



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

MCPB No. 19-050
Preliminary Plan No. 12011008A
9800 Medical Center Drive
Date of Hearing: April 25, 2019

MAY 01 2019

RESOLUTION

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

WHEREAS, the Subject Property (as herein defined) is one of the lots included in the original Shady Grove Life Sciences Center Preliminary Plan 119882330, which was approved by the Planning Board in March 1990, by which the Subject Property had an assigned density of 313,650 square feet of which approximately 281,379 square feet of R & D uses have been constructed; and

WHEREAS, on January 23, 2012, the Planning Board, by Resolution MCPB No. 11-92, approved Preliminary Plan No. 120110080 to construct 230,929 square feet of R&D use for life sciences in addition to the 313,650 square feet of R&D uses previously approved for a total of 544,579 square feet of R&D uses on a recorded lot in the LSC Zone, bound by Medical Center Drive, Medical Center Way, and Shady Grove Road ("Subject Property") in the R&D Village Policy Area and the Great Seneca Science Corridor (GSSC) Master Plan area ("Master Plan"); and

WHEREAS, on April 2, 2019, ARE-Maryland No. 24, LLC ("Applicant") filed an application for approval of an amendment to previously approved Preliminary Plan No. 120110080, designated Preliminary Plan Amendment No. 12011008A ("Amendment"), to modify conditions of approval five (5) for revisions to the required Road Club improvements, and conditions eight (8), nine (9) and ten (10) as required by Site Plan Amendment No. 81995045E:

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 April 15, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 25, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board

Approved as to
Legal Sufficiency

voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report, and hereby approves Preliminary Plan Amendment No. 12011008A, subject to the following modified conditions¹:

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 certificate for Building F.

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

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

Building F. Final location and width of the shared use path will be determined at the time of site plan review.

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.
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.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented in the Staff Report, which the Board hereby adopts and incorporates by reference, the Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and that all findings remain in effect; 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 the date of this written resolution is ~~MAY 01 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).

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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 Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board