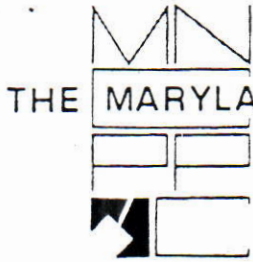


Date of Mailing: May 16, 1991



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-87271

NAME OF PLAN: MILESTONE - INDUSTRIAL

On 12/16/87, Germantown/Seneca Joint Venture submitted an application for the approval of a preliminary plan of subdivision of property in the I-3/R-D Zones. The application proposed to create 3 lots on 98.9 acres of land. The application was designated Preliminary Plan 1-87271. On 2/7/91, Preliminary Plan 1-87271 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented, the Montgomery County Planning Board finds Preliminary Plan 1-87271 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87271, subject to the following conditions:

- (1) a. Agreement with Planning Board Limiting Development to 105,125 Square Feet of Office Use and Participation in the Necessary Road Improvements as Outlined in 1-24-91 Transportation Division Memo
 - b. Revise Agreement Specified in Condition #1(a) to Limit Development to an Additional 894,875 Square Feet of Office Space and 50,000 Square Feet of Retail, Subject to Participation in the Necessary Roadway Improvements and Phasing Associated with Plat Recordation as Outlined in 1-28-91 Transportation Division Memo as Revised on 2-4-91
 - c. The Applicant, as a Member of Either the Phase IIA or Phase IIB Road Club, Shall Enter Into an Agreement with MCDOT to Either Dedicate and/or Reimburse the County within a Specified Time Frame for All Planning, Design, Supervision and Acquisition Costs, Related to the Need by the County to Obtain All Necessary Rights-of-Way as Needed for the Interchange of Father Hurley Boulevard and I-270. Such Agreement Must be Signed by the Applicant within Three Months of the Date of the Preliminary Plan Approval, but in Any Event Prior to Any Site Plan Review by the Planning Board
- Full Compliance with this Condition will be Confirmed

Exhibit "A"

by the Planning Board Staff. Failure on the Part of the Applicant to Fully Execute the Agreement in a Timely Manner Shall Make the Approval of this Preliminary Plan Null and Void. The Obligations Created by this Agreement are Intended to Condition a Preliminary Plan to the Extent that Approval of Such Plan is Dependent Upon Participation in the Phase IIA or Phase IIB Road Club

- d. All Necessary Roadway Designs Must be Approved by the Montgomery County Planning Board. Prior to Recordation of Any Lots, the Applicants Shall Post a Bond with MCDOT or Enter Into a Public Improvement Agreement with MCDOT for All Improvements Required on County Roads and the Applicants Shall Post a Bond with SHA or Enter Into an Agreement, Acceptable to Staff, with SHA for All Improvements Required on State Roads. Prior to MCPB Release of Building Permits, All Roadway Improvements Must be Under Construction
- (2) Dedication of Internal Road Network Acceptable to M-NCPPC Staff and Dedication of Observation Drive for 120' Right-of-Way
- (3) Provision of an Easement for Future Dedication of Transit Right-of-Way (Minimum 50'). Final Location of Alignment, Crossings and Intersections, and Parking Shall be Determined by Planning Board at Site Plan
- (4) Dedication of I-270 and I-270/Father Hurley Interchange in Accordance with Master Plan
- (5) Site Plan to Address Issues Concerning Tree Preservation, Dam Breach Analysis and Extended Detention of Stormwater Ponds
- (6) Applicant to Dedicate Additional Right-of-Way to Accommodate Turn Lanes on Major Highways in Accordance with Master Plan
- (7) Conditions of DEP Stormwater Management Approval Dated 12-28-90
- (8) Location and Number of Buildings to be Determined at Site Plan
- (9) No Clearing, Grading or Recording of Plat(s) Prior to Site Plan Approval Except as May be Proposed by Applicants and Approved by the Planning Board for Road Improvements
- (10) Special Trip Reduction Guidelines of the I-3 Zone to be Addressed at Site Plan
- (11) Necessary Easements
- (12) Agreement with Planning Board to Provide a 5 Acre Easement for Transit Station Parking Located Adjacent to Future Station. Final Location to be Determined at Site Plan. Record Plat to reflect Area of Easement. Area of Easement to be Dedicated at Such Time as Required for Transit Use

NOTE: A certain general statement of factual findings and conclusions of law, to the extent relevant to the preliminary plan is attached hereto as "Attachment I" and expressly incorporated herein

as an integral part of this written opinion. Together, this opinion and Attachment I, as supported by the relevant testimony and evidence of record, constitute the written decision of the Montgomery County Planning Board.



