

Qiagen, Preliminary Plan Amendment No. 11981142A

CV Chris Van Alstyne, Senior Planner, Upcounty Planning, Chris.VanAlstyne@montgomeryplanning.org, 301.495.4629

SP Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, 301.495.2186

CS Carrie Sanders, Acting Chief, Upcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301.495.4653

Completed: 10/16/20

Description

Qiagen, Preliminary Plan Amendment No. 11981142A

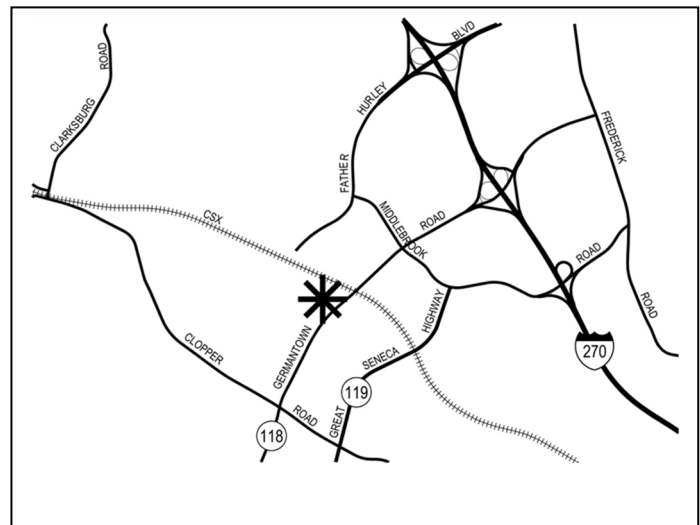
Application to extend the APF finding validity period by six years for Preliminary Plan 11981142, as amended, which includes 544,000 sq. ft. of commercial uses; located on the north side of Germantown Road (MD Route 118) at the northeastern intersection of Dawson Farm Road; 24.33 acres; zoned IM-2.5 H-80 and EOF-1.5 H-75; 1989 Germantown Master Plan area.

Recommendation – Approval with conditions

Applicant: QIAGEN Sciences, Inc.

Accepted Date: August 12, 2020

Review Basis: Chapter 50, Section 4.3.J



Summary

- Staff recommends approval with conditions.
- The Applicant requests to amend the Preliminary Plan to extend the APF validity period by six years.
- The Applicant justifies the extension as necessary to expand production of COVID-19 related products.
- The Applicant is requesting to waive the limited findings under 50.4.3.J.7.d.i.c, particularly the requirement that recent construction has been completed.
- Staff has not received any correspondence regarding this application.

SECTION 1 - EXECUTIVE SUMMARY

The Applicant requests, through Preliminary Plan Amendment No. 11981142A (“Application”), to amend the APF finding validity period by adding an additional six years, to August 29, 2028 for the Qiagen Preliminary Plan (“Preliminary Plan” “Plan” and “Qiagen”) APF validity and is requesting to waive limited findings of Ch. 50 in support of this APF extension.

QIAGEN, a multinational health diagnostic and pharmaceutical company, currently uses the Subject Property to headquarter their North American operations. The site also serves as a major manufacturing and research hub for the firm. Recently, QIAGEN has taken on a vital role in combating the Covid-19 pandemic by developing and manufacturing rapid test kits for the virus on the Subject Property. With the urgent need for these kits globally, the firm is rapidly expanding manufacturing capacity as well as its research and development of other related tests, treatments and equipment used to fight the virus. Without a clear end in sight for the global outbreak and a large-scale need for these tools for the foreseeable future, an extension of the approved development to provide additional flexibility is necessary in support of public health priorities. Without the additional time as provided by this extension, the Applicant may be unable to construct new research and manufacturing buildings as needed in the compressed timeframe as warranted by the changing dynamics of the pandemic.

The Subject Property is a multi-phased commercial development originally approved in 1990 for 242,000 square feet of total development. An increase in density was approved in 2000 for a total of 400,000 square feet of development. In 2013, the Project was approved for another increase in density for a total of 544,000 square feet of development. To date, a total of 241,400 square feet of development has been built with 302,600 square feet remaining approved but unbuilt. The Preliminary Plan’s lengthy APF validity history as detailed in Table 1, including the most recent County Council approved extension of July 2020 which was granted to all applications following submission of this Application:

Table 1: APF Validity Period

Plan Name	Approval Type	Date of Approval	Incremental APF Validity Period	Expiration of Amended APF Validity
19981142 (Amendment 2)	Preliminary Plan Amendment	8/29/1994	12 years	8/29/2006
APF Extension	APF Validity Extension	12/7/2006	6 years	8/29/2012
SRA No. 09-01	Legislation	4/1/2009	2 years	8/29/2014
SRA No. 11-01	Legislation	4/1/2011	2 years	8/29/2016
220121880	Minor Subdivision (Consolidation into 1 Lot)	9/20/2012	N/A	8/29/2016
SRA No. 13-01	Legislation	4/1/2013	2 years	8/29/2018
SRA No. 15-01	Legislation	3/31/2015	2 years	8/29/2020
11981142A	Preliminary Plan Amendment	<i>Under Review – received 7/28/2020</i>	<i>6 years as proposed</i>	N/A
SRA No. 20-01	Legislation	7/28/2020	2 years	8/29/2022

As detailed, the APF validity period was set to expire on August 29, 2020. Prior to expiration, the Applicant submitted a timely request for extension on July 20, 2020. Following the submission of this request, the County Council, through SRA No. 20-01, extended all valid APF periods by two years, resulting in the Applicant's duration to be extended to August 29, 2022 prior to any additional Planning Board action.

A Ch. 50 waiver request as part of this Application for APF validity extension is necessary to meet limited findings as detailed under Ch.50.4.3.J.7.d.i.c, in particular to address the technical issue of the overall progression of development due to the scale and duration of the overall project. Staff supports this waiver request.

SECTION 2 – RECOMMENDATIONS AND CONDITIONS

Preliminary Plan Amendment No. 11981142A: Staff recommends approval with conditions of the Preliminary Plan amendment for a 6-year APF validity extension. This extension will be in addition to any remaining validity period for APF and Plan validity, including the most recent two-year extension as approved by the County Council, as well as any future extensions provided through similar County Council legislation. All previous conditions of approval for the Preliminary Plan remain in full force and effect except for the following modification:

Staff recommends revising the Preliminary Plan by including the following condition:

- 1) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid until August 29, 2028. This is 72 months, or 6 years, from the previous expiration date of August 29, 2022 as established by SRA No. 20-01. This revised expiration date does not account for any additional extensions as granted by County Council action following this approval; such legislative extensions may be accounted for by adding additional duration beyond this date, if applicable, in accordance with approved legislation.

SECTION 3 – SITE LOCATION AND DESCRIPTION

Site Location and Description

Site Vicinity

The Subject Property is approximately ¼ mile east of the Germantown MARC station, adjacent to Germantown Road (MD 118). The area around the Site is developed primarily with single-family residential uses, both attached and detached, but also includes multi-family development across the CSX railroad tracks to the north, and some commercial development.

Figure 1: Vicinity Map



Subject Property

Currently, the Subject Property serves as the North American headquarters and manufacturing center of QIAGEN Sciences, Inc. The Subject Property totals 24.33 acres in size, is currently zoned IM (7.62 acres) and EOF (16.71 acres) but is approved under the previous zoning for I-1 (7.62 acres) and OM (16.71 acres), in the 1989 *Germantown Master Plan* area. The Property is in the northern quadrant of the intersection of Germantown Road (MD 118) and Dawson Farm Road. The majority of the site, as approved, was zoned O-M, with a bean-shaped area floating in the northern portion of the site zoned I-1. Additional onsite improvements include a 2-story parking garage, and a surface parking lot.

