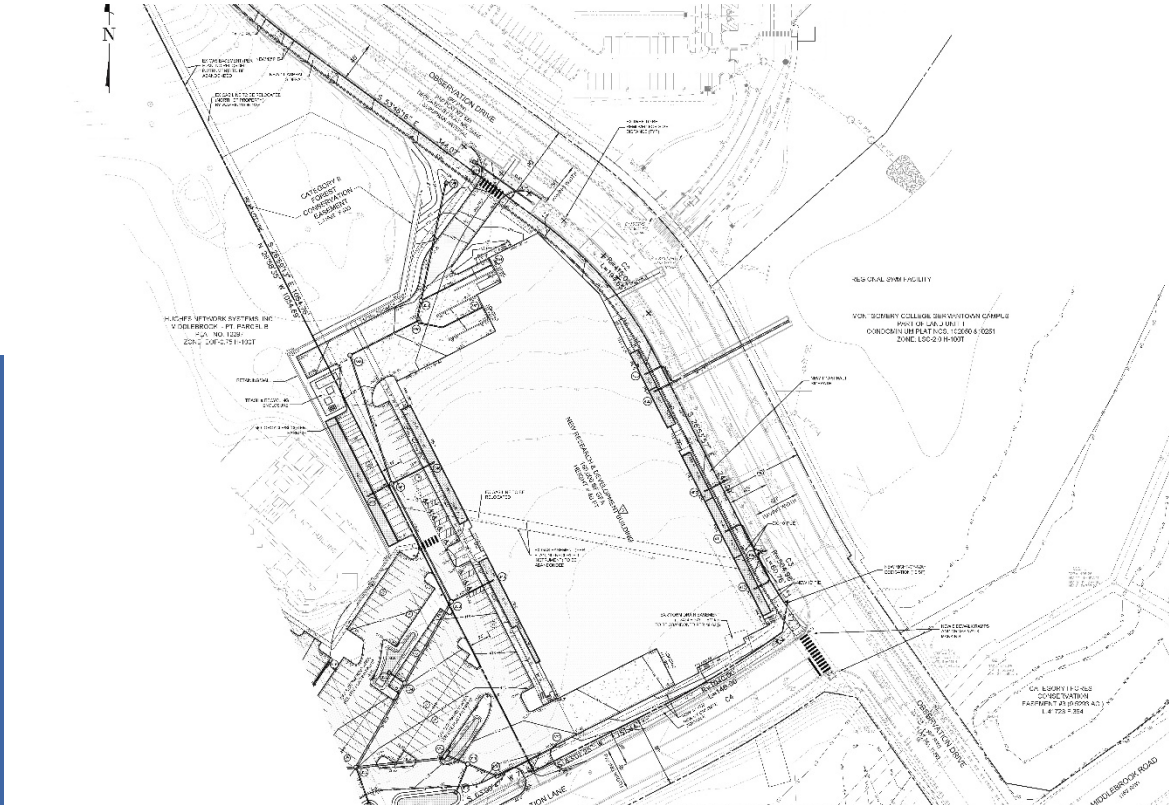


MONTGOMERY COLLEGE

PRELIMINARY PLAN NO. 12016024A



Description

Request to amend the Preliminary Plan for change in use from Office to Research & Development and increase the building footprint, without any change to the originally approved up to 150,000 square feet.

No. 12016024A

Completed: March 28, 2022

MCPB

Item No. 10

April 7, 2022

2425 Reedie Drive

Floor 14

Wheaton, MD 20902

RS
SP
PB

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Summary:

- Staff recommends **approval with conditions**.
- The Application will amend the Preliminary Plan to change the use from Office to Research & Development, while also allowing an increase to the footprint of the building not to exceed the originally approved 150,000 square feet.
- The Application is consistent with the previously approved Final Forest Conservation Plan MR2009720.
- The Application meets part of its parking requirements offsite via a shared parking agreement with the adjacent property, subject to 81978031B, Hughes Network Systems.
- The Application grants the required right-of-way dedication and constructs an 11-foot wide shared use path along Observation Drive and a 6-foot wide sidewalk along Exploration Lane.
- Substantially conforms to the 2009 *Approved and Adopted Germantown Employment Area Sector Plan* and 2010 *Germantown Urban Design Guidelines* by following the land use recommendations and zoning in the Master Plan.
- No community correspondence has been received for this amendment.

