

Date Mailed: December 22, 1997



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760Action: Approved Staff Recommendation  
Motion of Comm. Richardson, seconded  
by Comm. Hussmann with a vote of 5-0;  
Comms. Richardson, Hussmann, Baptiste,  
Bryant and Holmes voting in favor.

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

Preliminary Plan 1-98004  
NAME OF PLAN: SENECA MEADOWS CORPORATE CTR

On 08-01-97, MINKOFF DEVELOPMENT CORP, submitted an application for the approval of a preliminary plan of subdivision of property in the I3 zone. The application proposed to create 13 lots on 156.50 ACRES of land. The application was designated Preliminary Plan 1-98004. On 12-18-97, Preliminary Plan 1-98004 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-98004 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-98004, subject to the following conditions:

- (1) Prior to record plat, revise previous adequate public facilities (APP) agreement with the Planning Board to limit development to a maximum of 1,577,000 square feet of office/R&D space and 83,000 square feet of retail space. Applicant to provide the necessary roadway improvements as identified in the revised transportation memorandum prepared by Park and Planning department staff on 12-18-97
- (2) As part of the first site plan application, applicant must submit a concept plan for overall circulation showing all proposed streets. The segment of proposed Goldenrod Lane, between Observation Drive and the proposed light rail station, shown approximately 1,000 feet southwest of Observation Drive, must be evaluated with respect to the location of proposed median breaks and intersections and accommodation of turning movements. The right-of-way for the segment of Goldenrod Lane adjacent to the future transit station is to be approximately 150 feet in width, with final determination at site plan. For the proposed public street and transit way that will cross MD27, future driveway connections to this street must be located as far north of Goldenrod Lane as possible when the street is constructed across MD27.

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

Phase 1: Record at least 200,000 square feet of development within 36 months of the mailing of the Planning Board's Opinion.

Phase 2: Record an additional 250,000 square feet of development within 36 months of the initiation of Phase 2. Phase 2 commences 36 months after the mailing of the Planning Board's Opinion, provided that Phase 1 is recorded on schedule.

Phase 3: Record an additional 400,000 square feet of development within 36 months of the initiation of Phase 3. Initiation of Phase 3 commences 36 months after the initiation of Phase 2, provided that Phase 2 is recorded on schedule.

Phase 4: Record the remaining square footage which could include up to 810,000 square feet of the project, within 36 months of the initiation of Phase 4. Phase 4 commences 36 months after the initiation of Phase 3, provided that Phase 3 is recorded on schedule

(4) Record plat to provide for dedication and future construction of internal public streets and the proposed 50 foot wide transit right-of-way, as shown on the revised preliminary plan and as may be revised at site plan. Parcel "D", located in the future MD27/Observation Drive interchange, must be revised at site plan to show dedication of the future urban diamond interchange. The remaining area of Parcel "D" is to be incorporated into the adjacent lots

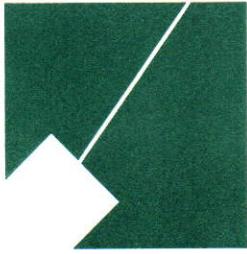
(5) Compliance with conditions of approval for the preliminary forest conservation plan. Applicant must meet all conditions prior to site plan approval, recording of plat(s) or MCDPS issuance of sediment and erosion control permit, as appropriate

(6) Record plat(s) to reflect delineation of conservation easements encompassing stream buffer areas and for wetlands that may be located outside of a designated stream buffer

(7) Compliance with conditions of MCDPS stormwater management approval dated 9-12-97

(8) No direct access to I-270 or to MD118, except for Goldenrod Lane accessing to MD118 as shown on previously recorded record plat

- (9) Access and road improvements as required and approved by MCDPW&T and MDSHA
- (10) No clearing, grading or recording of lots prior to site plan approval
- (11) Final approval of the amount and types of commercial and R&D development, locations of buildings, parking, site circulation, sidewalks and bikepaths will be determined at site plan
- (12) No street connections between Greenfield Road and Sunnyview Drive to future Goldenrod Lane. Major Drive not to connect to subject property.
- (13) Special trip reduction guidelines of the I-3 Zone to be addressed at site plan
- (14) Record plat to reflect delineation of sewer line extension(s) and easement(s) to the adjacent Meadowbrook Estates Subdivision. At site plan, applicant to show location(s) of sewer easement(s) and proposal to extend sewer lines under the proposed berm/landscaping strip to be located adjacent to Meadowbrook Estates. With WSSC concurrence, site plan enforcement agreement to require applicant to construct sewer extension(s) under proposed berm/landscaping strip, as shown on site plan, prior to constructing berm or installing landscaping
- (15) The size of buildings, size and location of berms/landscaping and the amount of development adjacent to Meadowbrook Estates (south of the wetland area) to be carefully analyzed at site plan. Parcels A, B and C shown on the preliminary plan between Goldenrod Lane and Meadowbrook Estates to be relabeled as "open-space parcels"
- (16) Necessary easements.



