# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

July 7, 2025

MCPB No. 25-067 Sketch Plan No. 320240080 Viva White Oak Date of Hearing: May 29, 2025

#### **RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on September 18, 2024, MCB White Oak Developer, LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 12,180,270 square feet of mixed-use development on 279 acres of CR-1.0, C-1.0, R-0.5, H-220 zoned-land, located west of the Cherry Hill Road and FDA Boulevard intersection ("Subject Property") in the *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320240080 Viva White Oak ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 19, 2025, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); 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 Sketch Plan No. 320240080, Viva White Oak, for construction of up to 12,180,270 square feet of mixed-use development on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

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Approved as to Legal Sufficiency:

/s/ Matthew Mills
M-NCPPC Legal Department

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

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- A. <u>Binding Elements</u>. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:
  - 1. Maximum density and height;
  - 2. Approximate location of lots and public dedications;
  - 3. General location and extent of public open space;
  - 4. General location of vehicular access points; and
  - 5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

# 1. Density

The Sketch Plan is limited to a maximum of 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses with 12.5% MPDUs. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan.

## 2. Height

The development is limited to a maximum height of 220 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan. A maximum building height will be established for each site plan approval.

## 3. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59-7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Major Public Facility, achieved through providing a collocated school and local park site;
- b) Transit Proximity, achieved through level 1 transit proximity;
- c) Connectivity and Mobility, achieved through advanced dedication, through-block connections, and wayfinding;
- d) Diversity of Uses and Activities, achieved through care centers, dwelling unit mix, and small business opportunities;
- e) Quality of Building and Site Design, achieved through exceptional design, public open space, and public art; and
- f) Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations, tree canopy, and vegetated area.

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## 4. Public Facilities and Open Space

- a) The Applicant must dedicate a collocated school and local park site that is a minimum of nine (9) acres to Montgomery County Public Schools and Montgomery Parks, as applicable. The final size and location of the parcels, and the timing of dedication will be determined during subsequent regulatory applications.
- b) The Applicant must provide a variety of local parks, civic greens, urban plazas, neighborhood greens, neighborhood parks, and greenway/linear parks as conceptually shown on the Sketch Plan, that will be privately owned and maintained, and accessible to the public. While these spaces must be in the approximate location, size, and quantity as shown on the Sketch Plan, the exact size, location, and design will be determined at the time of Site Plan(s).
- c) The Civic Green must be a minimum of one (1) acre, with relatively flat topography and in a centrally located, high-density area, ideally adjacent to the collocated school/park.
- d) The Applicant must provide a minimum of 10% of the Site Area (approximately 26.95 acres) as Public or Common Open Space sited and designed in a manner that supports the associated land uses. The final location, design, and size of the open space areas will be finalized with subsequent site plan applications.

## 5. Coordination for Future Regulatory Reviews

In addition to any other requirements, the following must be addressed during subsequent regulatory applications:

- a) Parking is prohibited between all buildings and the street on the Subject Property, with the exception of a large format retailer shown on the Sketch Plan in Phase 2B (southeast of the traffic circle).
- b) Surface parking lots must be screened from adjacent streets by a 36-inch minimum sidewall and landscaping buffer, or Staff-approved alternative.
- c) The Applicant must work with Staff during each Site Plan to determine the phasing of the trail construction.
- d) The Applicant must work with the Washington Suburban Sanitary Commission (WSSC) to assure public access easements for the paths proposed through the water tower property.
- e) In the Eastern Neighborhood (Phases IIa and IIb):
  - i. Provide one continuous, well-defined, centrally located public open space on Main Street at the intersection with Road B-5.
  - ii. For the large format retailer shown on the Sketch Plan in Phase 2B (southeast of the traffic circle), an approximately 100-foot-deep linear park (from face of curb of FDA Boulevard to face of curb of the associated parking lot) must be

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- provided along FDA Boulevard to screen the large surface parking lot and provide gathering, active, and passive recreation spaces for the community.
- iii. The intersection of FDA Boulevard and Cherry Hill Road should be marked with gateway features and prominent buildings parallel to the street that frame the public realm.
- f) In the Western Neighborhood (Phase 3):
  - i. Concentrate 2 over 2, or taller, building types along Viva White Oak Way, with townhouses behind.
  - ii. Avoid front-loaded townhouses to the extent possible.

## 6. Validity

The first site plan for the Project must be submitted within 36 months after the date the Sketch Plan resolution is sent per Section 59-7.3.3.G.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

- 1. The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.
  - a) Development Standards

The Subject Property includes approximately 279 acres zoned CR-1.0, C-1.0, R-0.5, H-220. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

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#### **Data Table**

Development Standard	Permitted/ Required	Approved
Tract Area (ac/sf)	n/a	279.62/12,180,270
Prior Dedication (ac)	n/a	0
Proposed Dedication (ac) Viva White Oak Pkwy Cherry Hill Rd B-5 Total Dedications	n/a	9.54 0.12 1.55 <b>11.21</b>
Site Area (ac) Tract Area minus dedications Remainder from realigned FDA Blvd <sup>1</sup> Total Site Area <sup>2</sup>	n/a	267.25 1.16 <b>269.57</b>
Density (max sf GFA/FAR) Residential Commercial Total	6,090,135/0.5 12,180,270/1.0 12,180,270/1.0	6,090,135/0.5 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%) <sup>3</sup>

<sup>&</sup>lt;sup>1</sup> The area of the existing FDA Blvd Parcel minus the area of the proposed FDA parcel

# b) Intent of the CR Zone (Section 59-4.5.1)

i. Implement the recommendations of applicable master plans Overall Plan Vision

The Sketch Plan 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 Sketch Plan fulfills the Plan's vision by providing office, commercial, retail, hotel, civic, multifamily and

<sup>&</sup>lt;sup>2</sup> Total Site Area is the tract area minus dedications plus the excess land absorbed into the Site after the realignment of FDA Boulevard.

<sup>&</sup>lt;sup>3</sup> The Open Space shown in the Sketch Plan is illustrative, and the designation of public and common open space will be determined at Site Plan.

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> 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 local park that will complement the proposed 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.

It is anticipated that the new main street in the Eastern Mixed-use Neighborhood will include a variety of shops and restaurants and will provide wide sidewalks and outdoor dining opportunities. Design of the main street and streetscape will be determined at a future Preliminary and Site 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, or urban wooded areas (page 89).

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- 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 a 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 Project includes a minimum nine-acre collocated elementary school site, for dedication to MCPS, and a Local Park (Park), for dedication to Montgomery Parks. MCPS and Montgomery Parks have coordinated with Planning Staff and the Applicant on conceptual design parameters that are currently shown on the Sketch Plan. The conceptual Park design includes a large adult-sized rectangular athletic field and other amenities including two smaller courts. The final size and location of the lots for the collocated school and park will be determined during a subsequent Preliminary Plan Amendment. While the Sketch Plan does not preclude a childcare located within the elementary school, a proposed daycare facility is located close to the school, in another location in the Central Neighborhood. 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. During subsequent regulatory review, additional on-street parking on the streets adjacent the School and Park sites will be determined.

There are currently no trails within Paint Branch Stream Valley Park that connect with the Property, and steep slopes in this area may preclude creation of such trails.

Although the current proposal does not include additional County, State or Federal facilities, the Sketch Plan does not preclude the establishment of such facilities in the future. Many locations in the Central and Eastern neighborhoods would be appropriate locations for a government agency or facility.