LOCATION

Northwest quadrant of the intersection of Observation Drive and Exploration Lane

MASTER PLAN/ZONE

2009 *Approved and Adopted Germantown Employment Area Sector Plan* and 2010 *Germantown Urban Design Guidelines* LSC 2.0, H-100T (Life Sciences Center)

PROPERTY SIZE

5.75 acres (gross tract area of 8.37 acres)

APPLICANT

19710 Observation Drive, LLC

ACCEPTANCE DATE

February 8, 2021

REVIEW BASIS

Chapters 50, 22A, and 19

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SECTION 1

RECOMMENDATIONS & CONDITIONS

Preliminary Plan No. 12016024A: Staff recommends approval with conditions of the Preliminary Plan Amendment. All conditions of approval of Preliminary Plan No. 120160240, as amended, remain in full force and effect except for the modified and additional conditions below. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions¹:

CONDITIONS MODIFIED FROM PRELIMINARY PLAN NO. 120160240

1. This approval is limited to one (1) lot for up to 150,000 square feet of **Office and Professional Research and Development** uses as defined in Section 59.3.5.8.²
4. 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 9, 2022 October 19, 2016**, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval
5. The Planning Board **has reviewed and** accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated **January 28, 2022 July 25, 2016**, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
6. The Planning Board **has reviewed and** accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated **January 21, 2022 October 20, 2016**, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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.

² The Research & Development use can be changed to other commercial uses, if allowed by zoning, if there is no adverse impact on the Preliminary Plan and APF findings and it is approved by Staff.

8. Prior to recordation of plat(s), the Applicant must satisfy MCDPS requirements to ensure construction of the following:
 - a. An 11-foot wide shared use path along the Subject Property's frontage of Observation Drive located with a Public Improvement Easement ("PIE").
 - b. A six-foot-wide sidewalk across the Subject Property's frontage along Exploration Lane.
11. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
13. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Show resolutions for Preliminary Plan 120160240 and Preliminary Plan 12016024A and approval letters on the certified set.
 - b. Provide documentation on the certified set from all utilities with rights to use the Public Utility Easement ("PUE") that the shared use path location within the PUE and Public Improvement Easement ("PIE") is acceptable.
 - c. Include the approved Fire and Rescue Access plan in the certified set, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
 - d. Include a copy of the signed and executed shared parking and access agreement on the certified set.
 - e. Correct footnote #4 to match the number of provided parking spaces shown in the data table.

CONDITIONS DELETED FROM PRELIMINARY PLAN NO. 120160240

- ~~2. Offices or companies that are not principally engaged in health services, research and development, or high technology industrial activities are limited to 40% of the gross floor area on the Subject Property.~~
- ~~12. The Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment for Transit, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services ("MCPDS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.~~
- ~~15. Any above-ground building permits that are issued must show that the structures satisfy the build-to-area requirements for Exploration Lane and Observation Drive. If the proposed building does not meet the build-to-area requirements, Site Plan approval by the Planning Board is required.~~

NEW CONDITIONS ADDED AS PART OF PRELIMINARY PLAN NO. 12016024A

17. 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.
18. Prior to release of the first Use and Occupancy permit, the Applicant must file in the Land Records an off-site shared parking and access agreement meeting the requirements of Section 59-6.2.3.G of the Zoning Ordinance which provides access up to 289 parking spaces on the adjacent property, unless the agreement is amended.
19. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate forty-five feet from the existing pavement centerline along the Subject Property frontage for Observation Drive.
 - b. All land necessary to accommodate eighty feet from the opposite right-of-way line along the Subject Property frontage for Exploration Lane.
 - c. Dedicate fragments of right-of-way located in the southeast corner of the Subject Property and identified on the Certified Preliminary Plan.
20. 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.
21. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
22. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
23. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, whichever comes first, the Applicant must receive Staff certification of this Preliminary Plan.

