

**MILESTONE INNOVATION CENTER: PRELIMINARY PLAN AMENDMENT
NO. 11987271D & SITE PLAN AMENDMENT NO. 82001009G**



Description

Amendments to allow 308,500 square feet of Research and Development and 161,500 square feet of Office uses in 3 new buildings.

Nos. 11987271D & 82001009G

Completed: 3-7-2022

MCPB

Item No. 8

3-17-2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

Montgomeryplanning.org

Milestone Innovation Center Preliminary Plan Amendment
No. 11987271D and Site Plan Amendment No. 82001009G

Planning Staff:

AG

Angelica Gonzalez, Planner III, Upcounty Planning, Angelica.Gonzalez@montgomeryplanning.org, 301-495-4583

SP

Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, 301-495-2186

PB

Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, 301-495-4561



Summary:

LOCATION:

On the north side of I-270, between Ridge Road and Dorsey Mill Road

MASTER PLAN / ZONE

Germantown Employment Area Sector Plan
CR-2.0, C-1.75, R-0.5, H-125T & Germantown Transit Mixed Use Overlay Zone

PROPERTY SIZE

44.33 acres

APPLICATION

Milestone Innovation Center

ACCEPTANCE DATE

October 13, 2021

REVIEW BASIS

Chapter 59, Chapter 50, & Chapter 22A

- Staff recommends **approval** of Preliminary Plan Amendment No. 11987271D, and Site Plan Amendment No. 82001009G with conditions.
- The existing development was previously approved and developed under the I-3 and TMX-2 Zones. The amendments to the Preliminary Plan and Site Plan have been reviewed and conform with the Commercial Residential (CR) Zone for standard method development.
- Using the standard method of development, the Applicant proposes a maximum density of 1,125,000 SF (or 0.39 FAR). The Subject Property is developed with four existing buildings consisting of 585,000 SF of Office and 70,000 square feet of Light Industrial uses. The Application increases the density and uses excess density from previous approvals for the Amendments to introduce three new buildings consisting of 308,500 SF Research and Development and 161,500 SF of Office uses to the existing Milestone Innovation Center office park development.
- The lot lines and right-of-way are being revised to accommodate a new private street and the new buildings.
- Modifications to build-to-area, entrance spacing and transparency requirements, and alternative compliance with public open space, are requested and supported by Staff.
- The Application meets the afforestation requirement of 6.95 acres by taking this requirement to an off-site forest bank.
- To date, Staff has received one correspondence on the Applications regarding questions on the application process.

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SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 11987271D

Staff recommends approval of Preliminary Plan Amendment No. 11987271D to allow 308,500 square feet of Research and Development and 161,500 square feet of Office uses in three (3) new buildings. All valid previously approved preliminary plan conditions remain in full force and effect. All site development elements shown on the latest electronic version of the preliminary plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:¹

GENERAL APPROVAL

1. Approval under this Preliminary Plan Amendment is limited to 12 parcels (lots) for a maximum density of 1,125,000 square feet (or 0.39 Floor Area Ratio ("FAR")) of total development limited to 746,500 square feet of Office, 308,500 square feet of Research and Development and 70,000 square feet of Light Industrial.

PLAN VALIDITY PERIOD

2. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

ADEQUATE PUBLIC FACILITIES

3. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

TRANSPORTATION

4. The Applicant must provide commuter parking spaces, pursuant to Montgomery County Department of Transportation ("MCDOT") approval letter dated March 7, 2022.
5. Before the release of the first use and occupancy permit (other than core and shell), the Applicant must construct the following master-planned pedestrian and bicycle facilities. The exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations.
 - a) Milestone Center Court 11-foot-wide shared use path with 6-foot-wide buffer from traffic, to be constructed from Milestone Center Drive and continuing to Ridge Road.
 - b) Construct a paved, 5-foot-wide pedestrian path along the frontage of the northern transit easement right-of-way to be field located to limit environmental impacts.

¹ For the purposes 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.

6. The Applicant must provide Milestone Center Drive and Private Street A, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
 - a) The record plat must show the Private Road in a separate parcel.
 - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Road recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq., as may be amended from time to time. The Covenant includes, but is not limited to the following requirements/conditions. Additional conditions related to private roads may be determined at site plan.
 - c) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

OUTSIDE AGENCIES

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 7, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) Water Resources Section in its stormwater management concept letter dated February 7, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
9. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated February 4, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

10. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated February 25, 2022, and 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 MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

FUTURE SITE PLANS

11. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.
12. Future site plans with an FAR of 0.50 or higher must meet the Optional Method Development Standard requirements.

RECORD PLATS

13. No clearing, grading or recording of plats prior to Certified Site Plan approval.

EASEMENTS

14. All necessary easements must be shown on the Record Plat.

PARKING AGREEMENT

15. The Applicant shall enter into a joint use agreement for parking pursuant to Sect. 59.6.2.3.G if there is separate operation or ownership of the buildings.

CERTIFIED PRELIMINARY PLAN

16. The Certified Preliminary Plan must contain the following note: *“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height and lot coverage. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*
17. Prior to the approval of the Certified Preliminary Plan, the following revisions must be made and/or information provided subject to Staff review and approval:
 - a) Ensure consistency between the data table in the Staff Report and the Preliminary Plan.
 - b) On the cover sheet of the preliminary plan add the following note, *“The Applicant shall enter into a joint use agreement for parking pursuant to Sect. 59.6.2.3.G if there is separate operation or ownership of the buildings.”*
 - c) Revise applicable plan sheets to include a separate parcel for the central plaza west of Parcel EE.
 - d) Revise applicable sheets to include a label for the new private street as “Private Street A”.

- e) Revise applicable sheets to include a paved, five-foot-wide pedestrian path in the northern transit easement. Provide notation that the exact location may be field adjusted to avoid trees and other significant natural features.
- f) Revise applicable sheets to include an 11-foot-wide shared use path with 6-foot-wide buffer from traffic along Milestone Center Court from Milestone Center Drive to Ridge Road per Condition 5a.

SITE PLAN AMENDMENT NO. 82001009G

Staff recommends approval of Site Plan Amendment No. 82001009G to increase the density and use excess density from previous approvals to introduce three (3) new buildings consisting of 308,500 SF Research and Development and 161,500 SF of Office uses. All site development elements shown on the latest electronic version of the Site Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.²

PRELIMINARY PLAN & SITE PLAN CONFORMANCE

Preliminary Plan Conformance

1. The development must comply with valid previously approved conditions of Preliminary Plan No. 119872710, as amended.

Site Plan Conformance

2. These portions of the development must comply with the conditions of approval for previous Site Plans, unless amended by this site plan. These include:
 - a) Existing Buildings Nos. 1, 2, 3 and 4 (previously referenced as No. 5) and Milestone Center Drive are subject to the approved Site Plan No. 820010090 as referenced by the Montgomery County Planning Board Resolution dated January 17, 2001 and must comply with those conditions.
 - b) Existing development in Parcel BB must comply with the conditions of approval for the previous administrative site plan approval dated September 13, 2012, associated with Site Plan 82001009D.

DENSITY & HEIGHT

Density

3. The Site Plan is limited to a maximum density of 1,125,000 square feet of total development limited to 746,500 square feet of Office, 308,500 square feet of Research and Development and 70,000 square feet of light industrial.

Height

4. The development is limited to a maximum height of 80-feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

² For the purposes 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.

ENVIRONMENT

5. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan No. 82001009G, approved as part of this Site Plan Amendment:

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan ("FFCP"). Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Little Seneca Creek watershed to satisfy the reforestation requirement for a total of 6.95 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Little Seneca Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
- d) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the variance mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
- e) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 7.55 caliper inches as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- f) The Applicant must install the variance tree mitigation plantings as shown on the FFCP within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- g) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

PUBLIC OPEN SPACE, FACILITIES, & AMENITIES

6. The Applicant must provide a minimum of ten percent (10%) of net lot area as Public Open Space on-site.
7. Prior to the issuance of the use and occupancy certificate for each new building (other than core and shell), the Applicant must complete all open space areas within the parcel the building is located in, except for the following major amenity development triggers:
 - a) Prior to issuance of the second Research & Development and Office building Use & Occupancy certificate, all open spaces areas and associated features including but not

limited to seating, landscaping, and hardscaping located in the central plaza directly south of Milestone Center Drive and west of Parcel EE must be completed.

- b) Prior to the issuance of the final Use & Occupancy certificate, all remaining amenity and open spaces on the Subject Property must be completed.

MAINTENANCE OF PUBLIC AMENITIES

- 8. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the planter boxes, garden beds, retaining walls, fences and railings, the focal elements, landscaping, open space lighting, private streets and sidewalks, brick paving, trash receptacles and benches.

PEDESTRIAN & BICYCLE CIRCULATION

- 9. The Applicant must provide 80 long-term and 14 short-term bicycle parking spaces in accordance with Section 59.6.2.4.C. The specific location(s) of the short-term bicycle parking must be identified on the Certified Site Plan.
- 10. The Applicant must provide one bicycle repair station.
- 11. The Applicant must provide a minimum of 16 all-gender shower/changing rooms and 47 changing lockers to be allocated proportionally among the development. The changing rooms must provide in total a minimum of 16 power outlets.

PRIVATE STREETS

- 12. The Applicant must provide Milestone Center Drive and Private Street A, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
 - a) The record plat must show the Private Road in a separate parcel.
 - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private road set forth at § 50-4.3.E et seq, as may be amended from time to time. The Covenant includes, but is not limited to the following requirements/conditions:
 - i. The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning

Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.

- iii. The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.

OUTSIDE AGENCIES

13. DPS-ROW

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated November 1, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

14. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations of the submitted architectural drawings, as determined by Planning Staff.
- b) The streetscapes for Milestone Center Drive and Private Street A must include tree planting strip or tree boxes with shade trees, as approved by Planning Staff.
- c) The Applicant must provide a sidewalk with street trees in the area between Building 6 and Parking Garage B along Private Street A.
- d) Architectural Elevations
 - i. Building 6 & Building 7 – Prior to Certification of the Site Plan, the Applicant must update the elevations to address Planning Staff comments in ePlans.
 - ii. Garage B & Garage C – The Applicant must provide a living green wall or public artwork along 50% of the ground floor of any new garage wall facing a right-of-way, residential property, or open space.

15. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the property line, excluding areas impacted by street lights within the right-of-way.

- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

SITE PLAN SURETY AND MAINTENANCE AGREEMENT

16. Prior to issuance of the first above grade building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:
 - a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
 - c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

PARKING

17. Prior to the Certified Site Plan, a landscape and lighting plan consistent with the Parking Lot Landscaping and Outdoor Lighting requirements under Chapter 59.6.2.9 must be submitted to and approved by Planning Staff.
18. Prior to the issuance of any above grade building permit, the Applicant must identify locations for short-term and long-term bicycle parking spaces and associated signage required under Chapter 59.6.2.6 which must be submitted to and approved by Planning Staff.
19. The Applicant must provide a total of ten (10) motorcycle/scooter spaces, five (5) car-share spaces, and twenty-seven (27) electric vehicle charging spaces. Prior to the issuance of each new above grade building permit, the Applicant must identify parking locations for the motorcycle/scooter, car-share, handicap, and electric vehicle charging spaces and associated signage as required under Chapter 59. 6.2.3 on a per-building basis which must be submitted to and approved by Planning Staff.
20. Prior to the issuance of each new above grade building permit, the Applicant must identify locations for shower facilities, changing rooms, and lockers on a per-building basis as required under Chapter 59. 6.2.3 which must be submitted to and approved by Planning Staff.