Dated Mailed: July 29, 1998

## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation  
Motion of Comm. Richardson, seconded by  
Comm. Holmes with a vote of 4-0;  
Comms. Bryant, Holmes, Hussmann and  
Richardson voting in favor. Comm. Perdue  
temporarily absent.

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

Preliminary Plan 1-98004

NAME OF PLAN: SENECA MEADOWS CORPORATE CENTER

On 08-01-97, MINKOFF DEVELOPMENT CORP submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 zone. The application proposed to create 13 lots on 156.50 acres of land. The application was designated Preliminary Plan 1-98004. On 07-27-98, Preliminary Plan 1-98004 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-98004 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-98004 subject to the following conditions:

Approval of abandonment and re-dedication of right-of-way, subject to the following conditions:

- (1) Submit record plat depicting the area of dedication reflected on Site Plan 8-98037
- (2) Prior to recording of plats, Planning Board approval of abandonment resolution
- (3) All previous conditions enumerated in Planning Board Opinion dated 12-22-97 remain in full force and effect.

MONTGOMERY COUNTY PLANNING BOARD

**O P I N I O N**

**DATE MAILED:** **July 29, 1998**

**SITE PLAN REVIEW:** **#8-98037**

**PROJECT:** **Seneca Meadows Corporate Center-Grading**

*Action: Approval subject to conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Holmes, with a vote of 4-0, Commissioners Bryant, Holmes, Hussmann, and Richardson voting for. Commissioner Perdue was absent.*

The date of this written opinion is July 29, 1998, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before August 29, 1998, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until December 22, 2009 (which is the date that the validity period associated with the Preliminary Plan, 1-98004, is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

On July 27, 1998, Site Plan Review #8-98037 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, and the

pedestrian and vehicular circulation systems are adequate, safe, and efficient;

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-98037 which consists of rough grading for the entire site subject to the following conditions:

1. The following items shall be provided on Goldenrod Lane at the future Seneca Meadows Transit Station:
  - a. Adequate clear space for the proposed bus and passenger car cut outs.
  - b. A 136-foot-wide right-of-way with Public Improvement Easements to accommodate 10-foot-wide sidewalks, 2-foot-wide maintenance areas and bus shelter bump outs as needed.
  - c. A tree root barrier at the ultimate curb line.
2. Prior to approval of signature set of the Site Plan, the Plan shall be revised to show:
  - a. The ultimate rights-of-way and center lines of the existing and proposed public streets.
  - b. Limits of disturbance for rough grading and sediment and erosion control plans that are modified as follows:
    - I. Extend the forest save boundary by 50 feet on proposed Lot 5 (south of stormwater management facility no. 4).
    - ii. Extend the forest save boundary by 100 feet on proposed Lot 13 (south of Ridge Road).

Exact limits of forest and tree save areas will be determined at the time of site plan review for individual sites.
  - c. Required road dedications for I-270.
  - d. An overall streetscape/circulation plan for the entire development.
  - e. Open space areas labeled as Open Space Parcels.
  - f. No parcels for the road dedication areas.
  - g. A tree root barrier at the ultimate curb line on Goldenrod Lane near the future Seneca Meadows Transit Station.
  - h. The proposed median break at station 20 shall be closed. A directional design or channelization that would allow left-turn ingress (with a left-turn storage lane) but not egress may be permitted at the time of Site Plan review of the adjacent lots.
  - I. Additional street trees near the intersections.
  - j. Minimum tree sizes: 2-1/2" - 3" caliper for shade trees, 1-1/2" - 1-3/4" caliper for ornamental trees, and 6-8' in height for evergreen trees.
3. Approval of a revised preliminary Forest Conservation Plan (FCP) with conditions as stated

in the Environmental Planning recommendations dated July 20, 1998 (Appendix B). Final FCPs shall be approved as part of the appropriate phased site plans. The applicant shall satisfy all conditions prior to approval of record plats or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit, as appropriate. Conditions include, but are not limited to, the following:

- a. For purposes of rough grading, modify the limits of disturbance as follows on the preliminary FCP:
  - I. Extend the forest save boundary by 50 feet on proposed Lot 5 (south of stormwater management facility no. 4).
  - ii. Extend the forest save boundary by 100 feet on proposed Lot 13 (south of Ridge Road).
2. A detailed planting plan, including specific numbers, sizes, and species of plant material, site preparation methods, the schedule of site work, detailed tree protection measures, and sediment and an erosion control plan for proposed berm and adjacent wetland area along eastern property line shall be submitted for review and approval prior to approval of signature set of site plan. A planting plan for earth berm to include mix of tree and shrub species of various sizes, including large-caliper trees, to create a dense visual screen.
3. Submit information to show why the applicant proposes to use natural regeneration for wetland area along eastern property line near Sunnyview Court to satisfy part of FCP requirements. If it is determined that natural regeneration is not justified in the wetland area, then FCP shall be revised to show 0.86 acre of forest planting in lieu of 0.86 acre of natural regeneration.
- d. The proposed use of natural regeneration not covered under condition 3c, above, to be determined at the appropriate phased site plan and the final FCP for that phase. The applicant shall submit information to show why natural regeneration is proposed in those areas identified in the revised preliminary FCP. If, at the phased site plan stage, it is determined, after staff review, that natural regeneration cannot be counted toward the forest planting requirement, then those areas proposed as natural regeneration shall be changed to forest planting areas on the final FCP.
- e. Provide specific tree protection measures for large trees along eastern property line near Major Drive. Large trees include, but are not limited to a 50" ash, 42 " sycamore, and 33" oak that are off the property. Protection measures include establishment of a no-disturbance area within the critical root zones of subject trees and appropriate signing and fencing.

4. A solid wood fence and/or other measures along eastern property line adjacent to Meadowbrook Estates subdivision (and outside of Phase I site plan) to address compatibility issues shall be considered at the time of site plan review for that area.
5. To accommodate the future Transitway in the median of Goldenrod Lane, the dam of the existing stormwater management facility in the central portion of the site will be widened

when the Transitway is constructed. The applicant shall grant necessary easements to the County and/or State for access to the facility and the right to modify the facility. The applicant shall also provide the following at no additional cost to the County or other authority building the Transitway:

- a. The necessary right-of-way, easements for construction.
- b. Property needed to replace any loss to the stormwater containment area.

The necessary easements shall be shown on the site plans and record plats, and shall be recorded in the land records prior to approval of record plats of the subdivision.

6. Provide lead walks and bus shelters and necessary easements at the time of site plan review for individual sites.
7. A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:

Development Program to include a phasing schedule as follows:

- 1) Street tree planting shall progress as street construction is completed, but no later than three months after completion of the streets.
- 2) Phasing of dedications, stormwater management, sediment/erosion control, forestation or other features.
- 3) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
- 4) Coordination of each section of the grading and roads.

B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- 1) Limits of disturbance.
- 2) Methods and location of tree protection.
- 3) Forest Conservation areas.
- 4) Conditions of DPS Stormwater Management Concept approval letter dated September 12, 1997.
- 5) Note stating the M-NCPCC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- 6) The development program inspection schedule.
- 7) Conservation easement boundary.

C. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

D. No clearing or grading prior to M-NCPCC approval of signature set of plans.



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

**MCPB No. 10-156**

**Preliminary Plan No. 11998004A**

**Seneca Meadows Corporate Center**

**Date of Hearing: November 4, 2010**

**JAN 13 2011**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

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

WHEREAS, on July 16, 2010, Minkoff Development Corporation ("Applicant"), filed an application for approval of a preliminary plan amendment to create two lots (Lots 11 and 12) and two recorded parcels for future dedication (Parcels K and L) approximately 21 acres, 4.4 acres, 1 acre, and 1.9 acres, respectively, in the TMX-2 Zone; located in the southwest quadrant of the intersection of Seneca Meadows Parkway and Observation Drive, ("Property" or "Subject Property"), within the Germantown Employment Area Sector Plan ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 11998004A, Seneca Meadows Corporate Center ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 24, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff"), and the staff of other governmental agencies, on November 4, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on November 4, 2010, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 3-0, Commissioners Carrier, Dreyfuss, and Wells-Harley voting in favor, with Commissioner Presley abstaining and Commissioner Alfandre absent.

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Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Bethesda, Maryland 20810 Chairman's Office: 301.495.4605 Fax: 301.495.1320

*Christina Sonner* 12/22/10  
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NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 11998004A to create two lots (Lots 11 and 12) and two recorded parcels for future dedication (Parcels K and L) approximately 21 acres, 4.4 acres, 1 acre, and 1.9 acres, respectively, in the TMX-2 Zone; located in the southwest quadrant of the intersection of Seneca Meadows Parkway and Observation Drive, within the Sector Plan Area, subject to the following conditions:

- 1) Approval under this Preliminary Plan amendment is limited to 1,319,700 square feet of R&D office use and 206,570 square feet of retail use.
- 2) Applicant must address Forest Conservation encroachment issues outlined in the Staff Report as detailed in the November 4, 2010 letter from Jody Kline, Esq. to Rose Krasnow.
- 3) The Applicant must submit a revised Final Forest Conservation Plan for Phase 4 to address Staff comments dated October 19, 2010.
- 4) The Category I Easement area on proposed Lot 11 must be recorded on a plat prior to release of any building permits.
- 5) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to issuance of access permits.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated October 13, 2010. These conditions may be amended by MCDPS, provided any modifications do not conflict with any other condition of the preliminary plan approval.
- 7) The record plat(s) for proposed Lots 11 and 12, and Parcel L, will note that these properties are subject to a covenant with Montgomery County regarding use of, and future access to, Parcel L by Lots 11 and 12. The text of the covenant to be recorded covering the properties will be in accordance with terms and conditions contained in an MCDOT letter dated October 5, 2010. The Liber and Folio of the recorded covenant must be placed on the record plat(s).
- 8) Site Plan # 820100140 must be approved by the Board and certified by the Development Review Division prior to the approval of the record plat.
- 9) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Phase 4 Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices on Lot 11.
- 10) All previous conditions of Preliminary Plan No. 119980040 remain in full force and effect unless specifically amended by this approval.
- 11) The Adequate Public Facility (APF) review for the Preliminary Plan remains valid per the original plan approval until January 22, 2012.

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

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

The Subject Property is located in the Seneca Meadows/Milestone District of the Sector Plan. The original Preliminary Plan covered approximately a third of the Seneca Meadows/Milestone District and was approved in December 1997 prior to the adoption of the Sector Plan in September 2009. The Preliminary Plan Amendment, by necessity covers the same area that was originally approved in the 1997 Preliminary Plan, but the lot that is undergoing development is only a fraction of that area and the Seneca Meadows/Milestone District. Although the Preliminary Plan covers this large area, the Planning Board focused its review on the new development of Lot 11 that affects the current composition of the Seneca Meadows/Milestone District for this finding. Based on its review, the Planning Board finds that the development of Lot 11 substantially conforms to the Sector Plan and begins the transition for the Preliminary Plan to ultimately fulfill the Sector Plan recommendations for the Seneca Meadows/Milestone District. The Sector Plan makes the following recommendations for the Subject Property:

**“Concentrate mixed-use development at the transit station with an average density of 1.0 FAR on the Seneca Meadows property north of the Crystal Rock Tributary.”**

The Sector Plan recommends concentrated mixed-use development at the proposed transit station with an average density of 1.0 FAR for the Seneca Meadows property north of the Crystal Rock tributary (“northern Seneca Meadows property”). The higher density is to be located at the proposed transit station, which has a proposed location to the west of the Subject Property and is adjacent to two undeveloped lots. Although the Subject Property has a 0.26 FAR, it achieves a higher density than what currently exists in the northern Seneca Meadows property. Further, it is expected that the average FAR of the northern Seneca Meadows property will increase significantly when the proposed transit station is built and full development build out is achieved. The Application also increases the mix of uses with Lot 11 providing a mixed use development of retail and office. It is expected that the mix of uses will continue to increase on the lots closer to the proposed transit station. The Planning Board finds that the Application is a mixed use development that increases the density of what currently exists on the northern Seneca Meadows property and provides a solid transition for this part of the Seneca Meadows/Milestone District to fulfill the Sector Plan recommendations.

**"To ensure the area retains an employment profile, develop with a minimum of 70 percent employment uses that include limited street level retail and a maximum of 30 percent residential uses."**

The Application proposes 206,570 SF of commercial/retail space, which is a small amount of the total possible development for the northern Seneca Meadows property. Although Lot 11 that will contain a Wegman's store will have a high percentage of retail, it represents a small amount of the overall development of the northern Seneca Meadows property. The mix of uses as proposed for Lot 11 will include office, retail, and service, which is in conformance with the Sector Plan's land use designation for the Subject Property of "Commercial Mixed Use" (office, retail, service, housing). The Planning Board finds that 206,570 SF of commercial/retail space is in conformance with the Sector Plan's recommendation of limited retail use and that all of the proposed uses generate employment. It is also important to note that Wegman's is not a typical grocery store in terms of employment. Wegman's is considered a high employment retailer with a wide array of employment opportunities at both entry and advanced levels. Further, the mix of uses in the northern Seneca Meadows property will continue to be refined by further phases, which should include residential and other commercial uses.

**"Concentrate a limited amount of street retail near the transit station. Big Box retailers, if proposed, should have active store fronts with multiple entrances and smaller retail uses facing Seneca Meadows Parkway and Observation Drive"**

The proposed retail on Lot 11 is a few blocks east of the proposed transit station. The Planning Board finds that the location of retail on Lot 11 substantially conforms to the Sector Plan's recommendation for retail "near the transit station". The Planning Board applied the Sector Plan's recommendation for "Big Box retailers" to the Wegman's grocery store. It is important to understand that the land use recommendations in master plans do not, and cannot specify all development possibilities, particularly commitment to a particular design detail until the physical limitations of a site are understood. There are many site specific reasons why locating the retail uses on Seneca Meadows Parkway and Observation Drive was not feasible for this Property. First, development of this site under the new Environmental Site Design features of the new Stormwater Management Regulations requires the Applicant to essentially use every green area to take in water. This site drains naturally to the intersection of Seneca Meadows Parkway and Observation Drive. One of the low points for this site happens to be at the corner of Seneca Meadows Parkway and Observation Drive where the Sector Plan has called for retail frontage. Second, the grades at that intersection make it difficult to front buildings there, and in order to accommodate the topographical limitations of the site, these retail buildings have been fronted on an interior street.