SECTION 4 – PREVIOUS APPROVALS

Previous Approvals

Table 2: QIAGEN Development History

Case No.	Resolution	Type	Status
G-652	2/13/1990	Sectional Map Amendment	approved
G-662	9/13/1990	Schematic Development Plan	approved
1-81142	11/15/1989	Preliminary Plan	approved
Amendment 1	8/10/1994	Preliminary Plan Amendment	approved
Amendment 2	8/29/1994	Preliminary Plan Amendment	approved
Amendment 3	3/28/1997	Preliminary Plan Amendment	approved
819980220	4/22/1998	Site Plan	approved
81998022A	1/24/2000	Site Plan Amendment	approved
1-81142R	2/24/2000	Revised Preliminary Plan	approved
81998022B	10/28/2002	Site Plan Amendment	approved
81998022C	7/31/2009	Site Plan Amendment	approved
APF Validity Extension	12/7/2006	APF Validity Extension	approved
81998022D	10/27/2010	Admin. Site Plan Amendment	approved
81998022E	11/20/2012	Admin. Site Plan Amendment	approved
220121880	9/20/2012	Minor Subdivision Plan	approved
81998022F	7/5/2013	Site Plan Amendment	approved
81998022G	9/13/2018	Site Plan Amendment	approved
81998022H	5/24/2019	Site Plan Amendment	approved
81998022I	12/23/2019	Site Plan Amendment	approved

The Subject Property was included in Development Plan G-662, which in 1990 rezoned much of the Subject Property from R-200 to O-M, leaving an island of I-1 land. This Development Plan included several binding elements for the O-M land, and envisioned the Property redeveloped for 242,000 square feet of office.

The Property was not developed until around 2000 when QIAGEN purchased the land and obtained Planning Board approval under Revised Preliminary Plan 1-81142R for up to 400,000 square feet on two lots for research and development, manufacturing, warehousing, and office uses. On January 24, 2000, the Planning Board approved Site Plan Amendment 81998022A for the construction of up to 300,000 square feet on one of the lots. The development was designed, approved, and built across zoning boundaries, with portions of buildings in both zones.

In 2006, the Application was approved for an APF validity extension for six years, until August 29, 2012, for the preliminary plan. The APF was extended by subsequent County Council legislation by an additional 8 years to August 29, 2020.

In 2012, a minor subdivision (220121880) consolidated the two lots. In 2013, the Planning Board approved Site Plan Amendment 81998022F that allowed the overall density on-site to increase to 544,000 square

feet¹ for the construction of a new 244,000 square foot building (Building #3), two story parking garage, a third story addition onto the existing two-story parking garage, and reconfiguration of the main entry area.

In 2018, the Planning Board approved Site Plan Amendment 81998022G which reduced the density of the previously approved building on Qiagen’s campus from 244,000 square feet to 150,000 square feet. The building footprint was modified while the remainder of the density was retained. The Amendment also added a connection from the new building to the existing building and replaced the two-story parking garage with a surface parking lot. In 2019, the Planning Director approved Minor Site Plan Amendment 81998022H which established the final location for the new building and addressed revisions to areas within the footprint with the excavation of 29,152 square feet for a cellar level.

Figure 3: Rendered Site Plan 81998022I



In December 2019, the Planning Board approved Site Plan Amendment 81998022I which increased the density of the previously approved Building 3 from 150,000 square feet to 157,700 square feet, and reconfigure the building entry by enlarging the physical corridor between the existing and new building, along with other minor cosmetic and landscaping changes. This was approved within the existing APF allowance, albeit within a year of expiration.

¹ The additional density was based on the same number of trips as the previous approval.

SECTION 5 – PROPOSAL

Proposal

The Applicant requests to extend the validity period of the Adequate Public Facilities (APF) finding by six years for the Preliminary Plan. A Ch. 50 Subdivision Waiver Request as part of this Application is necessary to meet limited findings as detailed under Ch.50.4.3.J.7.d.i.c, detailed below. As explained in the findings, this waiver would preserve the intent of 50.4.3.J.7.d.i and there would be no adverse effect.

Table 3: Approved, Built and Remaining Development (sq. ft.)

	R&D	Manufacturing	Warehouse	Office	Total
Approved	124,450	229,120	106,430	84,000	544,000
Built	64,450	118,455	58,495	--	241,400
<i>Approved with Site Plan 81998022I (2019), building permit approved but unbuilt</i>	<i>59,782</i>	<i>2,313</i>	<i>11,605</i>	<i>84,000</i>	<i>157,700</i>
Unbuilt	60,000	110,665	47,935	84,000	302,600

As shown in *Table 3*, the Subject Property, as amended up to the most recent Site Plan Amendment 81998022I (2019), is approved for a total of 544,000 sq. ft. of development split between R&D, Manufacturing, Warehouse, and Office uses. A total of 241,400 sq. ft. of development has already been built, with a remainder of 302,600 sq. ft. approved but unbuilt. A building permit has recently been approved for Building 3 (as approved by Site Plan 81998022I) with construction to commence shortly.

SECTION 6 – COMMUNITY CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Application. To date, Staff has not received any correspondence regarding this Application. Correspondence received after posting of the Staff Report will be forwarded to the Planning Board for discussion at the Hearing.

SECTION 7 – ANALYSIS AND FINDINGS

The proposed Amendment does not alter the original intent and all findings of Preliminary Plan No. 119811420, as amended, remain in full force and effect, except as modified by the findings below.

Chapter 22A, Forest Conservation.

The Preliminary Plan Amendment meets the requirements of Chapter 22A. The Subject Property has previously satisfied Chapter 22A and Forest Conservation Law as part of the review and approval of Site Plan 81998022I. The Subject Property contains environmental features as delineated in the approved Forest Conservation Plan. The Subject Property is located within the Little Seneca Creek watershed,

classified by the State of Maryland as Use I-P waters; it is not located within a Special Protection Area or the Patuxent River Primary Management Area. The Application follows the Environmental Guidelines and all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

Adequate Public Facilities Validity – Section 50.4.3.J

This Application is reviewed under 50.4.3.J.7 which sets the procedures to extend the validity period for an APF finding. The Planning Board must consider the following findings:

- a. *Only the Board may extend the validity period for a determination of adequate public facilities; however, a request to amend any validity period phasing schedule may be approved by the Director if the length of the total validity period is not extended.*
 - i. *The applicant must file an application for extension of an adequate public facilities determination or amendment of a phasing schedule before the applicable validity period or validity period expires.*

The Application was filed on July 20, 2020. This is prior to the expiration date for the Preliminary Plan of August 29, 2022.

- ii. *The applicant must submit a new development schedule or phasing plan for completion of the project for approval.*

This application presents the following schedule (Table 4):

Table 4: Proposed Staged Validity Period

Stage	Approved Development	Scale	Proposed Duration*
Stage I	Building 3 (Site Plan Amendment 819980221)	157,700 sq. ft.	Years 1 through 3
Stage II	Future Manufacturing and Warehousing Building(s)	144,900 sq. ft.	Year 3 to Expiration
Final	Total (Including Built)	544,000 sq. ft.	Prior to Expiration

*Stage date does not account for any extensions granted by County Council beyond this application

- iii. *For each extension of an adequate public facilities determination:*
 - (a) *the applicant must not propose any additional development above the amount approved in the original determination;*

The Applicant does not propose any development beyond that approved in the original determination.

- (b) *The Board must not require any additional public improvements or other conditions beyond those required for the original preliminary plan;*

No additional public improvements are being required.

(c) The Board may require the applicant to submit a traffic study to demonstrate how the extension would not be adverse to the public interest.