#### Urban Design

The Master Plan has the following urban design recommendations:

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- Concentrate the tallest buildings near the existing water tower or at the center of the community along the main streets (Industrial Parkway extended and FDA Boulevard) to lower scale buildings at the edges of the community. (page 48)
- Consider orienting buildings along a perimeter road (with a shared use path) adjacent to and overlooking Paint Branch Stream Valley Park to create a scenic route for driving, walking, and biking (pages 47-48)
- Structured parking that is located at the back of lots or lined with residential or office uses to enhance the pedestrian quality of the entire community (page 49)
- To reinforce public access to the edge of the stream valley, there should be no private lots backing up to the stream valley park (page 90)

The Sketch Plan shows the tallest buildings in the core areas of the Property along Viva White Oak Parkway and FDA Boulevard. Buildings with lower heights are generally located on the edges of the Project. To ensure maximum flexibility to respond to market conditions for this multi-phased, long-term project, final building heights will be determined at Site Plan.

Both surface and structured parking is anticipated to be provided with the Project. Structured parking will be located behind buildings wherever possible or must be lined with uses at the ground level to enhance the appearance of the community and to activate the adjacent streetscape. Where surface parking abuts the street, appropriate screening must be provided. Except for the large format retail site located in the southwestern corner of the Eastern Neighborhood, no other buildings at Viva should have parking located between the building and the street.

Front-loaded townhouses back up to some areas of the Paint Branch stream valley in the Sketch Plan. The Planning Board supports the elimination of rear-loaded townhouses to the extent possible to allow access and views into this stream valley.

#### 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)

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- 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 Sketch Plan provides FDA Boulevard and Viva White Oak Way that can serve as a prominent civic promenade and community focal point for the Project. The Sketch Plan includes proposed 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.

The Sketch Plan has an interconnected grid of streets that form small blocks that will be walkable and have pedestrian friendly, quality streetscapes. The street framework is integrated with a series of open spaces and linear parks, including central gathering spaces and smaller greens and plazas. Final right-of-way widths and street sections, for internal roads other than Viva White Oak Way, FDA Boulevard, and Road B-5, will be determined at subsequent Preliminary Plan and Site Plan(s) reviews. Streets are designed to be walkable, pedestrian friendly, and to provide well-integrated and efficient pedestrian circulation throughout the development. The interconnected system of sidewalks, pathways, open spaces, activity centers, and trailheads will encourage walking and community interaction. Streets will be tree-lined with planting strips between the sidewalk and the curb and will link the various open spaces, uses, and activity centers throughout the Project. Bicycle lanes and multiuse paths are also included to provide additional opportunities for mobility and connectivity to adjacent and nearby land uses.

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.

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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.

The Sketch Plan shows trail connections to the site boundary adjacent to the proposed storm water pond on the Hospital site. The feasibility of these connections will be explored as part of subsequent Preliminary Plan and Site Plan(s) reviews.

A trail along the perimeter of the Paint Branch Park is proposed and will serve as a significant amenity that will provide access and encourage use of the Park. The Sketch Plan shows some private lots backing up to the Stream Valley Park, but the design and layout of development adjacent to the Park will be determined at Site Plan.

#### 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)

As shown on the Open Space Plan, 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. The open spaces are 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

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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.

The Sketch Plan shows a Civic Green between the west side of the West Farm Branch and the multifamily buildings in the Central Neighborhood. The proposed location of the Civic Green is not ideal because it is located behind a multifamily building rather than a more highly visible central location. As conditioned, the Civic Green must be a minimum of one acre, relatively flat, and in a highly visible central location.

Appropriate locations for other open space facilities recommended in the Plan including a community garden, dog park, basketball courts, community open space, urban wooded areas, and play areas are shown in conceptual locations in the Sketch Plan. Locations 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 the 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)

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- 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)

Areas of the Project that are adjacent to environmental features such as the stream buffers have been designed and oriented to embrace these features as natural amenities. Disturbance of these areas will be minimized to the extent possible. 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 Project will preserve the entire portion of the stream buffer on the Property, totaling approximately 36 acres. 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 Surface Mining Site (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.

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> 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. The Sketch Plan includes pedestrian trails along both edges of the West Farm Branch tributary that goes through the Property. Final design and location of trails and bike facilities will be determined at Site Plan.

## **Public Benefit Points**

The Plan has the following recommendations about public benefit points:

- Provision of major public facilities, including but not limited to: Bus Rapid Transit; a bus circulator to connect centers and/or transit; conveyance of an acceptable site for (or construction of) a new public elementary school, fire station or library; and dedication of land for parks and trails.
- Connectivity and mobility, including but not limited to: transit access improvement and trip mitigation.
- Diversity of Uses and Activities, particularly care centers and affordable housing, including workforce housing.
- Quality building and site design, including but not limited to: structured parking, exceptional design, and the amenities listed on pages 87-90 to the extent they exceed the requirements of the zone (page 96).

As discussed in detail in the public benefit finding below, the Applicant is providing a school site dedication and qualifies for Level 2 transit proximity due to the BRT route and station(s) proposed on the Property. The Applicant is also proposing to utilize the Connectivity and Mobility category through advance dedication, through-block connections, and wayfinding. In addition, the Applicant will enter into a Traffic Demand Management Agreement in order to help meet the Master Plan NADMS goal of 30% for new development.

The Applicant is proposing to provide a care center, which satisfies the recommendation for the Diversity of Uses and Activities category. Finally, the Applicant is proposing to provide exceptional design to satisfy the Quality of Building and Design category. The Applicant will be providing structured parking throughout the site, and many of the amenities listed on pages 89-90 of the Master Plan.

ii. Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

Although this is not applicable since the Property is comprised of a former WSSC facility and a concrete recycling/sand and gravel operation, the proposed development will provide a mix of uses on former industrial sites.

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iii. Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.

The Project will provide a wide range of residential housing types, including multifamily, townhouses, and two over twos. Mobility options in the area will be greatly improved by the proposed network of streets and pedestrian connections, bicycle facilities, and the potential BRT route through the Property.

The Property is envisioned as a town center with hotel, retail, office and restaurant uses. The Project will provide multiple public facilities and amenities as recommended by the Master Plan, including parks, open spaces, plazas, greens, a school site, and spaces for civic uses. The Project will provide for parking primarily with structured parking and street parking. The Sketch Plan shows buildings lining the majority of streets, with a few exceptions to allow for larger format retail. Surface parking lots will primarily be provided where deemed appropriate and must be screened from adjacent streets. The Applicant must mitigate the visual impact of the proposed large format retail and surface parking located at the southwest corner of the Eastern Neighborhood by providing an approximately 100-foot-wide linear park and retail building between the parking lot and FDA Boulevard.

iv. Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.

The Project will provide a mix of uses on-site, including office, hotel, retail, and restaurant and a variety of different types of residential uses. The highest densities and heights are proposed along FDA Boulevard and Viva White Oak Way, generally stepping down toward the Western Neighborhood.

The Project achieves compatibility with surrounding development by stepping down the proposed densities and heights near the Property boundaries, where appropriate. Thus, the heights and densities proposed by the Project are compatible and provide appropriate transitions to the surrounding development.

v. Integrate an appropriate balance of employment and housing opportunities.

The Project provides a substantial amount of new residential development through a variety of housing options including, multifamily, townhouses, and

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two over twos. The proposed residential units will be a combination of both market-rate units and MPDUs. The Project also proposes office, hotel, retail, and restaurant uses. The Project proposes an appropriate balance of employment and housing opportunities consistent with the recommendations in the Master Plan.

vi. Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

The Project will provide the required 100 public benefit points from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

## c) General Requirements

#### i. Site Access

The main vehicular access to the Property will continue to be from Cherry Hill Road on the east and Industrial Parkway from the west. Industrial Parkway will extend into the Property as Viva White Oak Way and connect, via a traffic circle, to FDA Boulevard. FDA Boulevard will be realigned but will continue to provide a connection to the FDA campus's northern gate. Master-planned Road B-5 will connect the Property to Plum Orchard Drive via Healing Way, a private road adjacent to Adventist White Oak Hospital. The Applicant is proposing to provide all master-planned streets, FDA Boulevard<sup>2</sup>, Viva White Oak Way, and Road B-5, as public streets.