SECTION 2

SITE LOCATION & DESCRIPTION

SITE LOCATION

The Subject Property is approximately 5.75 acres and is located in the northwest corner of the intersection with Observation Drive and Exploration Lane (“Subject Property” or “Property”) (Figure 1, red outline). The Property will be subdivided from Part of Parcel A-1, originally a 176.7-acre property recorded in 1978 by Plat No. 11892 (Figure 1, purple dash). Previous subdivisions have reduced Parcel A-1 to its current 150.41 acres including creating separate lots for the Holy Cross at Germantown Hospital. Generally, Part of Parcel A-1 is south of Germantown Road, east of I-270, north of Middlebrook Road, and west of Frederick Road, and the Subject Property is in the southern portion of Part of Parcel A-1, close to the intersection of Middlebrook Road and Observation Drive. The Property is zoned Life Sciences Center (“LSC”) 2.0, H-100T and is part of the 2009 *Germantown Employment Area Sector Plan*.

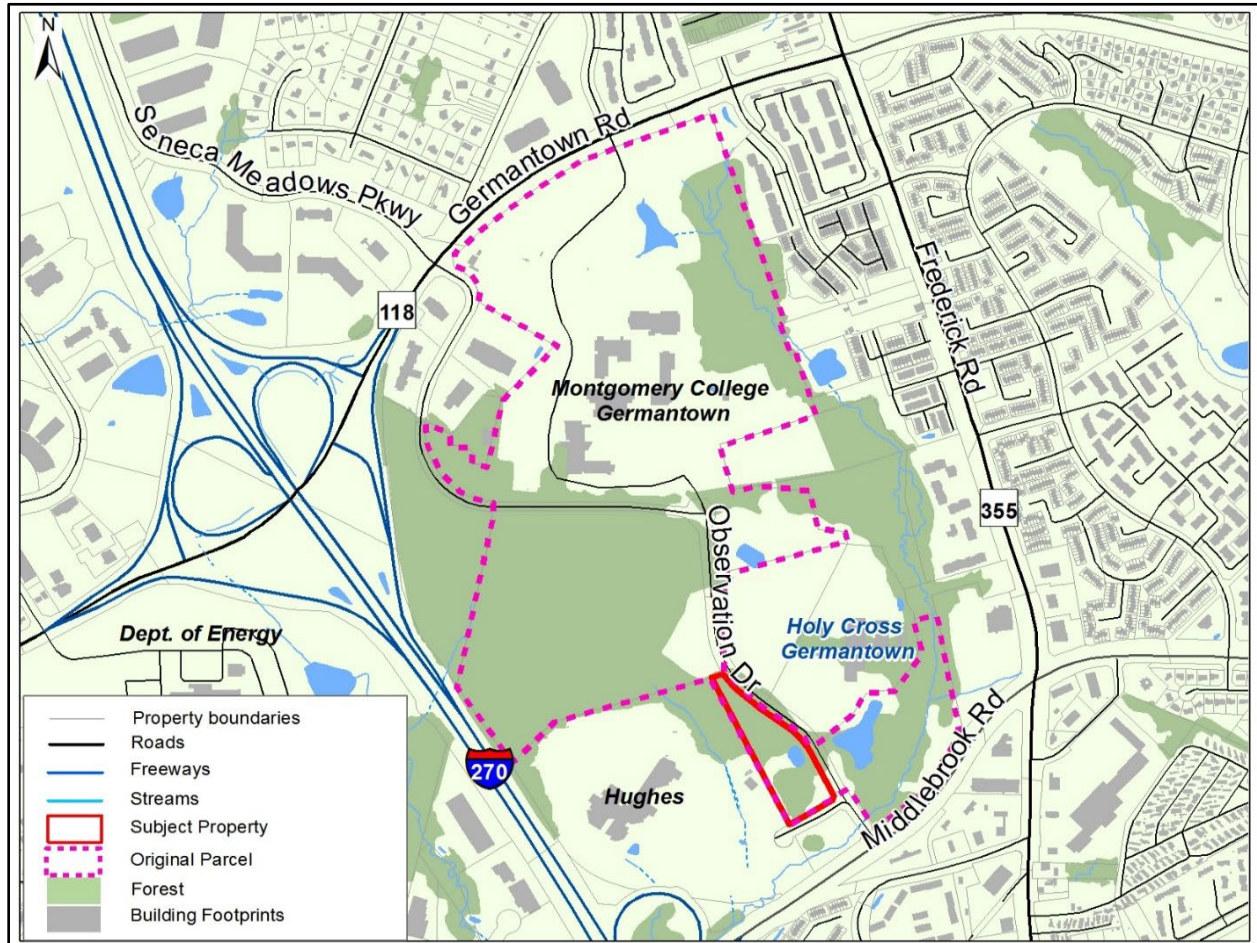


Figure 1 - Vicinity Map

SITE VICINITY

Other uses, which are part of the Montgomery College at Germantown Campus, include the Holy Cross Hospital which is directly opposite the Subject Property on Observation Drive, and the multiple academic buildings associated with Montgomery College, located just north of the Property. Immediately to the west of the site is the Hughes corporation (Site Plan No. 81978031B), and the Property is located approximately a mile east of the Germantown Town Center.



Figure 2 - Aerial, Montgomery College Campus

SITE DESCRIPTION

The parent tract, Part of Parcel A-1, is improved with multiple academic structures, associated parking and on-site circulation for the Montgomery College Campus (Figure 2). Part of Parcel A-1 also includes areas of stormwater management and multiple areas of Category I conservation easement. Part of Parcel A-1 is bisected by Observation Drive, which is a master planned arterial roadway. The property occupied by Holy Cross Hospital is part of the larger Montgomery College Germantown campus, but sits on its own Parcel C, created by Plat No. 24446 in 2012 to allow for the construction of the Hospital and this section of Observation Drive.

The approximately 5.75-acre Subject Property is unimproved and is partially cleared and partially forested. An area was cleared in the eastern portion of the Property as part of the construction of Observation Drive, and there is an area of existing Category II conservation easement in the northern part of the Property, shown in Figure 3, that was recorded as part of a previous approval to protect a 72-inch Champion American Elm Tree that has since been severely damaged in a storm.