A traffic study is not requested at this time. The Subject Property fronts Germantown Rd. (MD 118), a Major Highway most recently analyzed under the 2019 MARC Rail Communities Plan. While the Plan envisions continued growth for the Germantown community, intersections along Germantown Rd. were found to be adequate to operate under future conditions. In fact, the Plan recommended limited reduction in road capacity via a ‘road diet’ on nearby Middlebrook Road. This excess areawide capacity has largely been the result of a significantly lower amount of commercial development in the area as compared to what has been envisioned and zoned across Germantown. All nearby intersections within the project vicinity remain comfortably within acceptable CLV levels, as detailed in Table 5:

Table 5: Recent Intersection Analysis

Intersection	Existing AM Peak Hour CLV	Existing PM Peak Hour CLV	CLV Standard	Year
Germantown Rd. at Middlebrook Rd.	769	1029	1500	2019
Germantown Rd at Wisteria Dr.	630	1151	1500	2014
Germantown Rd. at Dawson Farm Rd.	576	606	1425	2016
Germantown Rd. at Clopper Rd.	1026	1131	1425	2017

Source: M-NCPPC Traffic Count Database (2020)

(d) an application may be made to extend an adequate public facilities period for a lot within a subdivision covered by a previous adequate public facilities determination if the applicant provides sufficient evidence for the Board to determine the amount of previously approved development attributed to the lot.

The Preliminary Plan, originally approved for two lots, was consolidated along with the underlying APF approvals under Minor Subdivision Plan 220121880; there is now only one unified APF finding for the Subject Property.

- b. The Board may approve an amendment to the new development schedule approved under paragraph 7.a.ii if the applicant shows that financing has been secured for either:

 - i. completion of at least one new building in the next stage of the amended development schedule; or*
 - ii. completion of infrastructure required to serve the next stage of the amended development schedule.**

The Preliminary Plan was not originally staged, though two buildings as well as a structured parking garage have been constructed to date. The Applicant has constructed most of the major infrastructure needed to serve the remaining stages of the project, including contributions to construct public roads, the construction of new driveways and parking, as well as the provision of water, sewer, and electric utilities. Both findings are met.

c. *Exclusively residential subdivisions.*

This Application is not an exclusively residential subdivision. This finding and its sub-findings are not applicable.

d. *Nonresidential or mixed-use subdivisions.*

i. *The Board may extend a determination of adequate public facilities for a preliminary plan for nonresidential or mixed-use development beyond the otherwise applicable validity period if:*

(a) *the Department of Permitting Services issued building permits for structures that comprise at least 40% of the total approved gross floor area for the project;*

To date, 241,400 sq. ft., or 44% of the 544,000 sq. ft. of the total approved gross floor area for the project, has been constructed. This finding is satisfied.

(b) *all of the infrastructure required by the conditions of the original preliminary plan approval has been constructed, or payments for its construction have been made;*

Four separate contributions for local infrastructure improvements were required as conditions of approval for the Preliminary Plan. All contributions have been provided and documented in the Applicant's SOJ (Attachment B). These are:

- 1) Payment to Manekin, LLC for share of the construction of the third southbound lane on Aircraft Drive at Maryland Route 118
- 2) Payment to Montgomery County for improvements to the Great Seneca Highway/Middlebrook Road intersection
- 3) Payment to Centex Homes for share of the construction of a right turn lane on southbound Great Seneca Highway to westbound Clopper Road
- 4) Payment to Elm Street Development for share of the construction of A-254 (Dawson Farm Road) between Great Seneca Highway and Maryland Route 118.

This finding is satisfied.

Waiver of 50.4.3.J.7.d.i.c

The Applicant, as expressed in the Statement of Justification (Attachment B), is requesting a waiver from the Board from the findings delineated under 50.4.3.J.7.d.i.c. These findings are:

The Department of Permitting Services either issued occupancy permits or completed a final building permit inspection for:

- (1) structures that comprise at least 10 percent of the total gross floor area approved for the project within the 4 years before an extension request is filed; or*
- (2) structures that comprise at least 5 percent of the total gross floor area approved for the project within the 4 years before an extension request*

Development of the Subject Property has been slower than anticipated but has progressed. Since the time QIAGEN bought the property in 2000, a total of 181,800 sq. ft. of approved gross floor area has been constructed, and the site now serves as the US headquarters for the firm. However, the findings for 50.4.3.J.7.d.i.c require applicants to submit evidence that progress has been made in building out the total approved development, in particular that recent construction has been completed and confirmed by DPS. While Qiagen has been approved for a building permit for Building 3 as approved under 2019's Site Plan Amendment 819980221 and will therefore meet this requirement sometime in the near future, no construction has occurred within the last four years to strictly meet the requirement. In the meantime, Qiagen has taken on a vital role in combating the Covid-19 pandemic by developing and manufacturing test kits on the Subject Property. The Applicant requests a waiver of these findings in order to continue to construct the already approved development in support of these essential activities.

The Board may modify any portion of Chapter 50 through a waiver request if the following findings specified under Ch.50.9.3 can be satisfied:

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

Qiagen purchased the property some 10 years into the approved APF validity period. In the intervening time, the 2008 recession hampered efforts to continue development of the site. Nevertheless, the site has taken an ever-greater role in the growth of Qiagen's US operations and now serves as the firm's US headquarters and is a main point of manufacture. In response to the Covid-19 pandemic, Qiagen has developed and is in the approval phase of a rapid test kit for the virus, with plans for the kit to be manufactured at this location. However, it is clear that the manufacturing space currently available is inadequate to meet overwhelming demand. With no clear end to the pandemic, it is vital to provide flexibility to allow approved development on the Subject Property to support the manufacture of this and potentially other drugs and tools for the foreseeable future. Approval of the Application is essential to ensure public health, safety, and general welfare.

2. *The intent of the requirement is still met;*

The intent of section 50.4.3.J.7.d.i.c is still being met; this section intends to serve as a check to ensure approved development is proceeding and that approved APF findings allocating valuable public infrastructure is not being reserved on a dormant property without a plan or intention for its use. As explained previously, there is an approved building permit (Attachment B) for a large multiuse building to support Qiagen's nationwide activities, and the urgent need for Covid-19 related medical supplies demonstrates a clear desire and need for continued development.

3. *The waiver is:*
 - a. *The minimum necessary to provide relief from the requirements;*

Waiving the requirements under 50.4.3.J.7.d.i.c is the minimum necessary to ensure the Application remains in compliance with Chapter 50. Without waiving this section, the Applicant would be unable to strictly meet the built development thresholds as delineated by 50.4.3.J.7.d.i.c and would therefore be unable to proceed with the extension request under 50.4.3.J.7.d. The Applicant also cannot simply rely on a two-year extension as provided by the County Council as that duration of time is not enough to plan, review, and receive all relevant approvals for a new building prior to expiration of the APF validity.

b. *Consistent with the purposes and objectives of the General Plan*

Granting this waiver would still allow the Preliminary Plan to remain consistent with the General Plan. This waiver does not pose a safety risk and in fact serves in support of public health; it meets all intents of 50.4.3.J.7.d.i. Additionally, approval of the waiver enhances the County's vision for Germantown in creating an urban, mixed-used, transit-oriented community. Through approval of this Application, The Subject Property will continue to provide valuable high-skill employment adjacent to the Germantown MARC rail station as well as being within walking and biking distance within the larger primarily residential community.

All required findings to meet the standards to grant a waiver request under Ch.50.9.3 are satisfied. Staff recommends approval of the waiver request.

ii. For any development that consists of more than one preliminary plan, the requirements of 7.d.i apply to the combined project. A project consists of more than one preliminary plan if the properties covered by the preliminary plans of subdivision are contiguous and were approved at the same time.

The Preliminary Plan, originally approved for two lots, was consolidated along with the underlying APF approvals under Minor Subdivision Plan 220121880; there is now only one unified APF finding for the Subject Property.

iii. The length of any extension of the validity period granted under 7.d.i must be based on the approved new development schedule under 7.a.ii, but must not exceed:

(a) 2.5 years for a subdivision with an original validity period of 7 years or less; or

(b) 6 years for a subdivision with an original validity period longer than 7 years.

The Preliminary Plan was originally approved for 12 years and is therefore qualified to apply for 6 years.

iv. The extension expires if the applicant has not timely requested an extension and the development is not proceeding in accordance with the phasing plan, unless the Board or the Director has approved a revision to the schedule or phasing plan.

The Applicant made the request in a timely manner. The Application was filed on July 20, 2020, prior to the expiration date for APF for the Preliminary Plan of August 29, 2020.

