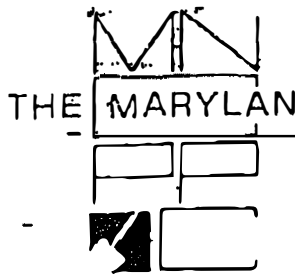


Attachment A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD CORRECTED OPINION

Preliminary Plan Review No. 1-96110

Project: The Johns Hopkins Belward

Date of Hearing: November 7, 1996

Preliminary Plan #1-96110 – Action. Approval Subject to Conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Holmes, with a vote of 4-0, Commissioners Baptiste, Richardson, Holmes, and Hussmann voting in favor of the motion. Commissioner Aron was necessarily absent.

The date of this written opinion is February 10, 1997, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, within thirty days of the date of this written opinion as provided in the Maryland Rules of Procedure.

On November 7, 1996, Preliminary Plan Review #1-96110 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence, submitted on the record, on the application.

PROJECT BACKGROUND

The subject property consists of 138 acres located on the north side of Maryland Route 28 (Rte.28/Darnestown Road) and Key West Avenue. Muddy Branch Road borders the west side of the property. The site is classified in the Research & Development Zone (R&D) which allows a variety of low-density industrial, research and development activities. Up to 50 percent of the total floor area may be devoted to general office use. The site will be traversed by a future extension of Decoverly Drive (Street "A", Attachment 1). This street will serve as a spine road for the development. Access to the site will be provided primarily from Key West Avenue and Muddy Branch Road. The Belward Farm/Ward House historic site is located between Street "A" and Route 28.

The western part of the site is presently farmland and the eastern portion of the site is primarily wooded. There are two minor streams that drain northward on the property.

Development on the north side of the site consists of detached homes in the Mission Hills subdivision located within the City of Gaithersburg. Some of the homes back up to the boundary line of the property. Development on the west side, across Muddy Branch Road, also consists of detached homes located within the City of Gaithersburg. Development south of the subject property, across Route 28, includes one-family attached homes developed in the Stonebridge subdivision. The land to the east, north of Key West Avenue, is undeveloped woodland, extending to Great Seneca Highway. Property across Key West Avenue from the site includes a portion of the County Police/ Fire & Rescue Training Academy.

The plan proposes to develop the property with 1.8 million square feet of office and R & D development.

DISCUSSION OF ISSUES

At the hearing, the Preliminary Plan raised several issues for the Board to consider, in addition to the standard preliminary plan approval criteria:

1. Participation in a future transportation management organization.
2. Extent of environmental setting for historic property on site.
3. Extent of dedication of right-of-way for Route 28.
4. Dedication of land for Park and Ride lot on site.
5. Adequacy of recreational facilities/provision of private local park.
6. Contents of landscape plan.
7. Improvements required for Key West Avenue.
8. The number of parking spaces allowed for the site.
9. Compatibility of development with neighboring residential developments.

Participation in a future Transportation Management Organization (TMO).

The Board heard differing opinions between staff and the applicant with regard to whether the applicant should be required to participate in a future TMO¹. According to staff, the 1990

¹Pursuant to Section 42A-23 of the Montgomery County Code, the County Council may create one or more Transit Management Districts (TMDs) in each metro station policy area.

Approved and Adopted Shady Grove Study Area Master Plan (Master Plan) recommended a strong public/private commitment to various transit proposals including the formation of a TMD. Also, the Montgomery County Council, sitting as the District Council, in approving the recent Sectional Map Amendment (SMA) for the site, emphasized in their Opinion, dated June 11, 1996, that transit service is an essential element of the Master Plan and forms the basis for the land use and zoning proposals. Staff therefore recommended conditioning Preliminary Plan approval on the applicant's participation in a future TMO to be formed in the Shady Grove area. One representative of the Stonebridge HOA testified in support of requiring TMO participation.

However, as pointed out by the applicants, the TMO has not been formed; they objected to providing an open-ended commitment to participate in a future TMO. The applicant submitted a letter and testified at the public hearing in support of its position on this issue.

Pursuant to Section 50-34(1), of the Subdivision Regulations in determining the acceptability of the Preliminary Plan submitted under the provisions of this chapter, the Planning Board must consider the applicable Master Plan. A preliminary plan must substantially conform to the applicable master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan recommendation no longer appropriate.

The Board acknowledges the Master Plan recommendations and County Council's intent to initiate legislation to create a TMO in the Shady Grove area at a future date and the overall emphasis on transit oriented development on the site. When such legislation is proposed, the Council may seek to include preliminary plans approved prior to the effective date of the legislation. However, until that time, the Board will not impose a condition on this plan for participation in a future TMO. Instead, the applicant must participate in a future TMO if required by the Council in its legislation on the issue. By so conditioning this Preliminary Plan approval the Board does not intend to exempt the property from consideration by the County Council for inclusion in a TMO at a future date.

Environmental Setting For the Historic Site:

The site includes an historic house designated as Master Plan historical site #20/21 Belward Farm/ Ward House at Darnestown Road and Key West Avenue.

The Board heard three positions regarding the environmental setting of the historic site. Susan Soderberg, Commissioner of the Montgomery County Historic Preservation Commission (HPC), spoke on the HPC's behalf in favor of an approximately 15 acre environmental setting. She described the role the site played in early community development, and explained that maintaining

Once created, the Planning Board and MCDPWT may impose reasonable transportation demand management measures as conditions on the Board's approval of a project in a TMD. A TMO is an entity created to manage or coordinate transit management demand measures.

the vista around the site was a key to understanding the role the site played in a Civil War skirmish. The HPC recommended the relatively large setting to maintain these vistas.

The applicant supported a reduced environmental setting of approximately 5 acres, with a plan to "buffer" the site from the surrounding development by placing some of the parking areas around the historical setting.

Finally, staff from the Board's Design, Zoning and Historic Preservation Division advised the Board that the proposed project's layout would impact negatively on the historic site. Specifically, staff faulted the applicant's proposal to reduce the setting and was strongly opposed to allowing any parking areas to be sited in front of the historical setting. Such parking would interfere with the vistas around the historical site. As set forth in a memorandum submitted into the record, staff supported a 6.98 acre environmental setting with significant open space on either side of the existing driveway.

Section 24A-5 of the Montgomery County Code authorizes the Historic Preservation Commission to advise the Planning Board, in the event of subdivision of land containing an historic resource, on the appurtenances and environmental setting to preserve it. The Planning Board must consider the HPC recommendation along with the other testimony and evidence submitted on this issue.

The record includes both written and oral testimony about the impact of the resubdivision on the historical resource. Preserving a larger setting than proposed by the applicant is necessary to maintain the vistas that are essential to preserving the site's historical meaning. However, maintaining adequate vistas can be achieved though a smaller setting than proposed by the HPC. Therefore, the Board supports the staff's recommendation of a 6.8 acre setting with the restrictions set forth in Condition 4 of this opinion.

Extent of right-of-way dedication for Maryland Route 28.

As part of the subdivision process, the Planning Board is authorized to secure necessary dedications for public streets. Section 50-30 of the Subdivision Regulations requires the dedication of streets to the full extent of the required right-of-way (ROW) determined to be necessary and proper and taking into consideration the maximum utilization of the site as provided in the applicable Master Plan.

The applicable Master Plan for the site recommends a maximum number of 6 travel lanes on Route 28 which would require a 150 foot ROW (measured from the opposite side of the road). However, staff and the applicant disagreed whether that was the necessary and proper width for the ROW. Staff supported the Master Plan requirement of 150 feet of dedication to address the possibility that 6 lanes of travel may be built along Route 28. However, staff acknowledged that the Maryland State Highway Administration (SHA), which owns Route 28, only requires 125 feet of dedication to meet improvements planned for the immediate future. Therefore, staff

recommended, as an alternative, requiring 125 feet of dedication at this time, and requiring a 25 foot easement for future dedication, if necessary for additional improvements as envisioned in the Master Plan.

The applicant disagreed with both the staff's recommendation for 150 feet of dedicated ROW and staff's compromise position. The applicant argued that MDSHA not only does not need 150 feet for its planned improvements, but that area for staff's proposed 25 foot easement is proposed for future afforestation. A representative from the SHA, Ron Burns, testified at the public hearing that the SHA has reviewed the application and the two arguments regarding dedication and concluded that the 125 feet dedication was sufficient for its presently planned improvements to Route 28.