Figure 3 - Aerial, Subject Property

SECTION 3
APPLICATIONS & PROPOSAL

PREVIOUS APPROVALS

Mandatory Referral MR2009720 and MR2009734

The Subject Property was included in the geography of two Mandatory Referrals, which were co-approved by MCPB Resolution No. 10-67 on June 15, 2010, for Forest Conservation purposes on the overall 224-acre Montgomery College Germantown Campus. This approval was for a new Bioscience building, and a childcare center on the Montgomery College Germantown Campus, and for a

Preliminary Forest Conservation Plan encompassing the entire 224.13-acre campus, including the Subject Property. A Final Forest Conservation Plan MR2009720 was subsequently approved in a letter dated June 24, 2010, and later revised in a letter dated December 22, 2015, (Attachment 2) for the entire 224.13-acre campus. This established the creation and recordation of conservation easements on portions of the Montgomery College Germantown Campus, and established areas approved for future forest clearing and land disturbing activities.

Preliminary Plan No. 120160240

On December 12, 2016, the Planning Board approved a Preliminary Plan for subdivision to create one lot, approximately 5.75 acres in size, for the development of up to 150,000 square feet of office space. The approved Preliminary Plan showed a 150,000 square foot, 75-foot-tall office building located in the southeastern corner of the Property [MCPB No. 120160240] (Attachment 11).

CURRENT APPLICATION

Preliminary Plan Amendment No. 12016024A

The Application, designated as Preliminary Plan No. 12016024A, Montgomery College Germantown (“Preliminary Plan” or “Application”), proposes to amend the originally approved Preliminary Plan in order to change the use from Office and Professional uses to Research and Development, while also providing an increase to the overall footprint of the building but not exceeding the originally approved density of 150,000 square feet in the LSC zone.

The Preliminary Plan proposes a 150,000 square foot, 40-foot-tall research and development building located on the Subject Property. Parking for the use is provided with a surface parking lot with two access points; a northern access on Observation Drive that aligns with the existing entrance to Holy Cross Hospital, and a southern access point located on Exploration Lane. Integrated within the parking lot are various stormwater management facilities, and between the parking lot and the northern side of the building is an area of public open space. A significant portion of the required parking is provided off-site through the use of a shared parking agreement with the adjacent property, subject to Site Plan No. 81978031B, Hughes Network Systems (Attachment 11).