SECTION 8: CONCLUSION

Preliminary Plan Amendment No. 11981142A meets all requirements established under Section 50.4.2.D and 50.4.3.J of the Subdivision Regulations. Based on this analysis, the Applicant has qualified for an extension of the APF validity period. Staff recommends approval of this Application, with the conditions as enumerated in the Staff Report.

ATTACHMENTS

Attachment A – Resolution for Preliminary Plan No. 119811420

Attachment B – Statement of Justification

Attachment C – Approval Letter for 2006 APF Extension

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved staff recommendation
Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 5-0;
Comms. Bryant, Wellington, Holmes,
Hussmann and Perdue voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-81142R

NAME OF PLAN: GERMANTOWN BUSINESS PARK

On 12/06/99, QIAGEN INCORPORATED submitted an application to revise the previous conditions of approval of a preliminary plan of subdivision of property in the I-1 AND O-M zones. The preliminary plan previously created 4 lots on 18.45 acres of land. The application was designated Preliminary Plan 1-81142R. On 01/20/00, Preliminary Plan 1-81142R 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 1-81142R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves the revised conditions for Preliminary Plan 1-81142R, as follows:

- (1) Limit the preliminary plan revision for Lots #2, #3, #4 and #5 (New Lot #6) approval to a maximum of 130,000 square feet of R&D office; 100,000 square feet of manufacturing; and 100,000 square feet of warehouse for a cumulative total not to exceed 300,000 square feet. Prior to MCPB release of building permits, the applicant will confirm the final square footage allocation for each land use category and the related number of site generated peak hour trips. Preliminary Plan 1-81142 retains all remaining density of the 03/12/98 approval of 400,000 square feet of general office use
- (2) Compliance with the conditions of the re-approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (3) Final landscape, lighting and parking facilities plan to be reviewed and approved with site plan
- (4) No clearing, grading or recording of plat prior to site plan approval
- (5) Conditions of MCDPS stormwater management approval dated 01/04/00

- (6) Access and improvements, as required, to be approved by MDSHA prior to recording of plat
- (7) All applicable conditions contained in the Planning Board opinion dated 08/29/94 remain in full force and effect
- (8) This preliminary plan will remain valid until March 24, 2003 (37 months from date of mailing, which is February 24, 2000). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

Attachment B

July 20, 2020
(Revised October 10, 2020)

VIA ELECTRONIC MAIL

Casey Anderson, Chair
and Members of the Montgomery County Planning Board of the
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Request for Extension of Adequate Public Facilities Determination and associated
Subdivision Regulations Waiver for QIAGEN Sciences, Inc. Campus at Germantown
Business Park

Dear Chair Anderson and Members of the Board:

Our firm represents QIAGEN Sciences, Inc. ("QIAGEN," or the "Applicant") in connection with its property at the Germantown Business Park, located at 19300 Germantown Road in Germantown, Maryland (the "Property"). QIAGEN is a global biotechnology company, and the Property serves as its North American headquarters and manufacturing and distribution center (the "Germantown Headquarters"). On behalf of the Applicant, we respectfully submit this request to extend the Adequate Public Facilities ("APF") determination validity period for the Germantown Headquarters for an additional 72 months (*i.e.*, 6 years), or until August 29, 2026 (the "Extension"), with an associated request for a waiver pursuant to Section 50.9.1-3 of the Montgomery County Subdivision Regulations ("Subdivision Regulations") (the "Waiver").¹

The Montgomery County Planning Board ("Planning Board") last reviewed and approved a site plan amendment for the Property – Site Plan Amendment No. 81998022I – on December 19, 2019 ("Amendment I"). The purpose of Amendment I was to allow the Applicant to refine plans for the building to be constructed as the next phase of development at the Germantown Headquarters, which has been built out incrementally over time. Amendment I also addressed other modest changes for the existing building complex and site, including renovations to portions of the existing building façades to conform to the new building, the creation of a secure physical corridor connector between the existing and future buildings, and modified landscaping. Further, Amendment I adjusted the floor area allocations for the specific uses that remain to be constructed in future phases of development under the applicable approved APF determination for the Property.

¹ The Applicant is submitting this Extension and Waiver as an amendment to the approved Preliminary Plan of Subdivision for the Property, Preliminary Plan No. 119811420, for purposes of administrative convenience, so that the request is able to be processed via the Montgomery County Planning Department's ePlans System. However, although the Application is being processed as a Preliminary Plan Amendment, neither the Extension nor the Waiver propose any changes to the approved Preliminary Plan or its associated conditions of approval other than the duration of the APF validity period.

Since the Planning Board's approval of Amendment I, the Applicant has taken affirmative steps to implement the construction of the new building and related improvements. More specifically, the Applicant obtained approval from the Planning Department for the required Certified Site Plan on March 5, 2020, and submitted a building permit application to the Montgomery County Department of Permitting Services ("MCDPS") on February 11, 2020. However, the APF determination for the Project is scheduled to expire on August 29, 2020. The Applicant is concerned that MCDPS may not be able to issue a permit before the current APF determination expires, given that the building permit application is still under review at this time and because additional time to complete this process will likely be necessary due to logistical challenges arising from the COVID-19 crisis.

Moreover, if the current APF determination were to expire (irrespective of the timing of permit issuance for the next phase building), QIAGEN's ability to leverage the previously approved, but unbuilt floor area for the Germantown Headquarters to respond to opportunities that may be presented would be compromised, with the corresponding loss of opportunity for Montgomery County. The biotechnology industry is undergoing significant changes at this time in response to the novel coronavirus, in addition to the ongoing technological innovations and product line acquisitions that more routinely occur. For QIAGEN, this has resulted in a recent focus of activity on the production of components for a rapid COVID-19 detection system, as well as efforts to have COVID-19 testing and other respiratory tests manufactured at the Germantown Headquarters rather than at European manufacturing sites. At the same time, the industry does not develop in a linear manner. There can be dramatic shifts with intense activity, as well as droughts while research funding slows. Thus, the time duration for implementing the approved development needs to be equally flexible and responsive to external factors.

QIAGEN is on the front lines of COVID-19 testing. The new building proceeding through permitting will, among its functions, support QIAGEN's manufacturing of components for COVID-19 test kits. Attached is a copy of a press release describing the test kits and the manner by which these will simplify and accelerate the analysis and return of test results. The streamlined extraction-based process can handle up to 2,600 samples per eight-hour shift per station. This way, labs can significantly speed up the time to results and the frequency of testing. At the same time the sampling keeps plastic material usage to a minimum, and reduces the quantity of reagent use and labor. QIAGEN is also developing easy-to-use solutions for antibody and antigen testing on a portable device that can provide results in less than 15 minutes.

Responding to this increase in demand, the manufacturing operation has increased to three shifts per day, seven days a week.

While QIAGEN's intentions and needs for the Germantown Headquarters continue to evolve in response to these changes, the existing APF determination for the remaining unbuilt floor area makes the Germantown Headquarters an attractive potential location for strategic growth of the company and provides the Applicant with significant flexibility to respond quickly to emerging market opportunities, including consolidation of acquisitions to Montgomery County. Preserving the validity of the APF determination to allow QIAGEN to pursue such opportunities, is prudent

under present circumstances and potentially advances important public health objectives, as well as Montgomery County's desire to be a leading location for bioscience activity.

For each of these reasons – to ensure that MCDPS has sufficient time to complete its review of the currently pending building permit application and issue the permit, and to preserve the Applicant's ability to potentially implement the remainder of the approved but unbuilt floor area in response to changing circumstances – the Applicant is requesting this Extension under Sections 50.4.3.J.7.d.i-iii and the associated Waiver under 50.9.1-3. This letter addresses the criteria of these Sections in detail, and otherwise serves to satisfy the various requirements of the Planning Department's Development Review Procedures Manual for the submission of a validity period extension request and a Subdivision Regulations waiver request.