The Planning Board considered staff's recommendation, the applicant's opposition to it and the position of the SHA. While the Board agrees with staff that the Board has the authority under the Subdivision Regulations to impose the full 150 foot ROW shown in the Master Plan, the position of the SHA makes it clear that such width is not necessary to accommodate the immediate planned improvements for Route 28. The Board finds that a 125 foot wide ROW is necessary, proper and sufficient to meet the future traffic requirements that the utilization of the site will create.

Provision of on-site Park and Ride lot.

The Master Plan recommends that a Park and Ride lot be located in the vicinity of the site to help reduce future vehicle trips through the area. Staff pointed out to the Board that this site was one of the last in the area that could support such a lot. Therefore, staff recommended conditioning the plan approval on the location of the lot on the site at some point during the proposed 12 year phase for site development.

However, the Board was also informed at the public hearing that staff of Montgomery County Department of Public Works and Transportation (MCDPWT) (the agency responsible for building the lot) concluded that this site would not be a good location for the lot and that there is no money appropriated for a lot in this area. The applicant also opposed staff's recommendation on the grounds that an open ended commitment to locate the lot on its property created marketing problems and was too uncertain to accept.

The Board considered the staff's position and recognizes the importance of locating a Park and Ride lot in the area of the site (but not necessarily on the site). This point is emphasized in the Master Plan. However, the Board notes that the MCDPWT does not support locating the lot on this site and lacks funding for the lot. Therefore, the Board will not condition this plan approval on the dedication of land for a park and ride lot on the site.

Adequacy of recreational facilities.

The Master Plan includes specific recommendations for recreational amenities on the site:

To help provide activity on the site after work hours and on weekends, non-employment uses should be provided. This Plan recommends recreational facilities and a private-local park.

A park is illustrated in the Master Plan on the western portion of the site. (See Master Plan, p. 120).

The Board raised concerns over the plan because it did not appear to show any recreational facilities or a local park. In response to the Board's questions on this issue, the applicant noted the recreational trail system proposed for the site and explained that the historic property was to be used as a retreat center for employees. According to the applicant, the staff of the Parks Department reviewed the Master Plan recommendation for the site and did not interpret that recommendation to require a local public park on the site. Staff did not comment at the public hearing about the adequacy of the proposed recreational facilities.

The Board expressed its reservations about whether the applicant's proposed recreational facilities met the Master Plan recommendations for the site. In particular, the Board noted that some of the facilities would not be available to non-employees and available during non-work day periods like nights and weekends. Chairman Hussmann stated that what he contemplated as the required recreational facilities included more than jogging trails. He stated that he expected a more defined recreational amenities package. Commissioner Pat Baptiste voiced her concern that the plan showed only parking lots and buildings without the recreational amenities envisioned by the Master Plan.

To that end, the Board directed staff to develop Condition 14 of this approval. This condition requires the applicant to provide a recreational plan for staff review which includes active recreational amenities such as a health club and play courts, and further details the internal path system with connections to off-site paths. The recreational plan will have to be approved by staff prior to record plat approval. This condition ensures that the type of facilities for the surrounding community and the on-site employees envisioned by the Master Plan will be provided. The proposed trail system is especially important to making the site accessible to bordering communities. The health club would provide an indoor recreational facility for employee use. The Board finds that with this condition, the plan meets the Master Plan recommendations for recreational facilities on the site.

Contents of landscape plan.

Under the requirements of Section 59-C-5.322 of the Zoning Ordinance, the applicant must submit a landscape plan as part of a Preliminary Plan application in the R&D Zone.

Staff recommended that the applicant submit a detailed landscape plan that included not only the landscaping proposed for the perimeter of the site but also the landscaping proposed around the buildings and parking areas internal to the site. Staff found this requirement important because the development was not required to go through site plan review because it utilized the standard method of development. Therefore, the landscape plan would be one of the Board's only opportunities to review landscape features.

The applicant resisted staff's recommendation for more detail as to internal landscape features because it required flexibility in final development plans to meet the requirements of potential purchasers at the site. The applicant also protested staff's recommendations as premature at the preliminary plan stage; the applicant felt that staff was requiring a "site plan" type of review where none is required in the Zoning Ordinance.

A representative of the Montgomery County Office of Economic Development echoed the applicant's opinion that requiring the submission of a more detailed landscape plan was burdensome.

The Board agrees with staff that submitting a detailed landscape plan is not an onerous condition and is well within its authority under Section 59-C-5.322 of the Zoning Ordinance. The need for the plan is heightened by the absence of further site plan review opportunities. However, the Board acknowledges the applicant's need for flexibility in building location and design; a landscape plan should not be used to lock the applicant into a particular building layout. (Staff also agreed that building location is not the issue when it reviews landscape plans.) Staff advised the Board that at the time sediment and erosion control permits were issued, the building locations would be finalized. At that point, the applicant could submit a landscape plan with enough detail to accurately portray the landscape features. Therefore, the Board finds the requirements for a landscape plan will be met with the submission for staff review of a final landscape plan prior to the issuance of sediment and erosion control permits for each phase of development.

Improvements required for Key West Avenue.

Pursuant to Section 50-24(b) of the Subdivision Regulations, the Planning Board may require "reasonable improvements to roads in front of proposed lots to serve the needs of [the] subdivision for access and traffic as required by the road construction code."

As noted above, the Master Plan recommends a maximum of 6 lanes for Key West Avenue where it fronts the site. Based on this recommendation and the traffic analysis conducted by staff from the Board's Transportation Planning Department, which is part of the record, staff recommended a third westbound lane on Key West Avenue along the site's frontage. Staff recommended that the lane be made to run from the intersection of Great Seneca Highway and Key West Avenue to approximately 300 feet past the proposed on-site Street "C" See Attachment 1 From that point, staff recommended a 300 foot tapered westbound lane into the existing 2 lane roadway The staff made these recommendations based on concerns for safe ingress and egress from the site, the traffic that would be generated by site development and to reflect the original

recommendations of the MDSHA and MCDPWT. The applicant disagreed with staff's recommendation regarding the need for a 300 foot tapered lane. The applicant advocated a lane running 300 feet from proposed Street "C" including taper. The applicant stated that this proposed improvement meets the requirements for safety and access to the site. The MCDPWT, which has jurisdiction over Key West Avenue, agreed with Board staff.

Both staff and the applicant argued their respective positions before the Board at the public hearing and in reports which are part of the record. The Board considered the opposing recommendations and the safety issues reflected in those recommendations. The Board noted that the applicant's proposal resulted in an abrupt termination of the third westbound through lane. Based on the evidence on the record in support of the staff's recommendation, the Board recommends that the third westbound through lane should be full width beyond proposed Street "C" and then tapered back to the two-lane roadway within 300 feet beyond that point. The Board also finds that the length of that taper should be determined by Board staff and by MCDPWT. While the applicant may participate in that process, the final decision as to the length of the taper rests with MCDPWT and the Board.

The number of parking spaces allowed for the site.

Staff reviewed the number of parking spaces proposed for the development to ensure that the availability of on-site parking did not conflict with the Master Plan recommendations for a transit oriented development noted above. Staff noted that there is no specific ratio of parking spaces per square foot of floor area for an R & D project. For this project, staff recommended the ratio of a minimum of 2.9 spaces per 1000 feet of floor area which is the same ratio specified for general office use at Section 59-E-3.2 of the Zoning Ordinance. Staff recommended this ratio as a maximum for this site because minimizing the availability of on-site parking is important to the success of transit-oriented development. Staff also noted the increased paved parking area clashed with forest conservation expectations on the site.

The applicant proposed a ratio 3.3 spaces per 1000 feet. The applicant argued at the hearing that potential users demanded at least this amount, making that ratio necessary to the economic viability of the development. The applicant also noted that R & D does not generate the same parking needs as office space because of greater shift flexibility. Finally, the applicant noted that the parking ratios in the Zoning Ordinance are expressed as the minimum required, not the maximum allowed.

Several neighbors of the site reacted negatively to the amount of parking proposed by the applicant.

