



## Attachment 6

### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

February 9, 2022

Mr. Mark Hollida  
Macris, Hendricks, & Glascock  
9220 Wightman Road, Suite 120,  
Montgomery Village, MD 20886

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Hughes Network Systems  
Preliminary Plan #: NA  
SM File #: 287582  
Tract Size/Zone: 87.46 AC  
Total Concept Area: 8.18 AC  
Watershed: GREAT SENECA CREEK

Dear Mr. Hollida:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 10 Microbioretention Planter Boxes, 3 Microbioretention, and 1 Enhanced Microbioretention Facilities.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Please note that the fill placement and foundation systems for the proposed buildings will be required to follow the Department of Permitting Services (DPS) complex structure approval due to the nature and complexity of the project. As such, the fill placement and foundation systems must be constructed under the supervision of a DPS-approved geotechnical engineer licensed in the State of Maryland. This engineer must certify and submit reports on the compaction and soil bearing capacity of the fills and certify that the fill is adequate for the proposed foundation systems. If you have any questions please call George Muste, 240-777-6232.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Mr. Mark Hollida*  
*February 9, 2022*  
*Page 2 of 2*

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Bill Musico PE at 240-777-6340.

Sincerely,

*Mark Etheridge*

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: WJM

cc: N. Braunstein  
SM File # 287582

ESD: Required/Provided 30,229 CF / 31,540 CF  
PE: Target/Achieved: 1.40" / 1.46"  
STRUCTURAL: 0.00 cf  
WAIVED: 0.00 ac.



## Attachment 7

### DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

January 21, 2022

Mr. Ryan Sigworth, Senior Planner  
Upcounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission (M-NCPPC)  
2425 Reedie Drive  
Wheaton, Maryland 20902

RE: Preliminary Plan Letter  
Preliminary Plan No. 12016024A  
Montgomery College Germantown

Dear Mr. Sigworth:

We have completed our review of the Preliminary Plan uploaded in eplans dated January 5, 2022. A previous plan was reviewed by the Development Review Committee at its December 21, 2021, meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Based on the Circulation Plan & Storm Drain plan it seems there are additional surface parking lots being proposed with this amendment that are not shown on the preliminary plan. These improvements are on the adjacent property that is part of Site Plan amendment. These improvements should be shown clearly on the certified preliminary plan. The agreement with the adjacent property owner for the proposed improvements and the shared driveway, shall be uploaded to eplans at the certified preliminary plan. If the agreement is recorded, then the liber and folio should be noted on the plat.
2. Design all vehicular access points to be at-grade with the sidewalk, dropping down to street level between the sidewalk/sidepath and roadway.

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#### Office of the Director

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

3. The proposed 11-ft sidepath along Observation Drive is within a 12-ft Public Improvement Easement (PIE) which overlaps with a 10-ft Public Utility Easement (PUE) as shown in the roadway cross section and plans. Prior to the recordation of the plat, the applicant should provide a written letter of consent from the Utility Companies for the proposed sidewalk being within the PUE.
  4. The applicant must record the PIE along Observation Drive. The Declaration of PIE document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat.
  5. Per the plan it seems like a portion of proposed step from the building at the intersection of Observation Drive and Exploration Lane may be extending into the PUE. No steps, stoops or retaining walls for the development are allowed in County right-of-way or PUEs.
  6. **Storm Drain Analysis:** The storm drain analysis has been accepted. The site drains to an existing storm drain outfall maintained privately.
  7. **Sight Distance:**
    - a. The sight distance along Exploration Lane is acceptable.
    - b. The sight distance study for the proposed access along Observation Drive has been accepted with the following condition:
      - At or the permit stage the applicant must demonstrate that with the removal of the existing trees/any obstruction within the line of sight will achieve the minimum required sight distance. The applicant shall work with MCDPS to achieve the required sight distance.
- A copy of the Sight Distances Evaluation certification form is enclosed for your information and reference.
8. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
  9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, drainage characteristics and maintenance and liability of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
  10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
  11. If the proposed development will alter any existing County-maintained street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and

Operations Section at 240-777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

