



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

MCPB No. 18-100
Preliminary Plan No. 120180240
VIVA White Oak
Date of Hearing: November 29, 2018

JAN 15 2019

RESOLUTION

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

WHEREAS, on June 28, 2018, Global Lifesci Development Corporation (GLDC) (“Applicant”) filed an application for approval of a preliminary plan/infrastructure plan that would: create eleven (11) Large Lots (to be further subdivided prior to issuance of any building permits), three (3) Outlots and one (1) road Parcel to be located between FDA Boulevard and the adjoining FDA property; establish the cross-section and right-of-way widths for dedication of Master Plan roads FDA Parkway (A-106), FDA Boulevard (B10) and B-5; include approval of the Preliminary Forest Conservation Plan; and provide a Section 50.9 waiver of the validity and phasing requirements in Sections 50.4.2.G.2. and 50.4.3.J.5.; up to 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses; on 279 acres of land in the CR-1.0: C-1.0, R-0.5, H-220 Zone, located on the west side of Cherry Hill Road between FDA Boulevard and Industrial Parkway in White Oak, MD (“Subject Property”) in the 2014 White Oak Science Gateway Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120180240, VIVA White Oak, (“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 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to conditions (“Staff Report”); and

WHEREAS, on November 29, 2018, 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

Approved as to
Legal Sufficiency:

Christina S. Smith 1/2/19

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on November 29, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Norman Dreyfuss, seconded by Commissioner Natali Fani-Gonzalez, with a vote of 5-0; Commissioners Casey Anderson, Gerald R. Cichy, Norman Dreyfuss, Natali Fani-Gonzalez, and Tina Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180240, to create eleven (11) Large Lots (to be further subdivided prior to issuance of any building permits), three (3) Outlots and one (1) road Parcel to be located between FDA Boulevard and the adjoining FDA property; establish the cross-section and right-of-way widths for dedication of Master Plan roads FDA Parkway (A-106), FDA Boulevard (B10) and B-5; include approval of the Preliminary Forest Conservation Plan; and provide a Section 50.9 waiver of the validity and phasing requirements in Sections 50.4.2.G.2. and 50.4.3.J.5., for up to 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses, subject to the following conditions:¹

DENSITY AND RESTRICTION OF BUILDING PERMITS

1. This Preliminary Plan is limited to eleven Large Lots, three Outlots and one Road Parcel for a maximum of 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses, with the maximum number and distribution of residential dwelling units and non-residential uses to be determined at subsequent Preliminary Plan Amendments and Site Plans.
2. Building permits must not be issued on any portion of this Property (except for construction of master-planned roads) until subsequent Preliminary Plan Amendments and Site Plans have been filed where development is sought.

COMPLIANCE WITH CONDITIONS OF PRIOR APPROVALS

3. The Applicant must comply with conditions of approval for Sketch Plan 320180040 by Resolution No. 17-101 dated January 30, 2018, and the Subdivision Regulation Waiver SRW201801 by Resolution No. 18-070.

PRELIMINARY FOREST CONSERVATION PLAN

4. The Planning Board approves the Preliminary Forest Conservation Plan (PFCP) with the following conditions:
 - a. Prior to approval of the Certified Preliminary Plan, the Applicant must amend the Preliminary Forest Conservation Plan to show 0.80 acres of forest clearing and 59.25 acres of forest retention.

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.

- b. Prior to approval of the Certified Preliminary Plan, the Applicant must remove the limits of disturbance lines from the PFCP.
 - c. Prior to approval of the Certified Preliminary Plan, the Applicant must amend the PFCP to remove Note Number 5 associated with the Forest Conservation Worksheet.
 - d. This approval is valid only for the area of the rights-of-way for the master-planned roads and is not sufficient for approval of road construction permits. A Final Forest Conservation Plan (FFCP) and Site Plan, showing limits of disturbance for grading and stormwater management required for road construction, must be submitted for review and approval prior to approval of the sediment and erosion control permit.
 - e. At the time of any Preliminary Plan Amendment, the Applicant must submit a revised PFCP. This revised plan shall reflect any changes made to the topography, wetlands, forest total, and other natural features pursuant to State-issued Mining Permit No. (93-SP-0430-A) and State-approved reclamation plan. The existing forest total (exclusive of any reforestation or afforestation performed after the initial Preliminary Plan) and resulting total reforestation and afforestation requirement may be reduced if permitted by the State-issued Mining Permit No. (93-SP-0430-A) and State-approved reclamation plan. Any adjusted existing forest total and reforestation and afforestation requirement must be reflected in the revised FCP worksheet and Final Forest Conservation Plan (FFCP).
 - f. In future submittals, when any plan depicts impacts to specimen trees on the Subject Property, the Applicant must obtain a variance approval for the trees impacted as part of the Forest Conservation Plan. The variance request will also require the County Arborist's review and recommendation.
5. The Applicant and Montgomery County are permitted to demolish existing structures prior to approval of the Final Forest Conservation Plan, provided that the Applicant or Montgomery County minimizes the land disturbance necessary for the demolition of the structure and no specimen trees are impacted or removed without a previously approved variance, to which the County's Arborist will have the opportunity to review and make recommendations.

AGENCY APPROVALS

6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 18, 2018, except for 2.I.a.i., 2.I.b.i. and 2.I.c.iv., 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, except for 2.I.a.i., 2.I.b.i. and 2.I.c.iv., which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated September 7, 2018, 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.
9. Include all agency approval letters and Preliminary Plan Resolution on the approval sheet(s).