I. Site Description and Prior Approvals

The Property (also known as Lot 7, "Germantown Business Park" Subdivision) is located in the northern quadrant of the intersection of Germantown Road ("MD Route 118") and Dawson Farm Road, just west of the CSX Railroad tracks. The Property has a gross tract area of approximately 1,077,877 square feet, or 24.74 acres, including 17,990 square feet of prior road dedications. The net lot area of the Property is approximately 1,059,887 square feet or 24.33 acres.

Pursuant to a series of previous Planning Board and Planning Director approvals that are described in the Land Use Entitlement Summary, attached for convenience as Appendix A, the Germantown Business Park has been approved for development over time, with a total building floor area of 544,000 square feet of a variety of biotech use elements. Of this approved total amount, approximately 241,400 square feet has already been implemented incrementally over time as a campus-style, multi-component headquarters, manufacturing, and distribution facility. The current campus buildings accommodate a variety of functions including research and development, manufacturing and production, warehouse and distribution, laboratories, administrative offices, a locker/canteen/support space, and a central utility plant. The existing campus improvements also provide for structured and surface parking.

QIAGEN has now submitted a building permit application for the improvements that the Planning Board approved with Amendment I. This permit, when issued, will authorize QIAGEN to construct the next 157,700 square feet of building floor area on the Property for additional office, research and development, manufacturing and production, and warehouse functional uses, and to implement the functional and aesthetic revisions described above that will refine the existing campus improvements, create a unified entrance experience for visitors, and help the company more fully realize its objectives for the Germantown Headquarters.

As an update to this letter as of October 10, 2020, the Applicant advises of the ongoing efforts related to the subject building permit described above. On August 4, 2020, MCDPS issued Building Permit No. 904833 (copy attached) for construction of the new, five-story building. Implementation of the permit cannot begin until the related Sediment Control No. 284499 is issued. That same day, MCDPS also issued Building Permit No. 904830 (copy attached) for alteration of certain existing buildings on the Property, which alterations will extend the façade treatment of the new building to those facing areas of the existing buildings.

Importantly, Amendment I utilizes the APF determination for the Germantown Headquarters that the Planning Board made originally in connection with the review and approval of Preliminary Plan No 1-81142 for the predecessor in title. In that original action, the Planning Board approved a new preliminary plan of subdivision for the Property to replace all prior limited actions, and to authorize up to 400,000 square feet of office uses on the Property generating no more than 676 trips (based on then available Staging Ceiling capacity).

Following QIAGEN's acquisition in 2000, the Planning Board has approved amendments to the applicable land use entitlements for the Germantown Headquarters that change from all office use to the specific functional uses that are permitted on the Property (*e.g.*, research and development, manufacturing and production, warehouse and distribution) as well as their quantities and allocations within the campus facilities, with the result that up to 544,000 square feet of total building floor area is now permitted for various functional uses. However, these approved functional uses have always been assessed based on their equivalency to the trip generation envelope that the Planning Board approved in 1994. Consequently, the 1994 APF determination – which expires on August 29, 2020 – has remained controlling for the overall amount of development permitted on the Property, and continues to remain controlling at the present time.²

When the Amendment I improvements are complete, up to 144,900 square feet of approved building floor area will remain to be constructed for the Germantown Headquarters at a future date, in accordance with future site plans. This incremental approach to development has been consistent with QIAGEN's long term strategic plan for the Germantown Headquarters in the context of the company's global operations. Under present circumstances, the ready availability of new space also allows QIAGEN to leverage its Montgomery County facilities to respond rapidly to emerging opportunities (such as those that are now arising as biotechnology companies attempt to address the global pandemic). However, this leverage only exists for so long as a valid APF determination exists for the Property. By having space that both can be ready for immediate occupancy in the near term (*i.e.*, the building that can be constructed in the new phase of development on the Property) and other space that readily can be created to respond to strategic opportunities, QIAGEN can position the Germantown Headquarters as a primary candidate for new business components and associated jobs within the global framework and with respect to the reallocation of new acquisitions as well as internal growth. This, in turn, advances the County's economic development objectives by allowing such expansions to occur locally, rather than elsewhere.

II. Basis for Approval – APF Extension for Nonresidential and Mixed-Use Development and Subdivision Regulations Waiver

² In accordance with Section 50(c)(3)(i) of the Montgomery County Code, the APF determination was initially to have remained valid for 12 years, or until August 29, 2006. The Planning Board approved a six-year extension to the APF validity period for the Property, pursuant to its Letter dated August 14, 2007. Furthermore, an additional eight years of extensions were granted by the Montgomery County Council action in legislatively extending all currently valid approvals, pursuant to the Subdivision Regulation Amendments ("SRAs") approved as SRA No. 09-01 (effective April 1, 2009), SRA No. 11-01 (effective April 1, 2011), SRA No. 13-01 (effective April 1, 2013), and SRA No. 15-01 (effective March 31, 2015).

The Subdivision Regulations authorize the Planning Board to extend the validity period of any APF determination for a nonresidential development that was originally longer than seven years by a maximum of six years, provided that the Applicant does not propose any additional development above the amount approved in the original APF determination. In addition, the Applicant must demonstrate that the request satisfies the following criteria set forth in Section 50.4.3.J.7.d.i of the Subdivision Regulations:

- i. The Board may extend a determination of adequate public facilities for a preliminary plan for nonresidential or mixed-use development beyond the otherwise applicable validity period if:*
 - a. the Department of Permitting Services issued building permits for structures that comprise at least 40% of the total approved gross floor area for the project;*
 - b. all of the infrastructure required by the conditions of the original preliminary plan approval has been constructed, or payments for its construction have been made; and*
 - c. the Department of Permitting Services either issued occupancy permits or completed a final building permit inspection for:*
 - 1. structures that comprise at least 10 percent of the total gross floor area approved for the project within the 3 years before an extension request is filed; or*
 - 2. structures that comprise at least 5 percent of the total gross floor area approved for the project within the 4 years before an extension request is filed, if structures that comprise at least 60 percent of the total gross floor area approved for the project have been built or are under construction.*

The requested Extension satisfies the substantial majority of these requirements, as described below. However, the development of the Germantown Headquarters has occurred incrementally over time, with construction of new building floor area for the approved functional uses last occurring in 2013 with the addition of 59,600 square feet of building floor area pursuant to Site Plan Amendment No. 81998022D.³ Although QIAGEN has constructed other structural improvements on the Property since 2013, including adding the planned upper levels to an original surface parking lot to create a 77,000 square foot per level structured parking garage that was completed in 2019, it is not clear whether these improvements would be counted as structural floor area for purposes of Section 50.4.3.J.7.d.i.c. (In addition, since the date of the original letter statement, MCDPS has issued Building Permit No. 904833 for construction of the next building on the Property. This new building is approved for 157,000 square feet.) Thus, to the extent that MCDPS would have neither issued occupancy permits nor completed final building permit inspections for a sufficient amount of structural floor area within the timeframes and to the

³ With the implementation of Site Plan Amendment No. 81998022D, the cumulative amount of constructed building floor area on the Property was approximately 241,400 square feet, approximately 44% of the total approved amount of 544,000 square feet.

specifications that Section 50.4.3.J.7.d.i.c prescribes, the Applicant is requesting the Waiver with respect to Section 50.4.3.J.7.d.i.c.⁴ The Extension's compliance with each of these required findings, as well as the Waiver's compliance with applicable criteria of the Subdivision Regulations, is described below.

- a. The Applicant proposes no additional development, satisfying the requirements of Section 50.4.3.J.7.a.iii.a.

This Extension does not propose any changes with respect to the amount of development that the Planning Board has already approved with the existing APF determination for the Germantown Headquarters, as Section 50.4.3.J.7.a.iii.(a) of the Subdivision Regulations requires for approval of an APF extension request. The current approved APF determination for the Germantown Headquarters, as amended by various subsequent land use entitlements, allows for up to 544,000 square feet of total building floor area on the Property including 241,400 square feet of existing development, the pending building of 157,700 square feet, for which a Building Permit was issued on August 4, 2020, and up to 144,900 square feet of remaining unbuilt density, as shown in the 2020 Preliminary Plan and Site Plan Chronology attached as Appendix B.