Date of mailing: July 22, 1996

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
(Motion of Comm. Aron, seconded by Comm. Holmes, with a vote of 3-0; Comms. Aron, Holmes, and Richardson voting in favor with Comms. Hussmann and Baptiste being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-87271

NAME OF PLAN: MILESTONE - INDUSTRIAL

On 12-16-87, JAJ NEELSVILLE LTD. PART. , submitted an application for the approval of a preliminary plan of subdivision of property in the I3 zone. The application proposed to create 6 lots on 29.05 ACRES of land. The application was designated Preliminary Plan 1-87271. On 07-11-96, Preliminary Plan 1-87271 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87271 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87271, subject to the following conditions:

Approval to revise previous conditions of approval, subject to:

- (1) Submit revised APFO agreement limiting development to include the addition of 378,778 square feet of office, 22,050 square feet of retail and 25,000 square feet of restaurant use as outlined in 6/19/96 Transportation Division memo, including the limitation restricting development on R&D lot 1 to 437,778 square feet of office use. Of the amount, 204,778 square feet can be constructed with current roadway improvement package. The remaining 233,000 square feet of office use on lot 1 can be constructed when Transit Service is operational and a Transit Mitigation Agreement is approved by staff.
- (2) Dedication of transit right-of-way (70' minimum) which must occur simultaneous with the recordation of R&D lot 1.
- (3) All other previous conditions of approval by Planning Board opinion dated May 16, 1996 remain in full force and effect.
- (4) This preliminary plan will remain valid until August 22, 1999 (37 months from the date of mailing which is July 22, 1996). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



Date Mailed: May 30, 2003

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,
Robinson and Wellington voting
in favor

(CORRECTED)
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-87271A

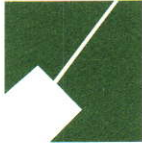
NAME OF PLAN: MILESTONE INDUSTRIAL, LC

On 04/07/03, THE PETERSON COMPANIES submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 zone. The application proposed to create Three (3) Lots on 42.15274 acres of land. The application was designated Preliminary Plan 1-87271A. On 04/24/03, Preliminary Plan 1-87271A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87271A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87271A.

Approval to Revise the Previous Condition Pursuant to Section 50-20 (c)(3)(vi) of the Subdivision Regulations, Subject to the Following Amendment:

- 1) Extend Adequate Public Facilities approval for Five (5) years beyond the existing expiration date of May 16, 2003 for the remaining 627,250 square feet approved under Preliminary Plan No. 1-87271
- 2) All prior applicable conditions under Planning board opinions dated 5/16/96 and 7/22/96 for Preliminary Plan No 1-87271 remain in full force and effect

MAR 15 2011



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

MCPB No. 11-09
Preliminary Plan No. 11987271B
Milestone Business Park
Date of Hearing: February 3, 2011

MONTGOMERY COUNTY PLANNING BOARD

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 January 4, 2011, Milestone Industrial L.C. ("Applicant"), filed an application for approval of a limited amendment to a preliminary plan of subdivision that created 5 lots for 1,378,778 square feet of office use, 22,050 square feet of retail use, and 25,000 square feet of restaurant use on approximately 44 acres of land located in the north-northeast quadrant of the intersection of Ridge Road and Interstate 270 ("Property" or "Subject Property"), in the Germantown Employment Area Sector Plan area ("Master Plan"); and

WHEREAS, the Adequate Public Facilities ("APF") approval for the originally approved preliminary plan ("Preliminary Plan No. 119872710") was valid until May 16, 2003, and approximately 440,000 square feet of development had been built prior to April, 2003, when the applicant applied for a preliminary plan amendment ("Preliminary Plan No. 11987217A") to request extension of the APF approval; and

WHEREAS, the Board approved Preliminary Plan No. 11987271A by Opinion dated May 30, 2003 to give additional time for construction of approximately 563,700 square feet of the remaining development, however, as of May 16, 2008, the APF validity for the project expired after a total of only approximately 480,000 square feet of the development had been constructed on the property; and

WHEREAS, 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; and

WHEREAS, the Applicant's current preliminary plan application was designated Preliminary Plan No. 11987271B, Milestone Business Park ("Preliminary Plan" or "Application"); and

Approved as to
Legal Sufficiency:

Christina Senent 2/24/11

8787 Georgia Avenue, N.M.N.C.P.P.C. Legal Department 20910

Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, Staff issued a memorandum to the Planning Board, dated January 14, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on February 3, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 3, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 4-0, Commissioners Alfandre, Carrier, Presley, and Wells-Harley voting in favor; Commissioner Dreyfuss was absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 11987271B to amend a previously approved preliminary plan to grant a new validity period for the Adequate Public Facilities (APF) review, subject to the following conditions:

1. Total development under the subject Preliminary Plan and future site plan is limited to 175,000 square feet of office use under Phase I and 253,000 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 permit 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 post a bond to cover the cost of 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.