#### ii. Open Space and Recreation

The Sketch Plan includes myriad parks, urban plazas, greens, and open spaces totaling approximately 57.5 acres (21.5% of the Site) providing a significant amount of open space on-site. The proposed parks and open spaces are envisioned to be well dispersed throughout the proposed development, and they will be linked by a network of trails and sidewalks. A public park, approximately 4.59 acres in size, will be dedicated to Montgomery Parks, and will include an adult-size rectangular playing field and other amenities. The remaining open spaces are intended to be privately owned and maintained for the public with a variety of amenities.

<sup>&</sup>lt;sup>2</sup> FDA Boulevard will be owned by the U.S. Government and will have the status of a public street as a result of the perpetual access agreement between the U.S. Government and Montgomery County.

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2. The Sketch Plan substantially conforms to the recommendations of the Master Plan.

As described in finding 1b)i, the Sketch Plan substantially conforms to the recommendations of the *White Oak Science Gateway Master Plan*.

3. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.

Existing development in the immediate vicinity consists of predominantly non-residential uses. The Sketch Plan includes a mix of uses, building heights, and massing that are appropriate for the development of a village center as recommended by the Master Plan, and will provide necessary vehicular and pedestrian connections to surrounding uses. The proposed mix of uses, building heights, and massing are intended to create synergy with the FDA campus and the surrounding neighborhood. The Project proposes to expand the park-like setting on the adjoining Washington Adventist Hospital property by providing additional green area and a (privately owned, publicly accessible) stream valley park around the West Farm Tributary. The vehicular, bicycle, and pedestrian connections will integrate and complement the surrounding neighborhood.

4. The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project will significantly improve vehicular access and circulation by providing new internal master-planned streets that connect the Project to the regional transportation network and the FDA campus, with a grid of local streets and significant streetscape improvements. The design of the internal streets will promote a safe pedestrian environment by incorporating ample sidewalks, trails, street trees, street furnishings, and on-street parking. Adequate parking will be provided on-site, primarily with structured and street parking, and will accommodate all users of the Property. Access to parking and loading will be strategically located to minimize pedestrian-vehicular conflicts, with details to be finalized at Site Plan. Some surface parking will be allowed where appropriate, but it must be adequately screened from adjacent streets.

5. The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public

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benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. The final determination of public benefit point values will be determined at Site Plan(s).

Public Benefit Calculations- Division 59-4.7

<b>Public Benefit</b>	Maximum Points Allowed	Approved in Concept
<b>Major Public Facilities</b>	70	3.12
Transit Proximity	50	23.46
<b>Connectivity and Mobility</b>		
Advance Dedication	30	4.15
Through-Block Connections	20	10
Wayfinding	10	5
<b>Diversity of Uses and Activities</b>		
Care Centers	20	10
Dwelling Unit Mix	10	5
Small Business Opportunities	20	10
Quality Building and Site Design		
Exceptional Design	10	5
Public Open Space	20	11.21
Public Art	15	7.5
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	30
Tree Canopy	15	7.5
Vegetated Area	10	5
Total Points	100 required	136.94

# **Major Public Facilities**

The Applicant requests 3.12 points for the dedication of approximately 4.21 acres (183,451.38 square feet) for a school site. This is appropriate given the Master Plan

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recommendation for an elementary school site on the Property. Further details regarding the exact size of the school site to be determined at Preliminary Plan and/or Site Plan(s) review(s).

## **Transit Proximity**

The Property is located adjacent to a proposed BRT route and station, and the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Due to the size of the Property, this will qualify as a split proximity-range project and 23.46 points are requested.

## **Connectivity and Mobility**

#### Advance Dedication

The Applicant requests 4.15 points for advance dedication of approximately 11.13 acres (484,489 square feet) of right-of-way for Viva White Oak Parkway, (A-106, Industrial Parkway extended) Road B-5, and frontage on Cherry Hill Road. Further details regarding the exact cross section and amount of dedication will be determined at Preliminary Plan review.

## Through-Block Connections

The Applicant requests 10 points for providing ten through-block connections to promote improved pedestrian connectivity between different uses, amenities, trails, and parks. Some of the connections shown on the Sketch Plan may not qualify for public benefit points under the *CR Incentive Density Guidelines*. Details about each through-block connection will be determined and points will be granted, as applicable, at Site Plan(s).

## Wayfinding

The Applicant requests 5 points for providing a wayfinding system to include directional piers, maps, and banners that would help orient pedestrians and cyclists to transit facilities, amenities, and open spaces.

## **Diversity of Uses and Activities**

#### Care Centers

The Applicant requests 10 points for providing a care center for at least 15 people and a minimum of 25% of the space in the care center will be open to the general public. The Sketch Plan shows a conceptual location for the care center in the Central Mixed-Use Neighborhood adjacent to the elementary school site.

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## Dwelling Unit Mix

The Applicant requests five (5) points for integrating a mix of residential market-rate multifamily unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy Chapter 25A.

## Small Business Opportunities

The Applicant requests 10 points for providing at least three retail spaces of 5,000 square feet or less for small businesses.

## **Quality Building and Site Design**

Exceptional Design

The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. It is anticipated that several buildings in the project will incorporate design elements to achieve up to 5 public benefit points for exceptional design, to be determined at the time of Site Plan. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights.

## Public Open Space

The Applicant requests 11.21 points for providing approximately 30.23 acres (1,316,949.64 square feet) of public open space beyond the requirement. Further details regarding the exact amount of public open space will be determined at Preliminary Plan and Site Plan(s) review(s).

## Public Art

The Applicant requests 7.5 points for providing public art in the form of artistic pavers, traditional permanent art installations, interactive art installations, and temporary art displays throughout the Project. The Applicant considers public art installations an important component of placemaking and envisions public art to be incorporated in the many parks, squares, and plazas planned throughout the development. Per the *CR Guidelines*, incentive density of 7.5 points is appropriate for public art that is reviewed for comment by the Art Review Panel and is found to fulfill at least five of the eight guideline criteria.

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#### **Protection and Enhancement of the Natural Environment**

Building Lot Terminations (BLT)

The Applicant requests the full 30 points permitted for the purchase of 14.5 BLTs. BLT requirements will be determined based on the density of each subsequent Site Plan approval.

## Tree Canopy

The Applicant requests 7.5 points for protecting tree canopy coverage with at least 15 years of growth, per the Trees Technical Manual, of at least 25 percent of the on-site open space. Coverage is calculated as 75 percent of 20-year canopy coverage under the *M-NCPPC Trees Technical Manual*. Canopy used to satisfy Forest Conservation requirements is not eligible for incentive density.

# Vegetated Area

The Applicant requests 5 points for providing vegetated areas with a minimum of 12 inches of soil, covering at least 5,000 square feet. These areas must not be part of the required public open space or open space used for incentive density, vegetated roofs, or stormwater management facilities. The Sketch Plan shows vegetated areas in the Central and Eastern Mixed-Use Neighborhoods. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated area criteria.

6. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

Due to the complexities of phasing, financing, and developing the approximately 279-acre Property as a mixed-use town center, the Applicant is requesting flexibility in phasing. While the Sketch Plan encompasses the entire Project, the Applicant will seek a Preliminary Plan Amendment and Site Plan approval for each phase/sub phase of development.

The phasing plan requires flexibility to respond to market conditions, while implementing the vision and requirements established by the Master Plan. Phases may be split into sub-phases, sequenced in any order or combined, phase boundaries may be adjusted, and the density of phases shifted at the time of Preliminary Plan and/or Site Plan(s) approvals. All sidewalks, bike facilities, dedications, open spaces, plazas, greens, and parks must be delivered during construction of the phase they are located in, with specific timing to be determined at subsequent Preliminary Plan and/or Site Plan(s) approvals. The Applicant must provide public benefits with each phase proportional to the level of development constructed within that phase.