DEVELOPMENT PROGRAM

21. The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

CERTIFIED SITE PLAN

22. Before 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 stormwater management concept approval letter, development program, Site Plan resolution, and all agency approval letters on the approval or cover sheet(s).
 - b) Provide missing details including, but not limited to, landscaping, hardscaping, street trees sidewalks, parking, and amenities in the areas surrounding Existing Building 1, 2 and 3 and within and adjacent to the central plaza, subject to review and approval by M-NCPPC Staff.
 - c) Add a note to the site plan stating that *“M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”*
 - d) Include Fire and Rescue Access Plan in the Certified Site Plan.
 - e) On the cover sheet of the site plan add the following note, *“Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”*
 - f) On the cover sheet of the site plan add the following note, *“Prior to commencing construction on any building permit, a preconstruction meeting must be held with MC DPS Zoning Site Plan Compliance Section and the assigned site plan compliance inspector with the Dept. of Permitting Services must be contacted.”*
 - g) On the cover sheet of the site plan add the following note, *“The Applicant shall enter into a joint use agreement for parking pursuant to Sect. 59.6.2.3.G if there is separate operation or ownership of the buildings.”*
 - h) Modify data table to reflect development standards approved by the Planning Board.
 - i) Ensure consistency of all details and layout between Site and Landscape plans.
 - j) Revise the Public Open Space exhibit to include the minimum amount required for public open space. Details of all proposed features such as seating, landscaping, hardscaping, and retaining walls in the public open space areas must be provided as part of the Site Plan.
 - k) Revise parking calculations on cover sheet to include a minimum of 27 electric vehicle charging spaces and 5 car share spaces.
 - l) Revise applicable plan sheets to identify locations for a minimum of 27 electric vehicle charging spaces and 5 car share spaces.
 - m) Revise applicable plan sheets to identify locations of all proposed signage to notify the public that the private roads are not publicly maintained.
 - n) Revise applicable plan sheets to include a sidewalk segment along Private Street A between Building 6 and Garage C.
 - o) Ensure consistency between the data table in the Staff Report and the Preliminary and Site Plan drawings.

- p) Update build-to-area exhibit and Cover Sheet to include build-to-area, transparency, and building orientation calculations consistent with the data table in the Staff Report.
- q) On applicable sheets, label the new private street as Private Street A.
- r) Revise applicable plan sheets illustrating a paved, five-foot-wide pedestrian path in the northern transit easement. Provide notation that the exact location may be field adjusted to avoid trees and other natural features.
- s) Revise applicable sheets to include an 11-foot-wide shared use path with 6-foot-wide buffer from traffic along Milestone Center Court from Milestone Center Drive to Ridge Road.

SECTION 2: SITE VICINITY & DESCRIPTION

SITE VICINITY AND ANALYSIS

Site Vicinity

The property is approximately 44.33 acres in size and located in the northeast quadrant of the interchange of I-270 and MD 27 (Ridge Road) ("Property" or "Subject Property"). The Subject Property is zoned CR-2.0, C-1.75, R-0.5, H-125 T and located within the Germantown Transit Mixed Use Overlay Zone. The Property is also within the North End District of the 2009 *Germantown Employment Area Sector Plan* ("Master Plan"). I-270 and MD 27 form the western and southern borders of the Subject Property, respectively. A remnant portion of transit-right-of-way in support of earlier plans for the Corridor Cites Transitway ("CCT") is located along the northern boundary of the site. Single-family attached and multi-family residential development (zoned R-30) are located opposite the CCT right-of-way to the north, and an Extended Stay America Hotel is located on the Property's western boundary. Milestone Center Drive, a two-lane private street, runs through the center of the Subject Property. Vehicular access to the Property is from Milestone Center Drive, which connects into Dorsey Mill Road (to the west) and Observation Drive (to the north). Observation Drive connects into Ridge Road. All vehicular site access to the Property is from Observation Drive/Milestone Center Drive and Observation Drive/Dorsey Mill Road are full movement. The Subject Property has no direct access points to Ridge Road and the current orientation of the buildings is inward facing with surface parking along the Ridge Road and I-270 frontages.

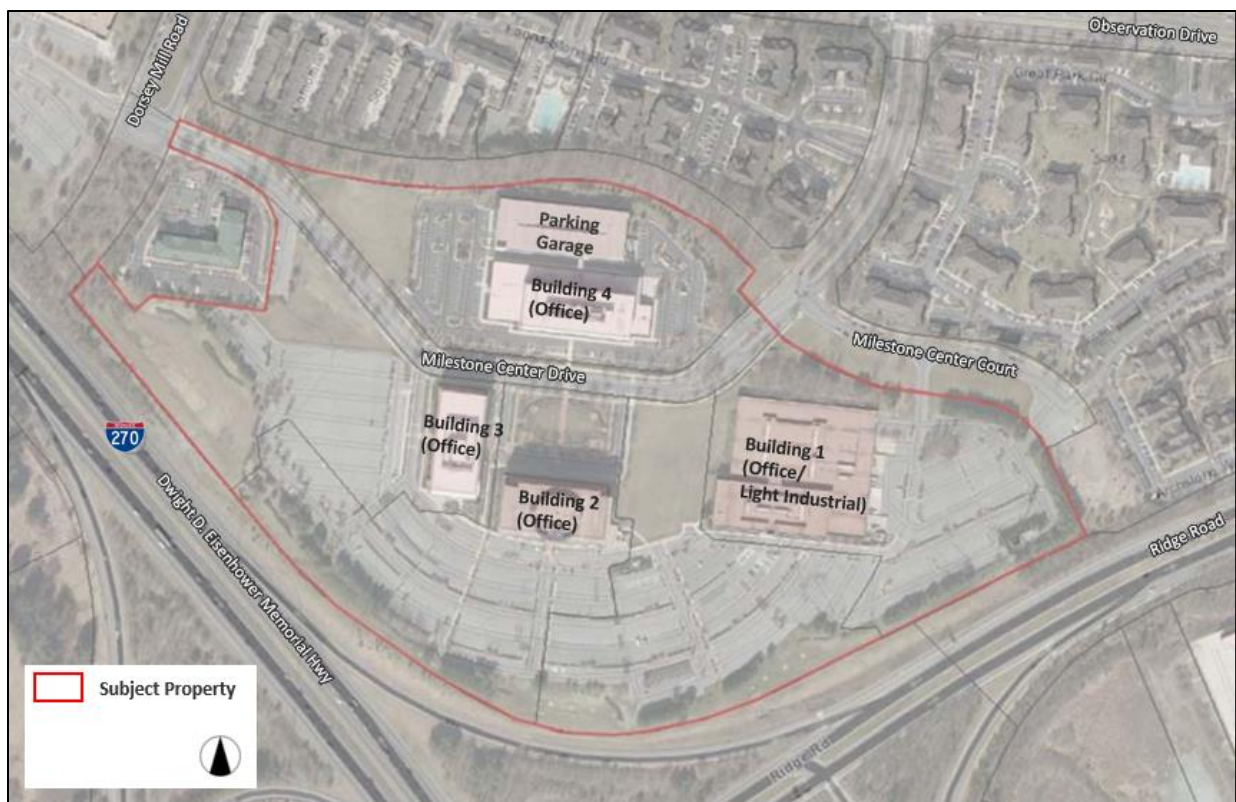


Figure 1 – Aerial of Subject Property with Existing Conditions

Site Analysis

The Subject Property currently contains four buildings (Buildings 1, 2, 3 and 4) serving a total of 655,000 square feet of office and light industrial uses as shown in Figure 1 with a parking structure adjacent to Building 4, and other associated surface parking. The Subject Property has not yet reached its full approved density, as Building 3/3A (approved for 227,750 square feet of office, 12,500 square feet of restaurant, 5,000 square feet for daycare, and 7,000 square feet for retail), that was proposed west of Building 1 is unbuilt.

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) calls out that the Subject Property is located within the Little Seneca Creek watershed, classified as a Use Class IV-P stream by the State of Maryland and contains no streams, wetlands, springs, seeps or other environmentally sensitive features. The Subject Property also contains 0.30 acres of forest and one on-site tree with a diameter breast height (“DBH”) of 30” or more. The Property is not within a Special Protection Area (SPA), and there are no historic resources or features on site.

SECTION 3: APPLICATION AND PROPOSAL

PREVIOUS APPROVALS

Preliminary Plans

Preliminary Plan No. 119872710 was approved by an Opinion dated May 16, 1991 for 1,000,000 square feet of office use and 50,000 square feet of retail. By an Opinion dated July 22, 1996, the plan was amended to add an additional 378,778 square feet of office use and modify the previously approved retail use to 22,050 square feet of retail and 25,000 square feet of restaurant use.

Amendment A was approved by the Planning Board on April 24, 2003 (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 of office use which has not yet been constructed.

Amendment B was approved by the Planning Board on February 3, 2011 (MCPB Resolution No. 11-09 mailed March, 15, 2011), and granted a new APF validity period that permitted the peak-hour vehicular trips associated with the remaining unbuilt 428,000 square feet of office use. Approval of this amendment extended the validity period for seven (7) years.

Amendment C was approved by the Planning Board on July 23, 2015 (MCPB Resolution No. 11-17 mailed September 17, 2015) for a maximum density of 1,214,935 square feet of total development. On February 25, 2022 the Applicant requested to vacate the approval of Preliminary Plan No. 11987271C and the request was approved on March 7, 2022.

Site Plans

Site Plan No.820010090 was approved January 11, 2001 (MCPB Resolution mailed January 17, 2001) for 944,750 square feet of mixed-use development. Five buildings were approved consisting of 822,700 gross square feet of office, 22,050 gross square feet of retail, 25,000 gross square feet of restaurant, 5,000 gross square feet of day care, 70,000 square feet of light industrial uses on 44.7 acres zoned I-3.

Consent Amendment A was approved April 12, 2007 (MCPB Resolution No. 7-56 dated May 10, 2007) for minor modifications to the development phasing; adjustments to the net site area, building and green space square footages; reduction to the parking counts; and revisions to the loading, SWM, lighting and landscape plans.

Administrative Amendment B was approved December 12, 2008 (Memorandum dated November 24, 2008) for minor revisions to the lighting and landscape plans, SWM easement locations, and grading.

Administrative Amendment C was approved February 17, 2011 (MCPB Resolution No. 11-17 dated April 4, 2011) for modifications to the development programming to add another phase; reallocation of some of the density previously approved for Building 5 on Parcel J; the construction of Phase III Building 5 and associated parking facilities; revisions to the previously approved SWM concept, lighting and landscape plans; and support of a waiver for the standard parking dimensions directly adjacent to green space areas.

Administrative Amendment D was approved September 21, 2012 (Memorandum dated September 13, 2012) for modifications to building entrances; enlargement of generator pad and enclosure; elimination of monument signs; modifications to loading docks and garage entrances; designation of parking spaces for fuel efficient vehicles; and modifications to sidewalks and landscaping.

