

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

July 7, 2025

MCPB No. 25-068

Preliminary Plan Amendment No. 12018024A

Viva White Oak

Date of Hearing: May 29, 2025

RESOLUTION

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

WHEREAS, on January 15, 2019, the Planning Board, by Resolution MCPB No. 18-100, approved Preliminary Plan No. 120180240, to create eleven (11) Large Lots (to be further subdivided prior to issuance of any building permits), three (3) Outlots and one (1) road Parcel to be located between FDA Boulevard and the adjoining FDA property; establish the cross-section and right-of-way widths for dedication of Master Plan roads FDA Parkway (A-106), FDA Boulevard (BIO) and B-5; include approval of the Preliminary Forest Conservation Plan; provide a Section 50.9 waiver of the validity and phasing requirements in Sections 50.4.2.G.2. and 50.4.3.J.5.; authorize up to 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses on 279 acres of land in the CR-1.0: C-1.0, R-0.5, H-220 Zone, located on the west side of Cherry Hill Road between FDA Boulevard and Industrial Parkway in White Oak, MD ("Subject Property") in the 2014 White Oak Science Gateway Master Plan ("Master Plan") area; and

WHEREAS, on November 27, 2024 MCB White Oak Developer, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to adjust street sections and right-of-way widths for master-planned roads A-106, B-5, and B-10, to adjust stormwater management facilities provided within master-planned road right-of-way, and to adjust the limits of disturbance for the construction of the updated master-planned roads on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12018024A, Viva White Oak ("Preliminary Plan," "Amendment," 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,

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Approved as to
Legal Sufficiency:

/s/ Matthew Mills
M-NCPPC Legal Department

dated May 19, 2025 providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240840, and Sketch Plan No. 320240080; and

WHEREAS, on May 29, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem and Commissioners Hedrick and Linden voting in favor, Commissioner Bartley being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12018024A to adjust street sections and right-of-way widths for master-planned roads A-106, B-5, and B-10, to adjust stormwater management facilities provided within master-planned road right-of-way, and to adjust the limits of disturbance for the construction of the updated master-planned roads with the following conditions, which supersede all previous conditions of Preliminary Plan approval:¹

GENERAL APPROVAL

1. This Preliminary Plan Amendment is limited to road parcels for master-planned roads B-10 (FDA Boulevard, to be owned by the U.S. Government), A-106 (Viva White Oak Way, to be dedicated to the County), and B-5 (to be dedicated to the County) (collectively “master-planned roads”). All other elements of the Preliminary Plan Amendment are illustrative, and subsequent Preliminary Plan Amendment(s) and Site Plan(s) are required before platting of any other lots or parcels.
2. Except for construction of master-planned roads, building permits must not be issued for the Property until approval of subsequent Preliminary Plan Amendments and Site Plans.
3. The Application must comply with the conditions of approval for Subdivision Regulation Waiver No. SRW201801 (MCPB No. 18-070) and Sketch Plan No. 320240080 (approved concurrently with this Preliminary Plan Amendment).

ADEQUATE PUBLIC FACILITIES (APF) AND PRELIMINARY PLAN VALIDITY

4. The Applicant must satisfy the transportation APF, Local Area Transportation Review test by satisfying the Local Area Transportation Improvement Program (LATIP) fee under the established "Unified Mobility Program" for the White Oak Policy Area. Any credit against the LATIP fee for off-site master-planned improvements that are beyond those required at subdivision may be negotiated with the Montgomery County

¹ 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.

Department of Transportation (MCDOT). Payment of the LATIP Fee and applicable impact taxes satisfies the APF approval for transportation for both residential and non-residential uses. The final square footage of non-residential development and/or the number and type of residential units for calculating the LATIP will be determined at subsequent Preliminary Plan Amendments.

