgomery College campus, and this Application continues to protect the County Champion tree located on the Subject Property. Although this Preliminary Plan does not propose structured parking in this standard method development project, the size and location of the building does not preclude additional future development with structured parking. Also, to minimize the creation of unnecessary impervious surfaces and to reduce any potential impacts to the County Champion Elm tree, this Application is conditioned so that any expansion of the LOD north of its current shown location, for the construction of surface parking, would require a preliminary plan amendment.

Many of the urban form recommendations for the Montgomery College District are not applicable to this Preliminary Plan; however, the LSC zone does require that all new general building types have a minimum 70% of the structure located

within the 20-foot build-to-area established by the Zoning Ordinance. As conditioned, the Applicant cannot substantially change the location of the structure at the time of building permit without triggering a Site Plan review by the Planning Board.

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

Roads and Transportation Facilities

The Subject Property is located at the intersection of Observation Drive and Exploration Lane. Observation Drive is identified in the Sector Plan as an arterial roadway A-19, with a total right-of-way of 80 feet, including four travel lanes on a non-divided highway, minimum five-foot wide sidewalks and dual bikeways. In addition, Observation Drive is planned to accommodate a future Bus Rapid Transit route, the MD 355 North corridor, by either having the buses run in mixed traffic, or repurposing travel lanes for bus only lanes. Exploration Lane is a non-master planned roadway built to industrial street standards. Sidewalks will be provided along the frontage for both roads however no roadway improvements are necessary.

The Preliminary Plan's 150,000 square feet of new office space is expected to generate a total of 247 new peak-hour trips during the weekday morning peak period and 236 new peak-hour trips during the evening peak period, therefore it is subject to the Local Area Transportation Review (LATR). A traffic study was submitted analyzing five local intersections identified as critical to determine whether they meet the applicable congestion standards. All five intersections are located in the Germantown East Policy Area which has a Critical Lane Volume standard of 1,425. Based on the traffic study analysis, all intersections currently operate at acceptable congestion standards and will continue to do so after the development is built, thus satisfying the LATR guidelines.

The Subject Property is located in the Germantown East Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Germantown East Policy Area is adequate under the roadway test and inadequate under the transit test; therefore, the Applicant must make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax for the 150,000 square feet of general office space, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the development. The Subject Property is in the W1 and S1 categories for water and sewer and will be serviced by public water and sewer. Telecommunications and

other dry utility companies reviewed the Preliminary Plan and found that the Application can be adequately served. The Application has also been reviewed by the Montgomery County Fire and Rescue Services, which has determined that the Application can provide adequate access for fire and emergency vehicles. Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect.

3. *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.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections of the Subdivision Regulations. The lot size, width, shape and orientation is appropriate for the location of the subdivision considering the zoning and the land use recommendations in the Sector Plan. The Subject Property is part of the Montgomery College District and is planned for institutional uses that may include office space, and the size and location of this lot is adequate for an office building, associated parking and stormwater management. Creating this lot is consistent with previous subdivisions that subdivided lots from the main College property for private entities working in cooperation with the College.

The lot was reviewed for compliance with the dimensional requirements for the LSC zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area and, frontage, and the lot is appropriately sized and shaped for the proposed office building to meet the required setbacks and lot width in that zone. Additionally, in the LSC zone, Office uses, as defined in the Zoning Ordinance, for a company that is not principally engaged in health services, research and development, or high technology industrial activities are limited to 40% of the gross floor area on the subject site. As conditioned, this Application complies with the use requirements of the zone.

The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

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

A Final Forest Conservation Plan ("FFCP") was approved for the Montgomery College-Germantown Campus under plan number MR2009720, by MCPB No. 10-67 dated July 14, 2010. This Preliminary Plan is located within the geography

covered by the FFCP. This FFCP designated forest conservation easements and designated areas available for development within this campus, including the creation of an existing Category II Conservation Easement located on this lot. The lot location, and the development shown on the Preliminary Plan are in conformance with the easements and limits of disturbance shown on the FFCP No. MR2009720. The FFCP approved of the Montgomery College-Germantown Campus plan protects all sensitive environmental features on the campus in conformance with Section 50-32 of the Subdivision Regulations. Therefore, the Preliminary Plan complies with Chapter 22A, Montgomery County Forest Conservation Law.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan meets the Stormwater Management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval on October 19, 2016 including a list of outstanding items that will be addressed during the site development phase. The Application will meet part of the stormwater management goals using micro-bioretenment, green roofs and pervious pavements. Some stormwater is permitted to use the existing stormwater pond facility located on the east side of Observation Drive.

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 DEC 12 2016 (which is the date that this Resolution is mailed to all parties of record); and

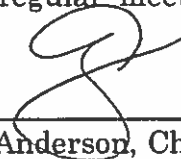
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Vice Chair Wells-Harley, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, December 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board