



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
 MNCPPC Legal Department
 www.montgomeryplanningboard.org

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
 E-Mail: 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.



Casey Anderson, 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

JAN 07 2019

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 an Adequate Public Facilities approval valid 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, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to extend a preliminary plan validity period; and

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

Approved as to
Legal Sufficiency

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M:NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@macppc-mc.org

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.

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:

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. The Board was persuaded by the Applicant that considerable expense has gone into completion of all infrastructure necessary to serve all of the approved development. Despite ongoing efforts by the Applicant to complete the project, the recent economic downturn continues to plague the office market. For all of these reasons, the extension is justified.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 07 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 Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 20, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board