The original Preliminary and Site Plans were approved before the adoption of the 2009 Master Plan. The Master Plan rezoned the Subject Property from I-3 to TMX-2. The new Zoning Ordinance in effect October 30, 2014, rezoned the Subject Property from TMX-2 to CR2.0. However, Buildings 1, 2, 3 and 4 were grandfathered under the I-3 provisions and the following densities and uses listed in Table 1 were set forth in a series of amendments that were also approved under the I-3 provisions:

Table 1 – 82001009D Development Table

Building No.	Status	Square Feet (SF)
Building 4 (previously known as 5)	Built	175,000 SF of office uses
Building 1	Built	130,000 SF of office and light industrial uses
Building 3/3A	Unbuilt	252,250 SF of office, 12,500 SF of restaurant, 5,000 SF of daycare, and 7,000 SF of retail
Building 2	Built	188,000 sf of office uses
Building 3 (previously known as 4)	Built	162,000 sf of office uses approved, 152,000 sf built
Private Street	Built	Identified as Milestone Center Drive

Amendment E was approved by the Planning Board on July 23, 2015 (MCPB Resolution No. 15-91 dated September 22, 2015). On February 25, 2022, the Applicant requested to vacate the approval of the site plan amendment and the request was approved on March 7, 2022.

Amendment F was submitted on November 18, 2016, and was neither accepted by the Intake and Regulatory Coordination Division (IRC) nor approved by the Planning Board. The Applicant is now pursuing a different site plan proposal and therefore, the application was withdrawn by the Applicant on January 27, 2022.

PROPOSED AMENDMENTS

Preliminary Plan Amendment No. 11987271D & Site Plan Amendment No. 82001009G: Requests to introduce 308,500 square feet of Research and Development and 161,500 square feet of Office uses in three (3) new buildings for a maximum density of 1,125,000 square feet of development which includes existing development consisting of 575,000 square feet of office and 70,000 square feet of light industrial uses will remain. The Application also includes the creation of a private street and modifications of the parcel and lot boundaries are also requested to accommodate the proposed buildings and the new private street (Private Street A). The proposed changes will result in 12 parcels (includes one parcel (Parcel F) for Milestone Center Drive, a new private street (Parcel DD), and one parcel for open space).

The proposed Site Plan Amendment also consists of the following:

- Removal of a previously approved but unbuilt building known as Building 3/3A, for retail, restaurant, day care, and office uses and instead proposing Buildings 5, 6 and 7 that will accommodate 161,500 square feet of Office and 308,500 square feet of Research and Development.
- Two (2) new parking structures (Garage B & Garage C).
- Convert a drive aisle to a new private street known as Private Street A.
- Minor modifications to existing central plaza.
- Renumber Building 4 (previously known as Building 5) and Building 3 (previously known as Building 5) respectively.

This Site Plan Amendment and Preliminary Plan Amendment proposals were reviewed under the standard method of development using the Commercial Residential (“CR”) Zone. In conformance with the CR-2.0 Zone, this Application introduces 308,500 square feet of Research and Development and an additional 161,500 square feet of Office uses in Buildings 5, 6 and 7 as shown in Figure 2.



Figure 2 – Rendering of Site & Preliminary Plan Amendment Applications

Building 5 will be located south of Milestone Center Drive and northwest of Building 3 and comprises of 70,000 square feet of office, 133,500 square feet of research and development. Building 6 will be located south of Building 2 and comprises of 61,500 square feet of office and 120,000 square feet of research and development. Building 7 will be located east of Building 1 and comprises of 30,000 square feet of office, 55,000 square feet of research and development. Two 5-level parking garages identified as Garage B and Garage C are proposed to accommodate the additional uses. A breakdown of the existing and proposed buildings with corresponding uses are listed in the table below.

Table 2 – Existing and Proposed Buildings

Building No.	Status	Uses	Notes
1	Built	Office: 60,000 square feet; Light Industrial: 70,000 square feet	No change
2	Built	Office: 188,000 square feet	No change
3 (Previously known as building 4)	Built	Office: 162,000 square feet	No change
4 (Previously known as building 5)	Built	Office: 175,000 square feet	No change
5	New	Office: 70,000 square feet;	

		Research and Development: 133,000 square feet	
6	New	Office: 61,000 square feet; Research and Development: 120,000 square feet	
7	New	Office 30,000 square feet; Research and Development 55,000 square feet	
		Office: 746,000 square feet R&D: 308,500 square feet Light Industrial: 70,000 square feet	
TOTAL		1,125,000 square feet	

Transportation

Access to the Property is from Milestone Center Drive, a private road (identified as Parcel F), which bisects the Property from east to west and provides connectivity to Observation Drive and Dorsey Mill Road. The Property is in close proximity to an earlier planned alignment for the Corridor Cities Transitway ("CCT"), with what was envisioned to be a station near the intersection of Dorsey Mill Road and Milestone Center Drive. As such, a 70-foot transitway easement marks the northern Property boundary and also serves as a buffer between the Property and the residential community to the north. However, no plans to implement the CCT have proceeded, and the route is proposed to be superseded in the draft *Corridor Forward Plan* in this sector of the Master Plan with the "Milestone/COMSAT East Clarksburg Branch", a corridor connector. This route would follow Observation Drive, some-700-feet north of the Subject Property.

Architecture/Design

The new buildings in the development will be either two or three stories and will have an industrial appearance that blends in with the surrounding context. The facades of the buildings will have concrete panels of red and gray tones punched with fenestration. The entrances will be highlighted with glass extending the full height of each building front façade.

Building 5

The façade of Building 5 has been broken into bays, and the entrance, which is located at the corner of the building, has been accentuated with a metal cantilever roof wrapping the corner as shown in Figure 3 below. The first-floor windows of Building 5 have the appearance of being taller than the second floor because of dark gray concrete panels placed above the first-floor windows. The first and second floors windows are grouped together in threes on each floor and then aligned vertically. Red concrete panels surround each two-story grouping of windows that are then divided into bays defined by lighter gray toned concrete panels that mimic pilaster strips. The light gray panels repeat between each grouping of windows. All of these elements combined give the façades of Building 5 a verticality and rhythm.



Figure 3 – View of Building 5 From the North

Building 6

Building 6 uses the red and gray toned concrete panels in the same manner as Building 5 as shown in Figure 4. However, the facades of Building 6 appear to be more horizontal than vertical. The bays to the building will be spaced farther apart. The dark gray panels on the first floor surround the center parking windows.



Figure 4 – View of Building 6 From the North

Building 7

Building 7 uses the same red and gray toned concrete panels as Building 5 and 6 as shown in Figure 5. Except at the primary and secondary entrances, which are all glass, the massing of the three-story building is broken into bays. The windows along each façade are grouped in fours and aligned vertically. The base of the building consists of primarily red concrete panels punched by windows. On the second and third floors except on one end bay, the windows are surrounded by dark gray concrete panels. Light gray concrete panels run vertically from the first through third floors to provide the bay rhythm.



Figure 5 – View of Building 7 from the Southeast

Garages B & Garage C

Two five-story, pre-cast concrete garages are proposed and known as Garage B and Garage C that will be located along Private Street A. Garage B will be located between Building 5 and Building 6 and Garage C will be located between Building 6 and Building 7.

The floor level and columns on the facades will be defined by red concrete panels, while the railings will be defined by gray concrete panels. The applicant has proposed a living green wall at the base of both garages along the north and south elevations as shown in Figure 6 below.

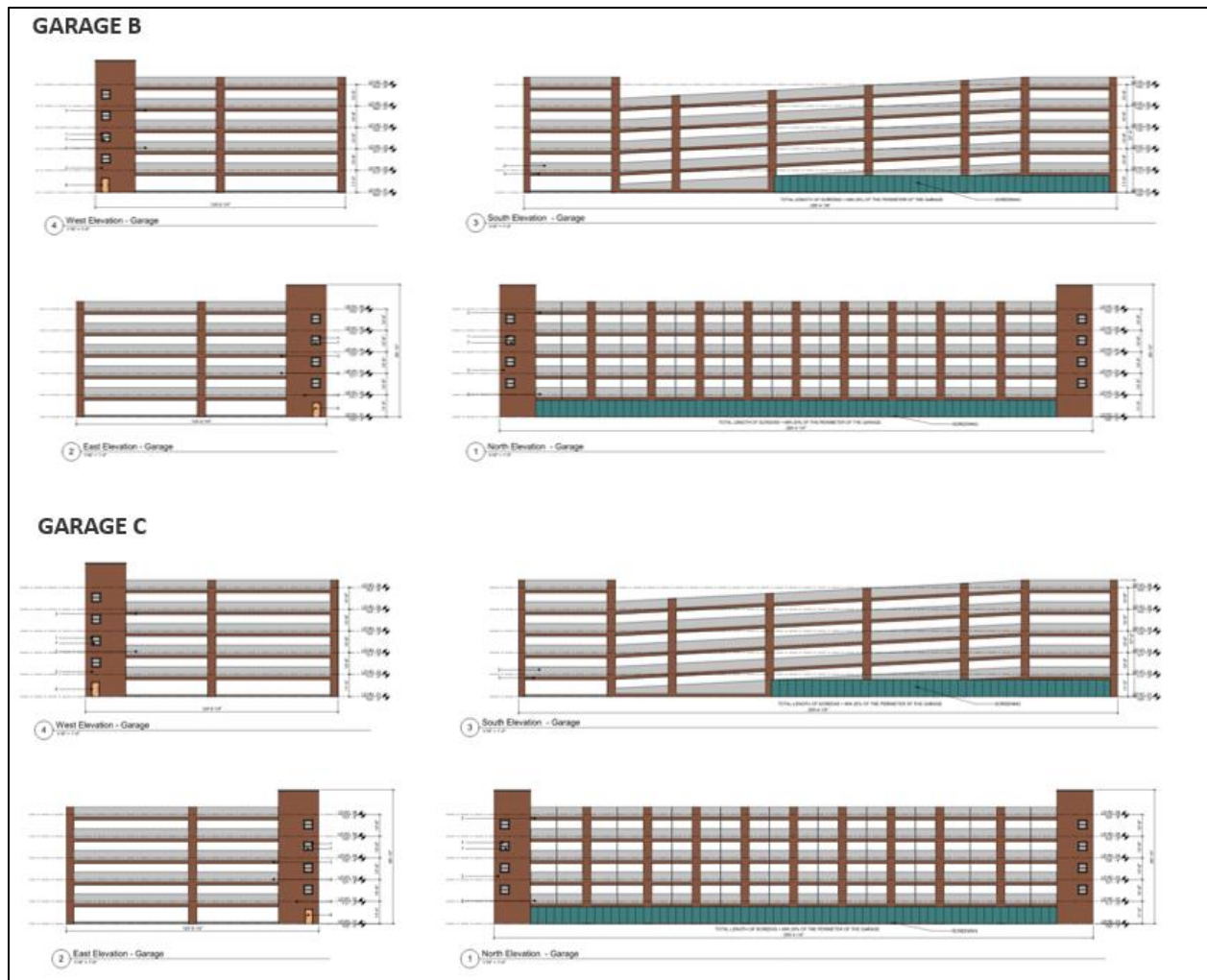


Figure 6 – Garage B & Garage C Elevations

Public Open Space

The Application includes 10 percent of public open space. These areas are dispersed throughout the development as shown below and includes a combination of landscaping, sidewalks, seating and shading. Additional information on the proposed public open space is provided in the analysis section below.

