



9800 Medical Center Drive, Preliminary Plan Amendment 12011008A

- ☒ Patrick Reed, Planner Coordinator, Area 2 Division, patrick.reed@montgomeryplanning.org, 301.495.4538
- ☐ Patrick Butler, Supervisor, Area 2 Division, patrick.butler@montgomeryplanning.org, 301.495.4561
- ☐ Carrie Sanders, Chief, Area 2 Division, carrie.sanders@montgomeryplanning.org, 301.495.4653

Date Completed: 4/15/19

Description

Request to amend preliminary plan to modify condition 5 in response to updates to Road Club priorities and funding, and conditions 8, 9, and 10 as previously required by Site Plan Amendment No. 81995045E.

Location: 9800 Medical Center Drive.

Zone: LSC-1.0 H-110 T.

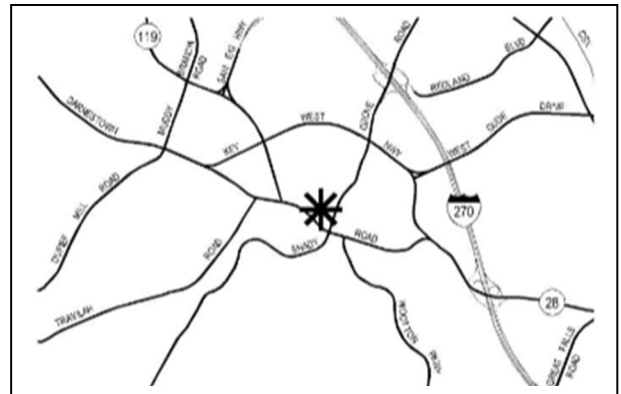
Master Plan: 2010 *Great Seneca Science Corridor*.

Property Size: Approximately 18.14 acres.

Application Accepted: 4/2/2019.

Applicant: ARE-Maryland No 24, LLC.

Review Basis: Chapter 50.



Summary

- Staff recommends approval of Preliminary Plan Amendment No. 12011008A.
- The amendment proposes no design changes, and solely focuses on amendments to conditions five (5), eight (8), nine (9), and ten (10) of the previous approval.
- Proposed modifications to condition five (5) are based on Road Club funding constraints within the Great Seneca Science Corridor Area and new improvement priorities for the Maryland State Highway Administration (SHA).
- If approved, the Applicant will work with SHA on alternative improvements within the vicinity of Great Seneca Highway (MD 119) and Sam Eig Highway that fall within the Applicant's original Road Club funding monetary responsibility.
- Proposed modifications to conditions eight (8), nine (9), and ten (10) of the previous approval satisfy condition 8(d) of Site Plan Amendment 81995045E and allow for the phasing of required improvements based on logical construction sequencing.
- The proposed changes continue to meet all development standards and do not significantly modify the original findings of the approval, except for the slight modification to the finding regarding adequate public facilities.
- Staff has not received any community correspondence regarding this amendment.

PRELIMINARY PLAN RECOMMENDATION AND PROPOSED MODIFIED CONDITIONS

Staff recommends approval of Preliminary Plan Amendment 12011008A, subject to the conditions listed below, to modify Condition No. 5 in response to updates to Road Club priorities and funding, and Condition Nos. 8, 9 and 10, as previously required by Site Plan Amendment No. 81995045E, to allow for the phasing of required improvements based on logical construction sequencing. All site development elements shown on the latest electronic version of Preliminary Plan Amendment No. 12011008A submitted via ePlans as of the date of this staff report are required. All previously approved plans, findings, and conditions of approval remain in full force and effect, except as modified herein:

Replace Condition No. 5 as follows:

5. The Applicant must satisfy the Local Area Transportation Review (LATR) test by providing the following intersection improvements:
 - a. Key West Avenue-West Montgomery Avenue (MD 28) and Shady Grove Road: Extend eastbound left turns on Key West Avenue.
 - b. Great Seneca Highway (MD 119) and Sam Eig Highway: Construct a third through approach lane on the eastbound approach of Great Seneca Highway.
 - c. The recommended intersection improvements listed in 5.a and 5.b above must be constructed with the required length as determined by the Montgomery County Department of Transportation (MCDOT) and the Maryland State Highway Administration (SHA) based on the Applicant's submitted traffic simulation analysis. The Applicant must submit a Letter of Intent to confirm the plan to create, fund and privately operate a Road Club. The specific intersection improvements must be identified by the "Road Club" and coordinated with SHA. In the event a Road Club agreement is executed, but improvement 5.b is no longer relevant based on previous funding arrangements, as determined by SHA, the Applicant shall provide an alternative improvement within a half-mile of Great Seneca Highway and Sam Eig Highway. The monetary contribution for this improvement must not exceed \$844,709. The \$844,709, in tandem with any funds previously contributed to the City of Gaithersburg, must implement a pedestrian connection between Muddy Branch Road and Key West Avenue along the south side of Great Seneca Highway (MD 119) that meets ADA standards. The path may be designed to be permanent or temporary, dependent on funding availability and scope as determined by SHA. All improvements, including alternatives accepted by SHA and the pedestrian path, must be permitted and bonded prior to the release of the use and occupancy permit for Building F.

Revised Condition No. 8:

8. The Applicant must construct an eight-foot wide shared use path on Shady Grove Road, with a green panel separating the path from the curb, as shown on the Preliminary Plan, prior to issuance of the first Use and Occupancy certificate for Building F. Final location and width of the shared use path will be determined at the time of site plan review.

Revised Condition No. 9:

9. The Applicant must construct the two separate five-foot wide lead-in sidewalks from the eight-foot wide shared use path along Shady Grove Road, as shown on the Preliminary Plan, prior to issuance of the first Use and Occupancy certificate for Building F. Final locations and widths of the lead-in sidewalks will be determined at the time of site plan review.

Revised Condition No. 10:

10. The Applicant must provide a five-foot wide sidewalk on Medical Center Drive as shown on the Preliminary Plan prior to issuance of the first Use and Occupancy certificate for Building F.

SITE DESCRIPTION AND BACKGROUND

Site and Vicinity

The 18.14-acre subject property (outlined in red in Figure 1 below, Property or Subject Property) is located in the Shady Grove Life Sciences Center (LSC), which is encompassed by the larger 2010 *Great Seneca Science Corridor Master Plan* area. The Subject Property is bounded by Medical Center Drive and Medical Center Way to the north, Shady Grove Road to the east, and Darnestown Road and the Montgomery County Fire and Rescue Station #32 to the south.



Figure 1 – Subject Property and Vicinity

The Subject Property currently contains four (4) research and development buildings totaling 281,739 square feet with approximately 362 associated surface vehicle parking spaces. On December 14, 2017, the Planning Board approved Site Plan Amendment No. 81995045E, which allowed for the development of a 746-space structured vehicle parking garage, as well as an additional 175,840 square feet of laboratory and office space (Building F). Construction of the six-story garage and five-story building are underway. Following completion, the subject property will contain a total of 457,219 square feet of development and approximately 1,108 vehicle parking spaces. Figure 2 depicts the property's approved plan per Site Plan No. 81995045E.