The orientation of buildings and layout of the internal street network were heavily considered in this Application. The Applicant did front retail buildings on Seneca Meadows Parkway and Observation Drive per the Sector Plan's recommendations where the topography is flat enough. The Applicant sited two buildings as an entrance to the development on Observation Drive that act as a gateway into the site. Likewise a separate building has been fronted on Seneca Meadows Parkway at the opposite entrance point to the site. For the rest of the development, the Applicant ultimately established a network of internal streets with smaller blocks that are pedestrian oriented as envisioned by the Sector Plan. Views and pedestrian relationships along each frontage street have been designed to begin the transformation of this environment to the urban form recommended in the Sector Plan. Due to the constraints of the Subject Property, the Planning Board finds that the retail's frontage on an internal network of streets relatively near the proposed transit station substantially conforms to the Sector Plan.

**"Street level retail must conform to the Plan's urban design guidance."**

The Sector Plan also calls for street level retail to conform to its design guidance. The urban design recommendations of the Sector Plan include the call for street-oriented development, public amenities including plazas and gathering places, and the creation of vibrant pedestrian spaces. The Application consists of a street network of smaller internal streets that will fulfill the Sector Plan's recommendation for urban form better than fronting retail along Seneca Meadows Parkway and Observation Drive at this location. Grading, drainage, and existing conditions do not currently promote the location of retail fronts on Seneca Meadows Parkway and Observation Drive. Future development phases that will occur to the west of the Subject Property will be better able to utilize Seneca Meadows Parkway itself for street activation. However, locating retail on Observation Drive and Seneca Meadows Parkway at this point in the development in this area will not likely translate into viable retail.

In keeping with the urban design recommendations, the Application focuses the entry of the Wegman's to Seneca Meadows Parkway as much as possible. The open space where a café and clock tower are located have been pulled close to Seneca Meadows Parkway. The placement of the structure, along with the primary entrance and outdoor seating courtyard allows for direct pedestrian access from the Parkway, the internal street, and parking areas. In addition, unlike most development of this density and in this context, much of the parking will be structured which serves to decrease the impermeable footprint that is typically created by a standard big box store and gives the development more of the urban form that the Sector Plan calls for.

Several plazas and open spaces have been built in along the interior streets of this Application. Rather than one large open space area or plaza that would work well

with an office development, numerous smaller areas have been programmed throughout the development to connect the retail spaces. The smaller plazas and open spaces work better for the smaller buildings and smaller street frontages. The plazas and open space provide pedestrian friendly public amenities throughout the Subject Property.

The Application provides for pedestrian crossings and streets that are very pedestrian oriented. The Applicant used the guidance on street-level retail design in the Sector Plan to create a more urban atmosphere within the site rather than at its edges. In this case, the proposed retail uses are organized along an internal primary street and on secondary drives between buildings and parking. The Applicant has also provided streetscape improvements on Observation Drive and Seneca Meadows Parkway. The Application creates a streetscape for a smaller street on the internal street rather than concentrating seating, street trees, and amenities on Observation Drive. The street activation is better focused internally to create a vibrant, pedestrian friendly, urban atmosphere.

The Planning Board finds that the Application substantially conforms to the recommendations of the Sector Plan for urban design and that this Application will transition the Seneca Meadows/Milestone District towards implementing the Sector Plan's vision. Later phases will build on this development and allow Seneca Meadows Parkway and other streets to take on the desired character of a more urban, walkable place.

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

**Roads and Transportation Facilities**

Adequate vehicular access to the site is provided by a full-movement driveway connection to Seneca Meadows Parkway and Observation Drive. A separate loading and unloading full-movement driveway is provided for trucks from Seneca Meadows Parkway near the west side of the Subject Property. The general traffic access point already exists on Seneca Meadows Parkway as does a 5-foot wide sidewalk on Seneca Meadows Parkway. Observation Drive has an existing 8-foot wide sidewalk. The internal vehicular facilities have not yet been constructed. Primary pedestrian access is provided via 8-foot wide sidewalks, which connect to the existing sidewalks along the street frontage, and will provide pedestrian access throughout the entire site.

**Adequate Public Facility (APF) Analysis**

An APF analysis, which was conducted at the time of the original preliminary plan for 1,577,000 SF of office and 83,000 SF of retail, concluded that the project would

meet the transportation APF requirements after providing specific roadway improvements. These improvements have been provided, and the previous APF approval remains valid. Up to this point, 701,332 square feet of office and none of the retail have been constructed.