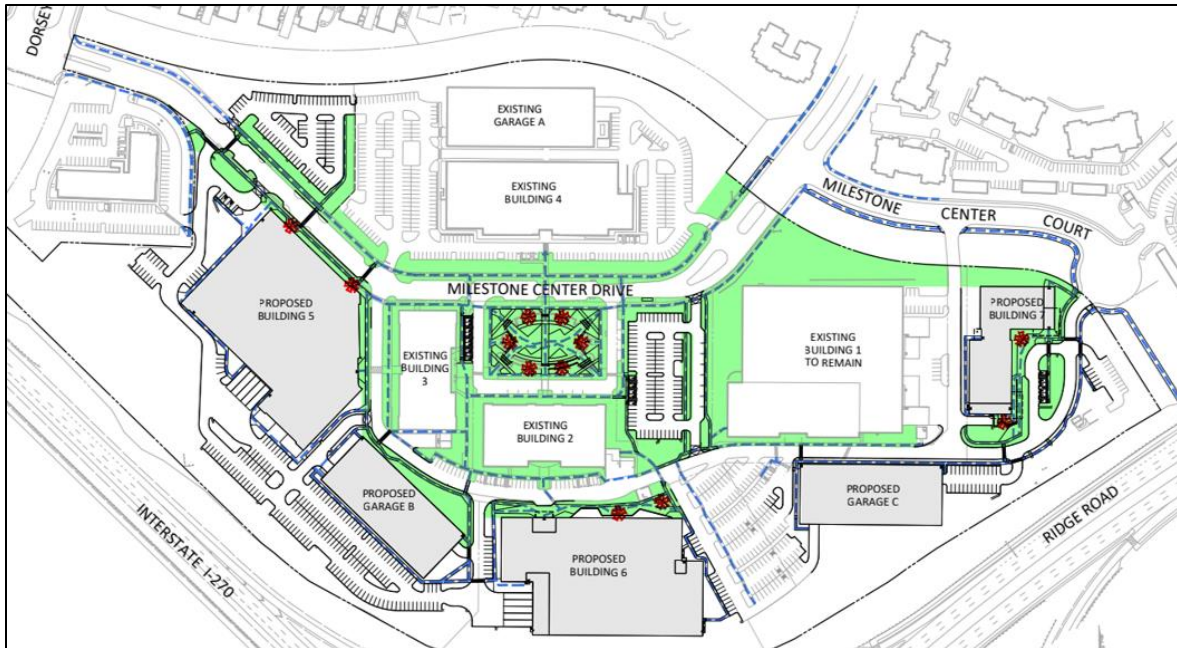


Figure 7 – Public Open Space Exhibit

Ultimate Conditions

Later stages of development, shown conceptually in Figure 8, will continue the transformation of the Milestone Innovation Center office park with additional buildings and a greater mix of uses. Building 8 and Building 9 are anticipated for additional uses and the existing Garage A north of Building 4 may be expanded to accommodate parking for the future uses. Additional changes beyond the scope of the Amendments will be subject to subsequent site plan and preliminary plan amendments.

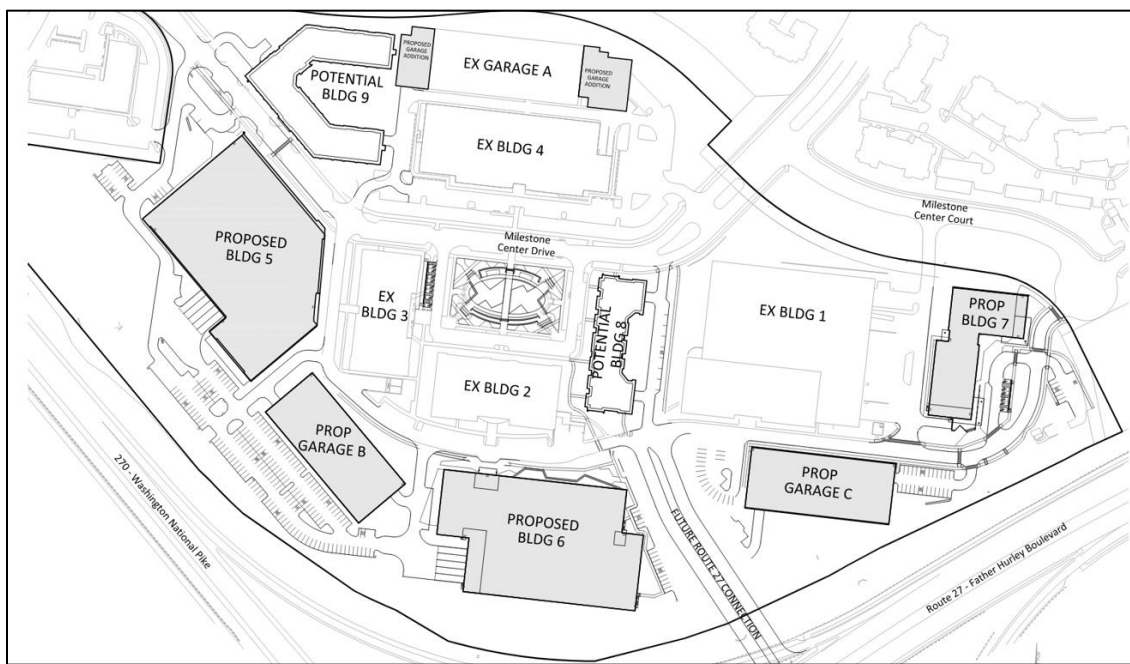


Figure 8 – Ultimate Conditions (Illustrative Purposes Only)

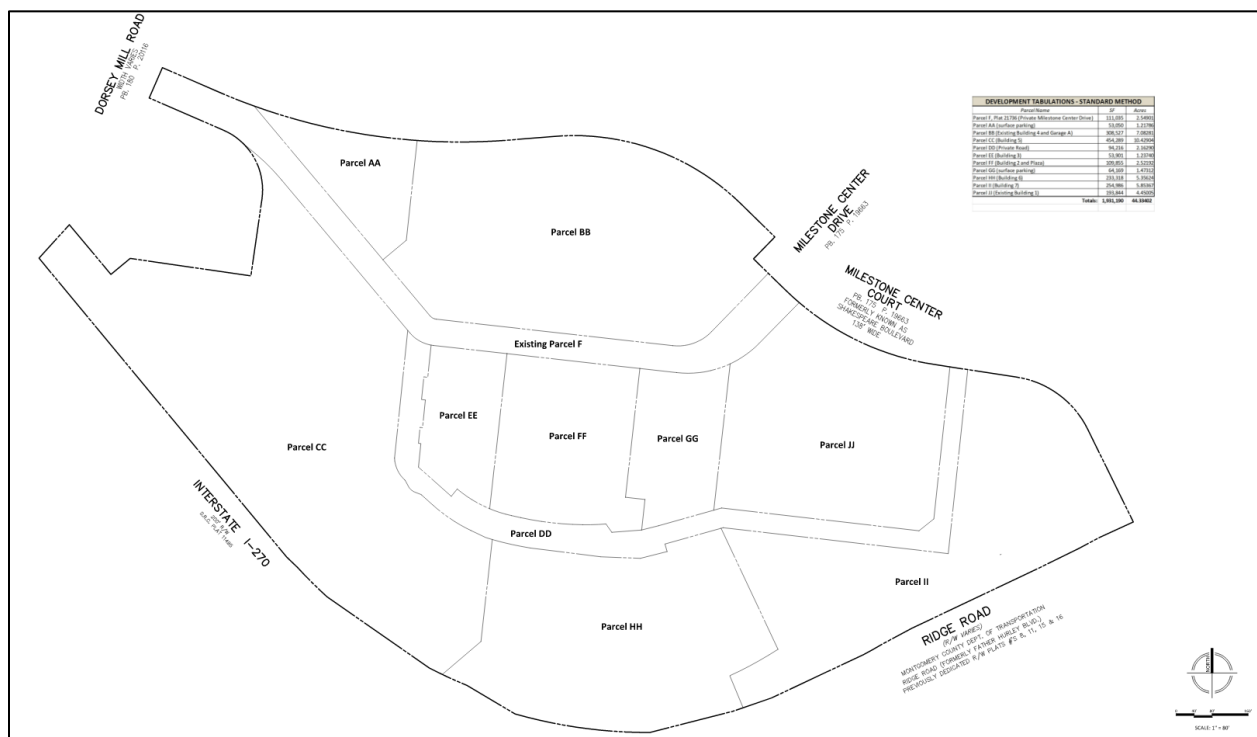
SECTION 4: ANALYSIS AND FINDINGS – PRELIMINARY PLAN NO. 11987271D & SITE PLAN NO. 82001009G

PRELIMINARY PLAN SECTION 50.4.2.D

1. The layout of the subdivision, including size, width, shape, orientation and density 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 size, width, shape, and orientation of the lots (parcels) are appropriate given the location of the subdivision and in consideration of the recommendations in the Master Plan. The Preliminary Plan Amendment will reconfigure the parcels to accommodate Buildings 5, 6, 7 and two parking garages, Milestone Center Drive and a new private street. The size, width, and shape of the Subject Property is established by the I-270 interchange and the CCT and the parcel pattern is one that allows for commercial uses envisioned in the Master Plan. Therefore, the Preliminary Plan meets the requirements of Chapter 50, Subdivision Regulations.

The Preliminary Plan also meets the requirements of Chapter 59, the Zoning Ordinance. The proposed uses and density comply with the requirements of the CR-2.0 Zone and Germantown Transit Mixed Use Overlay Zone. Additional details regarding compliance with the CR Zone standards and Overlay Zone are provided in Table 5 below. The parcels as shown in Figure 9 are appropriately sized to accommodate the existing and proposed uses and to meet building setback requirements within the Zoning Ordinance.



Location and Design of Roads

The design of roads is appropriate for the subdivision. Milestone Center Drive, a private road, serves as the central spine for the subject property and connects to the larger public road network. Milestone Center Court is a minor street serving the southernmost buildings, built as an improved driveway with sidewalks on both sides as well as providing limited shade trees. A new private street (Private Street A) is proposed to improve circulation for vehicles and pedestrians. Due to the location of the Property wrapped by I-270 to the west and Ridge Road to the east, with no direct connection to either road, these roads are not expected to convey local or regional traffic beyond that generated by the Property itself.

Transportation Waivers & Modification Requests - Private Roads

The Applicant has provided a justification for the use of private streets contained within the Statement of Justification (Attachment 3). The private roadway is a loop connecting Milestone Center Drive and Milestone Center Court and will be lined with sidewalks and street trees to provide pedestrian circulation, lighting and tree canopy with shade. These roads have been built and have functioned safely over the years since the original approval of the Preliminary Plan. These roads have several non-standard elements that will remain as they have been constructed with earlier phases of the development. In particular, Buildings 2 and 3 include large truck accessible service areas that directly access Milestone Center Court. The large crossing distance for pedestrians will be mitigated with improved markings and the use of differentiating materials. Additionally, head-in parking behind Building 2 will remain. The elements within this private roadway parcel are standard in nature and will be placed within a covenant. Due to the low volume and slow speeds of vehicular traffic primarily providing access to site parking lots, the reduced cross sections of these roads will continue to function safely. The provision of adequate sidewalk connections on both sides of these streets will continue to provide safe access for pedestrians.