A new sidewalk, ramp, and crosswalk will be installed along the northern side of Exploration Lane next to a new public utility easement along the Property’s frontage. A new asphalt shared use path will be installed along the western side of Observation Drive in a new public improvement easement next to an existing public utility easement, with storm water management facilities, and a lead sidewalk providing a direct connection to one of two main entrances. The new shared use path and new sidewalk will connect to additional sidewalks which will provide circulation to the parking and the second main entrance to the research and development building, which faces the parking area. The layout of the parking facilities, on-site circulation, building size, and proposed location are illustrative on the Preliminary Plan Drawings except for the location of the access points.

Forest Conservation requirements have been satisfied under previously approved Final Forest Conservation Plan MR2009720. Sheets 1, 6, and 7 have been updated to identify the proposed

disturbance under this Application and to update standard notes and details to reflect current requirements (Attachment 4).

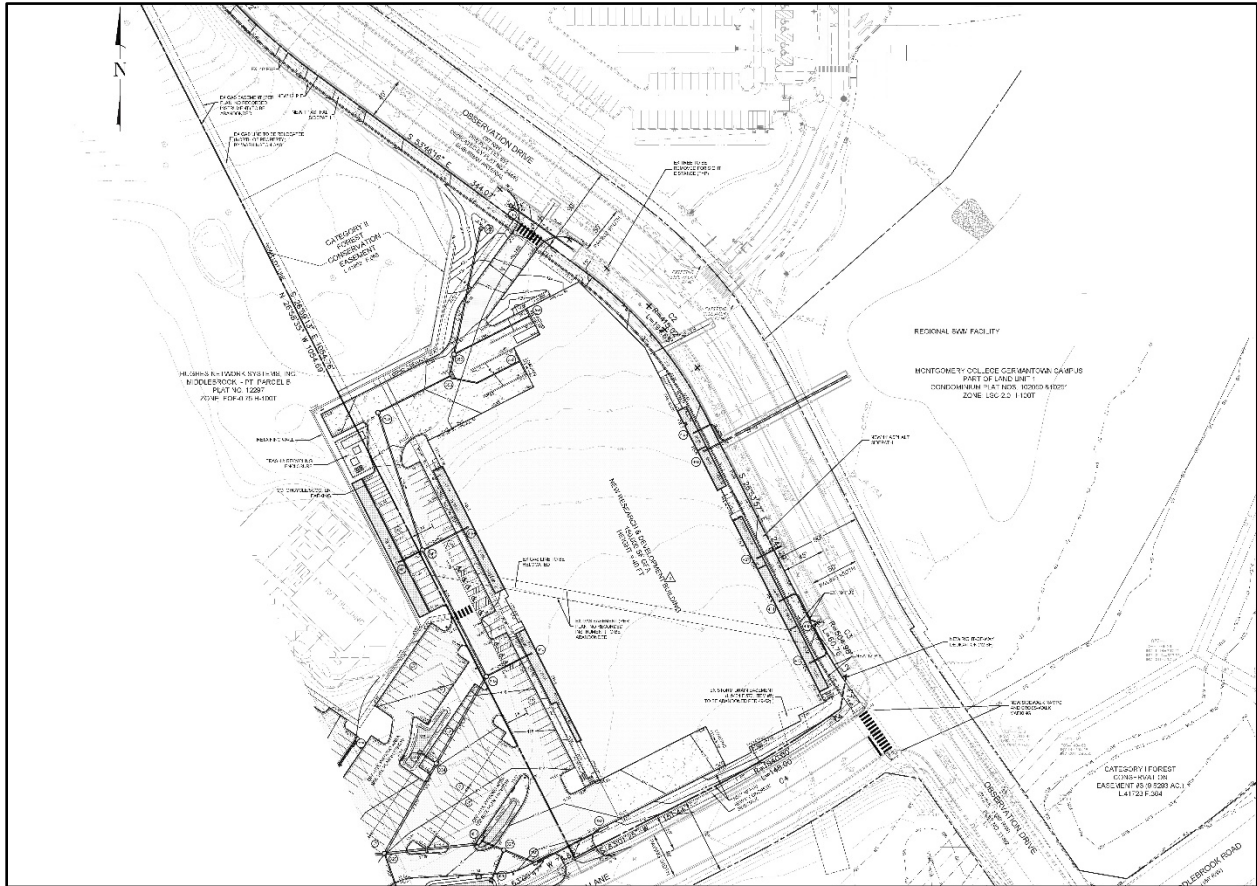


Figure 4 – Preliminary Plan

SECTION 4

ANALYSIS AND FINDINGS, 50.4.2.D

- 1. THE LAYOUT OF THE SUBDIVISION, INCLUDING SIZE, WIDTH, SHAPE, ORIENTATION AND DIVERSITY OF LOTS, AND LOCATION AND DESIGN OF ROADS IS APPROPRIATE FOR THE SUBDIVISION GIVEN ITS LOCATION AND THE TYPE OF DEVELOPMENT OR USE CONTEMPLATED AND THE APPLICABLE REQUIREMENTS OF CHAPTER 59*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type and proposed use contemplated for the Subject Property.

This Application utilizes an off-site shared parking agreement to provide 290 of the 328 required parking spaces on the adjacent property subject to Site Plan No. 81978031B, Hughes Network

Systems. The off-site shared parking agreement and Subject Property is subject to the requirements in Section 59.6.2.3.G of the Zoning Ordinance which states:

“G. Off-Site Parking by Agreement

1. An applicant may satisfy the required number of vehicular parking spaces through off-site parking on property located within ¼ mile of the subject property if the off-site property is plat-restricted, deed-restricted, or is under a joint use agreement. The plat or deed restrictions must specify that the property provides the required number of parking spaces for a use on another property. The plat or deed restrictions may be lifted if substitute off-site parking is provided or if the use requiring the parking ceases to exist. A joint use agreement must:

- a. be for a property under the control of the involved parties;
- b. be approved by the deciding body;
- c. have a minimum term of 5 years; and
- d. require the parties to notify DPS within 3 days after any changes to the joint use arrangement and provide DPS with a minimum of one month notice of any pending termination of the agreement.
- e. If the parking available under a joint use agreement is reduced, the use-and-occupancy permit for the development that was approved in reliance on the joint use agreement must be amended or revoked, as appropriate, due to the reduced parking unless a parking waiver under Section 6.2.10 is approved.
- f. A property owner must obtain a new use-and-occupancy permit, including proof of sufficient parking, if there is a change in use of the property or in the joint use agreement.

2. An applicant may satisfy the required number of vehicular parking spaces if the property is within the boundary of a duly established Municipal Shared Parking Program and the municipality confirms that the property will participate in that Program.”

The lot was reviewed for compliance with the dimensional requirements for the LSC zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, and can accommodate the Research & Development use, which can reasonably meet the width and setbacks requirements in that zone. The Property does not abut Agricultural, Rural Residential, Residential Detached or Residential Townhouse zones so is not subject to those setback criteria. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 4.6.3 of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Standards Table – LSC (Standard Method)

LSC	Required by the Zone	Previously Approved 120160240	Proposed for Approval 12016024A
Density Sq. Ft. / FAR (gross tract area) ³	Up to 729,036 sq. ft. / 2.0	150,000 sq. ft. / 0.41 FAR (based on gross tract area of 8.37 acres)	150,000 sq. ft. / 0.41 FAR (based on gross tract area of 8.37 acres)
Public Open Space	10%	14.5%	10% (25,047 sq. ft.)
Min. Lot Area (SFD)	n/a	250,467 sq. ft.	250,467 sq. ft.
Min. Building Setback ⁴			
Front	0 ft.	17 ft.	10 ft. (Observation Drive)
Side	0 ft.	unknown	538 ft.
Side Street	0 ft.	12 ft.	12 ft. (Exploration Lane)
Min. Parking Setback			
Front	N/A ⁵	N/A	N/A
Side	N/A ⁶	N/A	N/A
Front Build-to-Area (BTA) (% within 20 feet)	70%	98%	100% ⁷
Side Build-to-Area (% within 20 feet)	35%	68%	100% ⁸
Max. Building Height	100 ft.	75 ft.	75 ft.
Vehicle Parking	300 - 450 spaces	302 spaces	328 spaces ⁹

³ For tracts larger than 5 acres, a minimum of 40% of the gross floor area proposed must be for Life Sciences and related uses.