The Board agrees with staff's and neighbors' concerns over allowing 3.3 parking spaces per 1000 feet of floor area because of the Master Plan emphasis on transit oriented development for the site. However, the Board notes the uncertainty for an appropriate ratio for R & D development because of the R & D zone's unique combination of office and light industrial uses. The Board also

recognizes the role parking plays in making a development economically viable. However, the greater on-site parking conflicts with transit oriented development that encourages greater use of car pools, van pools, and public transportation. As a compromise between these somewhat conflicting factors, the Board supports staff's recommendation set forth in Condition 12 of this Opinion. This condition will allow the first 480,000 square feet of development to proceed with a maximum ratio of 3.3 spaces per 1000 feet of floor area. This represents approximately 25% of the overall planned development on the site. Prior to proceeding with the remaining 1,320,000 square feet of development, staff must review that ratio considering such factors as availability and accessibility of planned transit improvements and the demand for parking from the first 480,000 square feet of the project. The Board finds that this initial parking ratio, with the requirement of reevaluation for future phases, is consistent with the Master Plan and the type of development proposed in the Plan.

Compatibility of development with neighboring residential developments.

Residential developments border the proposed development to the north (single family detached houses in Mission Hills subdivision); across Muddy Branch Road (detached single family homes) and south across Route 28 (single family attached houses in the Stonebridge subdivision). Several property owners in these residential developments spoke at the public hearing, both individually and as representatives of homeowners associations.

William Horn, who lives in the Stonebridge subdivision, raised concerns over the potential for hazardous activities taking place next to residential communities. He also spoke against the size and scope of the project and gave the Board a petition signed by residents of Stonebridge against the development as planned. He stated that residents want the project scaled back and a limitation of possible uses to ensure the residents' safety.

John McCarthy spoke as the representative of the Mission Hills subdivision. Mr. McCarthy stated that the plan allowed too much parking in large parking lots similar to a mall. He also stated that the plan did not meet the Master Plan requirements for a campus office park with housing for employees. Finally, he asked the Board to require buffering between parking lots on the site and neighboring communities adequate to minimize the glare from vehicle lights shining into those communities.

Lawrence Marcus, a representative of the Stonebridge Homeowner's Association voiced general support for staff's recommendations regarding participation in the TMO, a large environmental setting for the historical farmhouse, placing a Park and Ride lot on the site and the submission of a detailed landscape plan. Mr. Marcus was also concerned that the widening of Rte. 28 would cut into a landscape berm that buffers the Stonebridge subdivision from the road and the site.

Several other neighboring property owners spoke in opposition to the scope and compatibility of the project relative to the neighboring residential communities.

One representative of a property owner on Key West Avenue next to the site spoke generally in favor of the proposed plan but added a request that median breaks be included on Key West Avenue in front of its property

Staff and the applicant were aware of the concerns of the neighboring residential communities. Staff pointed out in its report and at the hearing several features of the plan that buffer the surrounding residential communities from the proposed development. First, the plan meets the general requirements of the R & D Zone including the minimum 2 acre lot size and the provision of at least 30% green space on site. The plan also meets the setback requirements for the zone which range from 200 feet for buildings and 100 feet for parking areas from the Mission Hills subdivision to 50 feet for buildings and parking areas from major highways bordering the site. In consideration of the concerns of residents in the Mission Hills subdivision, the Board also requires an additional 50 feet of setback between the subdivision and proposed lot #5, Block C for a total setback of 150 feet. (See Attachment 1).

The applicant also reviewed for the Board the plans for landscaped berms between the site and residential communities and also the elevations of the site relative to those communities. This gave the Board a perspective of the view of the site from these communities. The applicant's engineer also noted that in most areas between the site and the Mission Hills community, the berms are proposed to be a minimum of 10 feet above the existing grade and will have trees. In other areas, the berms were even higher to address staff concerns. The berms, in conjunction with the natural elevations of the site, will buffer the residential areas from the development on site. The Board finds that the plan provides adequate buffering features that make the development compatible with existing residential development.

Staff also carefully reviewed the natural resources plan submitted by the applicant pursuant to Section 59-C-5.322 of the Zoning Ordinance. The natural resources plan consisted of the forest conservation plan and natural resources inventory. Staff from the Board's Environmental Planning Division noted that the site contains almost 30 acres of quality forest. However, much of this forest is located near proposed transit facilities. Preservation will be difficult given these competing priorities. Further, staff noted that the applicant sought flexibility as to final locations of preservation areas in order to meet the particular building layout requirements of future users of the site.

The Board acknowledges the applicant's need for flexibility regarding final delineation of forest conservation areas. The final forest conservation plans will have to be approved by staff (and therefore will have to meet the conservation requirements in the Montgomery County Code) prior to the issuance of sediment and erosion control permits for each phase of development. With this condition, the Board finds that the natural resources conservation plan is adequate.

General Preliminary Plan Criteria

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary subdivision plans. After presentation of the preliminary plan by staff, the Planning Board shall act to approve or disapprove the plan or to approve the plan subject to conditions and/or modifications necessary to bring the plan into accordance with the Code and all other application regulations.

The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Code. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated in order to be approved by the Planning Board. Lots must also abut on a dedicated street or public road.

Staff's report includes details about lot size, width, shape and orientation for the plan. As noted above, the Board heard extensive testimony regarding the plan. In consideration at the public hearing set forth below, the evidence on the record, the Board finds that the plan meets the general criteria for preliminary plan approval.

CONCLUSION

Based on the testimony, evidence and exhibits presented, as well as the contents of the Preliminary Plan file, the Planning Board finds the Preliminary Plan to be in accordance with the Subdivision Regulations of the Montgomery County Code and the provisions of the Maryland Code Ann., Art. 28. Therefore, the Planning Board approves the plan subject to the following conditions:

- (1) Prior to record plat, applicant to enter into an agreement with the Planning Board to limit development to a maximum of 1,800,000 square feet of office and R&D space and to provide the necessary roadway improvements as outlined in the October 31, 1996 Transportation Planning Division memorandum, as amended on 11/5/96, attached to and incorporated by reference in this Opinion as Attachment 2.
- (2) Compliance with conditions of approval for the preliminary forest conservation plan. Applicant must submit final forest conservation plans for each area of development prior to MCDPS issuance of sediment and erosion control permits. Record plats must contain a note stating that future easements delineating approved forest conservation areas must be recorded for each development area prior to the issuance of building permits.
- (3) Prior to submission of a record plat application for Phase 1, submit a revised preliminary plan for staff approval which accurately shows the required 100 foot stream buffers and removes all off-street parking areas from the required buffers. In addition, no disturbance related to construction of buildings and parking is permitted within the buffer areas, unless approved by environmental staff.

(4) A 6.98 acre environmental setting (Staff's Alternative 2) must be established for this area as recommended in the Planning Department memorandum dated 10/31/96, attached to and incorporated by reference in this Opinion as Attachment 3. The revised preliminary plan, required by Condition #3 above, must remove all proposed parking shown to be located within the historic setting between the front of the Belward Farm/Ward House and MD RT 28.

(5) Dedicate 150 feet of right-of-way, as measured from the opposite property, for Key West Avenue; dedicate 120 feet of right-of-way, as measured from the opposite property, for Muddy Branch Road; and dedicate 125 feet of right-of-way, as measured from the opposite property, for MD RT 28.

(6) Access and improvements to Key West Avenue to be as required and approved by MCDPWT and SHA, as appropriate. Improvements to Key West Avenue must include a continuation of the third westbound lane along the property frontage to proposed Street "C", and a continuation of the third lane for approximately 300 feet west of proposed Street "C", with approximately 300 feet of taper to the existing two lane cross section provided beyond that point.

(7) Conditions of Montgomery County Department Permitting Services stormwater management approval dated 8/27/96.

this note to be added
(8) Record plat to reflect denial of access to MD RT 28 per MDSHA, except for the existing driveway access which will remain until Street "A" is constructed.

(9) A final landscape plan must be submitted to Planning Department staff for approval for each area of development, with the final forest conservation plan, prior to issuance of sediment and erosion control permits for each development area. The landscaped berm proposed to be located between the Mission Hills subdivision and the proposed development must be at least ten feet in height to provide an effective buffer.

A, B, J, I, Jan per M FCP with note saying it could be adjusted
(10) Record plats to reflect delineation of conservation easements over any 100 year floodplain, wetlands and stream valley buffer areas.