TRANSPORTATION AND ROAD DEDICATION/IMPROVEMENTS

10. Prior to Certified Preliminary Plan, the Applicant must modify the cross sections for B-5, FDA Boulevard (B-10) and FDA Parkway (A-106), with the final dimensions of each element to be determined at subsequent Site Plan, as follows:
 - a. B-5 (elements listed from west to east):
 - One and one-half (1.5)-foot buffer
 - Seven (7)-foot concrete sidewalk
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Eight (8)-foot parking lane
 - Two (2) eleven (11)-foot travel lanes
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Ten (10)-foot sidepath (expected to be converted to a two-way separated bike lane with a sidewalk)
 - One and one-half (1.5)-foot buffer
 - b. FDA Boulevard, 122-foot right-of-way, east and west of the bridge (elements listed from north to south):
 - Seven (7)-foot sidewalk
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Ten (10)-foot two-way separated bike lane
 - Four (4)-foot bike buffer

- Ten (10)-foot travel lane
 - Eleven (11)-foot travel lane
 - Twenty-two (22)-foot median
 - Eleven (11)-foot travel lane
 - Ten (10)-foot travel lane
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Seven (7)-foot concrete sidewalk
- c. FDA Parkway, 132-foot right-of-way (elements listed from west to east):
- Five (5)-foot sidewalk
 - Two (2)-foot buffer
 - Eight (8)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Eight (8)-foot parking lane
 - Ten (10)-foot travel lane
 - Eleven (11)-foot travel lane
 - Twenty-eight (28)-foot median
 - Eleven (11)-foot travel lane
 - Ten (10)-foot travel lane
 - Eight (8)-foot parking lane
 - Three (3)-foot bike buffer
 - Ten (10)-foot two-way separated bike lane
 - One (1)-foot buffer
 - Eight (8)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Five (5)-foot sidewalk
11. The Applicant must dedicate road rights-of-way to accommodate New Road (B-5), FDA Boulevard (B-10), and FDA Parkway (A-106), as shown on the Certified Preliminary Plan, with the final delineation and alignment to be determined at Site Plan.
12. The Applicant must design and construct the public/master-planned streets B-5, B-10, and A-106, as shown on the Certified Preliminary Plan, with the final engineered design, extent, delineation, alignment and curb-cuts of these roads to be determined at the time of Preliminary Plan Amendments and Site Plans.
13. If a TMD (“Transportation Management District”) is established, the Applicant must enter into a Traffic Mitigation agreement to participate in the White Oak

TMD and with the Planning Board and MCDOT to assist in achieving their Non-Auto Driver Mode Share (NADMS) goal for new developments of 30%.

14. The Applicant must coordinate with MCDOT to identify location(s) and number of, and reserve adequate space for, bus rapid transit (BRT) station(s) within the boundaries of the Property and along the potential supplemental BRT route of the US 29 Corridor No. 9 between Tech Road and Cherry Hill Road, and the Applicant must ensure that proposed BRT operations can navigate the proposed roundabouts/circles.
15. The Applicant must coordinate with MCDOT's Commuter Services Section regarding the location of bike share stations and should be consistent with the White Oak Local Area Transportation Improvement Program (LATIP).
16. The Applicant must coordinate with Metrobus and Ride On to ensure that local bus service is provided as necessary on FDA Parkway and FDA Boulevard. Metrobus Route Z6 and Ride On Route 10 currently operate in the vicinity of the Viva White Oak site.
17. The Applicant must work with WSSC to assure public access/cross easements for the paths proposed through their water tower property.

PARK DEDICATION

18. Consistent with the Sketch Plan approval, the Applicant must dedicate a minimum of nine (9) acres that will be publicly owned and maintained for a co-located school and park, and an additional six (6) acres of contiguous park/open space, which may be privately owned and maintained, for a total of fifteen (15) acres. The final size, location and ownership of the co-located school and park site must be determined and dedicated within 85 months from the day the Resolution is mailed.
19. Park Permits will be required for any work on existing or proposed public Park Property.

MODERATELY PRICED DWELLING UNITS (MPDU)

20. The Applicant must provide a minimum of 12.5% MPDUs with final MPDU locations, bedroom compositions, and layouts to be determined at each applicable Preliminary Plan Amendment and Site Plan that includes residential units, subject to review and approval by the Department of Housing and Community Affairs (DHCA) and Planning Staff.
21. Prior to issuance of any residential building permit, the Applicant must enter into an agreement (Agreement to Build) with the DHCA.
22. Prior to Certified Preliminary Plan, the Applicant must delete the entire Footnote 8 and substitute the following language: "Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the DHCA and the Department of Planning."

ADEQUATE PUBLIC FACILITIES (APF)

23. The Applicant must satisfy the transportation APF, Local Area Transportation Review test by satisfying the Local Area Transportation Improvement Program (LATIP) fee under the established "Unified Mobility Program" for the White Oak Policy Area. Any credit against the LATIP fee for off-site master-planned improvements that are beyond those required at subdivision may be negotiated with the MCDOT. Payment of the LATIP Fee and applicable impact taxes satisfies the APF approval for transportation for both residential and non-residential uses. The final square footage and/or number and type of residential units for calculating the LATIP will be determined at subsequent Preliminary Plan Amendments.
24. Phasing of record plats and validity periods for non-residential uses is not required for any non-residential building proposed in a subsequent Preliminary Plan Amendment, conditioned upon:
 - a. All master-planned roads necessary for the proposed uses in that Preliminary Plan Amendment are constructed;
 - b. The applicable LATIP Fee is timely paid;
 - c. All applicable impact taxes are timely paid; and
 - d. All other public facilities are deemed adequate.
25. The Applicant must dedicate the 9-acre co-located school and park site within 85 months from the day the Resolution is mailed.
26. Phasing for residential uses is not required at this time, if prior to issuance of any building permit for residential uses:
 - a. All applicable school impact taxes are paid;
 - b. All master-planned roads necessary for the proposed uses are constructed; and
 - c. All necessary wet and dry utilities are provided.
27. At subsequent Preliminary Plan Amendment(s), for any proposed residential units/uses, the schools test portion of the APF review will need to be tested for any residential units/uses proposed in accordance with the applicable Subdivision Staging Policy at that time, and any necessary phasing and validity periods will be assigned.
28. All other public facilities included in APF review will need to be tested at each subsequent Preliminary Plan Amendment(s).