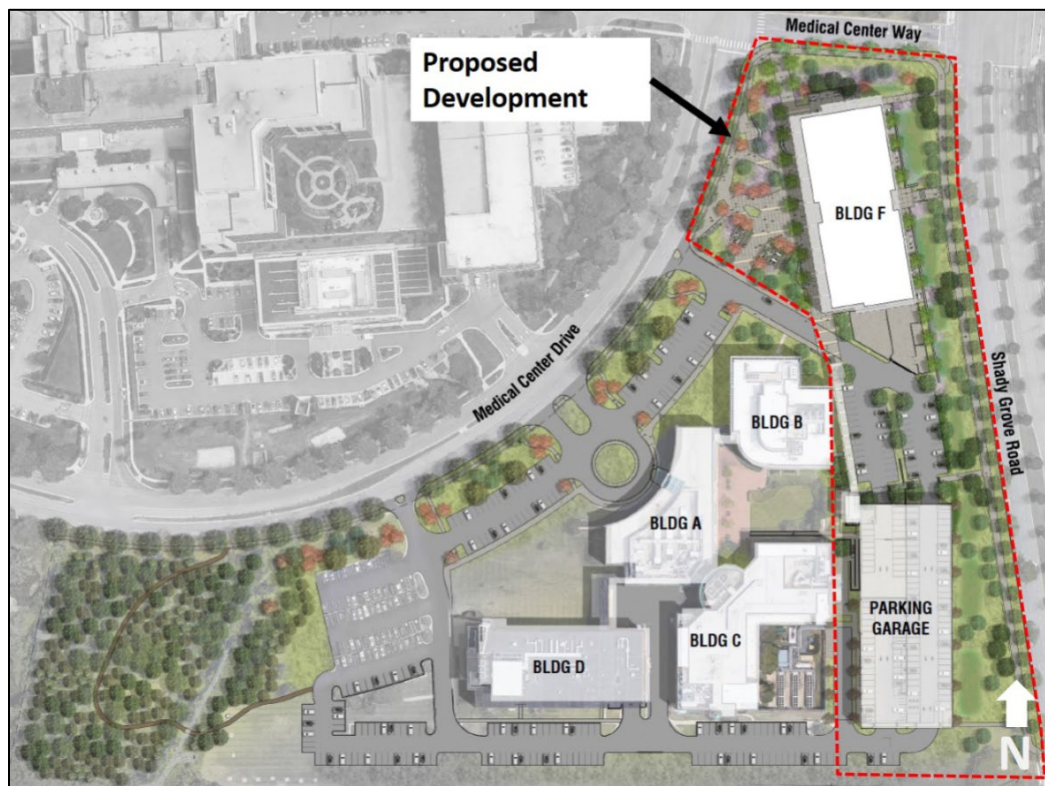


Figure 2 – Site Plan per Site Plan Amendment No. 81995045E

This major amendment is limited to condition modifications related to the timing of required on-site improvements and scope of required off-site improvements. The Applicant is not proposing any design changes to the site through this amendment.

Previous Approvals

- **March 22, 1990** – The Planning Board approved Preliminary Plan No. 119882330 for the entire LSC loop, which included the subject property as Parcels W and O/R.
- **September 8, 1995** – The Planning Board approved Site Plan No. 819950450 for 313,650 square feet of research and development and office uses. The Site Plan approval included a parking waiver for 100 spaces that lowered the required maximum number of off-street, surface parking spaces from 748 to 648 spaces. The maximum building height was established at 110 feet. In addition, the landscape plan was required to provide 15 percent on-site afforestation (in the form of tree canopy coverage).
- **March 20, 2002** – The Planning Director approved Site Plan Amendment No. 81995045A, for a change in building configuration.
- **March 16, 2010** – The Planning Director approved Site Plan Amendment No. 81995045B, for minor modifications to architecture, landscape plan and select site features.
- **May 4, 2010** – The County Council rezoned the Property from R-200 to LSC by the GSSC Master Plan's Sectional Map Amendment (SMA).
- **September 8, 2011** – The Planning Director approved Site Plan Amendment 81995045C for the addition of 2,479 square feet of maintenance and workshop area, limited rooftop mechanical equipment, penthouse areas, screen walls and a utility yard.