5. Phasing of record plats and validity periods for non-residential uses is not required for any non-residential building proposed in a subsequent Preliminary Plan Amendment, conditioned upon the following:
 - a) All master-planned roads necessary for the proposed uses in that Preliminary Plan Amendment are constructed;
 - b) The applicable LATIP Fee is timely paid;
 - c) All applicable impact taxes are timely paid; and
 - d) All other public facilities are deemed adequate in the subsequent Preliminary Plan amendment approving the use.
6. At subsequent Preliminary Plan Amendment(s), for any proposed residential units/uses:
 - a) All public facilities included in the APF review, except for transportation, which is covered by the LATIP, will need to be tested in accordance with the Growth and Infrastructure Policy in effect at that time; and
 - b) Any necessary phasing and validity periods will be assigned-
7. All plats that include residential units/uses associated with a future Preliminary Plan Amendment must be recorded within the applicable validity periods, or a request for extension must be filed.

OUTSIDE AGENCIES

8. The Planning Board has reviewed and accepts the recommendations of the MCDOT in its letter dated May 14, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Water Resources Section in its stormwater management concept letter dated May 9, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources

Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

11. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated May 10, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

MODERATELY PRICED DWELLING UNITS (MPDUS)

12. The Applicant must provide a minimum of 12.5% MPDUs with final MPDU locations, bedroom compositions, and layouts to be determined at each applicable Preliminary Plan Amendment and Site Plan that includes residential units, subject to review and approval by the Department of Housing and Community Affairs (DHCA) and Planning Staff.
13. Prior to issuance of any residential building permit, the Applicant must enter into an agreement (Agreement to Build) with the DHCA.

TRANSPORTATION

Frontage Improvements on Existing Roads

14. Along the Subject Property frontage for Cherry Hill Road, the Applicant must provide dedication, or a perpetual access easement per condition No. 18, and show on the record plat all land/easement area(s) necessary to accommodate:
 - a) At least forty-five (45) feet from the centerline; and
 - b) The entire width of the sidewalk and bike lane shown on the Certified Preliminary Plan.
15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a six-foot-wide (6ft) sidewalk, eight-foot-wide (8ft) pedestrian/bicycle buffer, 10-foot-wide (10ft) two-way separated bikeway, and three-foot-wide (3ft) street buffer along the property frontage on Cherry Hill Road, as shown on the Certified Preliminary Plan Amendment.

New Roads

16. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown in the Certified Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a) Viva White Oak Way (Master Plan Street A-106); and
 - b) Master Plan Street B-5.
17. The Applicant must ensure construction of all necessary road improvements for FDA Boulevard (Master Plan Street B-10) as shown in the Certified Preliminary Plan, to the

design standards imposed by all applicable road codes. The U.S. Government will retain ownership of FDA Boulevard, including the traffic circle and the road south of the circle leading to the FDA campus.

18. Per the MCDOT letter, a perpetual access easement and maintenance agreement between the U.S. General Services Administration and Montgomery County must be fully executed and recorded in the land records for FDA Boulevard, including the traffic circle, the road south of the circle leading to the FDA campus, and the areas adjacent to Cherry Hill Road.
19. Before issuance of any permit for road construction on the Percontee Surface Mining Site (Percontee Site), Forest Conservation Plan (FCP) No. F20240840 must be amended to include the Percontee Site. When approved, this amendment of FCP No. F20240840 will replace Forest Conservation Exemption No. 41998160E on the Percontee Site.

RECORD PLATS

20. Except as permitted by State-issued Mining Permit No. 93-SP-0430-A, the State-approved reclamation plan, and demolition of existing structures, there shall be no clearing or grading of the Percontee Site before recordation of plat(s).
21. The record plat must show necessary easements.

OTHER DEDICATIONS

22. The Applicant must dedicate a collocated school and local park that is a minimum of nine acres to Montgomery County Public Schools and Montgomery Parks, as applicable. The final size and location of the lots, and the timing of dedication must be established with the first Preliminary Plan or Preliminary Plan Amendment that proposes any residential units west of the West Farm Tributary.