12. Prior to approval of the record plat by MCDPS, the applicant needs to amend a Traffic Mitigation Agreement (TMAg) executed on April 5, 2017. The amendment is needed to update the bikeshare provision. Space for a bikeshare station was required; however, the County is no longer expanding the bikeshare program to include stations on private property. Instead, the space is to be used as a corral for share-used micromobility devices. MCDOT will provide the Applicant with standards and cost estimates for these facilities. The amendment will include language to this effect. The applicant should coordinate with Ms. Sandra Brecher, Chief of the Commuter Services Section. Ms. Brecher may be contacted at 240-777-8380 or at [Sandra.Brecher@montgomerycountymd.gov](mailto:Sandra.Brecher@montgomerycountymd.gov).
13. Upgrade pedestrian facilities at intersections along the site frontage & at adjacent intersections to comply with current ADA standards.
14. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with MCDPS Right-of-Way Plan Review Section.
15. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Sidewalk, handicap ramps, storm drainage and appurtenances and street trees along Observation Drive.
  - b. Sidewalk, handicap ramps, storm drainage and appurtenances and street trees along Exploration Lane.
  - c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
  - d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

Mr. Ryan Sigworth  
Preliminary Plan No. 12016024A  
January 21, 2022  
Page 4

If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Team Engineer for this project, at 240-777-7170 or at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov).

Sincerely,

*Deepak Somarajan*

Deepak Somarajan, Engineer III  
Development Review  
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 12016024A-Montgomery College Germantown\ Letter\ 12016024A-Montgomery College Germantown Prelim Letter

Attachment(s): Sight Distance Form

cc: Sharepoint Correspondence FY-22

cc-e: Patrick La Vay	MHG
Steven Robins	Lerch Early Brewer
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Mark Terry	MCDOT DTEO
Dan Sanayi	MCDOT DTEO
Beth Dennard	MCDOT CSS
Sandra Brecher	MCDOT CSS
Rebecca Torma	MCDOT OTP



**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Middlebrook Pt of Parcel B Preliminary Plan Number: 1- 2016024A

Street Name: Observation Drive / Exploration Drive Master Plan Road Classification: Arterial BRT / Business  
[Link To MoCo Road Classification Map](#) [Link to Road Classification Table](#)

Posted Speed Limit: 30/Not Posted mph

Street/Driveway #1 ( Observation Dr. ) Street/Driveway #2 ( Exploration Dr. )

Sight Distance (feet)	OK?
Right <u>150</u>	<u>No*</u>
Left <u>259</u>	<u>No*</u>

Sight Distance (feet)	OK?
Right <u>600</u>	<u>Yes</u>
Left <u>332</u>	<u>Yes</u>

Comments: \* Trees Block Portions of the Sight Lines  
Street Trees Within Sight Triangles Will Need To Be  
Removed To Achieve Adequate Sight Distance.

Comments: Exploration Drive is Unclassified; Business  
Classification Based on Existing Road Cross Section

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
<input type="checkbox"/> Tertiary - 25 mph	150'
<input type="checkbox"/> Secondary - 30	200'
<input checked="" type="checkbox"/> Business - 30	200'
<input type="checkbox"/> Primary - 35	250'
<input checked="" type="checkbox"/> Arterial - 40	325'
<input type="checkbox"/> (45)	400'
<input type="checkbox"/> Major - 50	475'
<input type="checkbox"/> (55)	550'

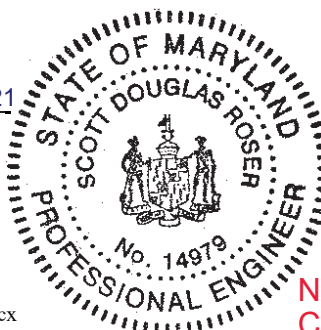
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

\*Source: AASHTO

**ENGINEER / SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines and that these documents were prepared or approved by me, and that I am a licensed Professional Engineer under the laws of the State of Maryland, License No. 14979, Expiration Date 07/02/2022

Scott H. Rose 09/20/2021  
Signature Date



**Montgomery County Review:**

☒ Approved (See Note Below)

☐ Disapproved:

By: Deepak Somarajan

Date: 1/21/2022

14979

PLS/P.E. MD Reg. No

Form Reformatted:  
March, 2000

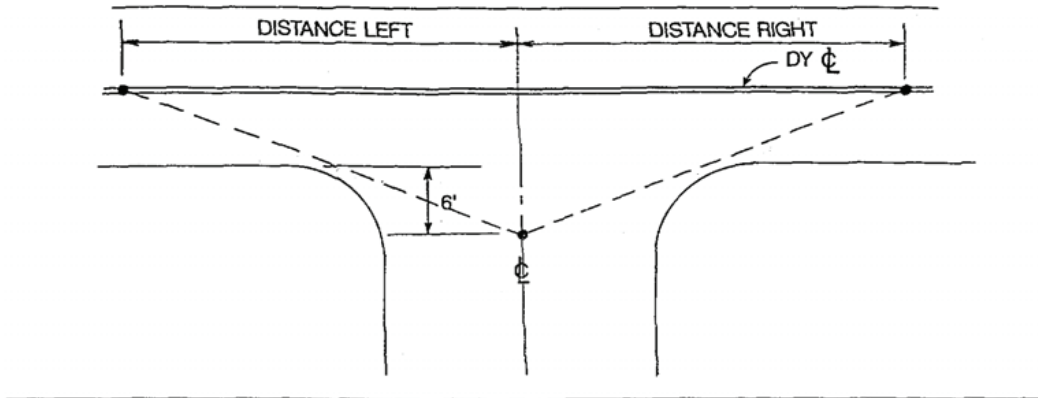
**NOTE: Approved with Condition. See Comment#7 of the letter.**



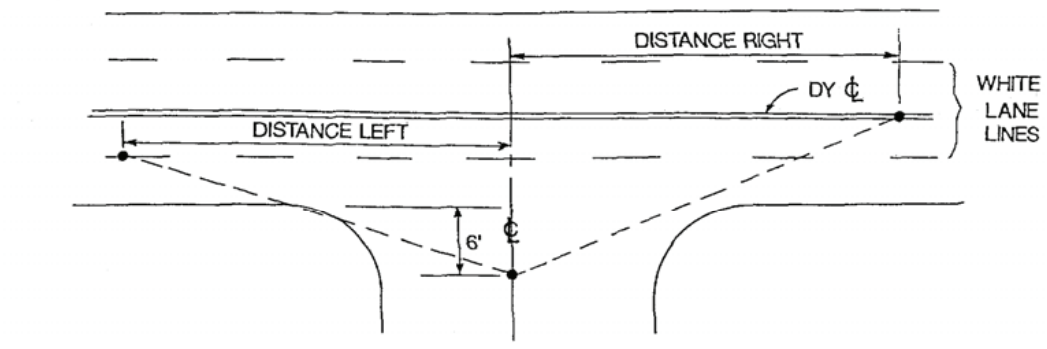
**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION ATTACHMENT**