PRELIMINARY PLAN VALIDTY AND RECORD PLATS

29. All plats for residential units/uses associated with this Preliminary Plan must be recorded within the applicable validity periods assigned at subsequent Preliminary Plan Amendments, or a request for extension must be filed.
30. Prior to submittal of any plat application, the Applicant must obtain a Certified Preliminary Plan and Certified Site Plan on the portion of the Property a plat is sought.
31. The record plat must show necessary easements.
32. Except as permitted by State-issued Mining Permit No. (93-SP-0430-A), the State-approved reclamation plan, and demolition of existing structures as

permitted by Condition No. 5 above, no clearing or grading of the site, nor recording of plats is permitted prior to Certified Site Plan approval.

CERTIFIED PRELIMINARY PLAN

33. Prior to Certified Preliminary Plan, the Applicant must:

- a. Include all agency approval letters and Resolutions on the approval sheet(s);
- b. Revise all master-planned road cross sections as conditioned;
- c. Revise the PFCP as conditioned;
- d. Insert a note on the Preliminary Plan that a ten (10)-foot-wide two-way separated bike lane, or Planning Board approved equivalent, will be provided on the west side of Cherry Hill Road along the Property frontage, or alternate location if approved by the Planning Board, with final details to be determined at subsequent Preliminary Plan Amendment and Site Plan; and
- e. Delete Footnotes as conditioned.

SUBSEQUENT PRELIMINARY PLANS AND SITE PLANS GUIDANCE

34. The Applicant must provide a cross section that illustrates the transition of master-planned road B-5 from the Washington Adventist Hospital site to the Property for review and approval by the Planning Board.

35. The Applicant must provide a cross section that illustrates the transition of master-planned road A-106 (FDA Parkway) with existing Industrial Parkway for review and approval by the Planning Board.

36. The Applicant must address how long-term bicycle storage is addressed at the future BRT station location(s) within the Property boundaries.

37. The Applicant must address the following bikeway recommendations in coordination with MCDOT and Planning Staff, with timing and final details to be determined at subsequent Preliminary Plan Amendments and Site Plans, substantially as follows:

- a. FDA Parkway: Provide two-way separated bike lanes on the east side, with a buffer between the parking lane and bike lanes. The buffer between the two-way separated bike lanes and the street should have a minimum width of three (3) feet if its adjacent to on-street parking and a minimum width of six (6) feet if its adjacent to the street. Locate the bike buffer and bike lanes at an elevation of six (6) inches higher than the parking lane, and the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
- b. FDA Boulevard: Provide two-way separated bike lanes on the north side, with a buffer between the parking lane and bike lanes. The buffer between the two-way separated bike lanes and the street should have a minimum width of three (3) feet if its adjacent to on-street parking and a minimum width of six (6) feet if its adjacent to the street. Locate the bike buffer and bike lanes at an elevation of six (6) inches higher than the

- parking lane, and the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
- c. **Master-Planned Street B-5:** The Bicycle Master Plan recommends two-way separated bike lanes and a sidewalk on the east side, with a six (6)-foot buffer between travel lanes and bike lanes. The bike lanes should be grade separated from the travel lanes and the sidewalk should be provided at an elevation that is two (2) to three (3) inches higher than the separated bike lanes.
 - d. **Cherry Hill Road:** Provide a two-way separated bike lane on west side of road by providing ten (10)-foot-wide separated bike lanes with a minimum six (6)-foot-wide buffer from the street. Locate the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
 - e. Separated bike lanes that intersect with intersections or driveways must be set back a minimum of six (6) feet from the street buffer to reduce conflicts between road users. Specific setback requirements and corner truncation will be determined through subsequent Preliminary Plan Amendments and Site Plans.
 - f. The buffer between separated bike lanes and the roadway will be a minimum of six (6) feet to provide adequate separation between bicyclists and motor vehicles.
38. The Applicant must coordinate with Planning Staff and MCDOT on the FDA Parkway/Boulevard traffic circle design and B-5 roundabout design. Additional analysis and details of each is needed during subsequent Preliminary Plan Amendments and Site Plans. The following guidance should be considered:
- a. **Outlot C Roundabout:** Design the roundabout to provide protected intersections at the intersections with FDA Boulevard and FDA Parkway.
 - i. Provide six feet of separation between the separated bike lane and vehicular travel lane.
 - ii. Set back the bicycle and pedestrian crossings from the circle based on industry best practices.
 - iii. Provide additional corner truncation to accommodate the setbacks.
 - iv. Provide raised pedestrian and bicycle crossings at all approaches to the traffic circle.
 - b. **B-5 Roundabout:** Design the traffic circle to provide protected intersections at the intersections with FDA Boulevard.
 - i. Provide six feet of separation between the separated bike lane and vehicular travel lane.
 - ii. Set back the bicycle and pedestrian crossings from the circle based on industry best practices.
 - iii. Provide additional corner truncation to accommodate the setbacks.
 - iv. Provide raised pedestrian and bicycle crossings at all approaches to the traffic circle.
 - v. Narrow the curb-to-curb dimensions of the traffic circle.