CERTIFIED PRELIMINARY PLAN

23. The Certified Preliminary Plan must contain the following notes:
 - a) *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 approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

24. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire Department Access Plan.
 - c) Add the paving details to the cross-sections per the MCDOT letter.
 - d) Show the full extent of the FDA road parcel including FDA Boulevard and the areas adjacent to Cherry Hill Road.
 - e) Remove the gross area from the park and school sites on all relevant sheets.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The Preliminary Plan Amendment (“Amendment”) is an Infrastructure Plan that proposes parcels for the public roads, illustrative lots for development, and illustrative outlots for areas of stream valley buffer. The Amendment also shows an illustrative location for a co-located MCPS elementary school and a Montgomery Parks Local Park.

Subsequent Preliminary Plan Amendments will be filed to subdivide the Property into developable lots and blocks and to refine the internal public and/or private road network. As the Property builds out, the development will provide important connections to the FDA campus, Washington Adventist Hospital, White Oak Medical Center, and the existing commercial development along Industrial Parkway/Tech Road.

While no development, beyond construction of the master-planned roads, is approved with this Preliminary Plan Amendment, the Data Table demonstrates that the Overall Property complies with Section 4.5.4 of the Zoning Ordinance. Additional review of the lots, blocks and the public and/or private road network will be necessary during subsequent Preliminary Plan Amendments and Site Plans.

Data Table

Development Standard	Permitted/ Required	Approved in Concept
Tract Area (ac/sf)	n/a	279.62/12,180,270
Prior Dedication (ac)	n/a	0
Proposed Dedication (ac)	n/a	
Viva White Oak Pkwy		9.54
Cherry Hill Rd		0.12
B-5		1.55
Total Dedications		11.21
Site Area (ac)	n/a	
Tract Area minus dedications		267.25
Remainder from realigned FDA Blvd ¹		1.16
Total Site Area ²		269.57
Density (max sf GFA/FAR)		
Residential	6,090,135/0.5	6,090,135/0.5
Commercial	12,180,270/1.0	12,180,270/1.0
Total	12,180,270/1.0	12,180,270/1.0
MPDU requirement (min)	12.5%	12.5%
Building Height (max ft)	220	220
Open Space (min ac)	26.95 (10%)	57.5 (21.5%) ³

¹ The area of the existing FDA Blvd Parcel minus the area of the proposed FDA parcel

² Total Site Area is the tract area minus dedications plus the excess land absorbed into the Site after the realignment of FDA Boulevard.

³ The Open Space is illustrative, and the designation of public and common open space will be determined at Site Plan.

2. The Preliminary Plan substantially conforms to the Master Plan

Overall Plan Vision

The Amendment substantially conforms to the recommendations for the Property included in the 2014 *White Oak Science Gateway Master Plan* (Master Plan or Plan) and has been designed to incorporate the Plan's specific recommendations for the Property. The Master Plan envisions three major activity centers; White Oak Center, Hillandale Community, and Life Sciences/FDA Village Center. The Property is a major component of the Life Sciences/FDA Village Center and the Master Plan contemplates the Property as a town center for the broader community with a diverse mix of uses within a walkable neighborhood (page 27). The Amendment supports the Plan's vision by providing a public road network that will serve future office, commercial, retail, hotel, civic, multifamily and townhouse uses connected through a network of sidewalks, trails and bike paths; and an assortment of parks, plazas, greens, and open spaces designed to draw residents from the larger White Oak community.

Land Uses

The Master Plan has the following land use recommendations for the Property:

- Locate uses on the Property that are likely to create an active town center (page 48)
- Include community-gathering attractions such as entertainment venues, shops, restaurants, wide sidewalks for outdoor dining and merchandising (page 48)

The Project includes a mix of office, residential, conference center/lodging, retail, and restaurant uses designed to create an active development. The Project also includes sites for a public elementary school and a local park that will complement the residential and commercial development. Overall, as this multi-phased long-term Project builds out, implementing Site Plans will include an appropriate mix and balance of uses based on market conditions and in furtherance of the goals of the Master Plan.