⁴ Final determination of setbacks and build-to-area calculations made by MCDPS at the time of building permit. The Applicant must meet the minimums required or a Site Plan will be required.

⁵ Per Section 59.4.6.3.e.3.A, Parking setbacks for surface parking lots do not apply because the development does not front a Business District and a Build-to-Line is not recommended in the Master Plan.

⁶ Per Section 59.4.6.3.e.3.A, Parking setbacks for surface parking lots do not apply because the development does not front a Business District and a Build-to-Line is not recommended in the Master Plan.

⁷ Per Section 59.4.6.3.e.3.A, Build-To-Area requirements do not apply because the development does not front a Business District and a Build-to-Line is not recommended in the Master Plan.

⁸ Per Section 59.4.6.3.e.3.A, Build-To-Area requirements do not apply because the development does not front a Business District and a Build-to-Line is not recommended in the Master Plan.

⁹ 290 of the provided 328 spaces will be located off-site using an off-site shared parking agreement with the adjacent property owner.

2. *THE PRELIMINARY PLAN SUBSTANTIALLY CONFORMS TO THE MASTER PLAN*

2009 GERMANTOWN EMPLOYMENT AREA SECTOR PLAN

The Subject Property is located within the limits of the 2009 *Germantown Employment Area Sector Plan* (“Master Plan”). This Amendment does not change this finding in a substantive way from the finding made in Preliminary Plan No. 120160240.

3. *PUBLIC FACILITIES WILL BE ADEQUATE TO SUPPORT AND SERVICE THE AREA OF THE SUBDIVISION*

Transportation facilities, including site access, parking, and bike and pedestrian access will be adequate to serve the Subject Property.

ROADS AND TRANSPORTATION FACILITIES

The Subject Property is located at the intersection of Observation Drive and Exploration Lane. Observation Drive is identified in the Master Plan of Highways and Transitways as an arterial roadway, with an 80-foot right-of-way (ROW), including four travel lanes on a non-divided highway, minimum five-foot wide sidewalks and dual bikeways. Exploration Lane is an unclassified public road with an 80-foot right-of-way; this road terminates immediately to the southwest of the Subject Property.

The Applicant will construct an 11-foot-wide shared use path along the frontage of Observation Dr., as recommended by the 2018 Bicycle Master Plan as well as a 6-foot-wide sidewalk along Exploration Lane.

Access, Parking and Circulation

The Subject Property proposes two access points: a primary access point for personal vehicles and trucks from Exploration Lane, and a secondary access to Observation Drive to serve trucks using the loading bays on the north end of the Property.

As discussed above, parking for the Subject Property will be served jointly on-site to the rear of the proposed building as well as off-site on a shared parking lot on the adjacent property. Parking will be adequate to serve the proposed use and meet all requirements of the Zoning Code, and subject to the Off-Site Parking Agreement.

Local Area Transportation Review (LATR)

The Application has provided a transportation statement (Attachment 8) stating that this Application will not result in any new trips. This Application is exempt from additional LATR review as it does not result in an increase of 50 or more net new person trips.

Table 2 – Trip Generation (Vehicle trips calculated using 10th Edition of ITE Guidelines. Person trips adjusted according to policy area and 2021 LATR methodology)

Development	Size	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Approved (Credit)							
Office (ITE 710)	150,000 sf	(144)	(23)	(167)	(24)	(126)	(150)
Proposed							
R&D (ITE 760)	150,000 sf	127	28	155	24	123	147
Net New Vehicle Trips		-17	5	-12	0	-3	-3
LATR Adjusted Net New Person Trips		--	--	-27	--	--	-14

OTHER PUBLIC FACILITIES AND SERVICES

Other public facilities and services are available and adequate to serve the proposed development. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will be serviced by public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on January 28, 2022 (Attachment 5). Other utilities including an overlapping PUE/PIE along Observation Drive, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Instructure Policy (GIP) in effect at the time that the Application was accepted.