This improvement must be complete and open to traffic prior to the issuance of the first use and occupancy permit for Phase II.

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.
7. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and M-NCPPC at the time of site plan to satisfy the I-3 zone 10% trip reduction requirement if development occurs under the I-3 development standards.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, 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. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

The site has existing access from Observation Drive and Dorsey Mill Road via Milestone Center Drive which is a business street. Regional access to the site is via the I-270 interchange with Father Hurley Boulevard, MD 355, MD 27, and MD 118/MD 119. Pedestrian circulation is accommodated by sidewalks along

Milestone Center Drive and other private internal streets. The road access accommodates the site-generated traffic, and the internal traffic/pedestrian circulation system is safe and 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). 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 required intersection improvements that will 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 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, at \$11,300 per trip, to meet the PAMR requirement. However, the Applicant is required to provide intersection improvements to meet the LATR requirements, and the cost of these improvements is applicable toward PAMR mitigation. In addition, on October 21, 2010, the County Council passed Expedited Bill No. 55-10 with an amendment that permits certain development projects to use Transportation Impact Tax Credit to satisfy PAMR mitigation requirements if a 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.

To determine the amount of the PAMR mitigation required for this Application, the Applicant must calculate and submit the estimated cost of the required LATR improvements to the Montgomery County Department of Transportation for their approval. This amount may then be deducted from the PAMR mitigation requirement, and then the Transportation Impact Tax Credit may be applied to establish the Applicant's actual PAMR obligation. To address the phased development envisioned by this Application, this analysis must be completed prior to the issuance of any use and occupancy permits for Phase I, and prior to issuance of any building permit for Phase II. The PAMR mitigation obligation for this Application, therefore, will be satisfied in this non-typical manner.

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.

2. All previous conditions remain in full force and effect.

The Planning Board further finds that the Preliminary Plan amendment does not affect the previous findings of the Board regarding the preliminary plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 15 2011 (which is the date that this Resolution is mailed to all parties of record); and

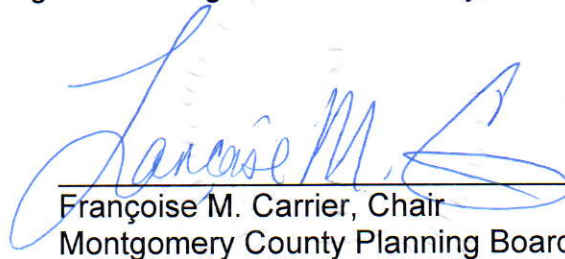
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 3, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: January 17, 2001
SITE PLAN REVIEW: #8-01009
PROJECT: Milestone Business Park

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 5-0. Commissioners Bryant, Holmes, Hussmann, Perdue and Wellington voting for.

The date of this written opinion is January 17, 2001, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 17, 2001 (which is thirty days from the date of this written opinion. If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-87271R is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8. If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On January 11, 2001, Site Plan Review #8-01009 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the I-3 zone;*

3. *The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-01009 which consists of 822,700 gsf office, 22,050 gsf retail, 25,000 gsf restaurant, and 5,000 gsf day care subject to the following conditions:

1. Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided:
 - a. Details for any required structures in the proposed sand filters along I-270 shall be provided. Every effort shall be made to minimize views of the structures (from both within and outside of the site) through careful siting and/or screening.
 - b. Building #5 shall be shifted so that it will be located a minimum of thirty feet from the street and a minimum of 15 feet from the bike path/sidewalk along Milestone Center Drive.
 - c. The crosswalks shown along Milestone Center Drive shall be shifted slightly so as to align with the sidewalk system pending Department of Permitting Services (DPS) approval.
 - d. Additional internal green islands shall be provided in the parking lot in order to visually reduce the amount of paving. Applicant and staff to agree prior to signature set approval.
 - e. A plan shall be submitted which demonstrates that the minimum green area requirement will still be met under the Phase II plan which includes the proposed parking structures.
 - f. The Urban Park/Open Space area shall be revised to clearly delineate all construction and landscape materials. Drainage structures shall be relocated from the center of the lawn panel. Spot elevations shall be provided as necessary to identify grade changes at stairs and walls and to ensure positive drainage. Additional seating shall be provided around the ellipse and shade trees or large-scale ornamental trees shall be provided to reinforce the space and provide shade for seating.
 - g. Shrubs in parking lot islands shall extend beneath the canopy of shade trees. Burford Hollies shall be planted no further than 5 feet on-center.
 - h. Additional shrub masses shall be provided on the north side of Building #1.
 - i. Evergreen shrub masses shall be provided to screen views of parking areas along Milestone Center Drive per Section 59-E-2.7 of the Zoning Ordinance.
 - j. Additional evergreen planting shall be provided along the northeastern property line in an effort to screen the loading dock of Building 1 from view.
 - k. The streetscape treatment along Milestone Center Drive shall be extended to the intersection of Shakespeare Blvd subject to the Department of Public Works and Transportation approval.

- l. A landscape plan for the stormwater management facilities shall be submitted and approved by M-NCPPC and the Montgomery County Department of Permitting Services.
 - m. Construction details for the screening walls in the loading areas shall be provided on the plans, including general material specifications and wall height.
 - n. The lighting plan shall be revised to show (1) that the footcandles of lighting at the site's perimeter are between 0-.5, (2) that all parking lot standards are located within landscape islands, and (3) a variety of appropriate attractive light fixtures, including special street lights for use along Milestone Center Drive to reinforce a high-quality business park image.
2. The Urban Park/Open Space shall be completed prior to occupancy of Building #3 so as not to interfere with construction of Building #3.
 3. 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 home owner associations of the adjacent condominiums and townhomes and to the adjoining apartment complex.
 4. Prior to recordation of the Final Plat, a maintenance and usage agreement for the commuter parking lot shall be submitted to and approved by the Montgomery County Department of Public Works and Transportation.
 5. The Final Plat shall include an ingress/egress easement on Milestone Center Drive for the purpose of providing public access to the transit way and the commuter parking lot. The applicant shall enter into a trip reduction agreement with a goal of 7% per the I-3 zone requirement.
 6. The site plans and record plat shall reflect the revision to the alignment of the transitway easement per the Transportation Planning staff memorandum dated 1/4/01. (See attached Kim to Komes).
 7. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the buildings adjacent to those streets.
 - 2) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 3) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 4) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

- b. Site Plan Enforcement Agreement to delineate transportation management program
- 8. Signature set of site, landscape/lighting, and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance;
 - b. Methods and location of tree protection;
 - c. Conditions of DPS Stormwater Management Concept approval letter;
 - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - e. The development program inspection schedule.
- 9. Clearing and grading will be permitted pursuant to Applicant's existing permit; however, no clearing and/or grading shall occur before M-NCPPC staff inspection of tree preservation areas.



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 10 2007

MCPB No. 07-56

Site Plan No. 82001009A

Project Name: Milestone Business Park

Hearing Date: April 12, 2007

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on November 6, 2006, Milestone Industrial, L.C. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82001009A ("Amendment") for approval of 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-3+-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 site Floor Area Ratio from 0.49 to 0.47 due to changes in Buildings 2 and 4.
4. Increase the site green area from 37.3% to 37.9% due to changes in parking layout and a decrease in impervious area. This total will be increased to 38.5% if the parking garage and deck are not constructed.
5. Reduce the total number of parking spaces provided from 3,689 to 3,408, which still exceeds the number required.
6. Reflect construction of Building 2 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. Reflect certain changes in Building 4 and the connection between Buildings 2 and 4:

Approved as to

Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

MNCPPC Legal Department
www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

- 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.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 30, 2007, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 12, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 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. This minor subdivision record plat may be obtained prior to approval of the Certified Site Plan for this amendment;
5. The Applicant must amend the approved Site Plan Enforcement Agreement Exhibit A and Exhibit A-1 to reflect the amended phasing;
6. The Applicant may file for a sediment control permit before obtaining an approved Certified Site Plan for this amendment.

The Board finds that 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. The Board, therefore, finds that it is appropriate to approve Site Plan Amendment 82003021A as modified by the conditions enumerated above.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

MAY 10 2007 BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (which is the date that this opinion 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 written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

At its regular meeting, held on Thursday, May 3, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Bryant, seconded by Commissioner Robinson, with Commissioners Hanson, Bryant, and Robinson present

and voting in favor, and with Commissioners Perdue and Wellington absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82001009A, Milestone Business Park.