Public Facilities

The Master Plan has the following recommendations for public facilities on the Property:

- A collocated elementary school and local park (pages 47, 89)
- A possible childcare center located with the new elementary school (page 91)
- Consideration for locating a prominent County run facility on the Property and potential for co-location of such a facility with the local park (pages 48, 89)
- Potential collaborations with State, Federal, and/or agencies (page 48)
- A local park with an adult sized rectangular field and other amenities that may include a community garden, dog park, basketball courts, community open space, urban wooded areas (page 89).
- Montgomery Parks should consider synthetic turf and lighting to provide longer hours of use for athletic field and higher overall capacity (page 89)
- On-street parking to the extent possible near the local park (pages 89-90)
- Montgomery Parks should assume a reduction from the typical parking standards since many park users could walk or take transit to the Park (pages 89-90)
- A trailhead with interpretive signage on parkland natural surface trail to the stream along the old roadbed, at the eastern edge of the park (page 90)

- Locate trails or bikeways along the edge of the regulatory stream buffers by providing additional parkland (approximately 50-100 feet wide) to keep the trails out of the buffers (page 90)
- A sustainably designed multi-use natural surface trail connecting the Plan area to Martin Luther King Recreational Park (page 90)

The Amendment includes a nine-acre collocated elementary school, for dedication to MCPS, and a Local Park (Park), for dedication to Montgomery Parks. The final size and location of the lots for the collocated school and park will be determined during a subsequent Preliminary Plan Amendment. The Project will provide on-street parking along Viva White Oak Way in the vicinity of the School and Park to provide additional parking for these uses. Additional public facilities will be address during subsequent regulatory applications.

Mobility/Transportation

The Master Plan has the following transportation/mobility recommendations that are applicable to the Project:

- A prominent civic promenade that can serve as a community focal point by extending Industrial Parkway and connecting it with FDA Boulevard to form a “main street” (pages 48, 49)
- Extension and connection of dead-end roads (page 50)
- A hierarchical street grid network and connections to nearby facilities (pages 48, 49)
- Tree-lined streets that link to the various uses and open spaces (page 49)
- Multi-modal transportation that may include shuttles, buses, cars and car sharing, bicycles, and extensive sidewalks and trails (page 49)
- A trail and bikeway system that connects perimeter trails to destinations throughout the development and adjacent properties (page 90)
- Extension of BRT, running in mixed traffic, into the Project (page 61)
- A 30% non-auto driver mode share goal (page 65)

The Amendment provides designs for FDA Boulevard and Viva White Oak Way that can serve as a prominent civic promenade and community focal point for the Project. The Amendment also includes connections to the FDA campus, Washington Adventist Hospital, and existing commercial development along Industrial Parkway/Tech Road.

Industrial Parkway will be extended as Viva White Oak Way, A-106, into the Property from its current terminus and will connect with FDA Boulevard, providing through access to both Route 29 and Cherry Hill Road. New Road B-5 will provide an additional connection to Plum Orchard Drive. The road network will help integrate the Project with the surrounding community and uses, specifically by extending Industrial Parkway into the site and connecting it with FDA Boulevard.

Potential locations for BRT stations are shown along FDA Boulevard which, along with the BRT station along Route 29, could encourage future transit use. The Project will have dedicated bike lanes, shared-use paths, and an extensive sidewalk network that will encourage activity and alternative transportation options.

Transportation Demand Management (TDM) provisions of County Code 42A-26 apply to the Project, and the Applicant will be required to commit to a Level 3 TDM Results Plan to achieve a project Non-Auto Driver Mode Share (NADMS) goal of 40%, which is 10% higher than the base 30% NADMS goal for the White Oak TMD - Life Sciences/FDA Village Center.