(11) Record plats for this large scale project may be recorded in stages that allows for a twelve year validity period for the preliminary plan based on the following phases:

Phase 1	Record land for 200,000 square feet of development within 36 months of the mailing of the Board's Opinion.
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Phase 2.	Record land for an additional 200,000 square feet of development within 36 months of the initiation of Phase 2. Phase 2 commences 36 months after the mailing of the opinion, provided that Phase 1 is recorded on schedule.
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Phase 3

Record land for an additional 700,000 square feet of development within 36 months of initiation of Phase 3. Phase 3 commences 36 months after the initiation of Phase 2, provided that Phase 2 is recorded on schedule. *Nov 2003*

Phase 4

Record land for the final 700,000 square feet of the project within 36 months of the initiation of Phase 4. Phase 4 commences 36 months after the initiation of Phase 3, provided that Phase 3 is recorded on schedule. *Nov 2003*

As part of this phasing requirement, applicant must enter into an agreement with the Planning Board to provide for payment of pro rata share for any required APFO roadway improvements, consistent with applicant's APFO phasing requirements, prior to the release of building permit if the improvement has been constructed by another applicant with the same APFO off-site requirement. This stipulation is to be placed on other preliminary plan approvals requiring participation in the same roadway improvements.

- (12) On-site parking will be provided for the first 480,000 square feet of development at a ratio of no greater than 3.3 spaces per 1,000 square feet of gross floor area. Prior to issuance of any building permits for the remaining 1,320,000 square feet of gross floor area, the applicant and Planning Department staff must reevaluate the on-site parking ratio of 3.3 spaces per 1,000 square feet of gross floor area for this remaining development. In reevaluating the parking ratio, the applicant and staff shall consider such factors as the availability and accessibility of transit and experienced parking demand for the first 480,000 square feet of development.

(13)

Provide 10 foot public utilities easements adjacent to and parallel with all public rights of way on the site.

(14)

To meet the Master Plan requirements for recreational facilities on site, prior to the submission of a record plat application, applicant to submit a recreation plan for staff approval that details on-site recreational facilities. This plan must include active recreation space, both indoor (health club) and outdoor facilities (play courts) for future employees of the project. A comprehensive path system that interconnects the site with off-site trails must also be provided. This recreation plan must include a staging element that properly phases the provision of recreation services with the overall development.

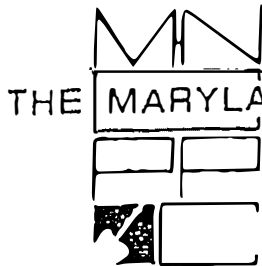
(15)

As part of the revised preliminary plan required to satisfy other conditions, applicant must provide an additional 50 feet of setback for a total setback of 150 feet between the Mission Hills Subdivision and the proposed Lot #5, Block C.

(16) Other necessary easements.

ATTACHMENTS (3)

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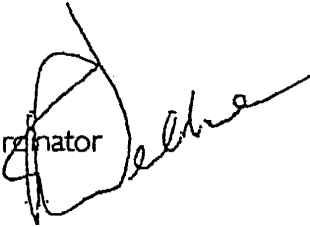



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

November 5, 1996
REVISED

MEMORANDUM

TO: Joe Davis, Coordinator
Development Review Division

VIA. Ron Welke, Transportation Coordinator
Transportation Planning Division 

FROM: Ki H. Kim, Transportation Planner
Transportation Planning Division 

SUBJECT: Transportation APF Review for Belward Research Campus (Banks Farm)
Preliminary Plan No. I-96110

This memorandum represents the Transportation staff's APF review of the full development of the Johns Hopkins' Belward Research Campus at the Banks Farm, which is located along the north side of MD 28 and Key West Avenue east of Muddy Branch Road. The proposed development under this preliminary plan includes a total of 1.8 million square feet of research and development (R&D) space.

Recommendations

Based on our review of the submitted traffic impact study, we recommend approval of the proposed development in the Shady Grove area with the following conditions.

1. Total development under this preliminary plan will not exceed 1,800,000 square feet of space under the R&D zone.
2. The applicant shall construct a second left-turn lane along westbound MD 28 at its intersection with Muddy Branch Road.
3. The applicant shall construct a separate right-turn lane along northbound Shady Grove Road at the intersection of Shady Grove Road with MD 28.
4. The applicant shall construct a second left-turn lane along both northbound and southbound Muddy Branch Road and along westbound Great Seneca Highway and a right-turn lane along eastbound Great Seneca Highway and along southbound Muddy Branch Road at the intersection of Muddy Branch Road with Great Seneca Highway

5. The applicant shall construct a second left-turn lane along eastbound Great Seneca Highway and along northbound Key West Avenue at the intersection of Key West Avenue with Great Seneca Highway
6. The applicant shall construct a second left-turn lane along both northbound and southbound Shady Grove Road and a third through lane along westbound Key West Avenue at the intersection of Key West Avenue with Shady Grove Road.
7. The applicant shall construct a second left-turn lane along southbound Shady Grove Road at the intersection of Shady Grove Road with Research Boulevard.
8. The applicant shall agree that full roadway improvements listed in Conditions 2, 3, and 7, and partial roadway improvements listed in Conditions 4, 5, and 6 be under construction prior to issuance of building permits for the initial 400,000 square feet of development. The partial roadway improvements include construction of: second left-turn lanes along both northbound and southbound Muddy Branch Road at Great Seneca Highway from Condition 4; a second left-turn lane along eastbound Great Seneca Highway at Key West Highway from Condition 5; and a third westbound through lane along Key West Avenue at Shady Grove Road from Condition 6. The remaining roadway improvements must be under construction prior to issuance of building permits for the development beyond the initial 400,000 square feet,
9. The applicant shall agree that all necessary roadway design work must be complete and approved by the Montgomery County Planning Board prior to issuance of building permits as identified in the above staging.

Summary of Local Area Transportation Review

The critical lane volume (CLV) impacts of the proposed development on critical intersections in the Shady Grove Area are presented in Table I. The following summarizes the Local Area Review.

1. Under existing traffic conditions, all intersections analyzed are operating at an acceptable CLV except for the PM condition at MD 28 and Great Seneca Highway (Line 1 of Table I)
2. Under background conditions (approved development traffic plus existing traffic with roadway improvements contained in the Approved Road Program), unacceptable CLVs are projected at most of the intersections analyzed. (Line 2 of Table I)
3. With the addition of the site traffic to the background condition and the proposed roadway improvements by the applicant in conjunction with approval of the subject site, all intersections analyzed in the Shady Grove area are projected to operate either at an acceptable level of service or at a level of service better than the background traffic conditions. (Line 3 of Table I)

The acceptable CLV for the R&D Village Policy Area is 1,525 according to the FY 97 Annual Growth Policy (AGP).

Staging Ceiling Capacity Review

Based on the FY 97 AGP Staging Ceiling capacity for the R&D Village Policy Area, there is capacity available for 8,650 jobs of employment development which is sufficient ceiling capacity to accommodate the full development of this preliminary plan.

Conclusion

Staff concludes that, with implementation of all roadway improvements currently programmed in the Approved Road Program and proposed by the applicant in conjunction with the subject preliminary plan, all nearby intersections are anticipated to operate either within an acceptable CLV or at a level of service better than the background development conditions. With staging ceiling capacity currently available in the R&D Village Policy Area for the subject preliminary plan, Staff concludes that the subject preliminary plan meets the APF review requirements.

KHK:kcw
Attachment

Table I

**Intersection Capacity Analysis with Critical Lane Volumes
Under Various Development Schemes**

Preliminary Plan No. I-96110

Development Condition	Existing		Background with ARP Roadways		Total Traffic Condition with ARP and Proposed Roadways	
	AM	PM	AM	PM	AM	PM
28/Muddy Branch Rd.	1341	1266	1608	1700	1606	1587
28/Key West Avenue	627	1044	1254	1284	1480	1364
28/Great Seneca Hwy	1286	1524	941	1488	978	1515
28/Shady Grove Road	1138	1295	1592	1586	1472	1350
28/Glen Mill Road	1298	960	1508	1148	1525	1288
eat Seneca Highway/Muddy Road	1806	2031	2382	2497	2251	2491
eat Seneca Highway/Key West Avenue	1250	899	2149	1462	1670	1466
ady Grove Road/ y West Avenue	802	1308	1639	2154	1618	1890
ady Grove Road/ search Blvd.	1373	835	1823	1465	1404	1414

posed roadway improvements include all roadway improvements listed as conditions of approval in the memo.