- **January 23, 2012** – The Planning Board approved Preliminary Plan No. 120110080 for an addition of 230,929 square feet and a new total of 544,579 square feet of R&D uses, and 1,415 structured and surface parking spaces. The Plan included two additional buildings (Buildings E and F) for R&D and office uses, and a seven-level parking garage with 938 spaces. This approval included conditions for off-site improvements and required the Applicant to construct such improvements as part of a “Road Club Agreement” with other property owners in the Shady Grove LSC. The condition required improvements to be permitted and bonded at the time of building permit and open to the public prior to use and occupancy. The approval also included several other pedestrian improvements within the site vicinity to be provided prior to issuance of a building permit.
- **December 8, 2016** – The Planning Board approved Site Plan No. 81995045D for the addition of 117 surface parking spaces and associated stormwater management improvements and landscape elements. These parking spaces were to be constructed as an interim development, prior to the seven-level parking garage approved as part of Preliminary Plan No. 120110080.
- **December 22, 2017** – The Planning Board approved Site Plan Amendment No. 81995045E, which authorized the construction of a 746-space six-story parking garage and a 175,840-square foot research and development building (Building F). This approval conditioned future preliminary plan amendments to three (3) of the pedestrian improvements required per the January 23, 2012 approval of Preliminary Plan 120110080.

PROPOSED AMENDMENT

The Applicant requests modifications to Preliminary Plan No. 120110080 conditions five (5), eight (8), nine (9), and ten (10). Changes to conditions eight (8), nine (9), and ten (10) are required per condition 8(d) of Site Plan Amendment No. 81995045E. The request for modifications to condition five (5) specifically relates to the “Road Club Agreement” required based on the initial January 2012 Preliminary Plan Approval.

Condition Five (5) – Road Club Improvements

Per Preliminary Plan No. 120110080, a “Road Club Agreement” was established between private sector parties, including Alexandria Real Estate Equities (ARE), Johns Hopkins University (JHU), Crown Farm, and Adventist Hospital. The intent of the condition was to establish a means of distributing development impact costs identified through Local Area Transportation Review (LATR) analyses within the vicinity across land-holding parties. Condition five (5) originally called for two (2) improvements, including the extension of eastbound left turn lanes on Key West Avenue at the approach to Shady Grove Road, and the construction of a third southbound through lane on Great Seneca Highway (MD 119) between Muddy Branch Road and points southeast of Decoverly Drive. The Applicant has requested the modification to the second required improvement—the addition of a third southbound lane on Great Seneca Highway (MD 119)—based on new priorities for the Maryland State Highway Association (SHA) and complexities related to the Road Club’s Funding arrangements. Attachment 1 depicts the third lane improvement as originally envisioned.

Originally, the Applicant was required to implement the third southbound lane in coordination with the developers of Crown Farm. However, the Crown Farm development team was permitted to pay a fee in lieu of \$511,208 to the City of Gaithersburg based on an Annexation Agreement requirement which imposed the satisfaction of certain off-site improvement obligations prior to annexation. The fee was accepted and has been held by the City of Gaithersburg for use on the required Road Club improvement and is to be proffered at the time the improvement is ready to proceed.

The Applicant of the subject property has designed the third lane improvement and estimates a total cost of \$3,034,704. Based on the initial responsibility assumptions in the Road Club Agreement, it has estimated its share of the improvement will cost \$1,620,055 and Crown's portion to cost \$1,414,649. Assuming the fee in lieu previously provided by Crown can be used on the improvement, this results in a \$903,441 shortfall. The Applicant has provided approximately \$755,346 toward the design of the entire improvement, reducing its remaining responsibility to \$844,709.

Because the Applicant of the subject property will not have sufficient funds to implement the third lane improvement, it has coordinated with SHA on alternative improvements (see Attachment 2). SHA has agreed to accept an in-lieu improvement that will widen ramp access at Decoverly Drive so that there will be three uninterrupted northbound lanes on Great Seneca Highway (MD 119) between Key West Avenue and Sam Eig Highway. Planning Department staff support this alternative improvement as it will "fill-out" locations where the existing lane tapers, improving legibility and safety for drivers. Figure 3 depicts the general location of the improvement.