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BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Master Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Viva White Oak, Sketch Plan No. 320240080, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

MCPB No. 18-100 Preliminary Plan No. 120180240 VIVA White Oak Date of Hearing: November 29, 2018

JAN 1 5 2019

## **RESOLUTION**

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

WHEREAS, on June 28, 2018, Global Lifesci Development Corporation (GLDC) ("Applicant") filed an application for approval of a preliminary plan/infrastructure plan that would: 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 (B10) and B-5; include approval of the Preliminary Forest Conservation Plan; and 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.; 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, Applicant's preliminary plan application was designated Preliminary Plan No. 120180240, VIVA White Oak, ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to conditions ("Staff Report"); and

WHEREAS, on November 29, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to Legal Sufficiences

Phone: 301.495.4605 Fax: 301.495.132

E-Mail: mcp-chair@mncppc-mc.org

**R7**2

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WHEREAS, on November 29, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Norman Dreyfuss, seconded by Commissioner Natali Fani-Gonzalez, with a vote of 5-0; Commissioners Casey Anderson, Gerald R. Cichy, Norman Dreyfuss, Natali Fani-Gonzalez, and Tina Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES 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 (B10) and B-5; include approval of the Preliminary Forest Conservation Plan; and 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., for 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, subject to the following conditions:

#### DENSITY AND RESTRICTION OF BUILDING PERMITS

- 1. This Preliminary Plan is limited to eleven Large Lots, three Outlots and one Road Parcel for a maximum of 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses, with the maximum number and distribution of residential dwelling units and non-residential uses to be determined at subsequent Preliminary Plan Amendments and Site Plans.
- 2. Building permits must not be issued on any portion of this Property (except for construction of master-planned roads) until subsequent Preliminary Plan Amendments and Site Plans have been filed where development is sought.

## COMPLIANCE WITH CONDITIONS OF PRIOR APPROVALS

3. The Applicant must comply with conditions of approval for Sketch Plan 320180040 by Resolution No. 17-101 dated January 30, 2018, and the Subdivision Regulation Waiver SRW201801 by Resolution No. 18-070.

## PRELIMINARY FOREST CONSERVATION PLAN

- 4. The Planning Board approves the Preliminary Forest Conservation Plan (PFCP) with the following conditions:
  - a. Prior to approval of the Certified Preliminary Plan, the Applicant must amend the Preliminary Forest Conservation Plan to show 0.80 acres of forest clearing and 59.25 acres of forest retention.

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

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- b. Prior to approval of the Certified Preliminary Plan, the Applicant must remove the limits of disturbance lines from the PFCP.
- c. Prior to approval of the Certified Preliminary Plan, the Applicant must amend the PFCP to remove Note Number 5 associated with the Forest Conservation Worksheet.
- d. This approval is valid only for the area of the rights-of-way for the masterplanned roads and is not sufficient for approval of road construction permits. A Final Forest Conservation Plan (FFCP) and Site Plan, showing limits of disturbance for grading and stormwater management required for road construction, must be submitted for review and approval prior to approval of the sediment and erosion control permit.
- e. At the time of any Preliminary Plan Amendment, the Applicant must submit a revised PFCP. This revised plan shall reflect any changes made to the topography, wetlands, forest total, and other natural features pursuant to State-issued Mining Permit No. (93-SP-0430-A) and State-approved reclamation plan. The existing forest total (exclusive of any reforestation or afforestation performed after the initial Preliminary Plan) and resulting total reforestation and afforestation requirement may be reduced if permitted by the State-issued Mining Permit No. (93-SP-0430-A) and State-approved reclamation plan. Any adjusted existing forest total and reforestation and afforestation requirement must be reflected in the revised FCP worksheet and Final Forest Conservation Plan (FFCP).
- f. In future submittals, when any plan depicts impacts to specimen trees on the Subject Property, the Applicant must obtain a variance approval for the trees impacted as part of the Forest Conservation Plan. The variance request will also require the County Arborist's review and recommendation.
- 5. The Applicant and Montgomery County are permitted to demolish existing structures prior to approval of the Final Forest Conservation Plan, provided that the Applicant or Montgomery County minimizes the land disturbance necessary for the demolition of the structure and no specimen trees are impacted or removed without a previously approved variance, to which the County's Arborist will have the opportunity to review and make recommendations.

#### AGENCY APPROVALS

6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 18, 2018, except for 2.I.a.i., 2.I.b.i. and 2.I.c.iv., and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, except for 2.I.a.i., 2.I.b.i. and 2.I.c.iv., which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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- 7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated September 7, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9. Include all agency approval letters and Preliminary Plan Resolution on the approval sheet(s).

#### TRANSPORTATION AND ROAD DEDICATION/IMPROVEMENTS

- 10. Prior to Certified Preliminary Plan, the Applicant must modify the cross sections for B-5, FDA Boulevard (B-10) and FDA Parkway (A-106), with the final dimensions of each element to be determined at subsequent Site Plan, as follows:
  - a. B-5 (elements listed from west to east):
    - One and one-half (1.5)-foot buffer
    - Seven (7)-foot concrete sidewalk
    - Two (2)-foot buffer
    - Seven (7)-foot tree/lawn/stormwater management facilities
    - Two (2)-foot buffer
    - Eight (8)-foot parking lane
    - Two (2) eleven (11)-foot travel lanes
    - Eight (8)-foot parking lane
    - Two (2)-foot buffer
    - Seven (7)-foot tree/lawn/stormwater management facilities
    - Two (2)-foot buffer
    - Ten (10)-foot sidepath (expected to be converted to a two-way separated bike lane with a sidewalk)
    - One and one-half (1.5)-foot buffer
  - b. FDA Boulevard, 122-foot right-of-way, east and west of the bridge (elements listed from north to south):
    - Seven (7)-foot sidewalk
    - Two (2)-foot buffer
    - Seven (7)-foot tree/lawn/stormwater management facilities
    - Two (2)-foot buffer
    - Ten (10)-foot two-way separated bike lane
    - Four (4)-foot bike buffer

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- Ten (10)-foot travel lane
- Eleven (11)-foot travel lane
- Twenty-two (22)-foot median
- Eleven (11)-foot travel lane
- Ten (10)-foot travel lane
- Eight (8)-foot parking lane
- Two (2)-foot buffer
- Seven (7)-foot tree/lawn/stormwater management facilities
- Two (2)-foot buffer
- Seven (7)-foot concrete sidewalk
- c. FDA Parkway, 132-foot right-of-way (elements listed from west to east):
  - Five (5)-foot sidewalk
  - Two (2)-foot buffer
  - Eight (8)-foot tree/lawn/stormwater management facilities
  - Two (2)-foot buffer
  - Eight (8)-foot parking lane
  - Ten (10)-foot travel lane
  - Eleven (11)-foot travel lane
  - Twenty-eight (28)-foot median
  - Eleven (11)-foot travel lane
  - Ten (10)-foot travel lane
  - Eight (8)-foot parking lane
  - Three (3)-foot bike buffer
  - Ten (10)-foot two-way separated bike lane
  - One (1)-foot buffer
  - Eight (8)-foot tree/lawn/stormwater management facilities
  - Two (2)-foot buffer
  - Five (5)-foot sidewalk
- 11. The Applicant must dedicate road rights-of-way to accommodate New Road (B-5), FDA Boulevard (B-10), and FDA Parkway (A-106), as shown on the Certified Preliminary Plan, with the final delineation and alignment to be determined at Site Plan.
- 12. The Applicant must design and construct the public/master-planned streets B-5, B-10, and A-106, as shown on the Certified Preliminary Plan, with the final engineered design, extent, delineation, alignment and curb-cuts of these roads to be determined at the time of Preliminary Plan Amendments and Site Plans.
- 13. If a TMD ("Transportation Management District") is established, the Applicant must enter into a Traffic Mitigation agreement to participate in the White Oak

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- TMD and with the Planning Board and MCDOT to assist in achieving their Non-Auto Driver Mode Share (NADMS) goal for new developments of 30%.
- 14. The Applicant must coordinate with MCDOT to identify location(s) and number of, and reserve adequate space for, bus rapid transit (BRT) station(s) within the boundaries of the Property and along the potential supplemental BRT route of the US 29 Corridor No. 9 between Tech Road and Cherry Hill Road, and the Applicant must ensure that proposed BRT operations can navigate the proposed roundabouts/circles.
- 15. The Applicant must coordinate with MCDOT's Commuter Services Section regarding the location of bike share stations and should be consistent with the White Oak Local Area Transportation Improvement Program (LATIP).
- 16. The Applicant must coordinate with Metrobus and Ride On to ensure that local bus service is provided as necessary on FDA Parkway and FDA Boulevard. Metrobus Route Z6 and Ride On Route 10 currently operate in the vicinity of the Viva White Oak site.
- 17. The Applicant must work with WSSC to assure public access/cross easements for the paths proposed through their water tower property.