4. ALL FOREST CONSERVATION LAW, CHAPTER 22A REQUIREMENTS ARE SATISFIED

FOREST CONSERVATION

Natural Resource Inventory / Forest Stand Delineation

A Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420062160 was approved for the entire 224-acre Montgomery College – Germantown campus in October 2006 and recertified in January 2009. The NRI/FSD identified the forest resources and environmentally sensitive features on the Property. The Property is located within the Great Seneca Creek watershed, which is classified by the State of Maryland as Use I-P waters.

Forest Conservation Plan

The FFCP MR2009720 (“FFCP”) approved for this Property remains valid and this Application is in conformance with the approved FFCP. The FFCP protects all sensitive environmental features on the Property, designates forest conservation easements for the entire campus, and provides areas available for development within the campus. The location of the proposed development under

this Application is in conformance with the conservation easements and the areas designated for development shown on FFCP MR2009720. Appropriate tree protection measures, including tree protection fencing and root pruning along the limits of disturbance, are provided. The standard notes and details have been updated on the FFCP to reflect current tree protection methods, sequence of events and forest conservation inspection requirements.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code. A Final Forest Conservation Plan was approved for the entire Montgomery College – Germantown Campus under plan number MR2009720 and this Application is in conformance with this FFCP. Four trees greater than 30 inches in Diameter at Breast Height will be impacted or removed by the construction proposed by this Application; however, the three trees (Trees #419, 420, and 425) proposed for removal are located within the area previously approved for forest clearing and the one tree (Tree #424) proposed to be impacted but retained, was previously approved to be impacted to the same degree. Since these impacts and removals were previously approved as part of FFCP MR2009720, no modification to the previous tree variance is required as part of this Application.

The Application satisfies the applicable requirements of the Forest Conservation Law, Chapter 22A of the Montgomery County Code, and complies with the Montgomery County Planning Department’s approved Environmental Guidelines.

5. ALL STORMWATER MANAGEMENT, WATER QUALITY PLAN, AND FLOODPLAIN REQUIREMENTS OF CHAPTER 19 ARE SATISFIED.

The Preliminary Plan meets the Stormwater Management requirements of Chapter 19 of the County Code. The Applicant received an approved stormwater concept approval from the Montgomery County Department of Permitting Services, Water Resources Section on February 9, 2022 (Attachment 6). The Application will meet the stormwater management goals through the use of microbioretention planter boxes, microbioretention, and enhanced microbioretention facilities.

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.

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory for Burial Sites.

7. ANY OTHER APPLICABLE PROVISIONS SPECIFIC TO THE PROPERTY AND NECESSARY FOR APPROVAL OF THE SUBDIVISION IS SATISFIED.

There are no other applicable provisions specific to the Property that are necessary for approval of this Application.

SECTION 5

COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements for the submitted Preliminary Plan Application. As of the date of this Staff Report, Staff has not received any correspondence from the community regarding this Application.

SECTION 6

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, Montgomery County Planning Department's Environmental Guidelines, and the proposed use substantially conforms to the recommendations of the 2009 *Approved and Adopted Germantown Employment Area Sector Plan* and the 2010 *Germantown Urban Design Guidelines*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, Staff recommends approval of this Application, with the conditions specified above.

ATTACHMENTS

- Attachment 1 – Statement of Justification
- Attachment 2 – Final Forest Conservation Plan MR2009720 Approval Memo, December 22, 2015
- Attachment 3 – Preliminary Plan
- Attachment 4 – Final Forest Conservation Plan Updated Sheets 1, 6, and 7
- Attachment 5 – DPS Fire Department Access and Water Supply Approval Plan, January 28, 2022
- Attachment 6 – MCDPS Stormwater Concept Approval Letter, February 9, 2022
- Attachment 7 – MCDOT Approval Letter, January 21, 2022
- Attachment 8 – Traffic Impact Statement
- Attachment 9 – Planning Board Resolution 16-132, Preliminary Plan No. 120160240
- Attachment 10 – Montgomery College Parking Correspondence, March 9, 2022
- Attachment 11 – Approval memo for Site Plan No. 81978031B, Hughes Network Systems