Figure 3 – Location of Proposed Alternative Project

Planning Department staff believes that the scope of the project should include the implementation of a pedestrian connection on the south side of Great Seneca Highway. The original Road Club Improvement required an eight (8) foot hiker-biker trail to be provided with the addition of the third southbound lane. Today, a pedestrian connection terminates mid-segment. As the third southbound lane is no longer being pursued, the Planning Department recommends that the Board should condition the Applicant to coordinate with SHA to provide a permanent or temporary connection based on funding availability and project scope.

Staff supports the modification of Condition No. 5, as the modified condition ensures a pedestrian connection and allows for flexibility to implement an alternative improvement based on the Applicant's original Road Club funding contribution.

Conditions Eight (8), Nine (9) and ten (10) – Pedestrian Improvements

During the review of Site Plan Amendment 81995045E, the Planning Department noted that a number of pedestrian improvements required to be completed prior to building permit under Preliminary Plan No. 120110080 were not feasible given their location in proximity to the construction of the parking garage and Building F (i.e. construction would disrupt the improvements required). Site Plan Amendment 81995045E altered the timing of these improvements and required their provision prior to the use and occupancy permit

of Building F. Condition 8(d) additionally required that Preliminary Plan No. 120110080 be amended to sync up the timing of the improvements across the two (2) plans.

The improvements, which will be required to be provided prior to the use and occupancy of Building F include an eight (8) foot shared use path on Shady Grove Road, two separate five (5) foot lead-in sidewalks connecting the shared use path to the buildings, and a five (5) foot sidewalk on Medical Center Drive.

Staff supports the modification of conditions 8, 9, and 10, as consistent with condition 8(d) of Site Plan Amendment No. 81995045E and allow for logical construction sequencing. The modified language ensures that the improvements will be provided, but pushes the timing for the improvements to follow the construction of Building F. If the timing were to remain tied to Building Permit rather than Use and Occupancy, the Applicant's construction would impact the provided improvements.

COMMUNITY OUTREACH

The Applicant noticed the proposed amendment consistent with Planning Department procedures. Planning Department staff has not received comments or correspondence from the community.

FINDINGS AND RECOMMENDATION

The proposed Preliminary Plan Amendment slightly alters Finding No. 2 of the previous approval as follows:

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

Staff finds the revised intersection improvements proposed under Condition No. 5, continue to satisfy the Local Area Transportation Review component of the Adequate Public Facilities Test. The revised Conditions 8, 9 and 10 were required to satisfy condition 8(d) of Site Plan Amendment No. 81995045E and provide alternative road infrastructure improvements that satisfy the original intent of the Preliminary Plan.

Therefore, with the required improvements of this amendment and the original approval, Staff finds that adequate public facilities will exist to support the proposed development.