Under this Application, the Applicant proposes a reduction of 257,300 square feet of the approved but un-built office use, and an addition of 123,570 square feet of new retail. This will result in a total of 1,319,700 SF of approved R&D office use and a total of 206,570 SF of retail use over the entire Preliminary Plan area. All of the new retail would be constructed as part of the site plan on proposed Lot 11. Based on the traffic statement submitted by the Applicant and reviewed by Staff, the 257,300 square feet of previously approved office development would generate approximately the same amount of peak hour trips as will be generated by the 123,570 square-feet of proposed retail development. Therefore, a reduction of 257,300 square feet of office space will accommodate the proposed addition of 123,570 square feet of retail space. It should be noted that in estimating trips for the proposed retail development, actual surveyed trips generated by existing Wegman's stores in other locations have been used. Therefore, in order for the Applicant to meet the requirements of the APF approval in place, the Applicant is required to reduce 257,300 square feet of office space from the originally approved preliminary plan to accommodate the proposed total of 206,570 square feet of retail use.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy resolution currently in effect. Electrical, gas, and telecommunications services are available to serve the Property.

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

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the TMX-2 zone as specified in the Zoning Ordinance. The proposed lots meet the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of which have recommended

approval of the Preliminary Plan. Therefore, the Planning Board finds that the size, shape, width, and area of the lots are appropriate for their location within the subdivision.

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

#### Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the Subject Property (Lot 11 only) and was approved by Environmental Planning staff in November of 1997. As previously stated, with the exception of approximately 3.6 acres of forest, there are no regulated environmental features onsite such as streams, wetlands, 100-year floodplain, environmental buffers, steep slopes, or highly erodible soils. Therefore, the Application complies with the Montgomery County Environmental Guidelines.

#### Forest Conservation

The proposed development is the 4<sup>th</sup> and final phase of the Forest Conservation Plan for the entire Preliminary Plan area, which covers approximately 156 acres. The site is located within a *use class IV/ IV-P* portion of Little Seneca Creek watershed. The site is not within a Special Protection Area.

The current Application and site plan address forest conservation requirements and tree save issues for the development of the proposed uses and the associated parking lots and infrastructure. Lot 10 and Parcel P125 are also included under the current phase.

The current phase has approximately 3.6 acres of existing forest which contains a number of significant and specimen trees. No other environmentally sensitive features occur on-site for this phase. Approximately 2.2 acres of forest clearing is proposed, which was conceptually approved during the earlier phases. An onsite buffer strip of forest retention/planting area is proposed within a new Category I easement on proposed Lot 11 along Ridge Road. The new easement area will buffer Ridge Road and the confronting residents from the proposed grocery store and parking structure. Compared to the previously approved concept, some portions of the proposed buffer have been widened while other areas have been narrowed. The easement area is less than 50' wide in some sections, but meets the overall intent of the previously proposed easement since the total area placed in easement is approximately equal in size.

The overall site contains existing recorded Category I and Category II Forest Conservation Easement areas which satisfied earlier phases of the projects (the

easements are also connected with the current proposal). A number of encroachment issues and concerns with the existing easement areas surfaced during the review of the current Application. These encroachments will be address by the Applicant as outlined in the November 4, 2010 letter from Jody Kline, Esq. to Rose Krasnow.

**Forest Conservation Variance**

Section 1607(c) of the Natural Resources Article, MD Ann. Code, identifies certain individual trees as high priority for retention and protection. Any impact to trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Code. The law requires mitigation for any impacts to all trees that measure 30" diameter at breast height (DBH) or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; rare, threatened and endangered species; and trees part of a historic site or associated structure. This project did have a Preliminary Forest Conservation Plan prior to the October 1, 2009 effective date. However the approved plan showed an LOD that resulted in only minor impact to the subject tree. The current proposal shifts the LOD approximately 20' feet closer to the subject tree, creating new impacts (which would also necessitate removal of the tree). The newly proposed impacts to this greater than 30" DBH tree trigger the variance requirement.

Other trees on site which are 30" or greater were either previously approved for removal or will actually experience lesser impacts than previously approved (due to LOD changes). The additional impacts subject to the variance requirements are limited to the one tree.

In accordance with Section 22A-21(e), the Planning Board must find that the Applicant has met all criteria required to grant the variance. The Board finds the Applicant has satisfied the requirements for a Forest Conservation Variance for the following reasons:

- a) The variance will not confer on the Applicant a special privilege that would be denied to other applicants.

The Subject Property is located in the Sector Plan and the property is zoned TMX-2. The location of the proposed development is strategic in that it is easily accessible from I-270, several State roads (MD-27, MD-355, MD-118), and the future Corridor Cities Transitway (CCT). Granting the variance will allow the Sector Plan for this property to be implemented (which would be an expected outcome for other applicants and therefore not a special privilege).

b) The variance is not based on conditions or circumstances which are the result of the actions by the Applicant.