39. Address high quality bike parking, substantially as described in the Planning Department's Bicycle Parking Guidelines (see pages 13 – 15), and long-term bicycle parking spaces, potentially as bike lockers or bike storage room and number of short-term inverted-U bike racks, or equivalent as approved by Staff. The final locations and types of the bike lockers/storage room and racks must be reviewed and approved at subsequent Preliminary Plan Amendments and Site Plans.
 40. Explore providing protected intersections at all intersections on FDA Boulevard, FDA Parkway, Master-Planned Street B-5, and Cherry Hill Road where pedestrians or cyclists cross.
 41. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at subsequent Preliminary Plan Amendments and Site Plans.
 42. If a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot or right-of-way configuration or alignment, the Applicant must obtain approval of a Preliminary Plan Amendment prior to Certification of the Site Plan.
-

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 layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan/Infrastructure Plan proposes a variety of Lots and Outlots varying in sizes:

- Eleven (11) Large Lots ranging in size from 4.27 acres to 43.64 acres;
- Three (3) Outlots ranging in size from 0.84 acres to 10.01 acres; and
- One (1) 2.23-acre Road Parcel.

Subsequent Site Plans will be filed for developments within each Large Lot. Concurrently, amendments to this Preliminary Plan/Infrastructure Plan will be filed to further divide the Large Lots into smaller Lots and Blocks, as necessary, and to refine the internal public and/or private road network within each Large Lot. As the Property builds out, the development will provide important connections to the FDA, Washington Adventist Hospital, White Oak Medical Center, Paint Branch Park, and the existing commercial development along Industrial Parkway/Tech Road.

The Outlots are for areas of stream valley buffer and the open space within the FDA traffic circle serving as the link between FDA Parkway and FDA Boulevard. The Road Parcel will serve as the access to the FDA. Further details of this access will be determined during subsequent Preliminary Plan and Site Plan reviews.

While no development is proposed at this point, Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR Zone. The Large Lots were reviewed for compliance with the dimensional requirements for the CR Zone as specified in the Zoning Ordinance. The Large Lots, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks in the Zone. A summary of this review is included in Table 1. Additional review of the Lots, Blocks and internal public and/or private road network within each Large Lot will be necessary during subsequent Preliminary Plan Amendments and Site Plans.

This plan is being developed using CR Optional Method of Development		
	Required/Allowed	Proposed
Gross Tract Area:		279.62 ac. (12,180,270 sf.)
Illustrative Right of way dedication ¹		11.62 ac. (506,330 sf.)
Illustrative Townhouse area ¹		79.78 ac. (3,475,345 sf.)
Illustrative Single Family Detached area ¹		2.87 ac. (125,017 sf.)
Total Site area for Public Open Space Public Benefit Point Calculation ¹		185.34 ac. (8,073,578 sf.)
Zoning	CR -1.0, C-1.0 R-0.5 H-220	CR -1.0, C-1.0 R-0.5 H-220
Development Standards (Section 4.5.4)		
Public Open Space (min)²	10% (18.53 ac.)	25.3% (46.8 ac.)
Common Open Space in Townhouse area (min)²	10% (7.98 ac.)	>12.5% (10 ac.)
Density, and Height		
Commercial	1.0 FAR (12,180,270 sf.)	1.0 FAR (12,180,270 sf.)
Residential	0.5 FAR (6,090,135 sf.)	0.5 FAR (6,090,135 sf.)
Total Density (max)	1.0 FAR (12,180,270 sf.)	1.0 FAR (12,180,270 sf.)
Height (max)	220'	220'
Public Benefit Points and Categories (Section 4.5.4.A)		
Public Benefit Points (min)	100	144.28
Number of Benefit Categories (min)	4	6
MPDUs	12.5%	12.5%
¹ Mix of Uses will be determined at Site Plan, but will not exceed the maximum FAR permitted for Commercial Uses (1.0 FAR) and Residential Uses (0.5 FAR). ² Final amounts of Public Open Space and Common Open Space will be determined at Site Plan as appropriate. ³ The Illustrative Townhouse area, Illustrative Single Family Detached area, the Illustrative Right of way dedication area, and the Total Site area for Public Open Space Public Benefit Point Calculation shown are illustrative, for Public Benefit Point calculation only. Final layout will be determined at Site Plan.		

Table 1: Data Table

In addition to the information included within Table 1, the Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the Department of Housing and Community Affairs (DHCA) and the Department of Planning.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Property is within the boundaries of the 2014 *White Oak Science Gateway (WOSG) Master Plan*. The Master Plan area is largely suburban in character, but the Master Plan envisioned three areas centered on existing commercial centers, as future major activity centers. The Subject Property is part of the *Life Sciences/FDA Village* activity center. This center includes a mix of light industrial and service uses, back offices, public sector facilities, and some heavy industrial uses. The Application is a joint development that includes the County-owned former WSSC composting facility, referred to as Site 2, and the adjacent Percontee-owned property, which at present is operated as a sand and gravel mining/washing operation. The Master Plan discussed the efforts that led to the County-Percontee partnership and supported the concept of a town center on the Property to build synergies with the adjacent FDA campus that would serve as community center for the broader Eastern Montgomery County.

The Master Plan included detailed recommendations for this future Town Center (refer to pages 46-49 of the approved Master Plan for a complete list). This Preliminary Plan/Infrastructure Plan application advances the following recommendations:

- Creation of lots to be further subdivided into local neighborhoods to include internal networks of streets and public open spaces.
- Creation of lots for the Collocation of a public school and a public park.
- Dedication of major public roads A-106 (extension of Industrial Parkway), B-5 (connection to Plum Orchard Drive via Washington Adventist Hospital), and realignment of existing road B-10 (FDA Boulevard).
- Delineation of protected areas and reforestation zones along stream valley and steep sloped areas.