2. *The Preliminary Plan substantially conforms to the master plan;*

Land Use

The Preliminary Plan conforms to the recommendations in the 2009 *Germantown Employment Area Sector Plan* (“Master Plan”). The Subject Property is located in the Milestone North District of the Master Plan. The Master Plan states that Milestone North property should be developed at an average density of 1.0 FAR with a mix of research and development, employment, technology, street level retail, restaurants, and new housing and that new residential should be oriented to the existing residential areas. Residential uses are not to exceed 20 percent of total development on this Property. Areas for other nonresidential and or residential uses are set aside for future development with subsequent submissions. The Applicant is requesting to build a total of 308,500 square feet of research and development and 161,500 square feet of additional office uses in three buildings (Buildings 5, 6, and 7) located along Private Street A. Parking Garage B will be located between Building 5 and 6 and Garage C will be located between Building 6 and 7. The total density for the proposed project, including existing density, results in a floor area ratio (FAR) of 0.39 which is less than the allowed amount and therefore, the Application is in conformance with the Master Plan.

The Master Plan also recommends locating buildings adjacent to the street to form a building line of the sidewalk and street that form public spaces. The Master Plan also states that each district should contain a variety of plazas, gathering places, and urban spaces and that such spaces should be defined by buildings. The loop drive is planned to be upgraded to a street with sidewalks and street trees so

that all new structures front onto the new street and expands the block structure of the development. An existing central plaza to remain, with two existing buildings fronting it, will be upgraded to a well landscaped open space for the entire development. The plans show a surface parking area on the east side of the plaza as a potential pad site for a future building framing the central plaza (Figure 8).

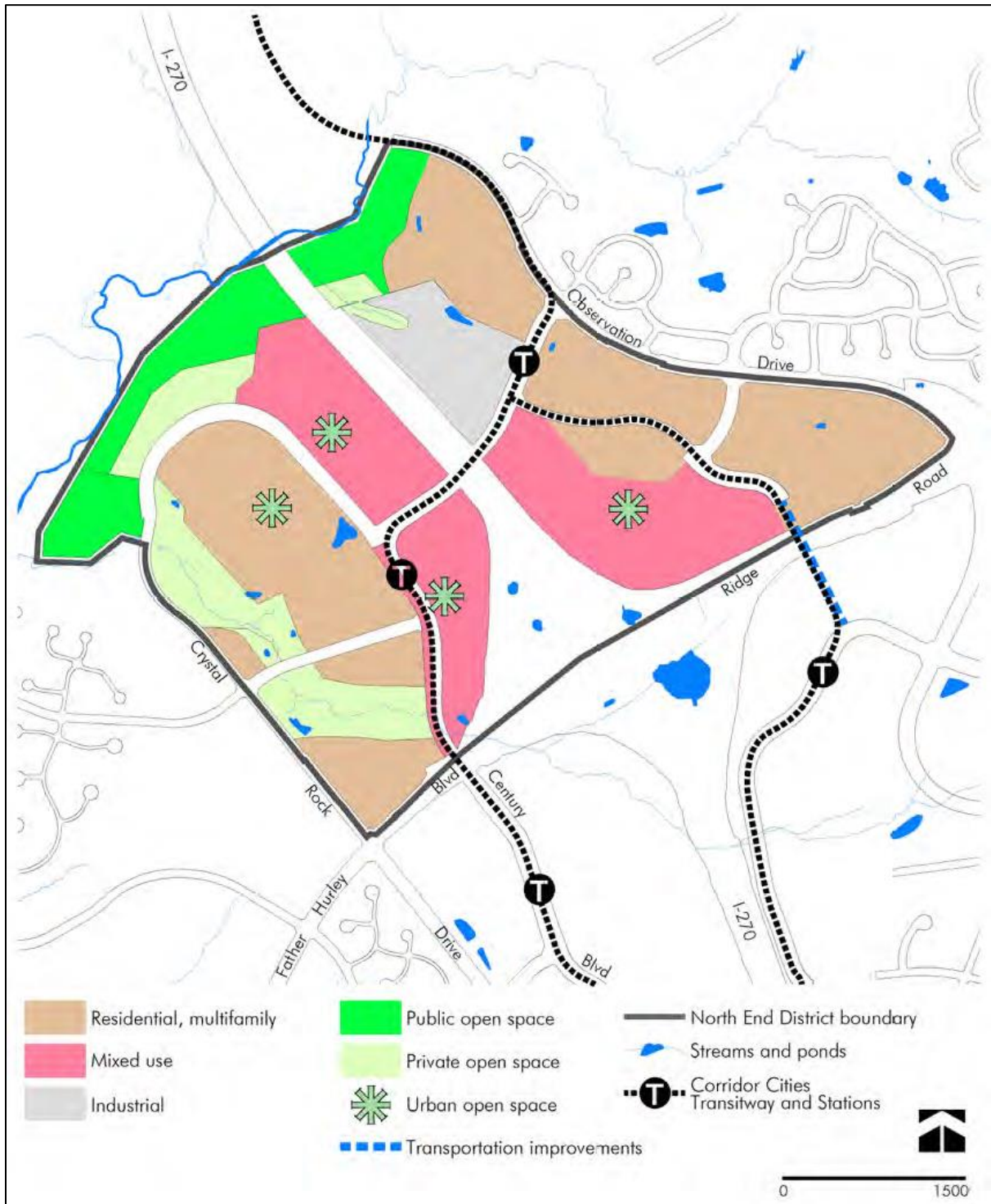


Figure 10 – North End District Land Use Map (Master Plan, page 62)

Streetscape

Besides buildings being placed close to street the Master Plan also calls for an expanded network of roadways, streets, mid-block pedestrian connections, sidewalks, trails, and bikeways that link the community to desired destinations. Roadway and street designs should promote pedestrian use with investment in streetscape elements including pedestrian crossing markings and signals, landscaping, street trees, and benches. The Master Plan further states that street trees should be spaced closely together to provide tree cover and environmental benefits to the Germantown community.

The Applicant does not demonstrate adequate street trees along Milestone Center Drive (highlighted in blue) and Private Street A (highlighted in yellow) as shown in Figure 11 below. As conditioned, the Applicant will resolve this issue prior to the certification of the Site Plan.

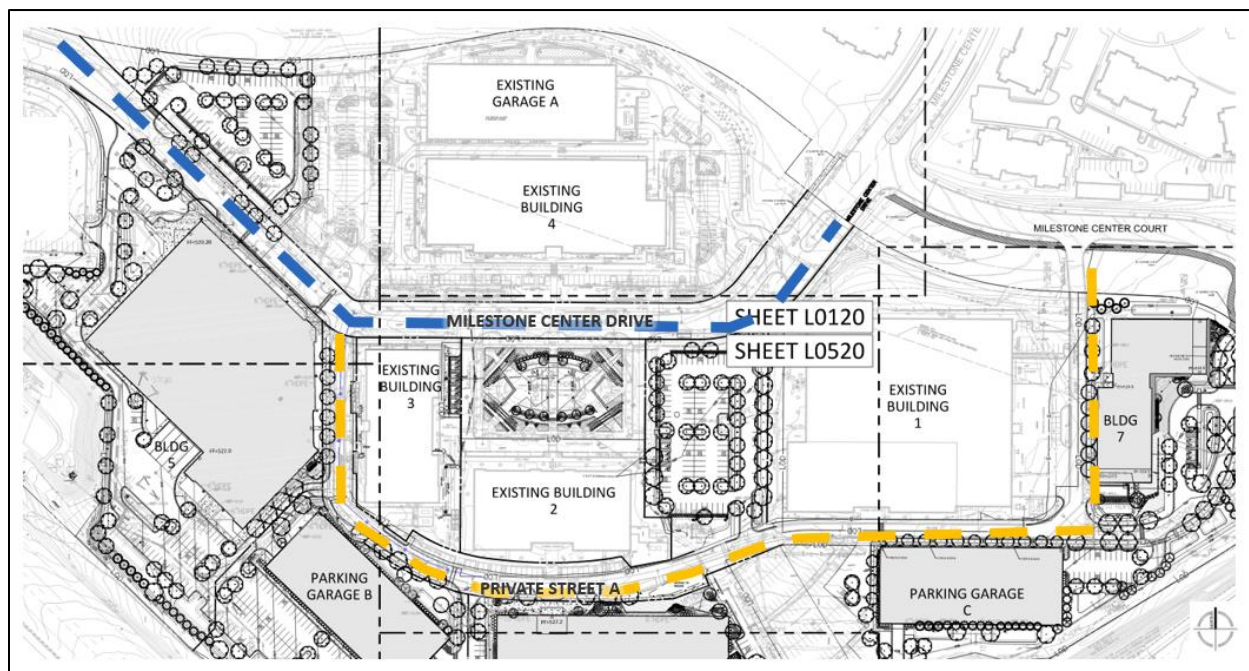


Figure 11 – Proposed Landscape Plan

Setback Requirements

The Master Plan requires that buildings setback from I-270 should maintain an existing setback of 200-feet from the current right-of-way (Master Plan, page 51). All proposed buildings will provide a 200-foot setback from I-270 and therefore, the Application is in general conformance with the Master Plan.

Design Guidelines

The 2010 *Germantown Urban Design Guidelines* (Design Guidelines) provides general guidance on Street Character, Gathering Spaces, and Buildings to create an attractive, cohesive, and walkable public realm that is to be enjoyed by both residents and workers.

Street Character (Design Guidelines, page 12)

With Street Character, the Design Guidelines discusses five street types. The two that are most applicable to the Milestone North End District are Main Streets and Local Streets types. The Design Guidelines describe Main Streets as two- to four-lane roads with a single row of closely spaced, tall

growing street trees in lawn panels or tree boxes, trees in the median (if divided), pedestrian scaled lighting, and on-street parking where permitted. Local Streets are described as two-lane streets with pedestrian scaled lighting, closely spaced, single row of tall growing trees, sidewalks on both sides, and on street parking where permitted. In accordance with the Design Guidelines, the Applicant is planning to upgrade the loop driveway to a street with sidewalks and street trees. Milestone Center Drive will also have street trees.

Gathering Spaces (Design Guidelines, page 18)

The Design Guidelines discusses various types of gathering spaces including urban plazas, which are to be placed in highly visible locations and animated with adjacent uses. The Subject Property is identified to include an urban plaza located in a highly visible area along Milestone Center Drive. These urban plazas should be privately developed as public use space. The Subject Property includes a large central plaza with seating, shading and landscaping that will serve as public open space. This central plaza will remain and be upgraded to serve as a well landscaped open space for the office park that is adjacent to Milestone Center Drive.

Buildings (Design Guidelines, page 20)

The Design Guidelines emphasizes that the building form in Germantown should evolve from an existing suburban development patterns into an urban form with buildings lining streets and parking located to the rear or mid-block. Buildings should create building walls that define the street and sidewalk, with primary entrances at sidewalk level, and service and loading in the rear. In accordance with the Design Guidelines, the Application will have building placed along street frontages with parking to the side and rear of buildings. The parking garages that are located adjacent to the street will facades that are broken into bays, similar to the adjacent buildings. Screening along the façade of the parking garages will also be provided at the ground floor.