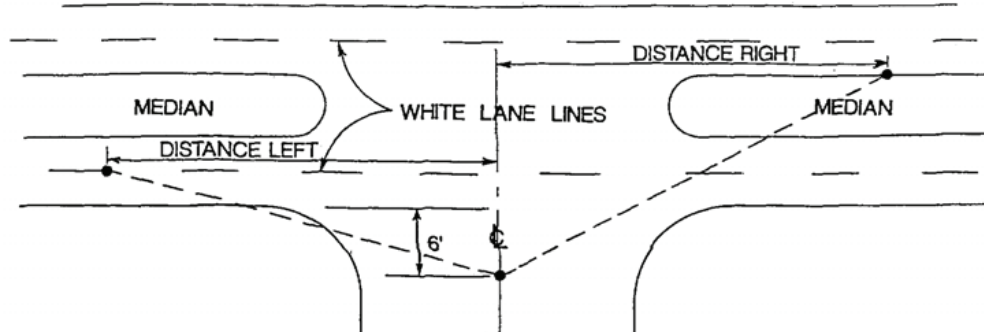
2 LANE UNDIVIDED ROADWAY



MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY



Site Distance Images Proposed Observation Drive Entrance



Trees In Sight  
Line Must Be  
Removed to  
Achieve Adequate  
Sight Distance

Looking Right From Proposed Observation Drive Entrance



Trees In Sight  
Line Must Be  
Removed to  
Achieve Adequate  
Sight Distance

Looking Left From Proposed Observation Drive Entrance

Site Distance Images Continued



Looking South Toward Proposed Observation Drive Entrance



Looking North Toward Proposed Observation Drive Entrance

Site Distance Images Continued



Looking Right From Proposed Exploration Drive Entrance



Looking Left From Prom Proposed Exploration Drive Entrance

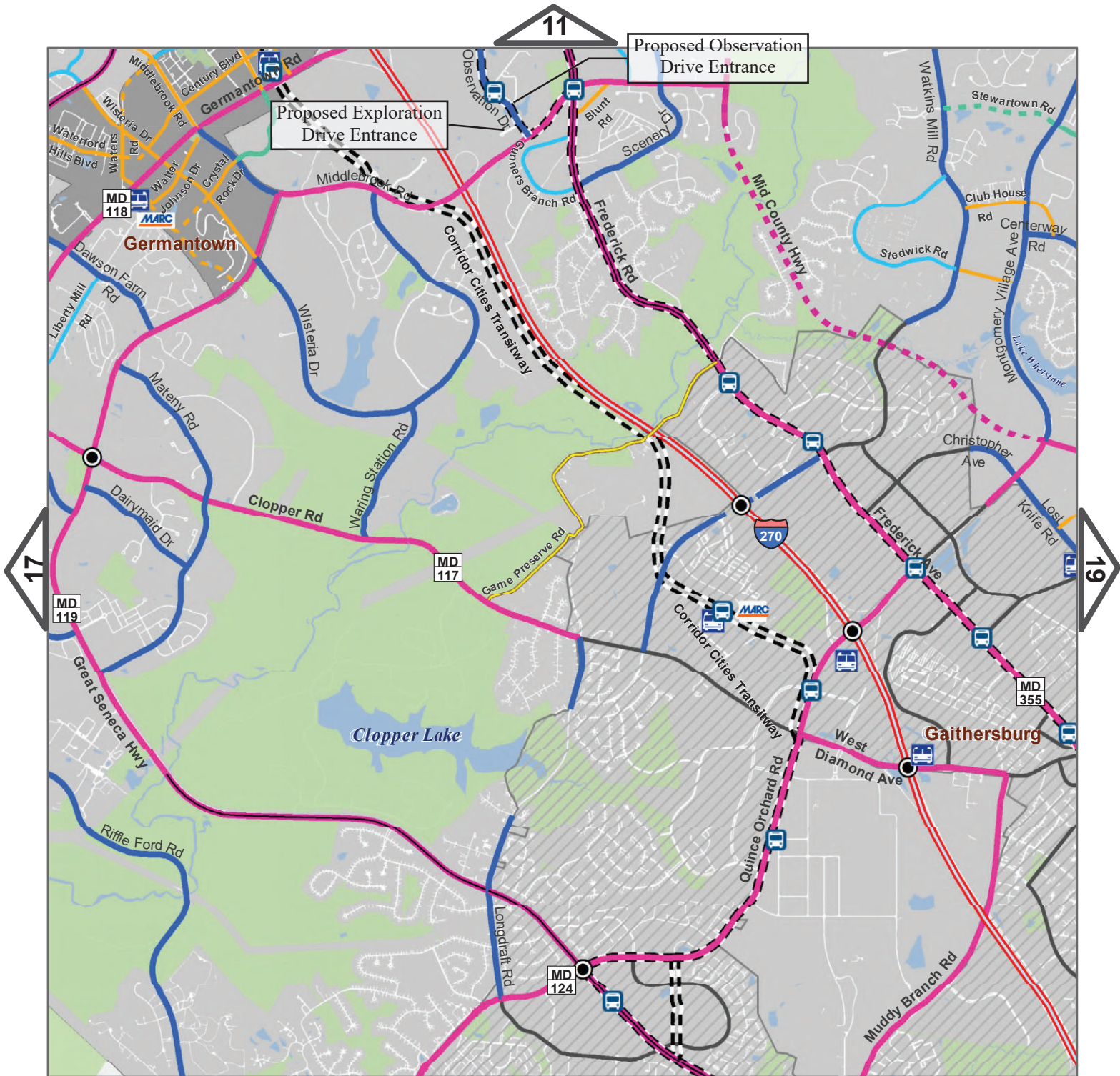
Site Distance Images Continued



Looking East Along Existing Driveway Toward Proposed Exploration Drive Entrance



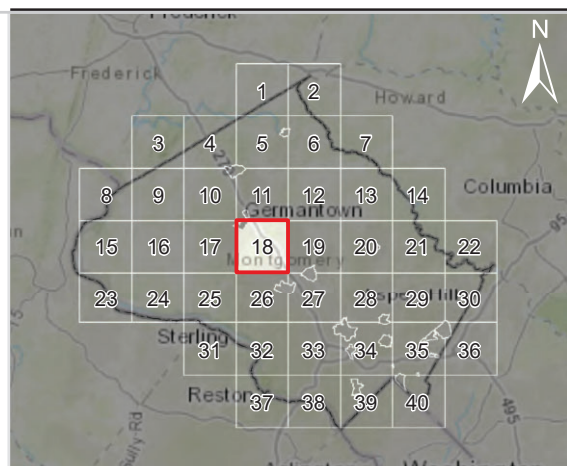
Looking West Toward Proposed Exploration Drive Entrance