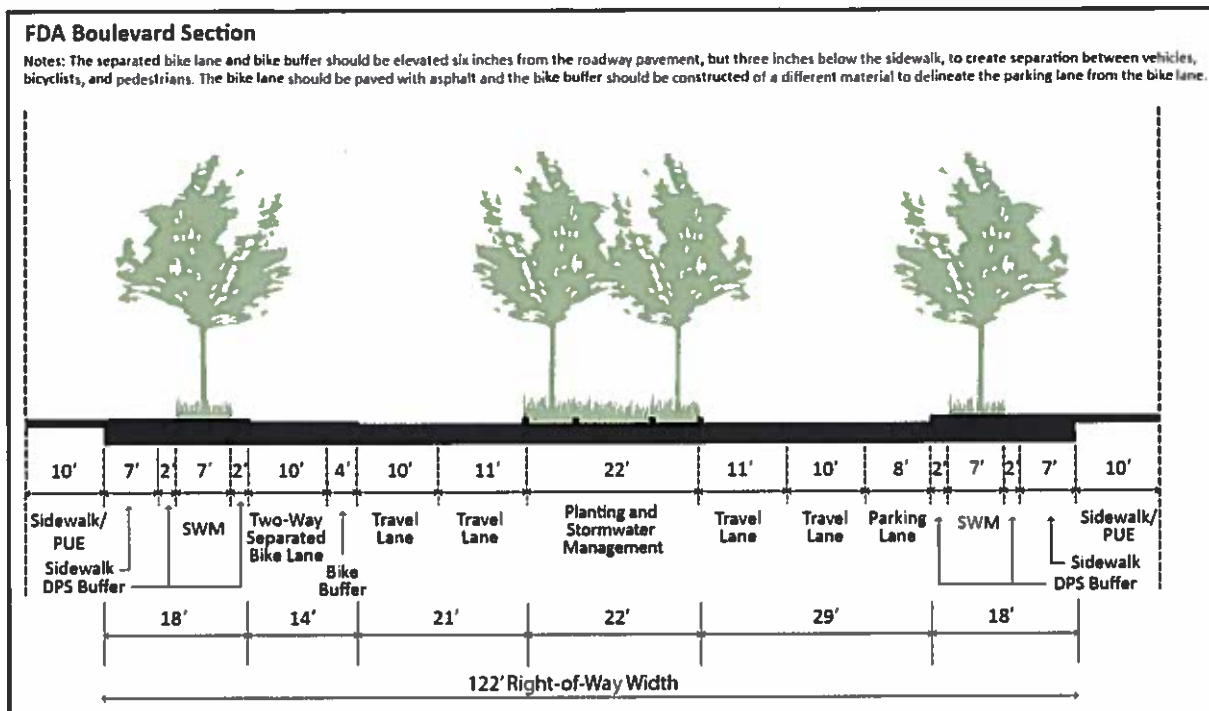
The Application included supporting documents to illustrate the conceptual phasing, full buildout, and layout of streets and open spaces within the Land Bays created by this Preliminary Plan/Infrastructure Plan, consistent with information included with prior Concept Plan and Sketch Plan applications for this Property. However, conformance with Master Plan recommendations on these items will require the details to be provided by future Preliminary Plan Amendments and Site Plans.

Master-Planned Roadways, Bikeways, and Transitways

The Applicant proposes right-of-way dedications that are wider than those recommended by the Master Plan to accommodate the potential extension of the BRT as an alternative alignment through the Property, stormwater management, and the recommended facilities of the 2018 *Bicycle Master Plan*. With the modifications of the master-planned road cross sections, as conditioned, the Planning Board finds the proposed cross sections to be in substantial conformance with the Master Plan.

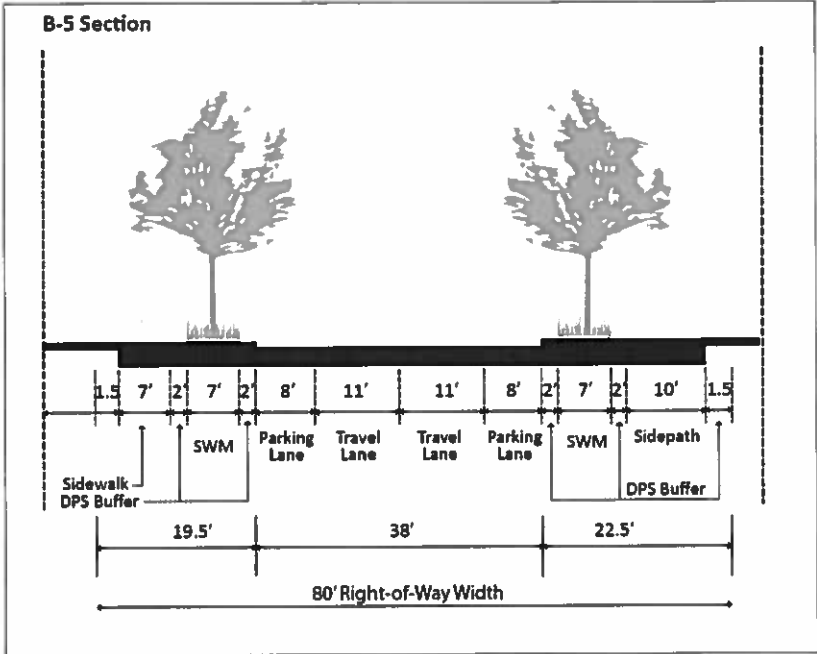
The master-planned transportation facilities are designated below in accordance with the:

- 2013 *Countywide Transit Corridors Functional Master Plan*;
 - 2014 *White Oak Science Gateway Master Plan*;
 - 2018 *Master Plan of Highways and Transitways*; and
 - 2018 *Bicycle Master Plan*.
1. Cherry Hill Road is designated as an arterial (A-98), with a recommended 80-foot-wide right-of-way. Any necessary additional right-of-way dedication will be required at subsequent Preliminary Plan. The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on the west side. Details of this facility along Cherry Hill Road will be determined by subsequent Preliminary Plan Amendments and Site Plans.
 2. FDA Boulevard is designated as a business district street, B-10, with a recommended 100-foot right-of-way. The *Bicycle Master Plan* recommends two-way bike lanes on the both sides. The Planning Board requires the bike facility to be relocated on the north side of FDA Boulevard and slight modifications to the typical section. This modification was acceptable by the Planning Board due to the desire to reduce the proposed right-of-way width as much as possible and that the Applicant is expected to provide additional bicycle connections through the development, south of FDA Boulevard. Thus, two-way bike lanes on both sides of FDA Boulevard is not necessary.



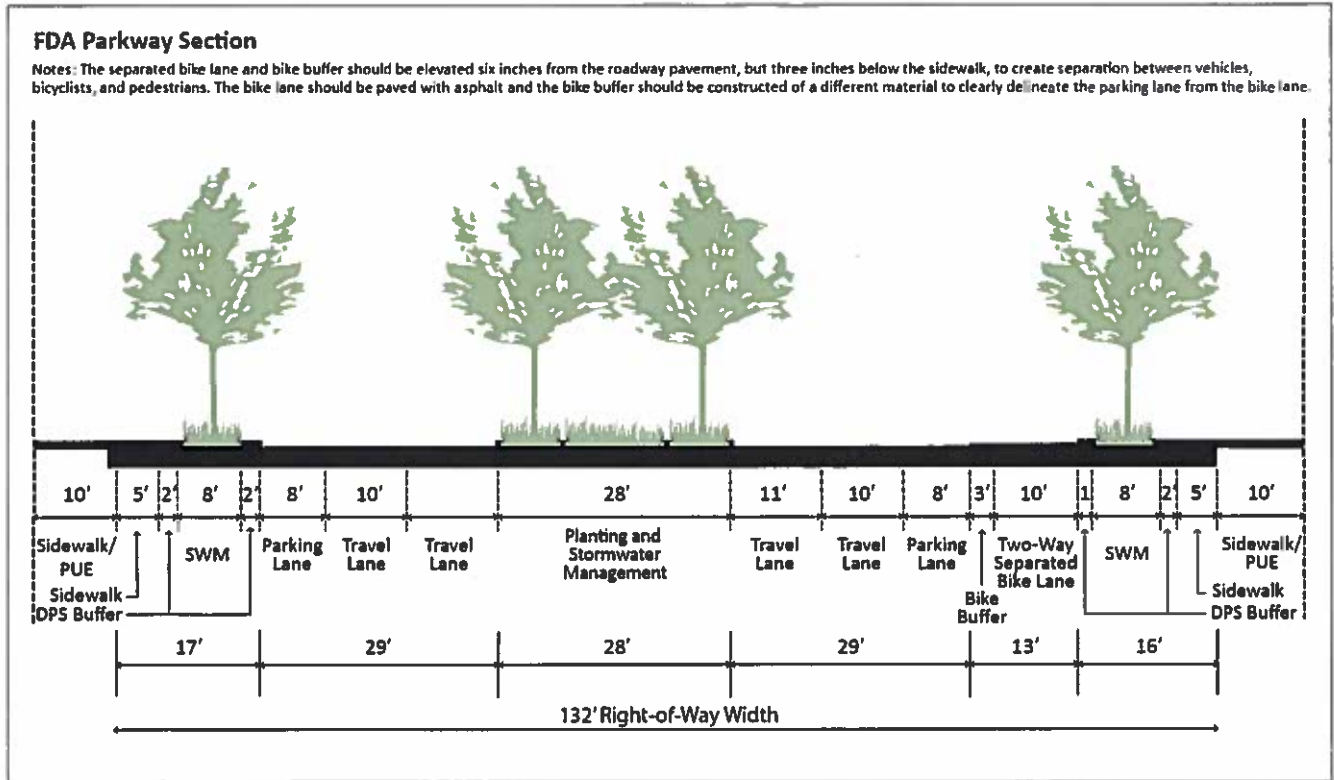
Planning Board Approved Cross-Section for FDA Boulevard

3. Business District Street (B-5) is recommended to have a 70-foot-wide right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on the east side. Washington Adventist Hospital will be implementing a shared-use path on the east side, which will be upgraded to two-way separated bike lanes and a sidewalk in the future as part of a separate project. The Planning Board requires two-way separated bike lanes and a sidewalk on the east side of B-5 to transition into the sidepath on the adjoining Washington Adventist Hospital property.



Planning Board Approved Cross-Section for Business District Street (B-5)

- 4. FDA Parkway (Industrial Parkway extended) is designated as an arterial, A-106, with a recommended 100-foot right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on the both sides. The Planning Board requires the bike facility to be relocated on the east side of FDA Parkway and slight modifications to the typical section. Again, this modification is acceptable to the Planning Board due to the desire to reduce the proposed right-of-way width as much as possible and that the Applicant is expected to provide additional bicycle connections through the development, west of FDA Parkway. Thus, two-way bike lanes on both sides of FDA Parkway is not necessary.