- b. MCDPS has previously issued building permits for at least 40 percent of the total approved gross floor area, in satisfaction of Section 50.4.3.J.7.d.i.a.

QIAGEN has carefully tracked the incremental development of the Property in connection with the various land use entitlements that the Planning Board and the Planning Department have approved over time for the Germantown Headquarters. As shown on the 2020 Preliminary Plan and Site Plan Chronology attached as Appendix B, excerpted below to show the latest tabulations for Amendment I, a total of 241,400 square feet of development has now been constructed on the Property:

⁴ For purposes of this Application, the Applicant takes no credit for the 157,700 square foot building that is now being reviewed by MCDPS. But notes that the Building Permit for that building was issued August 4, 2020.

	Use	Functional Areas, Per Approved Plan	12/19/2019				
			Site Plan # 819980221 (Lot 7)				
			Total Approved Area (S.F.) (S.F.)	Built Area (S.F.)	Proposed for Development with Site Plan Amendment I (S.F.)	Remaining Approved Area (S.F.) ⁱ	
Lot 7	Research & Development	R& D Labs/Admin/QC Labs	124,450	64,450	59,782	218	
	Manufacturing/ Production	Production	203,495	95,330	2,313	105,852	
		Central Plant/Maintenance	18,625	16,125	-	2,500	
		Circulation Corridor	7,000	7,000	-	-	
	Warehouse & Distribution	Lockers/Canteen/Support	19,080	17,080	2,000	-	
		Distribution Centre	25,750	20,750	5,000	-	
		Warehouse	61,600	20,665	4,605	36,330	
	Office	Admin/Fitness/Meeting Rooms	84,000	-	84,000	-	
	SUBTOTAL			544,000	241,400	157,700	144,900
	TOTAL (CONSOLIDATED LOT 7)			544,000	241,400	157,700	144,900

ⁱ Or trip generation equivalent, if substitution is approved pursuant to future Site Plan Amendment.

The existing development on the Property represents approximately 44 percent of the total approved gross floor area that is subject to the amended APF determination (*i.e.*, 544,000 square feet), more than the minimum 40 percent that Section 50.4.3.J.7.d.i.a requires. With approval of Building Permit No. 904833 for 157,000 square feet, the amount of building area that has been constructed or for which permits have been issued (the standard in Section 50.4.3.J.7.d.i.a) will total 398,400 square feet, or 73% of the approved gross floor area.

- c. All infrastructure required as conditions of the original APF determination has been constructed, in satisfaction of Section 50.4.3.J.7.d.i.b.

With respect to Section 50.4.3.J.7.d.i.b., all of the infrastructure improvements required at the time of the original APF determination for the Germantown Business Park have been completed. The entity that formerly owned the Property and undertook the subdivision and road improvements – Miller Properties for the "Germantown Business Park" – has provided documentation of the contributions made by Germantown Business Park in fulfillment of each of four conditions related to the 400,000 square feet of office development approved in the current APF determination. This documentation, attached to this letter as Appendix C, shows that the Germantown Business Park made the following contributions for infrastructure:

- i. Condition 1. Payment to Manekin, LLC for the third southbound lane on Aircraft Drive at Maryland Route 118. (See letter dated August 10, 2000, from Miller Properties to Manekin, with a copy of the payment check.)
- ii. Condition 2. Payment to Montgomery County for improvement to Great Seneca Highway/Middlebrook Road intersection. (See letter dated August 27, 2000, from Miller Properties to Ms. Jean Chait, Montgomery County, with a copy of the payment check.)
- iii. Condition 3. Payment to Centex Homes for the right turn lane on southbound Great Seneca Highway to westbound Clopper Road. (See letter dated December 21, 2001, from Miller Investment Limited Partnerships, to Mr. Robert Larkin of Centex Homes, with a copy of a copy of the payment check.)
- iv. Condition 4. Payment to Elm Street Development for construction of A-254 (Dawson Farm Road) between Great Seneca Highway and Maryland Route 118. (See letter dated February 23, 2000, from Miller Properties to Tom Marshall of Elm Street Development, with a copy of the payment check.)

The representatives of Germantown Business Park have previously confirmed to QIAGEN that all of the above-referenced checks have been cashed.

d. Phasing Schedule

Based upon the recent issuance of Building Permit No. 904833 for the new 157,700 square foot building authorized by Amendment I, the phasing schedule for implementation of the currently-unbuilt density during the six- year extension requested, is noted below.

Phase I: Years 1 through 3: Commence construction on up to 158,000 square feet.

Phase II: Years 4 through 6: Commence construction on remaining approved development, up to a cumulative total of 544,000 square feet.

Nonetheless, as noted above, the requested extension is needed to ensure that QIAGEN will be able to successfully leverage the previously approved, but unbuilt floor area for the Germantown Headquarters to respond to opportunities that are arising from the rapid changes that are occurring in the biotechnology industry at this time. With the requested extension, QIAGEN will be able to preserve the necessary flexibility to proceed with Phase II at any time within the extension period subject to obtaining Site Plan approval and permits for such improvements, should circumstances warrant.

- e. The criteria for granting a waiver from Section 50.4.3.J.7.d.i.c under Section 50.9.1 are satisfied.

QIAGEN acquired separate portions of the Property in two parts. First, in 2000, when the County Department of Economic Development undertook significant efforts to secure the company's

relocation of its headquarters and manufacturing and distribution operations to Montgomery County, rather than to one of several other competing locations in the United States. At that time, the validity period of the current APF determination for the Property was already well underway, having been approved in 1994. The remainder was acquired in 2001.

While the Applicant was able to break ground on the Property for its first phase of development (*i.e.*, approximately 181,800 square feet of floor area) shortly after its initial acquisition of the Property, development has occurred incrementally since that time, as previously described.⁵ This approach is consistent with the continually evolving nature of the biotechnology industry, which has required QIAGEN to revise and refine its plans for the Property as its business has changed over time, in an effort to make the site an attractive destination for companies or business units that they acquire. Consequently, QIAGEN has had to amend the land use entitlements for the Germantown Campus to accommodate these changing conditions on several occasions. The County and the Planning Board have graciously facilitated these efforts, reflecting an understanding that such periodic changes are necessary to maximize QIAGEN's ability to keep the Germantown Headquarters as a preferred and readily available site for its corporate expansion.

As stated above, in 2013, QIAGEN added approximately 59,600 square feet of building floor area to the campus pursuant to Site Plan Amendment No. 81998022D. While this represents the most recent addition of building floor area for approved functional uses to Germantown Headquarters, development of the campus has remained active since that time, with MCDPS most recently issuing occupancy permits for a 77,000 square foot, second elevated deck on the structured parking garage in 2019. During that period (*i.e.*, since 2013), QIAGEN has processed five Site Plan Amendments, reflecting the shifting needs of the campus. Further, QIAGEN has had to construct a new service drive access for PEPCO. In addition, QIAGEN has now submitted the building permit application to MCDPS for the new building that may be constructed pursuant to Amendment I, which is currently pending with MCDPS. Assuming that the MCDPS is able to timely issue permits for these applications, QIAGEN will be authorized to construct approximately 157,700 square feet of building floor area as the next phase of development on the Property.

As demonstration of that ongoing activity, even if not yet reflecting the actual construction, as of August 4, 2020, QIAGEN received Building Permit Nos. 904833 and 904830 for construction of a new building of 157,700 square feet and related alterations to parts of the existing buildings on the Property. This new building will represent 29% of the approved development and would certainly satisfy the standard of Section 50.4.3.J.7.d.c. As noted above, when this request was filed, the permit applications were pending, not issued, and construction had not begun. However, the continued pursuit of the permit to issuance should be considered toward meeting the intent of the requirement and supporting the waiver, along with the other active steps noted above.