Open Space

The Master Plan has the following open space recommendations for the Project:

- New development on the Property should provide extensive open space opportunities (page 89)
- A central public space in the town center for community gatherings, supplemented by smaller public spaces or public squares (page 48)
- A civic green and streetscape that could accommodate community festivals and/or holiday celebrations (page 48)
- A one-acre formally planned, flexible, programmable Civic Green, with a central lawn area in the highest density cluster of retail and residential uses (pages 89-90)
- Integrated active and passive recreational uses through the creation of formal and informal open spaces and parks, pedestrian trails linked to the street network and bicycle paths and lanes (page 49)
- Privately owned urban parks for each district in the development with open lawn areas, shaded seating, play structures, community gardens, and dog spots, or similar facilities (page 89)

The Project includes open spaces of varying sizes for passive and active recreation. These spaces will be linked by trails creating a robust open space network that will include both formal and informal open spaces and parks, greens, and plazas. Although the design

details and exact location for each of these spaces will be determined at the time of Site Plan review, it is envisioned that a variety of spaces will be created that could accommodate neighborhood amenities, such as shaded seating, play structures, community gardens, dog areas, and a wide variety of recreational opportunities. The areas preserved as stream valley buffer will provide passive recreational opportunities, while other open spaces will be for active recreational uses and gathering. A system of pedestrian trails including comfortable streetscapes and trails link these open spaces. Location and design of these facilities will be determined at subsequent Preliminary and Site Plans.

Environment

The Master Plan has the following environmental recommendations for the Property:

- Orient development to maximize exposure to the natural environment (pages 73, 74)
- Avoid new stream crossings and use existing stream crossings where possible (page 73)
- Minimize disturbance of steep slopes, environmental buffers and forest for development and trails (pages 69, 73, 74)
- Restore and protect streams and buffers, while still allowing non-motorized access and visibility (page 73)
- Work with adjacent property owners to create a trail system to take advantage of natural features (page 73)
- Integrate stormwater management as urban design features (page 73)
- Preserve and plant forest adjoining existing areas of forest on adjacent properties (page 73)
- Investigate options for local energy production and power generation (page 72)
- Work with WSSC to ensure adequate sewer volume at time of development (page 73)
- Minimize disturbance in Paint Branch and investigate option of extending the sewer line in Cherry Hill Road (page 73)
- Intensive investigation of subsurface conditions may be required at time of development of Site 2 (page 74)

- Stream and buffer restoration efforts should coincide with any cleanup and removal of contaminated materials on Site 2 if necessary (page 74)
- Designate approximately 20 acres of steeply sloped mature forest along the Paint Branch Stream Valley Park as a Legacy Open Space Natural Resource site through easement and/or dedication to Parks (page 90)

The Project will utilize the existing bridge over the West Farm Branch on FDA Boulevard, and no new stream crossings for the internal vehicular circulation are proposed. The entire portion of the stream buffer on the Property, totaling approximately 36 acres, will be preserved. The Applicant intends to protect the steeply sloped, mature forest along the Paint Branch Stream Valley Park through conservation easements that will serve as a buffer between the Park and the Project.

All required remediation work for Site 2 has been completed and approved by the Maryland Department of the Environment (MDE) and a No Further Requirements Determination (NFRD) was issued by MDE on December 8, 2014. Site 2 has been approved for residential fee simple development, but use of groundwater is prohibited. Grading of the Percontee Site is expected as part of the State-issued Maryland Department of the Environment Reclamation Permit, however, new development will minimize disturbance of steep slopes to the extent feasible.

The Applicant gained approval from DPS to construct underground storage vaults to treat stormwater from FDA Boulevard, Viva White Oak Parkway, and Road B-5. The Planning Board encourages the Applicant to use ESD facilities throughout the rest of the Project.