Planning Board Approved Cross-Section for FDA Parkway

Supplemental BRT routes are recommended along Cherry Hill Road (A-98), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended). As conditioned, the Applicant will continue to coordinate with MCDOT regarding identification of locations of BRT station(s) along these potential supplemental BRT routes associated with the US 29 Corridor between Tech Road and Cherry Hill Road. The BRT right-of-way is planned to be 26-foot-wide with two-way 12-foot-wide lanes and one-foot gutters. In addition, the BRT design vehicle must be able to navigate proposed traffic calming devices, which are currently envisioned as roundabouts.

Master Plan Transportation Management

If the White Oak Transportation Management District (TMD) is established, the Applicant must enter into a Traffic Mitigation Agreement to participate with the White Oak TMD with the Planning Board and MCDOT to assist in achieving an NADMS goal for new developments of 30%.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular Access

The vehicular access points are proposed from Cherry Hill Road and the master-planned roadways New Road (B-5), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended).

Available Transit Service

Metrobus route operates along the Cherry Hill Road frontage with the nearest bus stop approximately 500 feet to the north at the intersection of Cherry Hill Road and Gracefield Road.

Pedestrian Facilities

The Applicant must provide ADA-compliant pedestrian circulation.

Local Area Transportation Review (LATR)

The Local Area Transportation Review test is satisfied by making the Local Area Transportation Improvement Program (LATIP) fee under the “Unified Mobility Program” for the White Oak Science Gateway Master Plan under the 2016-2020 Subdivision Staging Policy. The following actions implemented the LATIP fee and program:

- The County Council adopted Resolution No. 18-107 on April 14, 2015, that established the LATIP fee of all development in the White Oak Policy Area.
- The County Council adopted Resolution No. 18-728 on February 14, 2017, that established the Capital Improvement Program Project No. 361701 to use the developers LATIP fees to fund the design and construction of the White Oak transportation infrastructure.
- The County Council adopted Expedited Bill No. 51-16 on February 14, 2017, that authorized a credit against the LATIP fee for the applicant’s cost of an improvement in the White Oak Policy Area to the extent it exceeds the listed cost of the improvement in the CIP Project.
- The Planning Board approved a fee of \$5,010 per vehicle trip at its public hearing on September 28, 2017, that will be added to the *Local Area Transportation Review Guidelines*. The subject development for the land uses proposed shown below based on the trip generation rate schedule approved by the Planning Board:

Data Table

Land Use	Trips per Unit of Development
Single-Family Detached Housing Units	1.28 per Unit
Townhouse	0.65 per Unit
Mid-Rise Apartments	0.34 per Unit
All Office Space	1.200 per 1,000 Sq. Ft.
All Retail Space	3.00 per 1,000 Sq. Ft.

The LATIP fee is based on the number of units or square footage multiplied by the above "LATIP" rates and will be calculated/refined at each Preliminary Plan Amendment.

Schools

Although the Applicant is requesting approval of up to 6,090,135 square feet of residential development with this Preliminary Plan/Infrastructure Plan, school adequacy will be determined at the time of subsequent Preliminary Plan Amendments when the Large Lots are further subdivided and if/when residential units are proposed.

As previously stated, the Preliminary Plan/Infrastructure Plan also illustratively depicts the dedication of an approximately 4.73-acre lot (Lot 9) to Montgomery County Public Schools (MCPS) for a school site, and an approximately 4.27-acre park lot (Lot 8) to the Montgomery County Parks Department (Parks) pursuant to the Master Plan recommendations and conditions of the approved Sketch Plan. The final size, location and ownership must be determined, and dedication of the co-located school and park site must occur within 85 months of the date of this Resolution.

Other Public Facilities

The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the Application and has determined that the Property has appropriate access for fire and rescue vehicles. However, further analysis and details are necessary at subsequent Preliminary Plan Amendments and Site Plans. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy. Electric, gas and telecommunications services are currently available and adequate. Again, further analysis and details will be necessary to reconfirm that adequate public facilities exist at subsequent Preliminary Plan Amendments and Site Plans.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

This Preliminary Plan/Infrastructure Plan establishes the alignment of the master-planned roads on the site. The total forest clearing associated with the road alignments is approximately 34,707 square feet, or about 0.80 acres. The Preliminary Forest Conservation Plan (PFCP) acknowledges a reduction in on-site forest due to the presence of existing storm drain and WSSC easements of 1.63 acres, leaving 60.05 acres of forest on the Property. The clearing of 0.80 acres of forest for the road alignment leaves 59.25 acres of forest retained, and results in no afforestation or reforestation requirements at this time. The master-planned road alignment does not affect the critical root zone (CRZ) of any specimen trees, so no variance is required at this time.

This approval is strictly limited to the road alignment and does not include limits of disturbance for construction. A plan amendment will be necessary to show limits of disturbance before any construction can occur. Future applications will be evaluated for their forest and specimen tree impacts based on the limits of disturbance shown on these subsequent plans. Mitigation requirements will be determined based on these impacts according to the provisions of Chapter 22A. Variance requests will be required for future submissions that result in CRZ impacts to specimen trees.

The Planning Board acknowledges that the Percontee property has an approved Mining and Reclamation permit from the Maryland Department of the Environment, and that this permit shows State-approved grading lines for restoration of the site upon completion of the mining activities approved on the permit. Forest clearing and specimen tree impacts will be permitted on future plans based on the approved grading lines shown on the plans accompanying the State-approved permit.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Preliminary Plan/Infrastructure Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from Montgomery County Department of Permitting Services (MCDPS) water resources division on September 7, 2018. The Application will meet stormwater management goals through a variety of techniques including the use of micro bioretention. This concept approval is for the establishment of the Master Plan roadways including FDA Boulevard, Master Plan Street B-5, FDA Parkway, and the access roadway located on Parcel A. The Applicant must satisfy additional issues identified in the MCDPS approval letter prior to Planning Board approval of the Site Plan.