## Master Plan of Highways and Transitways Designations

- == Planned BRT
- Freeway with HOV Lanes
- Controlled Major Highway
- - Controlled Major Highway with Planned BRT
- - Major Highway (Planned)
- Major Highway
- - Major Highway with Planned BRT
- - Arterial (Planned)
- Arterial
- - Arterial with Planned BRT
- - Minor Arterial (Planned)
- Minor Arterial
- Primary Residential
- - Business (Planned)
- Business
- Rustic Road
- Major Municipal Roads

0 0.45 0.9 1.8 Miles



**WELLS + ASSOCIATES****MEMORANDUM**

1110 Bonifant Street  
Suite 210,  
Silver Spring, MD 20910  
301-448-1333  
[WellsandAssociates.com](http://WellsandAssociates.com)

**TO:** Cristina Ramirez  
Transportation Planning Division, M-NCPPC  
2425 Reedie Drive  
13<sup>th</sup> Floor  
Wheaton, Maryland 20902

**FROM:** Nancy Randall, AICP

**RE:** HUGHES NETWORK & PIC MC Preliminary Plan Amendment No. 12016024A  
Exemption Letter

**DATE:** October 18, 2021

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This letter serves as a traffic statement for the Preliminary Plan Amendment application for the HUGHES NETWORK & PIC MC site. The property is located in the northwest quadrant of the intersection of Observation Drive and Exploration Lane, in the Germantown West Policy Area. The development program will include 150,000 square feet of Research and Development space. Vehicular access to the property will be provided on Exploration Lane and Observation Drive.

This site was previously approved for 150,000 square feet of general office space and if the amendment is approved will be developed with 150,000 square feet of Research and Development space. A summary of the previously approved office space trip generation and the new development program comparison is found on Table 1. The new development program, 150,000 square feet of Research and development space, will result in 27 AM fewer peak hour person trips and 14 PM fewer peak hour person trips than the previously approved 150,000 square feet of office space. Therefore, this application will not be subject to the 2021 LATR guidelines.

Please use this letter as our formal Germantown West Policy Area transportation submittal. If you require any additional information to facilitate your review and approval, please call me at 301-971-3415 or email me at [amrandall@wellsandassociates.com](mailto:amrandall@wellsandassociates.com).

# WELLS + ASSOCIATES

## MEMORANDUM

**Table 1**

Montgomery College Germantown Campus  
Site Trip Generation with Mode Split Summary

Land Use	LUC	Amount	Unit	ITE Trip Generation <sup>1</sup>						LATR Mode Split Trip Generation <sup>2</sup>											
				AM Peak Hour			PM Peak Hour			AM Peak Hour						PM Peak Hour					
				In	Out	Total	In	Out	Total	Auto Driver (Vehicle Trips)	Auto Passenger	Transit Trips	Non-Motorized (Bicycle Trips)	Pedestrian (Walking Trips)	Total Person Trips	Auto Driver (Vehicle Trips)	Auto Passenger	Transit Trips	Non-Motorized (Bicycle Trips)	Pedestrian (Walking Trips)	Total Person Trips
<u>Approved</u>																					
General Office Building	710	150,000	SF	144	23	167	24	126	150	159	47	10	13	23	230	143	42	9	12	21	207
<u>Proposed</u>																					
Research & Development Center	140	150,000	SF	127	28	155	24	123	147	141	47	5	10	15	203	134	45	5	9	14	193
Net				-17	5	-12	0	-3	-3	-18	0	-5	-3	-8	-27	-9	3	-4	-3	-7	-14

Notes:

1. Trip generation based on ITE Trip Generation Manual 10th Edition.
2. Mode Split assumptions based on the Germantown East Policy Area from the July 2021 LATR Guidelines.



**MONTGOMERY COUNTY PLANNING BOARD**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-132

Preliminary Plan No. 120160240

Montgomery College Germantown Campus

Date of Hearing: December 8, 2016

DEC 12 2016

**RESOLUTION**

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

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

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160240, Montgomery College Germantown Campus ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160240 to create one lot for up to 150,000 square feet of

Approved as to  
Legal Sufficiency:

A handwritten signature in black ink, likely of the legal representative.