The Project will comply with applicable Forest Conservation requirements. When possible, on-site planting will be used to meet such requirements. The Planning Board encourages the Applicant to explore options for power generation and energy conservation at subsequent Preliminary Plan and Site Plan(s) reviews.

Due to the size and complexity of the Project, multiple connection points and sewer systems may need to be used. If a sewer connection is determined to be required within the Paint Branch Stream Valley, appropriate precautions will be taken to minimize disturbance and protect the stream and its natural features.

Trails proposed in environmental buffers will have natural surfaces and will be planned and installed to minimize encroachment into areas of steep slopes to the extent possible. Design and location of trails and bike facilities will be determined at Site Plan.

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

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

FDA Boulevard currently bisects the Percontee Site and connects Cherry Hill Road to an entry gate on the northern side of the FDA campus. The road is in a separate tax parcel owned by the U.S. Government and varies from approximately 115 feet wide to 365 feet wide. Pursuant to a 2013 agreement, the U.S. General Services Administration (GSA) granted the County a perpetual easement allowing the County to use and maintain FDA Boulevard as a public road.

FDA Boulevard has two vehicle travel lanes in each direction, with a sidewalk and grass panel buffer on the south side, and an asphalt sidepath with grass panel buffer on the north side. There are no street trees along FDA Boulevard.

Cherry Hill Road has a variable right-of-way width that ranges from 80 feet to over 120 feet wide. The Property's Cherry Hill Road frontage has an approximately five-foot-wide existing sidewalk with an approximately seven-foot-wide buffer. There are no street trees along the Property's Cherry Hill Road frontage.

A bus stop near the corner of FDA Boulevard and Cherry Hill Road serves Ride On Bus Route 27 between the Hillandale Transit Center and the Tech Road Park and Ride. A bus stop located at the Cherry Hill Road and Gracefield Road intersection, north of the Property, serves WMATA Route R2 between Calverton and Fort Totten.

ii. *Proposed public transportation infrastructure*

Cherry Hill Road

The *Master Plan of Highways and Transitways* (MPOHT) classifies Cherry Hill Road as a four lane Downtown Boulevard with a minimum right-of-way width of 90 feet and a planned BRT route. The 2018 *Bicycle Master Plan* recommends a separated bike lane along the west side of Cherry Hill Road.

As conditioned, the Amendment provides dedication of at least 45 feet from the centerline and sufficient right-of way width along the Property's Cherry Hill Road frontage to include the sidewalk and bicycle infrastructure within the right-of-

way². The Applicant will also construct a six-foot-wide sidewalk, eight-foot-wide pedestrian and bicycle buffer, a 10-foot-wide, two-way separated bikeway, and three-foot-wide street buffer along Cherry Hill Road. This frontage improvement is consistent with the MCDOT Cherry Hill Road Bike Facility Project (CIP 0502314) that is currently in the design phase for this segment of Cherry Hill Road.

FDA Boulevard

FDA Boulevard is classified in the MPOHT as a four-lane Downtown Boulevard with a minimum right-of-way width of 100 feet and planned BRT. The 2018 *Bicycle Master Plan* recommends separated bike lanes along both sides of FDA Boulevard.

The Amendment provides a 126-foot-wide right-of-way with 10-foot-wide sidewalks and minimum six-foot wide sidewalk buffers on both sides of the road, and a ten-foot wide, two-way bikeway with a 14-foot-wide street buffer on the north side of FDA Boulevard.

Viva White Oak Way

Viva White Oak Way (Industrial Parkway extended) is classified in the MPOHT as a four lane Downtown Boulevard with a minimum right-of-way width of 100 feet and planned BRT. The 2018 *Bicycle Master Plan* recommends separated bike lanes along both sides of Viva White Oak Way.

The Amendment proposes a 126-foot-wide right-of-way width with 10-foot-wide sidewalks on both sides, minimum six-foot pedestrian/bicycle buffers, a two-way, ten-foot-wide bikeway on the eastern side of the road with a 14-foot-wide street buffer.