6. *Section 50.9 Subdivision Regulation Waiver of the timing and phasing requirements of Sections 50.4.2.G.2. and 50.4.3.J.5.*

Adequate Public Facilities (APF) Validity Period and Phasing

Due to the unusually large scale of this Project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Thus, the Applicant has requested a Section 50.9 waiver of the timing and phasing requirements of Sections 50.4.2.G.2. (Plan Validity) and 50.4.3.J.5. (APF Validity).

As previously stated and agreed upon at Sketch Plan and the previously approved Subdivision Regulation Waiver, the Applicant has filed one Preliminary Plan/Infrastructure Plan that covers the entire Property with an associated Preliminary Forest Conservation Plan. This first Preliminary Plan/Infrastructure Plan will establish the larger Land Bays, which are comprised of Outlots, Large Lots and Road Parcels, which will be further subdivided and refined as portions of the Project move forward for development with subsequent Preliminary Plan Amendments and Site Plans, when the respective development is ready to proceed. This first Preliminary Plan/Infrastructure Plan will also layout the master-planned roads and infrastructure and will establish a Preliminary Forest Conservation Plan for the entire Property. Per the SRW and this Application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures.

While the Applicant is requesting approval of 12,180,270 square feet of development with up to 6,090,135 square feet of residential uses, the Applicant is not actually

proposing development of any buildings or units at this time. In the Master Plan area payment of the LATIP Fee and Development Impact Taxes satisfy the transportation portion of APF for both residential and non-residential development. Therefore, from a transportation perspective, APF and Plan Validity is not necessary, provided all necessary master-planned roads are constructed, the LATIP Fee is paid, and all other public facilities are deemed adequate.

The schools test portion of APF is satisfied for this Preliminary Plan/Infrastructure Plan if the Applicant dedicates the 9-acre co-located school and park site within 85 months (7 years) from the day this Resolution is mailed. Phasing for residential uses will not be required with this Preliminary Plan/Infrastructure Plan if prior to issuance of any building permit for residential uses required school impact taxes are paid, all necessary master-planned roads are constructed, and all necessary wet and dry utilities are provided. As stated previously, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, and, if necessary, APF Validity Periods and Phasing will be assigned at that time.

Therefore, the Planning Board finds that APF Validity and Phasing is not necessary at this time, but will be established, if necessary, at subsequent Preliminary Plan Amendments.

Preliminary Plan Validity Period

Again, due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Furthermore, this first Preliminary Plan/Infrastructure Plan will primarily layout the master-planned roads and infrastructure and will establish a Preliminary Forest Conservation Plan for the entire Property. Per the SRW and this Application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures.

As previously stated regarding APF Validity and Phasing, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, if necessary. Thus, Plan Validity and Phasing will be assigned at that time.

Section 50.9.3. Findings

Per Section 50.9.3., to grant a waiver, the Planning Board must find that:

- 1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*

As stated above, due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Thus, the limited scope of the initial Preliminary Plan/Infrastructure Plan, the condition prohibiting issuance of any building permits (except for master-planned roads and demolition of existing structures) on the Property until subsequent Preliminary Plan Amendments and associated Site Plans are filed for the Outlots, Lots or Parcels where development is sought, all necessary master-planned roads will be constructed, the co-located school and park site will be dedicated within seven (7) years, and that any subsequent Preliminary Plan Amendments will be considered major amendments with any associated LATIP Fees, applicable impact taxes and school capacity tests will be calculated with each subsequent Preliminary Plan Amendment, the Planning Board finds that the maximum ten-year Preliminary Plan and APF Validity requirements of Sections 50.4.2.G.2. and 50.4.3.J.5. are not needed at this Preliminary Plan/Infrastructure Plan to ensure the public health, safety, and general welfare.

2. the intent of the requirement is still met; and

Again, the Planning Board agrees that based on the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Since the Applicant is required to submit subsequent Preliminary Plan Amendments and Site Plans on any portion of the Property where development is sought, and any applicable validity periods and phasing will be established at that time, the Planning Board finds the intent of the requirements of Sections 50.4.2.G.2. and 50.4.3.J.5. will still be met.

3. the waiver is:

a. the minimum necessary to provide relief from the requirements; and

The Planning Board finds the requested waiver to be acceptable and the minimum necessary to provide relief from the requirements, while implementing the Preliminary Plan as agreed to during review of the Sketch Plan and the previous Subdivision Regulation Waiver for this unusually large, multi-phased project, which is expected to take several years to fully buildout.

b. consistent with the purposes and objectives of the General Plan.

Based on the conditions of approval listed in this report, and the Binding Elements, Conditions of Approval, and Findings of the previously approved

Sketch Plan and Subdivision Regulation Waiver, the Planning Board finds the requested waiver permits the Applicant to proceed with Preliminary Plan approval consistent with the purposes and objectives of the General Plan.

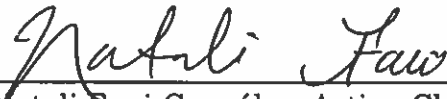
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 15 2019 (which is the date that this Resolution is mailed to all parties of record); and

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 Cichy, seconded by Commissioner Patterson, with Acting Chair Fani-González and Commissioners Cichy and Patterson voting in favor at its regular meeting held on Thursday, January 10, 2019, in Silver Spring, Maryland.



Natali Fani-González, Acting Chair
Montgomery County Planning Board