#### PARK DEDICATION

- 18. Consistent with the Sketch Plan approval, the Applicant must dedicate a minimum of nine (9) acres that will be publicly owned and maintained for a colocated school and park, and an additional six (6) acres of contiguous park/open space, which may be privately owned and maintained, for a total of fifteen (15) acres. The final size, location and ownership of the co-located school and park site must be determined and dedicated within 85 months from the day the Resolution is mailed.
- 19. Park Permits will be required for any work on existing or proposed public Park Property.

#### MODERATELY PRICED DWELLING UNITS (MPDU)

- 20. 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.
- 21. Prior to issuance of any residential building permit, the Applicant must enter into an agreement (Agreement to Build) with the DHCA.
- 22. Prior to Certified Preliminary Plan, the Applicant must delete the entire Footnote 8 and substitute the following language: "Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the DHCA and the Department of Planning."

ADEQUATE PUBLIC FACILITIES (APF)

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- 23. 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 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 and/or number and type of residential units for calculating the LATIP will be determined at subsequent Preliminary Plan Amendments.
- 24. 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:
  - 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.
- 25. The Applicant must dedicate the 9-acre co-located school and park site within 85 months from the day the Resolution is mailed.
- 26. Phasing for residential uses is not required at this time, if prior to issuance of any building permit for residential uses:
  - a. All applicable school impact taxes are paid;
  - b. All master-planned roads necessary for the proposed uses are constructed; and
  - c. All necessary wet and dry utilities are provided.
- 27. At subsequent Preliminary Plan Amendment(s), for any proposed residential units/uses, the schools test portion of the APF review will need to be tested for any residential units/uses proposed in accordance with the applicable Subdivision Staging Policy at that time, and any necessary phasing and validity periods will be assigned.
- 28. All other public facilities included in APF review will need to be tested at each subsequent Preliminary Plan Amendment(s).

## PRELIMINARY PLAN VALIDTY AND RECORD PLATS

- 29. All plats for residential units/uses associated with this Preliminary Plan must be recorded within the applicable validity periods assigned at subsequent Preliminary Plan Amendments, or a request for extension must be filed.
- 30. Prior to submittal of any plat application, the Applicant must obtain a Certified Preliminary Plan and Certified Site Plan on the portion of the Property a plat is sought.
- 31. The record plat must show necessary easements.
- 32. Except as permitted by State-issued Mining Permit No. (93-SP-0430-A), the State-approved reclamation plan, and demolition of existing structures as

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permitted by Condition No. 5 above, no clearing or grading of the site, nor recording of plats is permitted prior to Certified Site Plan approval.

#### CERTIFIED PRELIMINARY PLAN

- 33. Prior to Certified Preliminary Plan, the Applicant must:
  - a. Include all agency approval letters and Resolutions on the approval sheet(s);
  - b. Revise all master-planned road cross sections as conditioned;
  - c. Revise the PFCP as conditioned;
  - d. Insert a note on the Preliminary Plan that a ten (10)-foot-wide two-way separated bike lane, or Planning Board approved equivalent, will be provided on the west side of Cherry Hill Road along the Property frontage, or alternate location if approved by the Planning Board, with final details to be determined at subsequent Preliminary Plan Amendment and Site Plan; and
  - e. Delete Footnotes as conditioned.

## SUBSEQUENT PRELIMINARY PLANS AND SITE PLANS GUIDANCE

- 34. The Applicant must provide a cross section that illustrates the transition of master-planned road B-5 from the Washington Adventist Hospital site to the Property for review and approval by the Planning Board.
- 35. The Applicant must provide a cross section that illustrates the transition of master-planned road A-106 (FDA Parkway) with existing Industrial Parkway for review and approval by the Planning Board.
- 36. The Applicant must address how long-term bicycle storage is addressed at the future BRT station location(s) within the Property boundaries.
- 37. The Applicant must address the following bikeway recommendations in coordination with MCDOT and Planning Staff, with timing and final details to be determined at subsequent Preliminary Plan Amendments and Site Plans, substantially as follows:
  - a. FDA Parkway: Provide two-way separated bike lanes on the east side, with a buffer between the parking lane and bike lanes. The buffer between the two-way separated bike lanes and the street should have a minimum width of three (3) feet if its adjacent to on-street parking and a minimum width of six (6) feet if its adjacent to the street. Locate the bike buffer and bike lanes at an elevation of six (6) inches higher than the parking lane, and the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
  - b. FDA Boulevard: Provide two-way separated bike lanes on the north side, with a buffer between the parking lane and bike lanes. The buffer between the two-way separated bike lanes and the street should have a minimum width of three (3) feet if its adjacent to on-street parking and a minimum width of six (6) feet if its adjacent to the street. Locate the bike buffer and bike lanes at an elevation of six (6) inches higher than the

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- parking lane, and the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
- c. Master-Planned Street B-5: The Bicycle Master Plan recommends twoway separated bike lanes and a sidewalk on the east side, with a six (6)foot buffer between travel lanes and bike lanes. The bike lanes should be grade separated from the travel lanes and the sidewalk should be provided at an elevation that is two (2) to three (3) inches higher than the separated bike lanes.
- d. Cherry Hill Road: Provide a two-way separated bike lane on west side of road by providing ten (10)-foot-wide separated bike lanes with a minimum six (6)-foot-wide buffer from the street. Locate the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
- e. Separated bike lanes that intersect with intersections or driveways must be set back a minimum of six (6) feet from the street buffer to reduce conflicts between road users. Specific setback requirements and corner truncation will be determined through subsequent Preliminary Plan Amendments and Site Plans.
- f. The buffer between separated bike lanes and the roadway will be a minimum of six (6) feet to provide adequate separation between bicyclists and motor vehicles.
- 38. The Applicant must coordinate with Planning Staff and MCDOT on the FDA Parkway/Boulevard traffic circle design and B-5 roundabout design. Additional analysis and details of each is needed during subsequent Preliminary Plan Amendments and Site Plans. The following guidance should be considered:
  - a. Outlot C Roundabout: Design the roundabout to provide protected intersections at the intersections with FDA Boulevard and FDA Parkway.
    - i. Provide six feet of separation between the separated bike lane and vehicular travel lane.
    - ii. Set back the bicycle and pedestrian crossings from the circle based on industry best practices.
    - iii. Provide additional corner truncation to accommodate the setbacks.
    - iv. Provide raised pedestrian and bicycle crossings at all approaches to the traffic circle.
  - b. B-5 Roundabout: Design the traffic circle to provide protected intersections at the intersections with FDA Boulevard.
    - i. Provide six feet of separation between the separated bike lane and vehicular travel lane.
    - ii. Set back the bicycle and pedestrian crossings from the circle based on industry best practices.
    - iii. Provide additional corner truncation to accommodate the setbacks.
    - iv. Provide raised pedestrian and bicycle crossings at all approaches to the traffic circle.
    - v. Narrow the curb-to-curb dimensions of the traffic circle.