The Applicant has utilized structured parking and integrated Stormwater Management (SWM) facilities into the surface parking areas. These measures have reduced the overall footprint of the development to the maximum extent practical, and enabled additional forest save measures in other areas when compared with the preliminary forest conservation plan. The impact to T62 is necessary and unavoidable to implement the Application as proposed. Staff believes the variance can be granted under this condition if mitigation for the 31" DBH tree is provided. Staff recommends that 31 four to six foot tall holly trees be planted within the proposed easement area, as mitigation for the resource removed. The evergreen plantings will enhance the ultimate effectiveness of the buffer screen (from which the subject tree is proposed for removal). Final locations of the plantings will be determined by the forest conservation inspector.

c) The need for the variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The requested variance is a result of the proposed site design and layout on the Subject Property and not a result of land or building use on a neighboring property.

d) The variance will not violate State water quality standards or cause measurable degradation in water quality.

The site is the subject of Stormwater Management and Sediment Control Plans affiliated with development applications 11998004A and 820100140. The Department of Permitting Services is satisfied that the Application meets sediment control and water quality requirements. The location of the subject tree is not directly associated with a stream, floodplain, or wetland. State water quality standards would not be violated by the impact or removal of the 31" tree, and no measurable degradation of water quality would occur.

As a result of the above findings, the Planning Board approves the Applicant's request for a variance to remove one tree associated with the site.

Therefore, the Board finds that the Application satisfies the Forest Conservation Law and the Environmental Guidelines.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting*

*Services ("MCDPS") that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept for the project on October 13, 2010. The stormwater management concept consists of utilizing Environmental Site Design (ESD) to the maximum extent practicable in accordance with Chapter 19 of the County Code. Runoff that is not managed by onsite ESD practices will be managed in existing regional ponds.

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

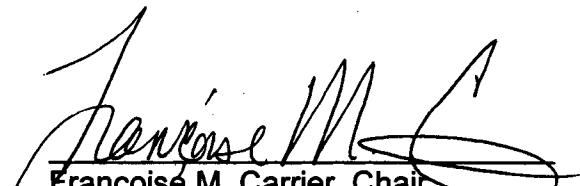
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board, and that the date of this Resolution is JAN 13 2011 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, January 6, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

**JUL 11 2012**

**MCPB No. 11-89**

**Preliminary Plan and Forest Conservation Plan No. 11998004B**

**Seneca Meadows Corporate Center**

**Date of Hearing: September 22, 2011**

**RESOLUTION**

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

WHEREAS, on December 16, 2008, Minkoff Development Corporation ("Applicant"), filed an application to amend a previously approved preliminary plan of subdivision and forest conservation plan for land located east of Interstate 270 and bounded by Father Hurley Boulevard (MD 27) to the north, Germantown Road (MD 118) to the south and Seneca Meadows Parkway/Observation Drive to the east ("Property" or "Subject Property") in the Germantown Employment Area Sector Plan area ("Sector Plan") to release those portions of the conservation easements in conflict with existing site conditions and to provide appropriate mitigation; and

WHEREAS, Applicant's limited preliminary plan amendment and forest conservation plan applications were designated Preliminary Plan and Forest Conservation Plan No. 11998004B ("Application"); and

WHEREAS, the Area #3 Planning staff issued a memorandum to the Planning Board, dated September 22, 2011, setting forth a review and analysis by Planning Board staff ("Staff") and recommended approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on September 22, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on September 22, 2011, the Planning Board adopted the Staff Report and approved the Application subject to certain conditions, on motion of

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Approved as to

Legal Sufficiency:

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

M-NCPCC Legal Department

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

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Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Limited Preliminary Plan Amendment and Final Forest Conservation Plan Amendment No. 11998004B to amend a previously approved plan of subdivision and forest conservation plan for land located east of Interstate 270 and bounded by Father Hurley Boulevard (MD 27) to the north, Germantown Road (MD 118) to the south and Seneca Meadows Parkway/Observation Drive to the east ("Property" or "Subject Property"), in the Germantown Employment Area Sector Plan ("Master Plan"), subject to the following conditions:

- 1) Applicant must submit a new record plat within 90 days of the mailing date of the Planning Board's resolution approving the limited amendment to the Preliminary Plan. The record plat must reference the standard Category I (liber 13178, folio 412) conservation easement as recorded in the land records for Montgomery County, Maryland.
- 2) All required plantings must occur within the first planting season after Planning Board approval of the amended Forest Conservation and associated preliminary plan.
- 3) Applicant must enter into a two-year Maintenance and Management Agreement with a surety for any planting required by the revised Forest Conservation Plan. The maintenance and management agreement must be submitted and approved by M-NCPPC prior to any planting occurring.
- 4) All other conditions of Preliminary Plan and Forest Conservation Plan No. 11998004B that were not modified herein, as contained in the Planning Board's Resolution dated January 13, 2011, remain in full force and effect.
- 5) Applicant must submit a final forest conservation plan that includes in the planting area the north side of the berm located on the north side of Seneca Meadows Parkway separating the subject property from Meadowbrook Estates.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and Forest Conservation Regulations COMCOR 18-01AM.*

As conditioned, the amendment ensures continued conformance with the Forest Conservation law.