Royce Hanson, Chairman
Montgomery County Planning Board



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

Memorandum

TO: Rollin Stanley, Planning Director *RS.*
VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RAN*
Development Review Division
FROM: Joshua Sloan, Coordinator *JS.*
Development Review Division
RE: Milestone Business Park Amendment B
SITE PLAN #82001009B
DATE: November 24, 2008

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On November 7, 2008, Milestone Industrial L.C. ("Applicant") filed a site plan amendment application designated Site Plan No. 82001009B ("Amendment") for approval of the following modifications:

1. Relocation and revision of light fixtures, luminaire schedules, and photometrics;
2. Relocation and revision of bike racks and bike rack details;
3. Inclusion of maintenance access drives around sand filters;
4. Revision of stormwater management easement locations;
5. Adjustments to plantings around sand filters;
6. Replacement of Fraxinus trees with Zelkova;
7. Modification of curbs around existing manholes;
8. Expansion and change from concrete to pavers at east and west building entries;
9. Slight grading changes; and
10. Reduction of a retaining wall height.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on October 31, 2008. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Rollin Stanley, Planning Director

12.12.08

Date Approved

APR 4 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-17

Site Plan No. 82001009C

Project Name: Milestone Business Park

Hearing Date: February 17, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on April 24, 2003, the Planning Board approved the Corrected Preliminary Plan amendment No. 11987271A (MCPB Resolution mailed May 30, 2003) to extend the Adequate Public Facilities (APF) review for five (5) years beyond the expiration date for the remaining 627,250 square feet approved under the original Preliminary Plan No. 119872710. The original Preliminary Plan approved the creation of three (3) lots on 42 acres of land zoned I-3;

WHEREAS, on February 3, 2011 the Planning Board held a hearing approving the Preliminary Plan amendment No. 11987271B; which grants a new 7 year validity period for the APF review that permits the peak-hour vehicle trips associated with the remaining 427,250 square feet;

WHEREAS, on July 21, 1999, the Planning Board approved the Site Plan No. 819990230 for 370,000 gross square feet of commercial office space;

WHEREAS, on January 17, 2001, The Planning Board approved the Site Plan No. 820010090 for 822,700 gross square feet of office, 22,050 gross square feet of retail, 25,000 gross square feet of restaurant, and 5,000 gross square feet of day care uses;

WHEREAS, on April 12, 2007, The Planning Board approved the Consent Site Plan amendment No. 82001009A) to modify the development phasing; 2) adjust the net site area, building and green space square footages; 3) reduce parking counts; and 4) revise the loading, SWM, lighting and landscape areas;

WHEREAS, on December 12, 2008, the Administrative Site Plan amendment was approved by the Planning Director (Memorandum dated November 24, 2008) for

Approved as to
Legal Sufficiency:

Christina Smith 2/24/11

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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minor revisions to the lighting and landscape plans, SWM easement locations, and grading;

WHEREAS, on January 13, 2011, Milestone Industrial L.C. c/o TC Mid-Atlantic Development, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82001009C ("Amendment") for approval of the following modifications:

1. Reallocation of the density for Building 5, parcel J;
2. Modification to the development programming to add another phase;
3. Construction of Building 5 and the associated parking facilities;
4. Revisions to the previously approved SWM concept, lighting and landscape plans; and
5. The request of a parking waiver for the parking dimensions on standard parking spaces that directly abut green space areas.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated February 7, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 17, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on February 17, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 4-0, Commissioners Carrier, Dreyfuss, Presley and Wells-Harley voting in favor. Commissioner Alfandre was not in attendance for this hearing.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82001009C, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for the limited preliminary plan 11987271B as listed in the Planning Board Resolution unless amended. This includes but is not limited to all references to the APF requirements, density, rights-of-way, dedications, easements, transportation conditions, and DPWT conditions.

2. Site Plan Conformance

The proposed development must comply with the conditions of approval for the previous site plan approvals as listed in the Planning Board Resolution(s) unless amended.

3. Stormwater Management

The proposed development is subject to the Stormwater Management Concept approval conditions unless amended and approved by the Montgomery County Department of Permitting Services.

4. Transportation & Circulation

The applicant must enter into a Traffic Mitigation Agreement (TMAg) with MCDOT and M-NCPPC to satisfy the I-3 up to 10% trip reduction requirement at the time of certified site plan review.