October 31, 1996

MEMORANDUM

TO: Joe Davis
Malcolm Shaneman
Development Review Division

FROM: Gwen Marcus, Historic Preservation Coordinator
Patricia Parker, Historic Preservation Planner
Design, Zoning and Preservation

SUBJECT: Preliminary Plan #1-96110, Johns Hopkins Belward Research Campus

On September 25, 1996, the Historic Preservation Commission (HPC) met with five HPC Commissioners present and reviewed a subdivision plan, Preliminary Plan #1-96110, Johns Hopkins Belward Research Campus. The proposed subdivision involves Master Plan Site #20/21, Belward Farm/Ward House at Darnestown Road and Key West Avenue in Rockville. The subdivision proposes the creation of 1,800,000 square feet of research and development office space on 137.9790 acres.

The review of this subdivision proposal requested the HPC to determine a new environmental setting; comment on the appropriateness of the proposal and its potential impact on the historic farm property. In December, 1984, at the time of designation for this property, the HPC stated for the Montgomery County Council that, if developed, special attention should be given to the siting of new structures to provide a view of the house from MD Rt. 28. They also stated that potential does exist for utilizing this historic site in a way which could complement new development that may occur on the site.

Therefore, the HPC has indicated its willingness to review a proposal to reduce the environmental setting of the historic farmstead. At the suggestion of HPC Staff, the owner, Johns Hopkins University, working with LDR International Unlimited (developer) submitted an additional alternative (Alternative Two) to include a larger environmental setting of 6.98 acres.

Alternative One would establish a 5.00 acre environmental setting to include the historic drive, the main house and both barns. This alternative would maintain a 100' green space centered on the existing driveway connecting to Darnestown Road. All trees and wood farm fencing would be preserved. In this alternative, parking would be located in front of the historic

house and would be screened by a 4' berm running parallel to Darnestown Road. There would be no trees planted in this bermed area so that a view of the main house from Darnestown Road would be uninterrupted. Close to the farmstead trees would be planted to screen the new parking area from view as one looks out to Darnestown Road from the farmhouse which sits on a knoll.

Alternative Two would include more unimproved property at either side of the historic drive within a larger environmental setting. Within this alternative, some of the parking proposed to be located in the front yard of the main house is deleted and relocated to the rear of the main house at either side of one of the barns. The historic tree-lined drive and the painted board fencing would be retained - but within a wider viewshed from Darnestown Road. Berming along Darnestown Road would follow the reduced parking areas, rather than be located to run parallel along Darnestown Road. The parking would service certain buildings proposed to be used as a meeting center and for research and development.

The HPC did not recommend approval of either scheme. One Commissioner strongly favored Alternative Two. The remaining four Commissioners felt that the environmental setting should be larger ranging from 10 acres to almost 15 acres.

Also, two HPC Commissioners felt that a conference center for R & D should be developed and that parking lots should not be situated in front of the historic farmhouse. One Commissioner was concerned about siting 3-4 story office buildings close to the historic farmhouse as shown in the submittal. Another Commissioner felt that more land parallel to MD Rt. 28 and along Muddy Branch should be included within the environmental setting in recognition of the original location of the store (located closer to the corner of Muddy Branch and Rt. 28) and that interpretative signage should be a part of the proposal in recognition of the Civil War history associated with the property; the history of general stores in the County and of the Wards - an old storekeeping family in a community known as Hunting Hill, and the history of the property associated with the development of a farm community in this part of Montgomery County. One of the Commissioners also expressed concern about the change of MD Rt. 28 - from a rural road to a road with heavy vehicular traffic.

As a revised proposal becomes more fully developed, the HPC looks optimistically to the submission of a more detailed development proposal to address which structures are proposed for retention and for demolition.



NOV 2 2011

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

MCPB No. 11-72

Preliminary Plan No. 11996110A

Johns Hopkins University Belward Campus

Date of Hearing: July 21, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 6, 1997, the Planning Board approved 1.8 million square feet of office and R&D use on a 138 acre tract of land located in the northeast quadrant of the intersection of Muddy Branch Road and Maryland Route 28 (MD 28) (the "Original Development Tract"), in the Great Seneca Science Corridor (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, approximately 390,000 square feet of the approved 1.8 million square feet has been constructed on 30 acres of the Original Development Tract, with the remaining 1,410,000 square feet of approved density to be constructed on the remaining 108 acres of the Original Development Tract ("Property" or "Subject Property") in the LSC Zone; and

WHEREAS, on February 28, 2011, Johns Hopkins Real Estate ("Applicant") filed an application for approval of a preliminary plan amendment for the creation of two recorded parcels on the Property; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 11996110A, Johns Hopkins University Belward Campus ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 11, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

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

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

100% recycled paper

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on July 21, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on July 21, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Anderson; with a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVED Preliminary Plan No. 11996110A, subject to the following conditions:

1. Total development under the subject Preliminary Plan Amendment is limited to the remaining 1,410,000 square feet of the original 1,800,000 square feet of R&D uses approved.
2. The Applicant must submit a Final Forest Conservation Plan for the entire Preliminary Plan site to be approved with the first Site Plan submitted.
3. The Applicant must plat and record Category I Conservation Easements over all onsite retained and planted forest prior to any clearing or grading occurring on site.
4. The Applicant must install the forest plantings in the 200-foot wide Mission Hills Preserve within two planting seasons following the release of the first sediment control permit associated with the first Site Plan.
5. The Applicant must install the remaining forest plantings within one year of issuance of the sediment control permit for the second Site Plan.
6. The Applicant must submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
7. If a forest mitigation bank is to be used to meet the offsite plantings, a certificate of compliance to use a forest mitigation bank must be accepted by the Planning Department Associate General Counsel's office and recorded in the Montgomery County Land Records prior to any clearing or grading occurring on site.
8. If the Applicant chooses to plant forest at an offsite location the location must be identified per section 109.B(2)(f) of the forest conservation regulation and forest planted within one year of the issuance of the sediment control permit for the second site plan.
9. Final disposition of a Category II Easement on the environmental setting of Belward Farm to be determined at time of Final Forest Conservation Plan approval.

10. The total amount of on-site vs. off-site forest planting to be done to be determined at time of Final Forest Conservation Plan approval.
11. Applicant must use a road construction design and construction techniques such as bridging or bottomless culvert to avoid the wetland and wetland buffer in the north central portion of the site.
12. The Applicant must dedicate, and the record plat must reflect, the master-planned recommended 150-foot right-of-way for Belward Campus Drive (A-284) as shown on the preliminary plan that includes the 50-foot wide Corridor Cities Transitway (CCT), the CCT station, and the shared use path.
13. At the time of the relevant site plan, the Applicant must construct (i.e., permitted and bonded) the portion of Belward Campus Drive, including the shared use path, necessary to serve the development included in that site plan.
14. The Applicant must dedicate, and the record plat must reflect, an additional 30-feet of right-of-way where needed along Muddy Branch Road, between MD 28 and Belward Campus Drive as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 150 feet, and construct the sidewalk and shared use path in accordance with road code standard No. 2008.04/2008.08 at the time of the relevant site plan.
15. The Applicant must dedicate, and the record plat must reflect, an additional 50-feet of right-of-way where needed along Muddy Branch Road, between Belward Campus Drive and the northern property line as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 170 feet, and construct the sidewalk and shared use path in accordance with road code standard No. 2008.04/2008.08 at the time of the relevant site plan.
16. The Applicant must dedicate, and the record plat must reflect, an additional 25-feet of right-of-way where needed along Darnestown Road (MD 28) as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 150-feet, and construct the sidewalk and shared use path in accordance with road code standard No. 2008.04 at the time of the relevant site plan.
17. The Applicant must provide a public use easement for the recommended 70-foot right-of-way for business district streets B-3 and B-4, and the boundary of the easements must be shown on the record plat. The roads must be constructed to public standards and in accordance with the road code standard No. 2005.02, including sidewalks and amenities, unless modifications are approved by the Montgomery County Department of Transportation (MCDOT) and the Planning Board at the time of site plan. The final extent, delineation and alignment of these roads shall be determined at the time of the relevant site plan. The easements must be approved by M-NCPPC and MCDOT, and must include, at a minimum, provision for the following:
 - a. The road will not be closed for any reason unless approved by MCDOT;
 - b. Approval by the Montgomery County Department of Fire and Rescue Services (MCF&R) must be obtained for purpose of fire access;