BE IT FURTHER RESOLVED, that all other conditions contained in the adopted opinion approving Preliminary Plan 11998004B remain in full force and effect.

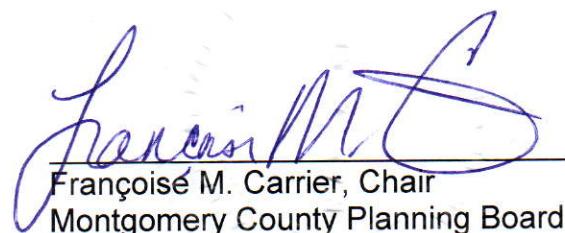
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JUL 11 2012 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, and Commissioners Anderson and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley temporarily absent, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, June 28, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

MCPB No. 18-134

Preliminary Plan Extension No. 11998004A  
Seneca Meadows Corporate Center  
Date of Hearing: July 26, 2018

**MAY 13 2019**

**CORRECTED RESOLUTION**

WHEREAS, on August 1, 1997, the Planning Board approved by an Opinion dated December 22, 1997, Preliminary Plan No. 119980040, creating thirteen lots on 156.50 acres of land in the I-3 zone, located in the southwest quadrant of the intersection of Seneca Meadows Parkway and Observation Drive ("Subject Property"), in the Germantown Policy Area and Germantown Employment Area Sector Plan ("Sector Plan") area with a plan validity period of 12 years from the Initiation Date until January 22, 2010; and

WHEREAS, on November 4, 2010, the Planning Board approved an amendment to Preliminary Plan No. 119980040 identified as Preliminary Plan No. 11998004A (MCPB No. 10-156 mailed January, 14, 2011) for a reduction in the amount of approved, but unbuilt, office space by 257,300 square feet and added 123,570 square feet of retail use, for a new total of 1,319,700 square feet of research & development office use and 206,570 square feet of retail use and to create two lots and two recorded parcels on 28.3 acres of land in the TMX-2 zone on the Subject Property with and Adequate Public Facilities approval until January 22, 2012; and

WHEREAS, pursuant to the County Council's grant of additional validity periods (Ord 18-04), the APF validity period for Preliminary Plan No. 11998004A was extended for a total of 6 years until January 22, 2018, and

WHEREAS, on December 20, 2017, Minkoff Development Corporation ("Applicant") filed a timely application for approval of an extension of the validity period of previously approved preliminary plan(s) for 36 months, until three years from the Initiation date of this resolution; and

**WHEREAS, on December 20, 2017, Applicant filed a timely application for approval of an extension of the Adequate Public Facilities of the previously approved preliminary plan for 96 months, 8 years from the Initiation date of this resolution; and**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to extend a preliminary plan validity period; and

Approved as to  
Legal Sufficiency:

*Christina Scott* 5/22/19  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPCC Legal Department [www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) E-Mail: [mcp-chair@mncppc-mc.org](mailto:mcp-chair@mncppc-mc.org)

WHEREAS, Applicant's application for a Preliminary Plan validity period extension and Adequate Public Facilities extension was designated Preliminary Plan Validity Extension, Preliminary Plan No. 11998004, Seneca Meadows Corporate Center ("Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated July 13, 2018, setting forth its analysis and recommendation for approval of the Application ("Staff Report"); and

WHEREAS, on July 26, 2018, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES a 36-month extension of the validity period of Preliminary Plan No. 11998004A which will remain valid until three years from the Initiation date of this resolution and a 96-month extension of the Adequate Public Facilities validity period until 8 years from the mailing date of this resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff 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 that:

- A. *the occurrence of significant, unusual and unanticipated events, beyond the Applicant's control and not caused by the Applicant, have substantially impaired the Applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the Applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the Applicant if the plan were not extended.*
- B. *the preliminary plan for the development required a significant commitment of funds by the Applicant amounting to at least \$3 million as adjusted annually by the consumer price index, to comply with specified infrastructure conditions; the Applicant has met or exceeded the required infrastructure conditions and they provide a significant and necessary public benefit to the County by implementing infrastructure goals of an applicable master plan; and the Applicant's satisfaction of the required infrastructure conditions provides a significant and necessary public benefit to the County by implementing infrastructure goals of an applicable master plan.*

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 13 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Patterson voting in favor, and Vice Chair Dreyfuss and Commissioner Fani-González absent at its regular meeting held on Thursday, May 2, 2019, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board