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- 39. Address high quality bike parking, substantially as described in the Planning Department's Bicycle Parking Guidelines (see pages 13 15), and long-term bicycle parking spaces, potentially as bike lockers or bike storage room and number of short-term inverted-U bike racks, or equivalent as approved by Staff. The final locations and types of the bike lockers/storage room and racks must be reviewed and approved at subsequent Preliminary Plan Amendments and Site Plans.
- 40. Explore providing protected intersections at all intersections on FDA Boulevard, FDA Parkway, Master-Planned Street B-5, and Cherry Hill Road where pedestrians or cyclists cross.
- 41. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at subsequent Preliminary Plan Amendments and Site Plans.
- 42. If a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot or right-of-way configuration or alignment, the Applicant must obtain approval of a Preliminary Plan Amendment prior to Certification of the Site Plan.

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

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

The Preliminary Plan/Infrastructure Plan proposes a variety of Lots and Outlots varying in sizes:

- Eleven (11) Large Lots ranging in size from 4.27 acres to 43.64 acres;
- Three (3) Outlots ranging in size from 0.84 acres to 10.01 acres; and
- One (1) 2.23-acre Road Parcel.

Subsequent Site Plans will be filed for developments within each Large Lot. Concurrently, amendments to this Preliminary Plan/Infrastructure Plan will be filed to further divide the Large Lots into smaller Lots and Blocks, as necessary, and to refine the internal public and/or private road network within each Large Lot. As the Property builds out, the development will provide important connections to the FDA, Washington Adventist Hospital, White Oak Medical Center, Paint Branch Park, and the existing commercial development along Industrial Parkway/Tech Road.

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The Outlots are for areas of stream valley buffer and the open space within the FDA traffic circle serving as the link between FDA Parkway and FDA Boulevard. The Road Parcel will serve as the access to the FDA. Further details of this access will be determined during subsequent Preliminary Plan and Site Plan reviews.

While no development is proposed at this point, Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR Zone. The Large Lots were reviewed for compliance with the dimensional requirements for the CR Zone as specified in the Zoning Ordinance. The Large Lots, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks in the Zone. A summary of this review is included in Table 1. Additional review of the Lots, Blocks and internal public and/or private road network within each Large Lot will be necessary during subsequent Preliminary Plan Amendments and Site Plans.

	Required/Allowed	Proposed
Fross Tract Area:	.=	279.62 ac. (12.160,270 sf.)
#lustrative Right of way dedication		11,62 ac (506,330 sf.)
Illustrative Townhouse areas		79.78 ac (3,475,345 sf.)
Mustrative Single Family Detached areas		2.87 ac (125,017 sf.)
Total Site area for Public Open Space Public Benefit Point Calculation		165.34 ac (8,073,578 sf.)
Coning [	CR -1,0, C-1,0 R-0,5 H-220	CR -1.0, C-1.0 R-0.5 H-220
evelopment Standards (Section 4.5.4)		
Public Open Space (min)*	10% (18.53 ac.)	25.3% (46.8 ac.)
Common Open Space in Townhouse area (min):	10% (7,98 ac.)	>12.5% (10 ac.)
Density, and Height		
Commercial	1.0 FAR (12,180,270 sf.)	1.0 FAR (12.180,270 sf.)
Residential	0.5 FAR (6,090,135 sf.)	0.5 FAR (6,090,135 st.)
Total Density (max)	1.0 FAR (12,180,270 sf.)	1.0 FAR (12,180,270 sf.)
1 *	220	220°
Height (max)	220	
	220	
ublic Benefit Points and Categories (Section 4.5.4.A)		144.28
Public Benefit Points and Categories (Section 4.5.4.A)  Public Benefit Points (min)	100	144.26 6
Public Benefit Points and Categories (Section 4.5.4.A)	100	

<sup>1.</sup> Mix of Uses will be determined at Site Plan, but will not exceed the maximum FAR permitted for Commercial Uses (1.0 FAR) and Residential Uses (0.5 FAR).

Table 1: Data Table

<sup>2.</sup> Final amounts of Public Open Space and Common Open Space will be determined at Site Plan as appropriate.

<sup>3.</sup> The Illustrative Townhouse area, Illustrative Single Family Detached area, the Illustrative Right of way dedication area, and the Total Site area for Public Open Space Public Benefit Point Calculation shown are illustrative, for Public Benefit Point calculation only. Final layout will be determined at Site Plan.

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In addition to the information included within Table 1, the Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the Department of Housing and Community Affairs (DHCA) and the Department of Planning.

2. The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.

The Property is within the boundaries of the 2014 White Oak Science Gateway (WOSG) Master Plan. The Master Plan area is largely suburban in character, but the Master Plan envisioned three areas centered on existing commercial centers, as future major activity centers. The Subject Property is part of the Life Sciences/FDA Village activity center. This center includes a mix of light industrial and service uses, back offices, public sector facilities, and some heavy industrial uses. The Application is a joint development that includes the County-owned former WSSC composting facility, referred to as Site 2, and the adjacent Percontee-owned property, which at present is operated as a sand and gravel mining/washing operation. The Master Plan discussed the efforts that led to the County-Percontee partnership and supported the concept of a town center on the Property to build synergies with the adjacent FDA campus that would serve as community center for the broader Eastern Montgomery County.

The Master Plan included detailed recommendations for this future Town Center (refer to pages 46-49 of the approved Master Plan for a complete list). This Preliminary Plan/Infrastructure Plan application advances the following recommendations:

- Creation of lots to be further subdivided into local neighborhoods to include internal networks of streets and public open spaces.
- Creation of lots for the Collocation of a public school and a public park.
- Dedication of major public roads A-106 (extension of Industrial Parkway), B-5 (connection to Plum Orchard Drive via Washington Adventist Hospital), and realignment of existing road B-10 (FDA Boulevard).
- Delineation of protected areas and reforestation zones along stream valley and steep sloped areas.

The Application included supporting documents to illustrate the conceptual phasing, full buildout, and layout of streets and open spaces within the Land Bays created by this Preliminary Plan/Infrastructure Plan, consistent with information included with prior Concept Plan and Sketch Plan applications for this Property. However, conformance with Master Plan recommendations on these items will require the details to be provided by future Preliminary Plan Amendments and Site Plans.

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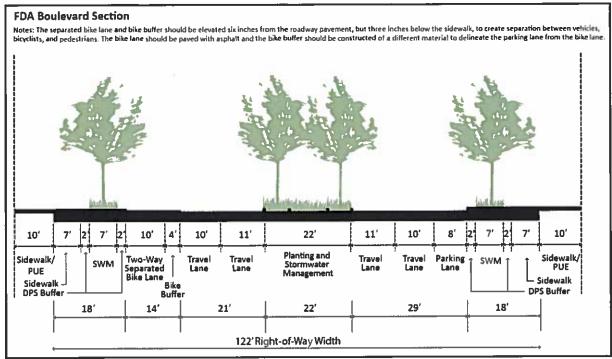
# Master-Planned Roadways, Bikeways, and Transitways

The Applicant proposes right-of-way dedications that are wider than those recommended by the Master Plan to accommodate the potential extension of the BRT as an alternative alignment through the Property, stormwater management, and the recommended facilities of the 2018 *Bicycle Master Plan*. With the modifications of the master-planned road cross sections, as conditioned, the Planning Board finds the proposed cross sections to be in substantial conformance with the Master Plan.