Transportation Facilities

The 2009 *Germantown Employment Area Sector Plan*, and the 2005 *Countywide Bikeways Functional Master Plan* (“Bikeways Master Plan”) include the following nearby roadway/bikeway facilities:

- Ridge Road (MD 27): A controlled major highway with six divided travel lanes (three in each direction) and a minimum right-of-way of 150 feet. The Bikeways Master Plan, Master Plan, and *Complete Streets Design Guide* recommends shared use paths on both sides of the road; a shared use path currently exists along the frontage of the Subject Property.
- Corridor Cities Transitway: A CCT alignment is shown traversing the north side of the site between Milestone Center Drive and Observation Drive in the Master Plan. However, this recommendation will be supplanted by a recommendation for a Corridor Connector as part of the Corridor Forward Plan, instead to be constructed along Observation Drive to the north of the site. An easement area for the CCT transitway had been dedicated previously by the Applicant.
- Park and Ride Facility: The Master Plan calls for a 250 space park-and-ride facility on both the east and west sides of I-270 (Master Plan, page 65). The Applicant already has a recorded plat (No. 21774, note #9) that has reserved space for a 170-space park-and-ride facility on Parcel J on this Property. As conditioned, the Applicant will need to demonstrate that a Park and Ride facility can be accommodated. This may be vacated, in the event MCDOT and Planning Staff determines that a Park and Ride is no longer needed. As conditioned, the Application will continue to be in substantial conformance with the Master Plan.

3. Public facilities will be adequate to support and service the area of the approved subdivision Adequate Public Facilities

Transportation

The Preliminary Plan has been evaluated by Staff, the Montgomery County Department of Transportation, the Montgomery County Department of Fire and Rescue Services, and the Maryland State Highway Administration, all of which support the transportation elements of the Preliminary Plan (Attachments 6, 9 and 10). Staff finds the proposed access to the site, as shown on the Preliminary Plan, to be adequate to serve the traffic generated by the development. The internal and external pedestrian circulation and walkways as shown on the Preliminary Plan will continue to provide adequate multimodal connectivity.

Local Area Transportation Review (LATR)

The Preliminary Plan meets the requirements of the 2021 LATR guidelines. It is exempt from additional review as the trips produced fall below the approved cap limit. With the Applicant vacating Preliminary Plan Amendment C, the Preliminary Plan is revising Preliminary Plan Amendment 11987271B, which permitted up to 908,000 sf square feet of office space. At the time of that approval, 480,000 square feet of office use had been constructed, with an additional 428,000 square feet of office approved for future use, or the trip equivalent. This Application amends this approval by converting a portion of these trips from the office use cap into the proposed Residential and Development use. Preliminary Plan Amendment 11987271B allowed up to 1659 AM and 1435 PM peak trips as a cap. This Application, along with the Site Plan Amendment, further clarifies the existing and proposed land uses into office, light industrial, and Research and Development uses for trip purposes, accounting for them cumulatively. In other words, both the trips of the existing uses (585,000 square feet of office and 70,000 square feet of warehouse) and proposed new uses (308,500 sf. Research and Development and 161,500 sf. office) are calculated (Proposed in Table 3) and compared against the total trip cap (Approved). The cumulative uses remain well below the available trip cap.

Table 3 – Trip Generation (Vehicle trips calculated using 10th Edition of ITE Guidelines. Person trips adjusted according to policy area and 2021 LATR methodology)

Adjusted according to per capita and 2021 LTR methodology.

Development	Size	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Approved (Credit)							
Office (ITE 710)	908,000 sf	(1443)	(216)	(1659)	(187)	(1248)	(1435)
Proposed							
Office – Total (ITE 710)	746,500 sf	626	102	728	123	646	769
R&D (ITE 760)	308,500 sf	97	33	130	23	128	151
Light Industrial	70,000 sf	30	4	34	4	25	29
Net New Vehicle Trips		-656	-73	-729	-35	-427	-462
LATR Adjusted Net New Person Trips		--	--	-1011	--	--	-641

Other Adequate Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is in water and sewer categories W-1 and S-1, respectively, and has access to existing public utilities. Other utilities including electric and telecommunications services are adequate to serve the development. The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service and the Water Resources Section who have determined that the proposed development has adequate access for fire and rescue vehicles and has adequate stormwater management facilities (Attachments 8 and 9). Due to the proposed non-residential use, the Preliminary Plan is not subject to the Annual School Test. Other public facilities and services, such as police stations, and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

4. *all Forest Conservation Law, Chapter 22A requirements are satisfied;*

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420220340 for the Subject Property was approved on September 28, 2021. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the site to be a total of 44.33 acres located within the Little Seneca Creek watershed, classified as a Use Class IV-P stream by the State of Maryland. The Subject Property contains no streams, wetlands, springs, seeps or other environmentally sensitive features. However, the Subject Property does contain 0.30 acres of forest and one onsite tree with a diameter breast height (“DBH”) of 30” or more.

Forest Conservation Plan

The Subject Property received two Forest Conservation Exemptions in the past. Both Forest Conservation Exemptions, Plan Nos. 41999237E and 42015145E, were granted under the 2A-5(k) exemption category. The Applicant has submitted a FFCP with the current Applications under plan numbers 11987271D and 82001009G. This Application does not qualify for a Forest Conservation Exemption because the Applicant is now re-subdividing the Project Site and this action excludes the Application from the previously request Forest Conservation Exemption category and no other exemption category is applicable to this site.

The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines. The Subject Property is zoned CR-2.0 Zone, C-1.75, R-0.5, H-125T and is assigned a Land Use Category of Mixed Use Development (“MPD”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15 percent and a conservation threshold of 20 percent of the net tract area. The FFCP shows a total net tract area of 44.33 acres for the Subject Property. There is a total of 0.30 acres of forest on the Subject Property which will be removed. This results in an afforestation requirement of 6.95 acres. The Applicant proposes to satisfy this requirement by taking this requirement to an off-site forest bank or paying the fee-in-lieu if no forest bank is available.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated January 18, 2022 (Attachment 5). The Applicant proposes to remove one (1) tree that is 30-inches (30”) or greater DBH and is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 4).

Table 4 – Protected Tree to be removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Notes
76	White Oak (<i>Quercus alba</i>)	30.2”	100%	Good condition. Tree located within building envelope of Building 7.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property, Montgomery County agency requirements, and the location of the subject tree. The tree requested to be removed is currently located within a planting island in a parking lot. The tree is shown to be within the proposed building envelope of Building No. 7, as shown on the FFCP, in the eastern corner of the Subject Property.

The inability to remove this tree would prevent the construction of Building 7. Building 7 is a three-story structure providing 85,000 square feet of Research & Development and Office uses. The inability to construct Building 7 would impact the use of the Property as a biotech innovation center and would adversely impact the layout of the remainder of the buildings on the Subject Property to compensate for the inability to construct Building 7. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to construct a key portion of this Application, which is a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

Variance Findings

The Planning Board must make the following findings when granting a requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*
Granting the variance will not confer a special privilege on the Applicant as the removal of the one tree is due to the location of the tree and necessary site design requirement. The Applicant proposes removal of the tree with mitigation. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*
The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this Application.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*
The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.
4. *Will not violate State water quality standards or cause measurable degradation in water quality.*
The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Tree being removed is not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of this tree by planting larger caliper trees on-site. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There is 1 Protected Tree, Tree #76, proposed for removal in this variance request, resulting in a total of 30.2 inches of DBH being removed. This tree being removed is an isolated tree located within an existing parking lot landscape island. This area is within the buildout of the proposed Building 7.

To compensate for the removal of this Protected Tree, the Applicant has proposed to provide mitigation for the Protected tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 7.55 inches of replanted trees. In this case, the Applicant proposes to plant three-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Variance Recommendation

Staff recommends approval of the variance request.

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

The stormwater management concept meets the required stormwater management goals via the use of micro-biofiltration, permeable concrete, and structural management facilities. MCDPS Water Resources Section, on February 7, 2022, also found the stormwater concept for this site to be acceptable (Attachment 8). Staff finds that the Preliminary Plan complies with Chapter 19 of the Montgomery County Code.

6. ***Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3; and***

There is no record or other evidence to suggest that a burial site is located within the boundary of the Subject Property. Therefore, this finding does not apply.

7. ***Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.***

There are no other applicable provisions specific to the Property and necessary for approval of the subdivision is satisfied.

SITE PLAN SECTION 59.7.3.4

1. **When reviewing an application, the approval findings apply only to the site covered by the application.**

The approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. ***To approve a site plan, the Planning Board must find that the proposed development:***

a. satisfies any previous approval that applies to the site;

This Site Plan Amendment is consistent with the substantive requirements in previously approved Preliminary and Site Plans and is in conformance with the Preliminary Plan Amendment being considered concurrently with this Site Plan Amendment. As conditioned, existing buildings and development on Parcel BB and Parcel F will comply with the previous approvals. Therefore, the proposed development will continue to satisfy previous approvals that apply to the Subject Property.

b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This section is not applicable since the TMX-2 Zone applied to the Subject Property by the 2009 Master Plan and was applied by sectional map amendment, not local map amendment.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

Use and Development Standards

The proposed development is in the CR-2.0 Zone, C-1.75, R-0.5, H-125T and the Germantown Transit Mixed Use Overlay Zone. The following table show the Application's conformance to the development standards of the CR Zone. The Site Plan Amendment meets the development standards of Section 59.4.5.3, Commercial Residential - Standard Method Development, as shown in the Data Table below:

Table 5 – Data Table CR Zone Standard Method Development Standards & Germantown Transit Mixed Use Overlay Zone³

DEVELOPMENT STANDARD	ALLOWED/ REQUIRED	APPROVED BY SITE PLAN NO. 82001009D	PROPOSED SITE PLAN NO. 82001009G
1. SITE (4.5.3.C.1)			
Net Area – Square Feet (SF)	N/A	1,947,208 ⁴ SF	1,931,190 SF
Dedications (SF)	N/A	921,309 SF	937,327 SF
Gross Tract (SF)	N/A	2,868,517 SF	2,868,517 SF
Public Use Open Space (min. %)	10%	N/A ⁵	10%
2. DENSITY (MAX) (4.5.3.C.2)			
Total Floor Area Ratio (FAR)	2.0 FAR	0.32 FAR	0.39 FAR ⁶
Total Square Footage (SF)	5,737,036 SF	907,250 SF	1,125,000 SF
Commercial (FAR)	2.00 FAR	0.32 FAR	0.39 FAR
Commercial (SF)	5,019,904 SF	907,250 SF	1,125,000 SF
Residential SF	0.50 FAR	0 FAR	0 FAR
3. PLACEMENT (4.5.3.C.3)			
Existing Buildings #1,2,3 and 4			
Setbacks (min.) ⁷	0 feet or N/A	See footnote 8 ⁸	See footnote 9 ⁹
Build-To-Area (BTA)			
Front Setback (max)	20 feet	See footnote 10 ¹⁰	See footnote 9

³ Requires 50% of incentive density area to be obtained through BLT purchases for optional method projects, which is not applicable to this standard method project.

⁴ Per Plat No. 21774, the Application area included 0.37 acres that was dedicated along I-270, which changed the land area from 44.70 acres to 44.33 acres.

⁵ The Subject Property was previously approved under the I-3 Zone which did not require public open space.

⁶ The FAR proposed is under 0.50 FAR and therefore, reviewed as a Standard Method development consistent with Section 59.4.5.3.

⁷ Section 4.1.8 Compatibility Requirements do not apply because the Property confronts Residential Multi-Unit Zones.

⁸ The Subject Property was previously approved under the I-3 Zone development standards.