- c. The public easement must be volumetric to accommodate uses above or below the designated easement area;
 - d. If required by the County, Applicant will install, or will allow the County to install appropriate traffic control devices within the public easement;
 - e. Maintenance and liability agreements that identify the Applicant's responsibility to maintain all of the improvements within the easement area in good fashion and in accordance with applicable laws and regulations; and
 - f. Public utilities consistent with conditions of approval of the preliminary plan may be installed within such easement.
18. The Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Greater Shady Grove Transportation Management Organization. The Traffic Mitigation Agreement must be executed prior to certified site plan for the first building and modified as needed prior to certified site plan for the successive buildings.
19. The Applicant must work with the Maryland Transit Administration (MTA) regarding the alignment of the CCT and the location of the proposed CCT station.
20. All private internal roadways must be constructed in accordance with the Design Guidelines and Road Code cross-section requirements as modified to satisfy the Master Plan recommendations. Future site plans must determine the extent and timing of construction of the internal private roads necessary to support the development proposed by the relevant site plan.
21. The Applicant must prepare and submit a queuing study along Darnestown Road prior to the first certified site plan. The Applicant must satisfy provisions for access and operational improvements as required by the Maryland State Highway Administration (MDSHA) prior to release of any use and occupancy permit.
22. The Applicant must provide a ten-foot wide shared use path on Private Road "D".
23. The Applicant must provide inverted-U bike racks within 50 feet of the main entrances and secured bike storage units (such as lockers) in the parking garages in a well-lit area near the garages' exit or entrance. The final locations and types of bicycle parking must be reviewed and approved by planning staff at site plan review.
24. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks. This easement must be recorded by deed prior to the first building permit after each site plan is approved.
25. The Applicant must comply with the conditions of approval of MCF&R letter dated June 16, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the preliminary plan approval.
26. The Applicant must comply with the conditions of approval of the MCDOT letter dated June 17, 2011. These conditions may be amended by MCDOT, provided

the amendments do not conflict with other conditions of the preliminary plan approval.

27. The Applicant must comply with the conditions of approval of the Maryland State Highway Administration (MDSHA) letter dated June 17, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the preliminary plan approval.
28. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated June 15, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
29. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
30. The Applicant must provide a ten-foot public utility easement parallel, contiguous and adjacent to the rights-of-way of Belward Campus Drive, and Master Planned Roads B3 and B4, unless an alternative alignment is agreed upon by the applicable utility companies at the request of the M-NCPPC prior to certification of the site plan and recordation of the plat.
31. No clearing, grading, or recording of plats prior to certified site plan approval.
32. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
33. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved preliminary plan with respect to lot configuration or right-of-way location, width, or alignment, the applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.
34. As required by the Great Seneca Science Corridor (GSSC) Master Plan, a Concept Plan is being approved as part of this Preliminary Plan. Any subsequent Site Plan must generally conform to the approved Concept Plan.
35. Open Space Areas shown on the Concept Plan must be provided as part of subsequent Site Plans as recommended in the GSSC Master Plan.
36. 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 for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
37. The Adequate Public Facilities (APF) validity period for the remaining 1,410,000 square feet of R&D use is subject to the phasing schedule as follows:

- Building permits for 200,000 SF of the remaining 1,410,000 SF of development must be issued before April 6, 2018.
- Building permits for of the next 500,000 SF of the remaining 1,410,000 SF of development must be issued before April 6, 2020.
- Building permits for of the last 710,000 SF of the remaining 1,410,000 SF of development must be issued before April 6, 2025.

The APF approval for the square footage identified in each phase above will expire on the specified dates, and any square footage that has not been included in a building permit issued by that date may not be used in any subsequent phase unless a new finding for APF has been made.

38. All necessary easements must be shown on the Record Plat.
39. The Applicant shall adjust the internal access roads shown on the Preliminary Plan and Concept Plan so that all paving is located outside of the 200-foot Mission Hills buffer prior to submitting the final mylar for the Preliminary Plan.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report (revised at the Hearing), which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

Great Seneca Science Corridor Master Plan

The project is located within the LSC of the GSSC Master Plan area. The LSC includes five districts. The Subject Property is located within the Belward District. The Master Plan recommends increased density on the Belward property (1.0 FAR) to be served and supported by a CCT transit station. Higher densities and building heights are to be located near the transit station. Master Plan recommendations aim to achieve a concentrated and compact form of development for Belward that is centered around transit. The design of Belward should be sensitive to the residential neighborhoods that surround the site. The Master Plan recommends substantial open spaces and buffers on the three sides of the Property that are nearest to existing residential neighborhoods. Compatible transitions and buffers for the adjacent single-family neighborhoods are critical. Heights should transition from the highest (150-foot maximum) at the transit station to lowest at the edges of the property (50-foot maximum) and immediately adjacent to the historic area (60-foot maximum). Rear walls and service areas should not face surrounding neighborhoods, and parking should be located in garages that are placed in the center of blocks and surrounded by buildings.

The Property's historic Belward Farm is approximately 7 acres in size including the environmental setting, and is proposed to be expanded to approximately 10 acres in size as recommended by the Master Plan. The Master Plan recommends preserving

views of the farmstead to the extent practical, and to use the site, including the house and barns, for recreational, educational, social, or cultural uses that complement the community and new development. The open space system for the Belward District includes an extensive network of passive and active recreation linked by an internal path system with connections to the LSC Loop and the surrounding communities. Placing parks and open spaces around the edges of Belward provides compatible transitions and buffers for the adjacent single-family neighborhoods. In total, the Preliminary Plan will offer nearly 50 acres of open space. Per pages 43-44 of the Master Plan, the Muddy Branch Park will be required to be substantially completed before the property owner receives building permits for more than 25 percent of the total development allowed on the Property. Connectivity to and from the surrounding neighborhoods will be emphasized.

Property Recommendations and Concept Plan

The Land Use & Zoning Recommendations for the Life Sciences Center (LSC) Belward area of the Master Plan require submittal of “a Concept Plan with the first Preliminary Plan application to address the Plan’s guidelines, including the CCT location, the highest densities and height at transit stations, preservation of the historic property and views of the farmstead, creation of a local street network and the LSC Loop, the open space system, neighborhood buffers, and connections from surrounding residential neighborhoods” (page 43). Each of these issues is addressed by topic below.

CCT Location

The Master Plan recommends that the CCT route enter the subject site from the southeast, travel along Belward Campus Drive, and exit the site on the western edge where it will turn to the north along Muddy Branch Road. A station is recommended midway along Belward Campus Drive.

The Applicant’s Preliminary Plan and Concept Plan follows the general alignment recommended in the Master Plan with minor modifications based on a more detailed site analysis and input from the Maryland Transportation Administration (MTA). Final alignment and dedication of the transitway will be determined during site plan review when the detailed site layout is designed. The MTA believes the CCT can be accommodated within the 150-foot right-of-way of Belward Campus Drive as shown on the Preliminary Plan.

The station is proposed further to the west of the initial recommendation to take advantage of a more centralized location. This location also allows the station plaza to act as an open space across from the historic site with buildings framing the area.

The Applicant has been able to work with MTA to limit crossings of the proposed “Muddy Branch Park” by co-locating the CCT alignment and Belward Campus Drive. During Site Plan review, the final alignment and plaza design should ensure that

pedestrian and transit user comfort and usability are maximized and that views and access to the historic site, open spaces, and circulation system are optimized.

Density & Height Near Transit

The Master Plan recommends the LSC zone with a density limit of 1.0 FAR for the Subject Property. Maximum building heights are recommended from 50 feet at the edges of the property and next to the buffer areas along Muddy Branch Road and Darnestown Road, to 60 feet around the historic site to 150 feet near the transit station. Street walls are suggested by the “build-to lines” in the Master Plan.