The master-planned transportation facilities are designated below in accordance with the:

- 2013 Countywide Transit Corridors Functional Master Plan;
- 2014 White Oak Science Gateway Master Plan;
- 2018 Master Plan of Highways and Transitways; and
- 2018 Bicycle Master Plan.
- 1. Cherry Hill Road is designated as an arterial (A-98), with a recommended 80-foot-wide right-of-way. Any necessary additional right-of-way dedication will be required at subsequent Preliminary Plan. The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on the west side. Details of this facility along Cherry Hill Road will be determined by subsequent Preliminary Plan Amendments and Site Plans.
- 2. FDA Boulevard is designated as a business district street, B-10, with a recommended 100-foot right-of-way. The Bicycle Master Plan recommends two-way bike lanes on the both sides. The Planning Board requires the bike facility to be relocated on the north side of FDA Boulevard and slight modifications to the typical section. This modification was acceptable by the Planning Board due to the desire to reduce the proposed right-of-way width as much as possible and that the Applicant is expected to provide additional bicycle connections through the development, south of FDA Boulevard. Thus, two-way bike lanes on both sides of FDA Boulevard is not necessary.

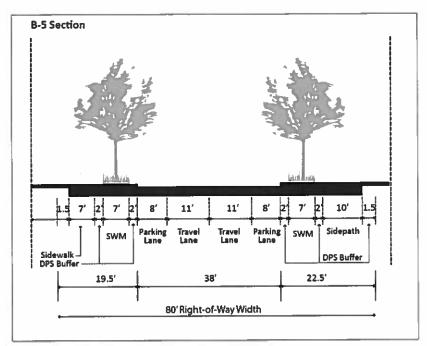
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Planning Board Approved Cross-Section for FDA Boulevard

3. Business District Street (B-5) is recommended to have a 70-foot-wide right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on the east side. Washington Adventist Hospital will be implementing a shared-use path on the east side, which will be upgraded to two-way separated bike lanes and a sidewalk in the future as part of a separate project. The Planning Board requires two-way separated bike lanes and a sidewalk on the east side of B-5 to transition into the sidepath on the adjoining Washington Adventist Hospital property.

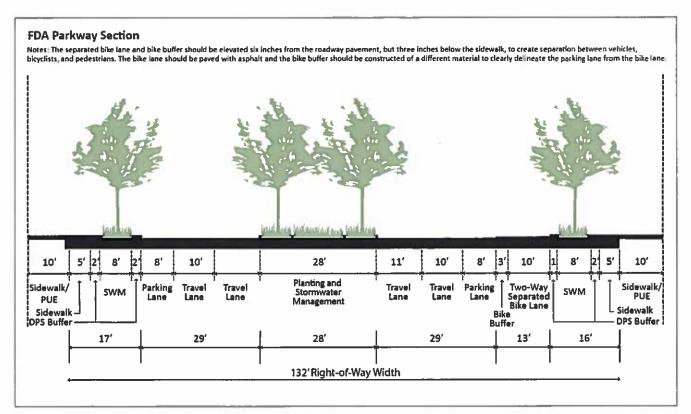
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Planning Board Approved Cross-Section for Business District Street (B-5)

4. FDA Parkway (Industrial Parkway extended) is designated as an arterial, A-106, with a recommended 100-foot right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on the both sides. The Planning Board requires the bike facility to be relocated on the east side of FDA Parkway and slight modifications to the typical section. Again, this modification is acceptable to the Planning Board due to the desire to reduce the proposed right-of-way width as much as possible and that the Applicant is expected to provide additional bicycle connections through the development, west of FDA Parkway. Thus, two-way bike lanes on both sides of FDA Parkway is not necessary.

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Planning Board Approved Cross-Section for FDA Parkway

Supplemental BRT routes are recommended along Cherry Hill Road (A-98), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended). As conditioned, the Applicant will continue to coordinate with MCDOT regarding identification of locations of BRT station(s) along these potential supplemental BRT routes associated with the US 29 Corridor between Tech Road and Cherry Hill Road. The BRT right-of-way is planned to be 26-foot-wide with two-way 12-foot-wide lanes and one-foot gutters. In addition, the BRT design vehicle must be able to navigate proposed traffic calming devices, which are currently envisioned as roundabouts.

# Master Plan Transportation Management

If the White Oak Transportation Management District (TMD) is established, the Applicant must enter into a Traffic Mitigation Agreement to participate with the White Oak TMD with the Planning Board and MCDOT to assist in achieving an NADMS goal for new developments of 30%.

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

#### Vehicular Access

The vehicular access points are proposed from Cherry Hill Road and the master-planned roadways New Road (B-5), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended).

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#### Available Transit Service

Metrobus route operates along the Cherry Hill Road frontage with the nearest bus stop approximately 500 feet to the north at the intersection of Cherry Hill Road and Gracefield Road.

#### Pedestrian Facilities

The Applicant must provide ADA-compliant pedestrian circulation.

# Local Area Transportation Review (LATR)

The Local Area Transportation Review test is satisfied by making the Local Area Transportation Improvement Program (LATIP) fee under the "Unified Mobility Program" for the White Oak Science Gateway Master Plan under the 2016-2020 Subdivision Staging Policy. The following actions implemented the LATIP fee and program:

- The County Council adopted Resolution No. 18-107 on April 14, 2015, that established the LATIP fee of all development in the White Oak Policy Area.
- The County Council adopted Resolution No. 18-728 on February 14, 2017, that established the Capital Improvement Program Project No. 361701 to use the developers LATIP fees to fund the design and construction of the White Oak transportation infrastructure.
- The County Council adopted Expedited Bill No. 51-16 on February 14, 2017, that authorized a credit against the LATIP fee for the applicant's cost of an improvement in the White Oak Policy Area to the extent it exceeds the listed cost of the improvement in the CIP Project.
- The Planning Board approved a fee of \$5,010 per vehicle trip at its public hearing on September 28, 2017, that will be added to the *Local Area Transportation Review Guidelines*. The subject development for the land uses proposed shown below based on the trip generation rate schedule approved by the Planning Board:

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#### Data Table

Land Use	Trips per Unit of Development	
Single-Family Detached Housing Units	1.28 per Unit	
Townhouse	0.65 per Unit	
Mid-Rise Apartments	0.34 per Unit	
All Office Space	1.200 per 1,000 Sq. Ft.	
All Retail Space	3.00 per 1,000 Sq. Ft.	

The LATIP fee is based on the number of units or square footage multiplied by the above "LATIP" rates and will be calculated/refined at each Preliminary Plan Amendment.

#### Schools

Although the Applicant is requesting approval of up to 6,090,135 square feet of residential development with this Preliminary Plan/Infrastructure Plan, school adequacy will be determined at the time of subsequent Preliminary Plan Amendments when the Large Lots are further subdivided and if/when residential units are proposed.

As previously stated, the Preliminary Plan/Infrastructure Plan also illustratively depicts the dedication of an approximately 4.73-acre lot (Lot 9) to Montgomery County Public Schools (MCPS) for a school site, and an approximately 4.27-acre park lot (Lot 8) to the Montgomery County Parks Department (Parks) pursuant to the Master Plan recommendations and conditions of the approved Sketch Plan. The final size, location and ownership must be determined, and dedication of the co-located school and park site must occur within 85 months of the date of this Resolution.

#### Other Public Facilities

The proposed 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 Subdivision Staging Policy. Electric, gas and telecommunications services are currently available and adequate. Again, further analysis and details will be necessary to reconfirm that adequate public facilities exist at subsequent Preliminary Plan Amendments and Site Plans.

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

This Preliminary Plan/Infrastructure Plan establishes the alignment of the master-planned roads on the site. The total forest clearing associated with the road alignments is approximately 34,707 square feet, or about 0.80 acres. The Preliminary Forest Conservation Plan (PFCP) acknowledges a reduction in on-site forest due to the presence of existing storm drain and WSSC easements of 1.63 acres, leaving 60.05 acres of forest on the Property. The clearing of 0.80 acres of forest for the road alignment leaves 59.25 acres of forest retained, and results in no afforestation or reforestation requirements at this time. The master-planned road alignment does not affect the critical root zone (CRZ) of any specimen trees, so no variance is required at this time.