Despite development of the Germantown Headquarters being active at this time, to the extent that the structured parking garage is not able to be counted as structural floor area for purposes of Section 50.4.3.J.7.d.i.c., it is not possible for the Applicant to demonstrate that MCDPS has issued occupancy permits or completed final building permit inspections within the 3 or 4 years preceding this request, as Section 50.4.3.J.7.d.i.c typically requires (notwithstanding the new building floor

⁵ This initial construction occurred pursuant to the Planning Board's approval of Site Plan Amendment No. 8-98022A, described in more detail in [Appendix A](#) attached hereto.

area construction, and the active processing of regulatory approvals). For such circumstances, Section 50.9.1 of the Subdivision Regulations allows the Planning Board to grant a waiver from any requirement of the Subdivisions Regulations – including Section 50.4.3.J.7.d.i.c – after making certain required findings set forth in Section 50.9.3. More specifically, the Planning Board must find:

1. *[That] due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*
2. *[That] the intent of the requirement is still met; and*
3. *[That] the waiver is: (a) the minimum necessary to provide relief from the requirements; and (b) consistent with the purposes and objectives of the General Plan.*

The subject Extension and Waiver satisfy all of these criteria for a waiver from Section 50.4.3.J.7.d.i.c. As explained above, the APF determination was approved several years before QIAGEN's acquisition of the Property, such that the applicable validity period for the APF determination was already well underway at the outset of development of the Germantown Headquarters. At the same time, several amendments to the applicable land use entitlements have been needed over time for the reasons stated above (which are inherent to the biotechnology industry), with the result that the implementation of subsequent phases of development has been delayed. QIAGEN only obtained approval for its most recent site plan, Amendment I, in December 2019 and, while diligently pursuing them, has not yet obtained the permits necessary to authorize construction. These circumstances have combined to make it impossible for the Applicant to demonstrate compliance with the timing requirements of Section 50.4.3.J.7.d.i.c for the issuance of U&O Certificates and the completion of final building permit inspections, producing both practical difficulties and unusual circumstances.

Section 50.4.3.J.7.d.i.c is not needed to ensure the public health, safety and general welfare, as the intent of the requirement is still met. More specifically, Section 50.4.3.J.7.d.i.c serves to ensure that development, when approved, proceeds to construction in a timely and logical manner, so as to remain compatible with the County's planning objectives for a given area and to avoid the continued allocation of development capacity to projects that may no longer be viable. In this case, the County has long understood and planned for development to occur incrementally at the Germantown Headquarters, with the potential for revisions along the way. While approximately 44 percent of the total gross floor area allowed under the current APF determination has already been completed, development on the Property remains active at this time and the building permit application for the building and improvements allowed under Amendment I has been submitted. The requested Waiver will ensure that this next phase of development is able to proceed by allowing MCDPS to timely issue permits for the next phase building, and will also allow the remaining unbuilt density associated with the APF determination to be site planned and constructed in a manner that is consistent with QIAGEN's and the County's long-term objectives for the Property.

Finally, the requested Waiver has been limited to only subsection (c) of Section 50.4.3.J.7.d.i., and the remainder of the requirements for the approval of the Extension are satisfied as described above. Therefore, the requested Waiver is the minimum necessary to provide relief.

III. Conclusion

For the reasons described above, the Applicant respectfully requests that the Planning Board extend the validity period of the current APF Determination for the Project by an additional 72 months, or until April 29, 2026. As described above, the requested Extension satisfies the applicable criteria of Sections 50.4.3.J.7.d.i-iii of the Montgomery County Subdivision Regulations ("Subdivision Regulations") for approval of an APF determination extension for nonresidential development, and the Waiver satisfies the applicable criteria of Section 50.9.1-3.

* * * *

We trust that this information is helpful in your review of the Applicant's request, and we look forward to working with Planning Department Staff on this matter. Please do not hesitate to contact us if you have any questions or require additional information.

Very truly yours,

William Kominers

William Kominers, Esquire



Christopher M. Ruhlen, Esquire

cc: Mr. Paul Nevins
Mr. Richard Weaver
Ms. Sandra Pereira
Mr. Chris Van Alstyne
Mr. Ben Wu

APPENDIX A

LAND USE ENTITLEMENT SUMMARY

A variety of previous land use entitlements affect the development of the Germantown Business Park and the property located at 19300 Germantown Road in Germantown, Maryland (the "Property"). For convenience, these entitlements are summarized below.

A. Development Plan

The Montgomery County Council approved Zoning Case No. G-662 on May 24, 1990, which reclassified portions of the Property from the R-200 zone to the O-M zone. In connection with Zoning Case No. G-662, the County Council also approved a Schematic Development Plan with binding elements pertaining to coverage, FAR, green area, parking setbacks, building setbacks and building height.⁶

B. Preliminary Plans

The Property was originally subject to certain staging ceiling limitations which required development on the Property to be approved in incremental portions, restrictions that were removed once the full development achieved approval. Nevertheless, the Property has been subject to a series of Preliminary Plan approvals over time, as summarized on the 2020 Preliminary Plan & Site Plan Chronology Exhibit attached as Appendix B and described below:

- a. Preliminary Plan No. 1-81142 (Opinion dated November 15, 1989). The Montgomery County Planning Board approved the first preliminary plan of subdivision of the Property at a public hearing on November 9, 1989 (prior to acquisition of any of the Property by QIAGEN). The proposed full development of the Property sought 402,000 square feet of office use, but the requested amount could not be fully approved at that time. This approval authorized an initial phase of development which was limited to 37,500 square feet of office use. An accompanying Staff Report from the Transportation Planning Division dated November 6, 1989, explains that this limitation reflected the Planning Board's allocation of limited staging ceiling capacity.

⁶ The binding elements of the Schematic Development Plan approved with Zoning Case No. G-662 continue to apply to the Property pursuant to Section 7.7.1.B.5 of the Zoning Ordinance, which states that any development allowed on property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment must satisfy any binding elements until: (i) the property is subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014 and obtains approval for development under the SMA-approved zoning; (ii) the property is rezoned by Local Map Amendment; or (iii) the binding element is revised by a development plan amendment under the procedures in effect on October 29, 2014.

- b. Preliminary Plan No. 1-81142 (Opinion dated August 10, 1994). The Planning Board increased the amount of development permitted on the Property at its July 14, 1994, meeting. This approval instructed the applicant at that time to amend the prior Adequate Public Facilities Ordinance ("APFO") agreement with the Planning Board to raise development limits to 192,500 square feet for office use. This action by the Planning Board was also approval of a limited amount of density, granting less than the full amount sought in the application.
- c. Preliminary Plan No. 1-81142 (Opinion dated August 29, 1994). The Planning Board granted a new approval for the Property which permitted the full amount of on-site development that had been requested, and replaced the prior limited actions. The new maximum was 400,000 square feet of office use generating no more than 676 trips (increased from the prior 192,500 square feet).

Prior to final action by the Planning Board, Transportation Planning undertook a new APFO review in order to establish that conditions were adequate to accommodate the full development and to determine what road improvements would be recommended in conjunction with that amount. The August 4, 1994, Staff Report for this revised APFO Review indicates that the increase in development rights was justified on the basis of the available FY 95 Staging Ceiling capacity.⁷

As discussed below, the trip capacity amount approved by the Planning Board with this Opinion remains controlling for development on the Property.

- d. Preliminary Plan No. 1-81142 (Opinion dated March 28, 1997). The Planning Board approved a phasing plan on March 27, 1997, and extended the Preliminary Plan's validity period. The March 28, 1997 Opinion otherwise reaffirmed that all prior conditions of approval contained in the August 29, 1994, Opinion were to remain in full force and effect.

A letter from Malcolm Shaneman dated March 16, 1998, indicates that the Planning Board revised this 1997 approval on March 12, 1998 to adjust the area and staging requirements of record plats for the subdivision of the Property, but did not otherwise alter the terms of the August 29, 1994 approval.