Street B-5

The MPOHT classifies Street B-5 as a Downtown Street with a minimum right-of-way width of 70 feet. The 2018 *Bicycle Master Plan* recommends a separated bike lane.

The Amendment provides Street B-5 as an 80-foot-wide right-of-way. The west side of Street B-5 has a 10-foot-wide sidewalk and 19-foot-wide street buffer, with a 10-foot-wide shared use path and 19-foot -wide street buffer on the east side.

² A portion of the Cherry Hill Road frontage improvements will be within the area owned by GSA, but publicly accessible and maintained by MCDOT through a perpetual access agreement.

iii. ***Proposed private transportation infrastructure***

At this time, no private transportation infrastructure is proposed, but future preliminary plan amendments will likely include private roads.

b) ***Local Area Transportation Review (LATR)***

The Project is located within the White Oak Local Area Transportation Improvement Program (LATIP) area. As such, the project is not subject to the County's Local Area Transportation Review (LATR). In the White Oak LATIP District, Applicants must pay a fee to the County based on the number of trips a project will generate. An Applicant may also implement LATIP improvements as a credit applied toward the required fee.

c) ***Transportation Management***

Transportation Demand Management (TDM) provisions of County Code 42A-26 apply to the Project. The Project is located in the White Oak Transportation Management District (TMD) and is an Orange Policy Area, triggering a requirement for a Level 3 TDM Results Plan. A Level 3 TDM Results Plan requires a commitment by the Applicant to achieve a project Non-Auto Driver Mode Share (NADMS) goal of 40%, which is 10% higher than the base 30% NADMS goal for the White Oak TMD - Life Sciences/FDA Village Center (for residents and employees blended), and related commuting goals for that Project.

d) ***Schools***

This Amendment does not authorize construction of any residential units. School adequacy will be determined for any subsequent Preliminary Plan amendment that includes residential development. The Amendment also illustratively depicts a 9-acre minimum collocated school and park site. MCPS and Montgomery Parks prefer to delay dedication until the road network and lots that surround the school/park site are determined. The timing of dedication will be determined in a future phase when a Preliminary Plan is submitted for any residential development west of the West Farm Tributary.

e) ***Other Public Facilities and Services***

The development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the Application and has determined that the Property has appropriate access for fire and rescue vehicles. However, further analysis and details are necessary at subsequent Preliminary Plan Amendments and Site Plans. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Growth and

Infrastructure Policy currently in effect. Electric, gas and telecommunications services are currently available and adequate.

f) Adequate Public Facilities (APF) and Preliminary Plan Validity

With approval of the Initial Preliminary Plan, the Planning Board established that, from a transportation perspective, APF and Preliminary Plan Validity analysis is not necessary at this time, provided all necessary master-planned roads are constructed, the LATIP Fee is paid, and all other public facilities are deemed adequate during a subsequent Preliminary Plan.

The Initial Preliminary Plan further established that the schools test portion of APF is satisfied at this time if the Applicant dedicates a nine-acre co-located school and park site. The Amendment updates the timing of the dedication per the request of MCPS and Montgomery Parks, to align with residential development and the surrounding road network on the portion of the Property west of the West Farm Tributary. School adequacy and other public facilities will be tested at subsequent Preliminary Plan Amendments, and, if necessary, APF Validity periods and phasing will be assigned at that time.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20240840.

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

DPS approved a Combined Stormwater Management Concept/Site Development Stormwater Management Plan on May 9, 2025. The plan proposes to meet required stormwater management goals via the use of proprietary filtration structures with pretreatment.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

July 7, 2025

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions..

* * * * *

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 Hedrick, seconded by Commissioner Linden, with a vote of 3-0-1; Chair Harris, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining and Vice Chair Pedoeem being necessarily absent at its regular meeting held on Thursday, June 26, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board