⁹ Existing buildings deemed conforming under Sect, 59.7.7.1.A.1 of the Zoning Ordinance.

¹⁰ The Subject Property was previously approved under the I-3 Zone which did not require build-to-area, form or transparency requirements.

Front Building in BTA (min.%)	70 %	See footnote 10	See footnote 9
Side Street Setback (max.)	20 feet	See footnote 10	See footnote 9
Building in side street BTA (min. %)	35%	See footnote 10	See footnote 9
General-Use Buildings #5			
Setbacks (min)	0 feet or N/A	N/A	0 feet
Build-To-Area (BTA)			
Front Setback (max.)	20 feet	N/A	17-20 feet
Front Building in BTA (min. %)	70%	N/A	100%
Side Street Setback (max.)	20 feet	N/A	N/A
Building in side street BTA (min. %)	35%	N/A	N/A
General-Use Buildings #6			
Setbacks (min)	0 feet or N/A	N/A	0 feet
Build-To-Area (BTA)			
Front Setback (max.)	20 feet	N/A	22-53 feet (modification requested)
Front Building in BTA (min. %)	70%	N/A	Less than 70% (modification requested)
Side Street Setback (max.)	20 feet	N/A	N/A
Building in side street BTA (min. %)	35%	N/A	N/A
General-Use Buildings #7			
Setbacks (min)	0 feet or N/A	N/A	0 feet
Build-To-Area (BTA)			
Front Setback (max.)	20 feet	N/A	19-156 feet
Front Building in BTA (min. %)	70%	N/A	Less than 70% (modification requested)
Side Street Setback (max.)	20 feet	N/A	N/A
Building in side street BTA (min. %)	35%	N/A	N/A
4. HEIGHT (4.5.3.C.4)			
Maximum Building Height –Feet	125 feet	100 feet	80 feet
5. FORM (4.5.3.C.4)			
Existing Buildings #1,2,3 and 4	Required	N/A	Provided
			See footnote 9

Entrance Facing Street or Open Space Entry Spacing (max.)	100 feet	N/A	See footnote 9
Transparency (Facing Street or Open Space)			
Ground Floor, Front (min.)	40%	N/A	See footnote 9
Ground Floor, Side/Rear (min.)	25%	N/A	See footnote 9
Upper Story (min.)	20%	N/A	See footnote 9
Blank Wall, Front (max.)	35 feet	N/A	See footnote 9
Blank Wall, Side/Rear (max.)	35 feet	N/A	See footnote 9
General Use Buildings (#5, 6 and 7)			
Entrance Facing Street or Open Space	Required	N/A	Provided
Entrance Spacing (max.)	100 feet	N/A	Greater than 100 feet (modification requested)
Transparency, for Walls Facing Street or Open Space			
Building 5: Ground Story Frontage (min)	40%	N/A	Less than 40% (modification requested)
Building 5: Ground Story, side/rear (min)	25%	N/A	Less than 25% (modification requested)
Building 5: Upper Story (min)	20%	N/A	Less than 20% (modification requested)
Building 5: Blank Wall, front (max)	35 feet	N/A	Less than 35 feet (modification requested)
Building 5: Blank Wall, side/rear (max)	35 feet	N/A	Less than 35 feet (modification requested)
Building 6:			
Ground Story Frontage (min)	40%	N/A	Less than 40% (modification requested)
Ground Story, side/rear (min)	25%	N/A	Less than 25% (modification requested)
Upper Story (min)	20%	N/A	Less than 20% (modification requested)
Blank Wall, front (max)	35 feet	N/A	Less than 35 feet (modification requested)
Blank Wall, side/rear (max)	35 feet	N/A	Less than 35 feet (modification requested)
Building 7:			
Ground Story Frontage (min)	40%	N/A	Less than 40% (modification requested)
Ground Story, side/rear (min)	25%	N/A	Less than 25% (modification requested)
Upper Story	20%	N/A	Less than 20% (modification requested)

Building 7: Blank Wall, front (max)	35 feet	N/A	Less than 35 feet (modification requested)
Building 7: Blank Wall, side/rear (max)	35 feet	N/A	Less than 35 feet (modification requested)

Parking Requirements

The Site Plan meets the Development Parking Standards of Section 6.2.3.A, Calculations of Required Parking as shown in the Data Table below:

Table 6 – Overall Parking Summary

PARKING SUMMARY				
	REQUIRED		PROVIDED	
Building	(spaces)	Garage Parking	Surface Parking	Total Parking
1	190			
2	376			
3A	324			
4	350			
5	273			
Garage A		445		
6	243			
7	115			
Garage B	--	582		
Garage C	--	582		
Surface			1,010	
Park & Ride			179 (not included below)	
Total Required	2,051	--	--	--
Total Provided	--	1,609	1,010	2,619

The Site Plan meets the Development Standards of Section 6.2.3.D, Motorcycle/Scooter Parking as shown in the Data Table below:

Table 7 – Motorcycle Parking

MOTORCYCLE PARKING		
	REQUIRED	PROVIDED
10 Maximum (2% of Car)	10	10

As conditioned, the Site Plan Amendment meets the Development Standards of Section 6.2.3.D, Car-Share Spaces. Two shared parking spaces within the garage for Building 3A and three spaces provided for Building 7, which will serve both Buildings 6 and 7.

Table 8 –Car Share Parking

CAR-SHARE SPACES			
		REQUIRED	PROVIDED
Maximum of 5		5	5

As conditioned, the Site Plan Amendment meets the Development Standards of Section 6.2.3.E, Spaces for Charging Electric Vehicles by providing 27 EV charging stations. One charging station is required for every 100 parking spaces.

Table 9 – Electric Vehicle Parking

SPACES FOR CHARGING EV'S		
	REQUIRED	PROVIDED
1% of all parking	27	27

The Site Plan Amendment meets the Development Standards of Section 6.2.3.F, Bicycle Parking as shown in the Data Table below:

Table 10 – Bicycle Parking

BICYCLE PARKING (SPACES)			
		REQUIRED	PROPOSED
Office / R&D 1 per 5,000 SF	470,000 sf	97	97
Long Term (85%)		81	81

General Requirement - Structured Parking Requirements, Section 59.6.29.D

1. A structured parking garage must have a living green wall or public artwork along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.

As conditioned, the Application includes a living green wall along 50 percent of the ground floor of Garages B and C, where the garages face a right-of-way. Therefore, this requirement will be met.

2. The roof illumination of a structured parking garage must satisfy Section 6.4.4, General Outdoor Lighting Requirements, except:

- a. any lighting fixture located within 30 feet of the deck perimeter must be 15 feet or less in height; and*
- b. any fixture located elsewhere on the deck must be 30 feet or less in height.*

All lighting located on the top of the parking structures will be no more than 12-feet in height.

General Requirement - Public Space, Design Requirements, Section 6.3.6.B

Under Sect. 6.3.6, public open space must abut a public sidewalk or other public pedestrian route, be a minimum of 15 feet wide, include seating and shade, and be in a contiguous space. The Applicant is requesting alternative compliance under Sect. 6.8.1 from the public open space design requirements listed above. The Planning Board may approve a design alternative if determined that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line pursuant to Sect. 6.8.

As stated by the Applicant in the Statement of Justification (Attachment 3), the uniqueness of the site, use characteristic and development constraint should allow flexibility on the proposed public open space.

The redevelopment of almost 45 acres of existing office park land comes with significant challenges. The sheer size of the Subject Property poses a challenge to the nature of the infill development envisioned by the Applicant combined with the Master Plan recommendations. The Master Plan requires a 200-foot setback from the I-270 and 100-foot setback from the ramp resulting in placing new buildings inward thus limiting where public open space may be located such as plazas, sidewalks, seating, and gathering areas. Also, there are existing stormwater facilities within these setbacks to accommodate the existing development. While all new buildings will be treated with smaller Environmental Site Design (ESD) facilities, the larger facilities provide a significant benefit to the environment where buildings or structures are not allowed to be placed. Since the buildings are being relocated for the development to meet stormwater requirements, flexibility is necessary to meet the public open space requirements.

The site is also unique in its need to accommodate existing uses and agreements for parking, access, and security. The existing and proposed uses are atypical for non-residential development. They have very specific size, building typology, operations, and security characteristics to accommodate administrative, lab and research areas, sensitive technical equipment, manufacturing space, and storage and delivery functions for future tenants. Outdoor spaces for such facilities are also generally limited to small seating and gathering areas for coffee, lunch, small meetings, or work on pleasant days. The Subject Property also has several large ponds that collect rainwater from the existing development providing an immense benefit to water quality and reducing the risk of downstream flooding. These ponds are under current easements and being modified to a minimal extent with the proposed redevelopment because new disturbance will be treated primarily with ESD micro-bioretenement facilities dispersed throughout the Property. There are also several agreements in place for parking and tenant security in addition to sizeable setbacks from I-270 that constrain current design options. Therefore, these various constraints preclude efficient development under the Public Open Space design requirements. Given the design approach and landscape elements described above, however, the proposed public open space satisfies the necessary determinations outlined below.

The applicable deciding body (the Planning Board) must also determine under Sect. 6.8.1 that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

A. *satisfy the intent of the applicable Division;*

It is the intent of the open space provisions to provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality under Sect. 6.3.1. The Applicant is proposing to meet the intent of public open space by providing a minimum of 10 percent of public open space which includes active and passive open space in areas shown below.



Figure 12 – Public Open Space Exhibit

A large central plaza and several pockets of public open space areas are dispersed throughout the development to satisfy the intent of public open space. These areas include the existing large central plaza as shown below that will be updated as part of the amendment. This centrally located space is designed to accommodate a range of passive to active activities, and will include seating, shading, lawn areas and other features to create an attractive and spacious gathering space for the office park. The provided open space areas focused on the pedestrian network between buildings ensuring adequate light, air, and circulation. As designed the public open space areas satisfies the intent of public open space.



Figure 13 – Central Plaza

- B. *modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*

The proposed open space largely meets the design requirements being at least 15 feet wide, being along (or part of) the pedestrian network and in contiguous spaces along that network.

The spaces that do not specifically meet these requirements are only those that are excluded due to the site, use, and development constraints discussed above.

C. provide necessary mitigation alleviating any adverse impacts; and

There are no adverse impacts regarding the proposed open space design.

D. be in the public interest

The public interest is served by the alternative open space design as shown in Figure 12 through numerous environmental benefits, such as air and water quality, and the health benefits for employees, as discussed above. The Applicant is providing the minimum area, but requests alternative compliance limited to the design parameters that cannot be met. No prohibited uses, under Section 6.3.3.B, are proposed within the Public Open Space; all uses and design elements are allowed, under Section 6.3.A.

Staff recommends approval of the alternative compliance request.

General Requirement - Section 6.3.8.C, Lighting

In public open space and amenity open space, illumination at the property line must be:

a. 0.1 footcandles or less if the subject property abuts a property that is in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and

b. 0.5 footcandles or less if the subject property abuts any other property, excluding street lights within the right-of-way.

Lighting is 0.5 footcandles or less along the northern property boundary which is adjacent to the transit right-of-way and the residential community.

Modification to BTE / Build-to Area Waiver, Sect. 4.5.3.C

The Applicant is seeking a modification of the Build-to Area for Building 6 and Building 7 under Sect. 4.5.3.C. in order to increase the setbacks along Private Street A.