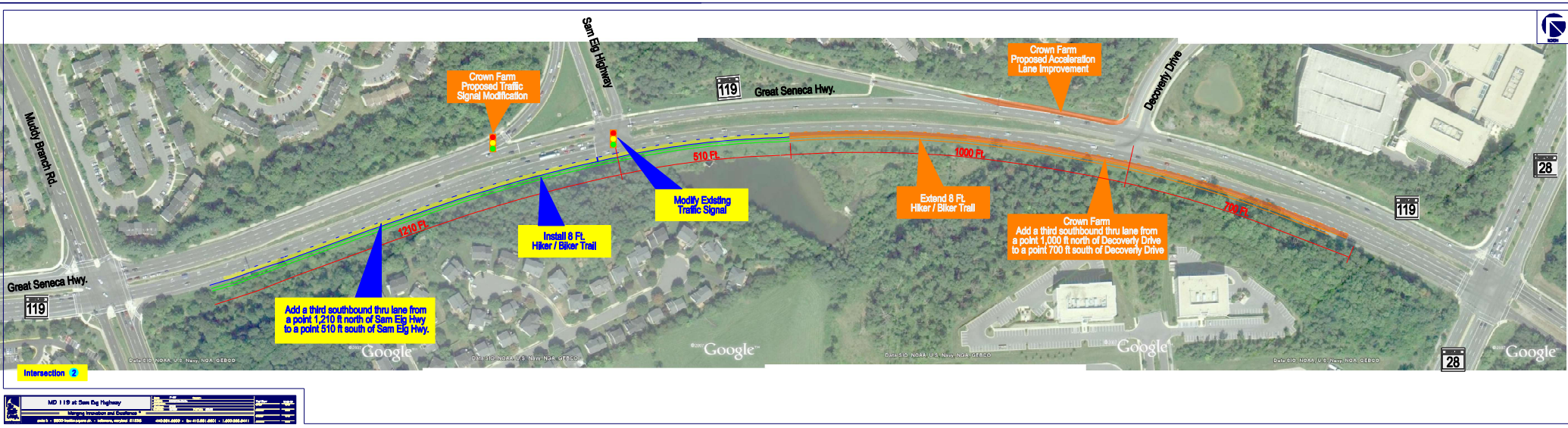
All other findings in relation to the original approval remain valid and unchanged. The modification to condition Nos. 5, 8, 9 and 10 and finding No. 2. will not alter the general intent or objectives of the approved Preliminary Plan.

Preliminary Plan Amendment No. 12011008A will not significantly impact the development with respect to the original findings of approval under Site Plan No. 120110080. Finding No. 2, as modified above, and all other findings remain in full force and effect. The proposed project remains in substantial conformance with the Master Plan; all applicable environmental regulations, including stormwater management; the development standards of the zone; and with the improvements required with this approval, adequate public facilities exist to support the development. Therefore, Staff recommends approval with the modifications to the conditions at the beginning of this Staff Report.

Attachments:

1. Originally Envisioned Third Lane Improvement at MD 119
2. Letter from SHA on Alternative Improvement

ATTACHMENT 1



March 26, 2019

Alexandria Real Estate Equities, Inc.
946 Clopper Road
Gaithersburg, MD 20878
Attention Mr. William DePippo

SUBJECT: Road Club - Decoverly Drive Right Lane Widening Improvements

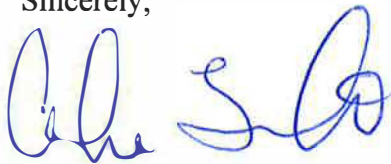
Dear Mr. DePippo:

Thank you for the opportunity to review the alternatives for the MD 119 (Great Seneca Highway) roadway Improvement plans in partial fulfillment of the requirements for the Road Club - Decoverly Drive Right Lane Widening Improvements, Montgomery County, Maryland. The Maryland Department of Transportation State Highway Administration (MDOT SHA) District Three Office appreciates the opportunity.

Based on the information provided, MDOT SHA prefers the alternate that shows northbound MD 119 at Decoverly Drive Right Lane Widening Improvements in lieu of the lane addition to southbound MD 119 from Muddy Branch to MD 28 (Key West Avenue). This alternate will widen the ramp access at Decoverly Drive so that there will be three uninterrupted lanes on northbound MD 119 (Great Seneca Highway) from MD 28 (Key West Avenue) to Sam Eig Highway.

If you have any additional questions or concerns, please feel free to contact Mr. Derek Gunn, my Assistant District Engineer for Traffic, at 301-513-7498 or 1-800-749-0737. Mr. Gunn will be happy to assist.

Sincerely,



Andre Futrell,

District 3 Engineer

cc: Ms. Erica Rigby, P.E., Deputy District 3 Engineer

Mr. Derek L Gunn, P.E., Assistant District Engineer - Traffic