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

commercial office space on the Subject Property, subject to the following conditions:<sup>1</sup>

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

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. A five-foot-wide sidewalk across the Subject Property's frontage, from Exploration Lane to opposite the northern entrance to Holy Cross Hospital.
  - b. A five-foot-wide sidewalk across the Subject Property's frontage along Exploration Lane.
- 9) The record plat must show an easement for possible future driveway access, located across the Subject property, opposite the northern entrance to Holy Cross Hospital. for use by the property located to the west, consistent with the Preliminary Plan drawing.
- 10) Record plat must show necessary easements.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 12) The Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment for Transit, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services ("MCPDS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 13) Revise the Certified Preliminary Plan to include the following:
  - a. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
  - b. Show the construction of ADA accessible receiving ramps on the east side of Observation Drive on both sides of the Holy Cross Hospital entrance, accessible for pedestrians crossing Observation Drive.
  - c. Modify the shown ADA accessible sidewalk ramps on either side of the subject properties entrance on Observation Drive for pedestrians crossing Observation Drive to better align with the Holy Cross entrance.
- 14) The certified Preliminary Plan must contain the following note:

*"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."*
- 15) Any above ground building permits that are issued must show that the structures satisfy the build-to-area requirements for Exploration Lane and

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

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

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

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

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

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

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

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

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

#### Roads and Transportation Facilities

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

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

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

#### Other Public Facilities and Services

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

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

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 12 2016 (which is the date that this Resolution is mailed to all parties of record); and


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

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, December 8, 2016, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

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March 9, 2022

To: Michael J. Smith, Executive Director  
PIC MC, LLC

From: Sherwin A. Collette,  
Sr. Vice President for  
Administrative and Fiscal Services

Joyce Matthews  
Interim Sr. Vice President for  
Advancement and Community Engagement

Subject: 19710 Observation Drive Project - Preliminary Plan Amendment No.12016024A and Site  
Plan Amendment No. 81978031B; pertaining to 19710 Observation Drive and 11717  
Exploration Lane, respectively (collectively, "Proposed Amendments")

Patrick Butler, Chief, Upcounty Planning Division wrote to you on February 14, 2022, advising that the Montgomery County Planning Board needs to know that parking is sufficient for the 19710 Project at the time of approval of the referenced Preliminary Plan Amendment and Site Plan Amendment. Mr. Butler requested confirmation that Montgomery College is supportive of the parking agreement.

The purpose of this memorandum is to confirm that, subject to finalization of the necessary documents providing for the proposed recorded parking easement to support the building proposed pursuant to the Preliminary Plan Amendment, the College is supportive of the arrangement. The terms must be substantively as set out in the draft received by the College on March 8, 2022, and must run with the land upon ground lease execution.



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Floor 14  
Wheaton, MD 20902



MontgomeryPlanning.org

### **Memorandum**

**TO:** Gwen Wright, Planning Director

**VIA:** Patrick Butler, Chief *PB*  
Sandra Pereira, Supervisor *SP*  
Upcounty Planning Division

**FROM:** Jeff Server, Planner III *JS*  
Upcounty Planning Division

**RE:** Hughes Network Systems  
MINOR SITE PLAN AMENDMENT #81978031B

**DATE:** March 21, 2022

Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations.

Section 7.7.1.B.3.b of the Zoning Ordinance allows Applicants to amend a site plan approved before October 30, 2014, and apply the parking requirements contained in Sections 6.2.3 and Section 6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014.

Under Section 59.7.3.4.J.2, the Planning Director may approve certain applications for an amendment to a Certified Site Plan. Such amendments are considered minor in nature and do not alter the intent and objectives of the plan.

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the Intake and Regulatory Coordination (IRC) Division is required; however, submittal of the application to IRC is required. In addition, applicants must provide public notice under Division 7.5.

On November 17, 2021, 19710 Observation Drive, LLC, Inc. ("Applicant") filed a site plan amendment application designated Site Plan No. 81978031B ("Amendment") for approval of the following modifications:

1. Construction of 293 additional parking spaces, for a cumulative total of 1,418 parking spaces, on the Subject Property to serve a new building on the adjacent PIC-MC site (Site Plan No. 12016024A, Montgomery College Germantown).
2. Relocation and reconstruction of two existing multi-sport courts.
3. Address forest conservation requirements, which have been satisfied through Forest Conservation Plan Exemption 42022068E, confirmed on October 5, 2021.

A notice of the subject Amendment was sent to all required parties by the Applicant on February 22, 2022. The notice gave the interested parties 15 days to review and comment on the contents of the Amendment. Staff did not receive any correspondence regarding the Amendment.

The proposed Amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The Amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the site plan.

This Amendment shall remain valid per Section 59.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

  
\_\_\_\_\_  
Gwen Wright, Planning Director

March 21, 2022  
\_\_\_\_\_

Date Approved