The Applicant’s Concept Plan follows the Master Plan guidelines regarding density and height. As shown, within the building envelopes of allowed height, the 1.0 FAR is dispersed between lower buildings to the north and west and higher buildings towards the center and east. The proposed lot and street layout of the Preliminary Plan will accommodate the Master Plan’s vision for this density.

Per the Concept Plan, building façades facing the houses along Mission Drive and those along the western end of the Property’s frontage along Darnestown Road are shown as four to six stories, with any buildings higher than four stories stepping back the upper floors as required by the Master Plan. As shown on the Concept Plan, these buildings should be sited to minimize the “wall effect” along Darnestown Road by breaking up the massing and respecting the 60-foot “Darnestown Promenade” recommended between the buildings and the property line. A minimum 200-foot buffer, most of which will be planted and protected with a forest conservation easement, is proposed along the northern property line in accordance with the Master Plan. A 12-acre park is also recommended along Muddy Branch Road, while the Applicant is providing approximately 14.87 acres for the park.

Transitional areas between the edges and the center of the site can expect to have buildings ranging between six and seven stories (with a maximum height of 110-feet) with upper stories stepped back near the historic site, open spaces, and key pedestrian circulation routes. Some flexibility is appropriately being maintained within the allowed building height for this area (up to 110 feet) to allow for final design modifications at the time of site plan review.

The highest densities and heights are focused on the blocks where the CCT station is proposed and to the east, adjacent to similar uses and expected building types. These buildings will likely vary between six and 13 stories; while some tower elements may approach the maximum 150-foot height limit. Massing and heights of these buildings will be finalized during site plan review, but should maintain a comfortable pedestrian environment using tower step backs and smaller floor plates for the taller elements. Retail, service, and restaurant uses will be needed within these buildings to accommodate the needs of employees and visitors.

Historic Property

The Master Plan has four specific recommendations regarding Belward Farm:

- Preserve views of the farmstead, to the extent practicable, from Darnestown Road and residential neighborhoods to the south and west, consistent with other Master Plan objectives for this site.
- Step new buildings down to 60 feet (approximately four stories) adjacent to the Belward Farm.
- Use the site, including the house and barns, for recreational, educational, social, or cultural uses that complement the community and new development.
- Preserve open space and mature trees surrounding the farmstead. Retain an environmental setting large enough to convey the agricultural character of the historic resource, between 10 and 12 acres.

The Applicant's Preliminary Plan and Concept Plan includes an open area of approximately 10.7 acres surrounding the property. The Concept Plan proposes buildings of various heights stepped down to a maximum of 60-feet (approximately three or four stories) along the façades facing the farm. Trees and landscaping will be preserved and augmented. Vehicular, bike, and pedestrian circulation will be enhanced around and through the site.

"Belward Commons and Historic Farmstead" Concept

Important views of the historic farm are framed by buildings oriented along converging roads from the north, interior gridded blocks to the east and west, and a completely open vista to the south framed by buildings set 100 to 150 feet back from Darnestown Road. Finally, a system of educational signage will be placed along the paths surrounding the site.

Circulation System & Links to Adjacent Neighborhoods

The Master Plan recommends numerous mobility improvements for LSC Belward.

These include:

- Construction of the CCT and station,
- Extension of Decoverly Drive and Belward Campus Drive,
- Creation of a network of streets within the site,
- Creation of a pedestrian network,
- Implementation of the LSC Loop,
- Connection of recreational trails and bikeways,
- Links to surrounding neighborhoods, and
- Road improvements.

The Applicant's Preliminary Plan and Concept Plan addresses each of these recommendations and illustrates them in their circulation plan, which shows the CCT alignment and station, pedestrian sidewalks and paths, and the LSC Loop Connection.

All of the internal streets, which form an urban-scale network of blocks, will have sidewalks that connect to adjacent properties and the open spaces within the site. These sidewalks are augmented by paths along or through the historic farm area, the Darnestown Promenade, Muddy Branch Park, and the "Mission Hills Forest Preserve".

Dedication of the CCT right-of-way, Belward Farm Drive right-of way, and expansion of the rights-of way for Muddy Branch Road and Darnestown Road will allow for the recommended vehicular and transit improvements. All other internal roads will be built to public road standards, maintaining the mobility and design objectives of the Master Plan, but maintained privately with access easements over the right-of-way width that would otherwise be required.

Open Space System

The Master Plan has numerous open space recommendations for the Belward Campus Site. These include the creation of Muddy Branch Park (1) along the west side of the site, Mission Hills Preserve; (2) along the northern side of the site, Darnestown Promenade; (3) along the southern edge of the site, Belward Commons and Historic Farmstead; (4) surrounding the historic farm; and (5) an Urban Square at the CCT Station.

Each of the recommended Master Plan open spaces are provided in the Applicant's Preliminary Plan and Concept Plan as required. Further, grading plans have been sketched for the Parks Department to ensure that the expected programming and uses of the various open spaces can be accommodated.

Proposed Open Space Concept

One of the concerns raised during review was the quality of the non-recommended open spaces on site, i.e., the spaces around and in between buildings that will create another layer of pedestrian enjoyment and urban amenity. This question was raised because of the numerous situations where corridors are created between buildings to access parking or as mid-block connections. The Applicant has provided examples that will be used as paradigms from which they will draw inspiration during detailing of the site plan design. Staff will require that the space between buildings ties into the larger open space areas of the Belward Campus during Site Plan review.

Neighborhood Buffers

Three of the above mentioned open spaces are recommended for implementation to certain dimensions to provide buffering between the higher intensities of development on site and the lower densities of existing housing to the north, west, and south.

Specifically, Muddy Branch Park will be a location for active and passive recreation that can accommodate playing fields on a minimum of 12 acres that is at least 100 feet deep. The proposed park is over 12 acres and is a minimum of 230 feet deep with 3 areas that can accommodate recreation areas and playing fields. Final design and programming will be discussed and reviewed with the first site plan application.

Mission Hills Preserve will serve as a 200-foot buffer between the proposed development and the Mission Hills residential neighborhood to the north; this area also serves as a conservation easement and protects floodplains and stream valleys. The Preliminary Plan and Concept Plan places all buildings at least 200 feet from the property line to the north and outside of all environmental buffers; the area itself covers approximately 18 – 20 acres.

Finally, the Darnestown Promenade will serve as a 60-foot wide, 3-acre open space that maintains vistas to the farmstead, includes a landmark sign, and creates a tree-lined path connecting to sidewalks and trails to the east and west. The Preliminary Plan and Concept Plan provides a promenade that is 60 feet deep along the proposed buildings in the southwest corner of the site and expands to well over 100 feet deep between the proposed commercial buildings in the southeast corner of the site and Darnestown Road. Details of the paths, signage, etc. will be provided at the time of site plan review.

Therefore, the Board finds the Preliminary Plan and Concept Plan to be in substantial conformance with the GSSC Master Plan.

2. Public facilities will be adequate to support and service the subdivision.

Site Access and Vehicular/Pedestrian Circulation

The site is located in the northeast quadrant of the intersection of Muddy Branch Road and MD 28 with two vehicular access points from Muddy Branch Road and MD 28, and one vehicular access point on the eastern property line with the extension of Belward Campus Drive. The access points and the vehicular circulation system shown on the Preliminary Plan are adequate to provide sufficient capacity for safe and efficient circulation into and from the site. In particular, parking and driveways are sufficiently separated for through movement and safe maneuvering. The Applicant will upgrade the pedestrian and bicycle facilities along the fronting roadways and the internal roadways to ensure easy and safe access for pedestrians to and from the site. Detailed circulation will be decided at later phases as subsequent site plans are submitted for review, but it

should generally conform to what is approved in this Preliminary Plan. Also, the State Highway Administration (SHA) is requiring a queuing study along Darnestown Road to ensure that the access points will not result in any adverse impact as described in Condition No. 22. The pedestrian facilities and circulation system are safe and adequate.

Transportation Management District

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD) and therefore, the Applicant must participate with the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

Ride-On route 56 operates on Darnestown Road, and Ride-On route 67 operates on Muddy Branch Road.