Building 6 is classified as general use building with a build-to area ranging between 22'-0" and 53'-0" which will front along Private Street A. Building 7 is classified as general use building with 19'-0" and 156'-0" as shown in Figure 14 and 15. Buildings 7 is identified as having three fronts, one along Milestone Center Court, Ridge Road and Private Street A. The primary elevations are located along Public Street A, where the primary entrances are located.

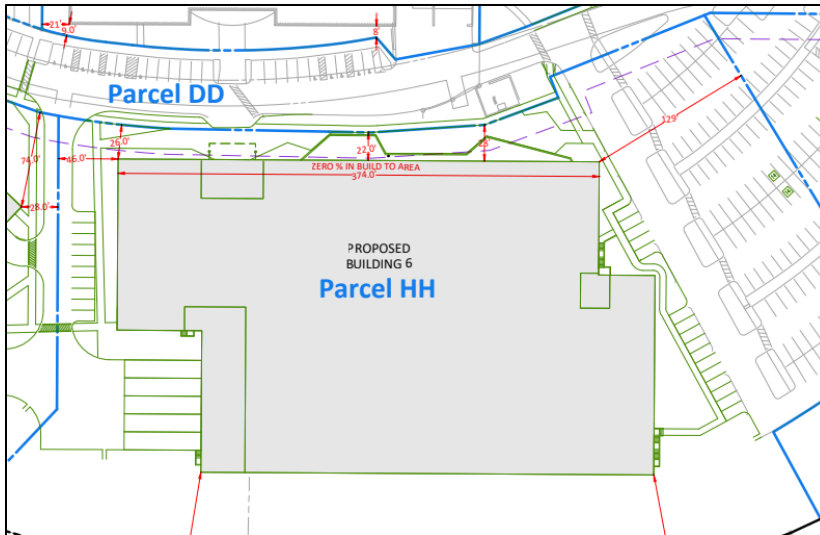


Figure 14– Building 6 Build-To-Area Exhibit

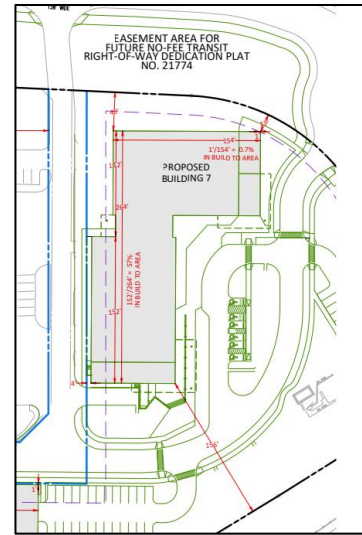


Figure 15 – Building 7 Build-To-Area Exhibit

a. The Build-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a platted public transportation or utility easement, or a platted public transportation or utility reservation.

b. The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan:

(1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use;

The proposed buildings are oriented to the internal private road and Milestone Center Drive, while the existing buildings are oriented and arranged around the central plaza and the internal private road. The buildings deviate from the applicable build-to area only to the extent prescribed for the proposed office and research and development use, specifically for a future biotech end user. These uses require large, secure and customized interior spaces for sensitive lab research and/or product manufacturing. The proposed buildings are designed to accommodate these particularized needs with limited building access points.

and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

The proposed buildings will be oriented to face an internal east-west private road connection. The Applicant uses a combination of building articulations and design features to enliven the surrounding publicly accessible spaces. In addition, the adjoining streetscape will contain tree plantings, bicycle accommodations, and pedestrian facilities to accentuate the buildings' symbiotic relationships with the outside public environment. The two proposed buildings create, as well as reinforce, the relationship of the buildings to the public realm. The building placements, massing,

and architecture are fundamental to this relationship for the streetscape and public realm. Additionally, this application provides sidewalks along Private Street A that connects to the existing street network. These connections while resulting in an increased setback are important to improve circulation and provide for logical connectivity.

Building Orientation and Transparency (Form)

Under Sect. 4.5.3.C, Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. The proposed Application includes entrance spacing that is greater than what is allowed and transparency that is less than the required amount for Buildings 5, 6, and 7. In approving a site plan submitted under this subsection, the Planning Board must find that the plan:

(1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and

As mentioned above, the proposed buildings deviate from the building orientation and transparency requirements only to the extent prescribed for the proposed Research and Development use, specifically for the future biotech end user. These uses require large, secure and customized interior spaces for sensitive lab research and/or product manufacturing. The proposed buildings are designed to accommodate these specific needs resulting in limited building access points and a limited opportunities for windows to meet the transparency requirements. However, the applicant is providing an abundance of transparency in areas of buildings where feasible (see architectural renderings above).

(2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

As discussed above, the Application incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and open spaces.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Site Plan Amendment is in conformance with Chapter 19, Erosion, Sediment Control and Stormwater Management. The Department of Permitting Services, in a letter dated February 7, 2022 accepted the stormwater management concept for the Subject Property (Attachment 8). The stormwater management concept proposes to meet required stormwater management goals via the use of use of micro-biofiltration, permeable concrete, and structural management facilities.

ii. Chapter 22A, Forest Conservation.

As discussed in the environmental section above in the Preliminary Plan findings, the Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and are in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

Parking and Circulation

The proposed development provides safe, well-integrated parking and circulation. The proposed office and research and development buildings will have a mix of surface and garage parking served by Milestone Center Drive, Milestone Center Court and Private Street A. Pedestrian circulation will also be improved along Milestone Center Court with the construction of a sidewalk along the south side as well as the completion of a sidewalk along the north side. A new drive aisle will be constructed to serve the surface parking lot between existing Building 2 and Building 1. This drive aisle will include sidewalk and street trees to provide a street-like environment while improving north/south pedestrian movement through the property. As conditioned, the wide loading bays for existing Buildings 2 and 3 will be improved with stamped concrete and new pedestrian markings, with the design to be reviewed and approved by Planning Staff. Also, as conditioned, a sidewalk is recommended between Building 6 and Garage C along Private Street A and a paved recreation trail is recommended within the existing transit easement on the northern edge of the Property. These pedestrian connections will contribute towards adequate, safe and efficient circulation as shown in Figure 16 and 17.

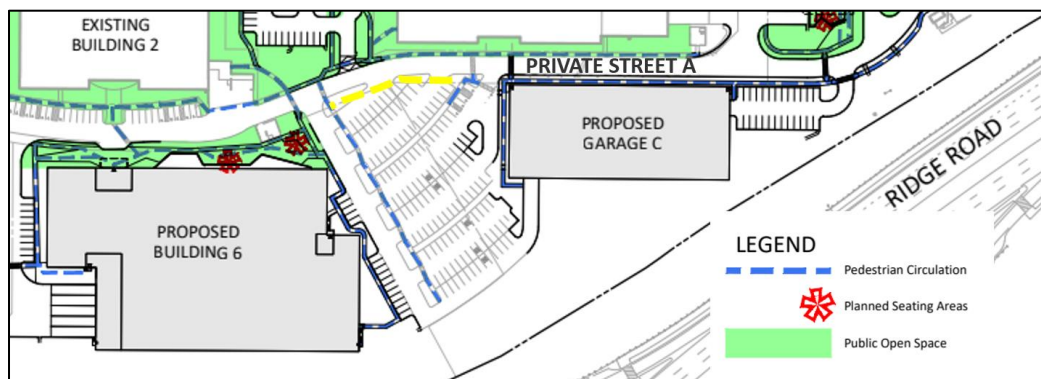


Figure 16 – Recommended Sidewalk Connection (highlighted in yellow)



Figure 17 – Proposed Trail Connection In Transit Easement (highlighted in yellow)

The paved trail will be constructed in lieu of a shared use path in this location, as is recommended in the Master Plan. This is primarily to avoid impacts to existing forest. Additionally, the need for a bikeable connection is lessened because Found Stone Road runs parallel to the easement directly to the north

which offers a low-stress bikeable connection, while Milestone Center Drive provides a shared use path along the north side. The proposed trail will provide a valuable recreation space to this mixed-use community.

Building Massing

The Site Plan proposes safe and integrated building massing, open space locations, and site amenities. The office and research and development buildings will either be two or three stories, which is within the range of the existing two to six story buildings currently developed within the office park. The three new Research and Development and Office buildings are also positioned to provide activation along the private street they front. Each building is connected to the surrounding sidewalks along Private Street A by lead walkways. The walkways access primary main entrances for each of the buildings. The front building elevations also avoids a blank wall appearance, and articulates the façades with attractive rows of windows on the buildings with a canopy above the entrances for each new building, as seen in Figure 3, 4, and 5 above. Overall, Buildings 5, 6, and 7 are well articulated on the façades and include massing that provides visual interest along the streets they front.

Open Spaces and Amenities

Public open space is dispersed throughout the development as passive and active amenities. These areas are well integrated into the development and accessed by sidewalks that are located throughout the development. The primary public open space area, identified as the central plaza is located in a centralized location consisting of seating, shading and landscaping. The minimum requirement for public open space is 10 percent of the Property and this Application provides the required amount. The public open space areas are also visible, easily accessible, and will be illuminated. Therefore, the open spaces and amenities shown on the Site Plan will be safe, adequate, and efficient.

g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As discussed above under the Preliminary Plan findings, the Applications are in substantial conformance with the 2009 *Germantown Employment Area Sector Plan*.

h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As discussed above in the Preliminary Plan findings, the development will be served by adequate public services and facilities.

Montgomery County Ride-On Route 83 provides bus service through the site on Milestone Center Drive. The route connects the Germantown MARC Station to the Holy Cross Germantown Hospital via Observation Drive, Seneca Meadows Parkway, Ridge Road, and Century Boulevard Monday through Friday with service every 30 minutes all day. The route is also in service on weekends but runs from the

Holy Cross Germantown Hospital to the Germantown Transit Center. There is a bus stop in each direction on Milestone Center Drive that provides transit service to the Property.

i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood;

The Subject Property is not located on a property in a Rural Residential or Residential zone; therefore, this finding not Applicable.

j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

The development is compatible with the existing character of the residential neighborhood to the north and with the three-story hotel to the west. Currently there is a wooded transit right-of-way on the northern boundary of the Property that provides a buffer between the development and the neighborhood. No buildings will be taller than 80-feet in height, and similar to the existing buildings in the office park.

SECTION 5: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing, and submission meeting requirements. On May 18, 2021, the Applicant held a meeting with the community to introduce the plan concept. As of the publishing of this Staff Report, Staff received one correspondence from a nearby resident with questions regarding the application process. Staff has reached out the resident and responded to the questions.

SECTION 6: CONCLUSION

The Preliminary Plan Amendment and Site Plan Amendment meet all requirements established in the Zoning Ordinance and continues to meet all the requirements and findings of Chapters 22a, 50 and 59. The Applications also conforms to the recommendations of the Master Plan and was reviewed by other applicable county agencies, all of whom have recommended approval. Therefore, Staff recommends approval of the Preliminary Plan and Site Plan Amendments with conditions specified at the beginning of this report.

ATTACHMENTS

- 1 – Preliminary Plan & Site Plan
- 2 – Resolutions
- 3 – Statement of Justification
- 4 – Final Forest Conservation Plan

- 5 – Tree Variance Request
- 6 – MCDOT Approval Memo
- 7 – DPS-ROW Approval Memo
- 8 – DPS Water Resources Approval Memo
- 9 – Fire & Rescue Approval Memo and Plan
- 10 – SHA Approval Memo