5. Site Design

- a. Wheel stops must be installed within all parking spaces directly adjacent to pedestrian sidewalks.
- b. The north side of the proposed parking garage must be completely buffered with dense evergreen trees from major views toward the residential units.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The maximum height of the light poles shall not exceed 23 feet including the mounting base. The light poles proposed on the top level of the parking garage must have a "pyramid effect" with the tallest light poles within the center of the parking facility. The light poles proposed along the perimeter of the parking facility shall not exceed 12 feet from the parking surface level to ensure no glare or excessive illumination abutting the residential properties.

7. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of

the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.
- f. The Applicant must construct the 179 parking spaces identified for the Corridor City Transitway (CCT) prior to the opening of the transit station or during Phase IV of the site plan phasing program; whichever comes first.

8. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency off all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the revised Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Milestone Business Park drawings stamped by the M-NCPPC on January 25, 2011 and within the revised development program and standards listed below, shall be required, except as modified by the above conditions of approval;

New Development Program	Previously Approved (sf.)	Proposed (sf.)
Phase III: Building 5, Parcel J	200,550 sf.	175,000 sf.
Office	180,000 sf.	175,000 sf.
Restaurant	12,500 sf.	0
Retail	8,050 sf.	0
Parking Facilities for Parcel J		
Surface Parking	625 spaces	276 spaces
Garage Parking	724 spaces	459 spaces
Motorcycle	20 spaces	N/A
Bike Spaces	20 spaces	20 spaces
Total Parking (to be constructed)	N/A	743 spaces
Phase IV: Building 3, Parcel L	226,700 sf.	252,250 sf.
Office	202,200 sf.	227,750 sf.
Restaurant	12,500 sf.	12,500 sf.
Retail	7,000 sf.	7,000 sf.
Day Care	5,000 sf.	5,000 sf.
Total Net Parking (to be constructed)	N/A	559 spaces
Total No. of Parking Spaces (for the entire project)	3,408 spaces	3,220 spaces

Project Data Table for the I-3 Zone

Development Standard	Permitted	Proposed for Approval
Building Height (feet)	100 feet	100 feet
Building Setbacks (feet)		
An existing or planned limited access freeway	200 feet	250 feet
A major highway in the I-3 zone	100 feet	230 feet
An arterial road, local street, or private street within the I-3 or R&D zones.	25 feet	70 feet
An arterial road that separates the zone from a commercial or industrial zone.	25 feet	500 feet
A transitway	25 feet	25 feet
Parking/ Loading Setbacks (feet)		
An existing or planned limited access freeway	100 feet	100 feet
A major highway in the I-3 zone	100 feet	100 feet
An arterial road, local street, or private street within the I-3 or R&D zones.	35 feet	35 feet
An arterial road that separates the zone from a commercial or industrial zone.	35 feet	350 feet
A transitway	25 feet	25 feet
Internal Parking Lot Green Space (% of lot) for phase III	5%	8.08 %
Impervious Area (%/ac) for phase III	N/A	54.6% (4.53 ac.)
Total No. of Parking Spaces	3,408 spaces	3,220 spaces

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and


BE IT FURTHER RESOLVED, that the date of this Resolution is APR 4 2011 (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 Alfandre, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 3, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

Memorandum

TO: Rose Krasnow, Acting Planning Director

VIA: John A. Carter, Chief *JAC*
Area 3

FROM: Calvin Nelson, Jr., Planner Coordinator/Urban Designer *CN*
Area 3

RE: Milestone Business Park
SITE PLAN #82001009D

DATE: September 13, 2012

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On July 30, 2012, Milestone Industrial L.C. (c/o TC MidAtlantic Development, Inc.) ("Applicant") filed a site plan amendment application designated Site Plan No. 82001009D ("Amendment") for approval of the following modifications:

1. Modifications to building entrances;
2. Enlargement of the generator pad and enclosure;
3. Elimination of monument signs at entrances;
4. Adjustments to loading dock grades;
5. Modifications to garage entrance curbs;
6. Designation of parking spaces for hybrid/fuel efficient vehicles; and
7. Modifications to sidewalk areas and landscaping to accommodate proposed changes

Approval signatures

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A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on August 9, 2012. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

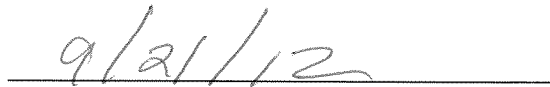
The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

A handwritten signature in cursive script, appearing to read "Rose Krasnow", is written over a horizontal line.

Rose Krasnow, Acting Planning Director

A handwritten date "9/21/12" is written over a horizontal line.

Date Approved