This approval is strictly limited to the road alignment and does not include limits of disturbance for construction. A plan amendment will be necessary to show limits of disturbance before any construction can occur. Future applications will be evaluated for their forest and specimen tree impacts based on the limits of disturbance shown on these subsequent plans. Mitigation requirements will be determined based on these impacts according to the provisions of Chapter 22A. Variance requests will be required for future submissions that result in CRZ impacts to specimen trees.

The Planning Board acknowledges that the Percontee property has an approved Mining and Reclamation permit from the Maryland Department of the Environment, and that this permit shows State-approved grading lines for restoration of the site upon completion of the mining activities approved on the permit. Forest clearing and specimen tree impacts will be permitted on future plans based on the approved grading lines shown on the plans accompanying the State-approved permit.

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

The Preliminary Plan/Infrastructure Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from Montgomery County Department of Permitting Services (MCDPS) water resources division on September 7, 2018. The Application will meet stormwater management goals through a variety of techniques including the use of micro bioretention. This concept approval is for the establishment of the Master Plan roadways including FDA Boulevard, Master Plan Street B-5, FDA Parkway, and the access roadway located on Parcel A. The Applicant must satisfy additional issues identified in the MCDPS approval letter prior to Planning Board approval of the Site Plan.

6. Section 50.9 Subdivision Regulation Waiver of the timing and phasing requirements of Sections 50.4.2.G.2. and 50.4.3.J.5.

# Adequate Public Facilities (APF) Validity Period and Phasing

Due to the unusually large scale of this Project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Thus, the Applicant has requested a Section 50.9 waiver of the timing and phasing requirements of Sections 50.4.2.G.2. (Plan Validity) and 50.4.3.J.5. (APF Validity).

As previously stated and agreed upon at Sketch Plan and the previously approved Subdivision Regulation Waiver, the Applicant has filed one Preliminary Plan/Infrastructure Plan that covers the entire Property with an associated Preliminary Forest Conservation Plan. This first Preliminary Plan/Infrastructure Plan will establish the larger Land Bays, which are comprised of Outlots, Large Lots and Road Parcels, which will be further subdivided and refined as portions of the Project move forward for development with subsequent Preliminary Plan Amendments and Site Plans, when the respective development is ready to proceed. This first Preliminary Plan/Infrastructure Plan will also layout the master-planned roads and infrastructure and will establish a Preliminary Forest Conservation Plan for the entire Property. Per the SRW and this Application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures.

While the Applicant is requesting approval of 12,180,270 square feet of development with up to 6,090,135 square feet of residential uses, the Applicant is not actually

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proposing development of any buildings or units at this time. In the Master Plan area payment of the LATIP Fee and Development Impact Taxes satisfy the transportation portion of APF for both residential and non-residential development. Therefore, from a transportation perspective, APF and Plan Validity is not necessary, provided all necessary master-planned roads are constructed, the LATIP Fee is paid, and all other public facilities are deemed adequate.

The schools test portion of APF is satisfied for this Preliminary Plan/Infrastructure Plan if the Applicant dedicates the 9-acre co-located school and park site within 85 months (7 years) from the day this Resolution is mailed. Phasing for residential uses will not be required with this Preliminary Plan/Infrastructure Plan if prior to issuance of any building permit for residential uses required school impact taxes are paid, all necessary master-planned roads are constructed, and all necessary wet and dry utilities are provided. As stated previously, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, and, if necessary, APF Validity Periods and Phasing will be assigned at that time.

Therefore, the Planning Board finds that APF Validity and Phasing is not necessary at this time, but will be established, if necessary, at subsequent Preliminary Plan Amendments.

# Preliminary Plan Validity Period

Again, due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Furthermore, this first Preliminary Plan/Infrastructure Plan will primarily layout the master-planned roads and infrastructure and will establish a Preliminary Forest Conservation Plan for the entire Property. Per the SRW and this Application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures.

As previously stated regarding APF Validity and Phasing, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, if necessary. Thus, Plan Validity and Phasing will be assigned at that time.

#### Section 50.9.3. Findings

Per Section 50.9.3., to grant a waiver, the Planning Board must find that:

1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;

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> As stated above, due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Thus, the limited scope of the initial Preliminary Plan/Infrastructure Plan, the condition prohibiting issuance of any building permits (except for master-planned roads and demolition of existing structures) on the Property until subsequent Preliminary Plan Amendments and associated Site Plans are filed for the Outlots, Lots or Parcels where development is sought, all necessary master-planned roads will be constructed, the co-located school and park site will be dedicated within seven (7) years, and that any subsequent Preliminary Plan Amendments will be considered major amendments with any associated LATIP Fees, applicable impact taxes and school capacity tests will be calculated with each subsequent Preliminary Plan Amendment, the Planning Board finds that the maximum ten-year Preliminary Plan and APF Validity requirements of Sections 50.4.2.G.2. and 50.4.3.J.5. are not needed at this Preliminary Plan/Infrastructure Plan to ensure the public health, safety, and general welfare.

# 2. the intent of the requirement is still met; and

Again, the Planning Board agrees that based on the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Since the Applicant is required to submit subsequent Preliminary Plan Amendments and Site Plans on any portion of the Property where development is sought, and any applicable validity periods and phasing will be established at that time, the Planning Board finds the intent of the requirements of Sections 50.4.2.G.2. and 50.4.3.J.5. will still be met.

#### 3. the waiver is:

a. the minimum necessary to provide relief from the requirements; and

The Planning Board finds the requested waiver to be acceptable and the minimum necessary to provide relief from the requirements, while implementing the Preliminary Plan as agreed to during review of the Sketch Plan and the previous Subdivision Regulation Waiver for this unusually large, multi-phased project, which is expected to take several years to fully buildout.

b. consistent with the purposes and objectives of the General Plan.

Based on the conditions of approval listed in this report, and the Binding Elements, Conditions of Approval, and Findings of the previously approved

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> Sketch Plan and Subdivision Regulation Waiver, the Planning Board finds the requested waiver permits the Applicant to proceed with Preliminary Plan approval consistent with the purposes and objectives of the General Plan.

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 Cichy, seconded by Commissioner Patterson, with Acting Chair Fani-González and Commissioners Cichy and Patterson voting in favor at its regular meeting held on Thursday, January 10, 2019, in Silver Spring, Maryland.

Natali Fani-González, Acting Chair Montgomery County Planning Board

# 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 ofland 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:

<u>/s/ Matthew Mills</u>
M-NCPPC Legal Department

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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:<sup>1</sup>

#### **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

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

MCPB No. 25-068 Preliminary Plan Amendment No. 12018024A Viva White Oak Page 3

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:
  - 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

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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

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- 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.

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- 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.

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#### **Data Table**

<b>Development Standard</b>	Permitted/ Required	<b>Approved in Concept</b>
Tract Area (ac/sf)	n/a	279.62/12,180,270
Prior Dedication (ac)	n/a	0
<b>Proposed Dedication</b> (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		1.16
$Blvd^1$		269.57
Total Site Area <sup>2</sup>		
<b>Density</b> (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%
<b>Building Height</b> (max ft)	220	220
Open Space (min ac)	26.95 (10%)	57.5 (21.5%) <sup>3</sup>

<sup>&</sup>lt;sup>1</sup> The area of the existing FDA Blvd Parcel minus the area of the proposed FDA parcel

#### 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.

<sup>&</sup>lt;sup>2</sup> Total Site Area is the tract area minus dedications plus the excess land absorbed into the Site after the realignment of FDA Boulevard

<sup>&</sup>lt;sup>3</sup> The Open Space is illustrative, and the designation of public and common open space will be determined at Site Plan.

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#### 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)

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- 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.

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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

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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)

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- 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.

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# 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-

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way<sup>2</sup>. 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.

<sup>&</sup>lt;sup>2</sup> 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.

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# 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

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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

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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