Master Plan Roadway, Corridor Cities Transitway, and Right-of-way

The approved and adopted 2010 GSSC Master Plan recommends a minimum right-of-way width of 150 feet for Belward Campus Drive, MD 28, and the section of Muddy Branch Road from MD 28 to Belward Campus Drive. The Master Plan recommends a minimum right-of-way width of 170 feet for section of Muddy Branch Road from Belward Campus Drive to the northern edge of the Property. The 20 feet of additional right-of-way is to accommodate the CCT as it continues north to Great Seneca Highway. The Belward Campus Drive right-of-way is also designated to accommodate the Corridor Cities Transitway (CCT). All of the dedications above are shown on the Preliminary Plan, and are included as conditions of approval.

The MTA has approved the alignment of the CCT within the right-of-way for Belward Campus Drive as shown, but in the future, MTA will need to revisit this to evaluate the possibility of a CCT alignment toward the north side of Belward Campus Drive as shown on the Preliminary Plan because MTA is concerned about how the alignment crosses Belward Campus Drive and Johns Hopkins Drive from Key West Avenue, and how the alignment might cut into the corner of the park area as it turns right onto Muddy Branch Road.

As discussed above, for business district streets B-3 and B-4 the Master Plan recommends a minimum right-of-way width of 70 feet, which will be provided by easement and shown on the plat. The internal private street network will also be required to have public access easements as part of the site plan reviews. Those easements would be recorded by deed. Thus, it will not be possible to show all the easements associated with internal streets on the record plat because the ultimate location will not be certain until individual site plans are reviewed.

Sector-Planned Roadways and Bikeways

In accordance with the Master Plan, the classified roadways and bikeways are as follows:

1. Darnestown Road is designated as a six-lane major highway, M-22, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a share use path on the north side), DB-16. The required right-of-way is shown on the Preliminary Plan.
2. Muddy Branch Road is designated as a six-lane major highway, M-15, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a share use path on the east side), DB-24 from Darnestown Road to Belward Campus Drive, and is recommended as a 170-foot right-of-way and a dual bikeway, DB-24, from Belward Campus Drive to Great Seneca Highway. The required right-of-way is shown on the Preliminary Plan.
3. Belward Campus Drive (Decoverly Drive Extended in the Master Plan) is a four-lane arterial, A-284, with a recommended 150-foot right-of-way that includes the roadway, a shared use path, SP-66/LB-7, and the CCT. The required right-of-way is shown on the Preliminary Plan.
4. Business district street, B-3, with a recommended two-lane 70-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.
5. Business district street, B-4, with a recommended two-lane 70-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.

Local Area Transportation Review and Policy Area Mobility Review

The APF validity period for 1,410,000 square feet of development on the Subject Property was extended by the Planning Board on September 23, 2010 and will phase out and eventually expire in April 2025.

Table 1 below shows the number of peak-hour trips generated by the previously approved land use during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

<i>R&D Office Space</i>	<i>Site-Generated Peak-Hour Trips</i>	
	<i>Morning</i>	<i>Evening</i>
Existing	225	182
Unbuilt Approved	573	476
Total Approved	798	658

As a requirement for the APF validity extension, a traffic study was submitted that analyzed the following nearby intersections:

1. Key West Avenue (MD 28) and Darnestown Road
2. Great Seneca Highway (MD 119) and Darnestown Road (MD 28)
3. Darnestown Road (MD 28) and Travilah Road
4. Darnestown Road (MD 28) and Muddy Branch Road
5. Darnestown Road (MD 28) and Tschiffely Square Road
6. Key West Avenue (MD 28) and Omega Drive/Medical Center Drive
7. Key West Avenue (MD 28) and Diamondback Drive/Broschart Road
8. Key West Avenue (MD 28) and Great Seneca Highway (MD 119)
9. Great Seneca Highway (MD 119) and Sam Eig Highway
10. Great Seneca Highway (MD 119) and Muddy Branch Road

The APF test was satisfied for the Local Area Transportation Review (LATR) test. The Policy Area Mobility Review (PAMR) test did not apply for preliminary plans of subdivision filed before 2009.

Other Public Facilities and Services

Per the currently valid APF approval, other public facilities and services are available and will be adequate to serve the previously approved office use. The site will be served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, health services, and schools were found to be operating within the standards set by the Growth Policy Resolution in effect at the time. MCFRS determined that the property has adequate access for emergency vehicles. The property is within a school cluster that currently requires a school facilities payment; however, residential uses are included in the Preliminary Plan.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots were appropriate for their location within the subdivision.

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

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was approved by Environmental Planning staff on June 17, 1996. There are no floodplains on the project site. The site contains streams plus their buffers and wetlands and associated buffers.

The topography is generally gently rolling, with two stream valleys draining the site from south to north. One stream valley bisects the north central portion of the Property and the other occupies the northeastern edge. A wetland has been identified just south of the delineated beginning of the north central stream channel. Approximately 4 acres of mature hardwood forest exist on the upland above the stream valley on the eastern side of the site. This dominant canopy species in this forest include white oak (*Quercus alba*) and northern red oak (*Quercus rubra*). Part of the eastern portion of the Property is underlain by serpentinite bedrock. No threatened or endangered species have been identified on the site. Several shingle oaks (*Quercus imbricaria*), which are designated watchlist species by the Maryland Department of Natural Resources, exist on the subject property; watchlist species do not have any formal protection under the law. The site is in the Muddy Branch watershed, which is classified as a Use Class I stream. The Muddy Branch watershed in the vicinity of the Belward Campus is listed as being in fair condition as reported on the Montgomery County Department of Environment Protection (DEP) website.

Therefore, the Board finds this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

A Preliminary Forest Conservation Plan approved for the original 138 acres on November 6, 1996 is being amended to conform to the new road and lot layouts being proposed in Preliminary Plan #11996110A.

The amended Preliminary Forest Conservation Plan proposes clearing 25.13 acres of forest, with a retention area of 4.67 acres. The resulting forest planting requirement is 34.37 acres. The amended Preliminary Forest Conservation Plan establishes a 17.88 acre Category I Conservation Easement, including the 200-foot-wide Mission Hills Forest Preserve along the northern boundary of the Property and including both stream buffers, plus some of the upland forest along the eastern edge of the site. The remaining forest conservation requirements will be met with a combination of other mitigation approaches, including credit for previous planting, partial credit for Category II easements, and off-site planting. The exact prescription for satisfaction of the remaining 16.49 acres of mitigation will be determined at the time of Final Forest Conservation Plan approval, which will be associated with the first site plan, but may include establishing a Category II easement over plantings in the environmental setting for the historic farmstead, which would require approval from the Historic Preservation Commission and planting of additional canopy trees. Further, any proposed disturbance of trees in the environmental setting would also require a variance which must be approved by the Planning Board and the Historic Preservation Commission staff as part of the Final Forest Conservation Plan approval.

The Applicant will prepare one Final Forest Conservation Plan for the entire Property, to be approved with review and approval of the first Site Plan on the Property. The required mitigation will be split into two phases: the first phase will involve planting in the 200-foot-wide Mission Hills Forest Preserve to begin establishing the vegetated buffer between the Belward Campus and the Mission Hills community adjacent to the campus on the north. This planting will be required within the first two growing seasons after obtaining the sediment control permit for the first Site Plan approved on the site. The remainder of the mitigation, including planting of the stream buffers, will be required within one year of obtaining the sediment control permit for the second Site Plan approved on the site.

Wetland Protection

The wetland that arises just south of the stream in the north central portion of the site was identified on the NRI/FSD that was approved in 1996. The original Preliminary Plan for this site respected this wetland and its buffer. This wetland and buffer were also identified as regulated areas in Appendix 5 (Environmental Resources Analysis) of the GSSC Master Plan.

This Amendment moves and reconfigures the parking structure to get it out of the wetland buffer. A road still crosses the buffer north of the parking structure, however this road has been identified in the Master Plan as being necessary for the internal traffic circulation on the site. Road design and construction techniques, such as bridging or the use of a large bottomless culvert, must be employed to keep road structures out of the wetland and buffer.

Therefore, with the conditions of approval, the Board finds the preliminary plan satisfies the requirements of the Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on June 15, 2011. The stormwater management concept proposes to meet required stormwater management goals via green roofs, bio-swales, permeable concrete and micro-bioretenment.

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), as amended) 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

among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is NOV 2 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, October 27, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board