- e. Preliminary Plan No. 1-81142R (Opinion dated February 24, 2000). This Opinion formalized the Planning Board's January 20, 2000, approval of Preliminary Plan No. 1-81142R, an amendment for the first two phases of the QIAGEN project (*i.e.*, the Germantown Headquarters). More specifically, Preliminary Plan No. 1-81142R continued to permit up to 400,000 square feet of office floor area, or its traffic generation equivalent, on the Property. Although this Opinion revised

⁷ The Staff Report also establishes that the transportation conditions of approval for this Preliminary Plan were intended to supersede conditions listed in previous Staff memoranda dated July 11, 1994, and November 6, 1989.

certain conditions of other previous preliminary plan approvals, the Opinion specifically noted that all applicable conditions contained in the August 29, 1994, approval were to remain in full force and effect.

As shown above, the August 29, 1994 Preliminary Plan supplanted the conditions of other prior approvals and authorized a substantially greater amount of development on the basis of Transportation Planning's revised Adequate Public Facilities ("APF") review. As a result, the APF determination for the Property which occurred with the August 29, 1994, Preliminary Plan has subsequently remained as controlling the overall amount of development permitted on the Property. This APF determination currently remains valid until August 29, 2020.⁸

C. Record Plats

The Applicant and its predecessors in interest have obtained the Planning Board's approval for several record plats to subdivide the Property into record lots and to vest certain development rights associated with the above-described Preliminary Plan Opinions. Most recently, the Planning Board approved a Minor Subdivision Plat on September 20, 2012. This Minor Subdivision Plat served to consolidate the former Lot 1 and Lot 6 portions of the Property into a new, single record lot (*i.e.*, current Lot 7).

D. Site Plans

The first Site Plan for the Property ("Site Plan No. 8-98022"), prior to QIAGEN's ownership, was approved on March 12, 1998, for an office park development, as indicated by the April 22, 1998 Opinion. This initial Site Plan – which applied only to the EOF (former O-M) zoned portion of the Property – was submitted by the previous owner, but was never constructed.

Since QIAGEN's acquisitions of the separate portions of the Germantown Business Park in 2000 and 2001, the Planning Board has approved Amendments to the original Site Plan to accommodate QIAGEN's evolving business needs on the Property and its expansion of its initial ownership. These Amendments are as follows:

1. Site Plan Amendment No. 8-98022A (Opinion dated January 24, 2000). The Planning Board approved Site Plan Amendment No. 8-98022A at its public hearing on January 20,

⁸ In accordance with Section 50(c)(3)(i) of the Montgomery County Code, the APF determination was initially to have remained valid for 12 years, or until August 29, 2006. The Planning Board approved a six-year extension to the APF validity period for the Property, pursuant to its Letter dated August 14, 2007. Furthermore, an additional eight years of extensions were granted by the Montgomery County Council action in legislatively extending all currently valid approvals, pursuant to the Subdivision Regulation Amendments ("SRAs") approved as SRA No. 09-01 (effective April 1, 2009), SRA No. 11-01 (effective April 1, 2011), SRA No. 13-01 (effective April 1, 2013), and SRA No. 15-01 (effective March 31, 2015).

2000. Site Plan Amendment No. 8-98022A allowed for 300,000 square feet of mixed use building area (R&D, lab, administration, manufacturing, production, warehouse and distribution) within the portion of the Property formerly known as Lot 6 (a consolidation of the originally platted Lots 2 – 5). Importantly, Site Plan Amendment No. 8-98022A preserved all terms and conditions of the initial Site Plan pertaining to the remainder of the property (i.e., the former Lot 1, then retained by the original subdivider).

The Applicant constructed Phase I of Site Plan Amendment No. 8-98022A, which consisted of approximately 181,800 square feet of floor area. This existing floor area was allocated among various functional uses, as more specifically described on the attached Preliminary Plan & Site Plan Chronology Exhibit (Exhibit B).

2. Site Plan Amendment No. 8-98022B (Opinion dated October 28, 2002). The Planning Board approved Site Plan No. 8-98022B at its meeting on October 17, 2002. Site Plan No. 8-98022B applied only to the former Lot 1 portion of the Property following its acquisition by QIAGEN. Lot 1 had retained rights to 100,000 square feet of office use and so the new Site Plan No. 8-98022B substituted the development of either (i) 78,300 square feet of office and 11,700 square feet of day care use; or (ii) 90,000 square feet of office (again, based on trip equivalency). The building that was approved with Site Plan No. 8-98022B was not constructed.
3. Site Plan Amendment No. 81998022C (Resolution dated July 31, 2009). The Planning Board approved Site Plan Amendment No. 81998022C as a Consent Agenda Item on July 23, 2009. Site Plan Amendment No. 81998022C reallocated portions of QIAGEN's approved but unbuilt floor area on the Property under Site Plan Amendment No. 8-98022A to a new mix of those same functional uses, but did not otherwise modify the amount of floor area permitted under Site Plan Amendment No. 8-98022A. Site Plan Amendment No. 81998022C allowed other minor site revisions, including but not limited to the construction of a temporary parking lot on the former Lot 1 (for use by existing employees during construction of the second level parking deck on the former Lot 6 portion of the Property), landscaping changes, and reconfiguration of the entrance drive.
4. Site Plan Amendment No. 81998022D. The Planning Director approved an Administrative Amendment to the Certified Site Plan for the Property on October 27, 2010, which again reallocated portions of the approved but unbuilt floor area on the Property to a new mix of those functional uses, in addition to making other minor site revisions.

QIAGEN constructed approximately 59,600 square feet of the floor area approved with Site Plan Amendment No. 81998022D on the Property, bringing the cumulative amount of existing constructed building floor area on the Property to approximately 241,400 square feet.

5. Site Plan Amendment No. 81998022E. The Planning Director approved a subsequent minor administrative amendment on November 9, 2012. This minor administrative amendment was approved solely for the purpose of accommodating limited revisions to certain approved site features (e.g., retaining walls, accessibility improvements, generator

pads, the access drive for PEPCO switchgear), as well as the applicable landscape plan for the Property. The Applicant did not seek to obtain authorization for any new building floor area in connection with this minor administrative amendment, nor authorization for any reallocation of the previously approved functional uses.

6. Site Plan Amendment No. 81998022F (Resolution dated July 5, 2013). The Planning Board approved Site Plan Amendment No. 81998022F on June 6, 2013, which allowed for the following adjustments to the approved development program:
 - a. Development of a new five-story building, two-level parking garage, and related improvements in the northeastern portion on the site to replace the approved building on former Lot 1 under Site Plan No. 8-98022B;
 - b. Reallocation of approximately 58,600 square feet of approved but unconstructed square footage to new functional uses;
 - c. Elimination of two previously-approved R & D Lab/Admin/QC Lab building modules identified on Site Plan No. 81998022D as Building 7 and Building 8, and consolidation of their space into the expanded five-story building;
 - d. Addition of a third parking level to the previously approved two-level employee parking structure behind the berm along MD Route 118;
 - e. Reallocation of the remaining approved but unbuilt density under Site Plan No. 81998022D to better reflect then-anticipated future needs; and
 - f. Minor changes to ensure consistency between the approved plans and as-built conditions.

Although the Applicant constructed the third-level expansion to the existing parking structure approved with Site Plan Amendment No. 81998022F, other site elements such as the new five-story building and the associated two-story garage, were not constructed, and were modified and divided into two phases in the next Amendment.

7. Site Plan Amendment No. 81998022G (Resolution dated September 13, 2018). The Planning Board approved Site Plan Amendment No. 81998022G on July 26, 2018, which allowed for the following modifications:
 - a. Reduction of previously approved (but unbuilt) building square-footage for the next phase of construction from 244,000 square feet to 150,000 square feet, while re-allocating remaining density to future phases on the Property;
 - b. Modification of proposed building footprint, placement, and elevations;
 - c. Revised interior and exterior programming to reflect current and proposed operations;

- d. Addition of secure connection between existing and proposed buildings;
 - e. Addition of an open canopy along the pedestrian path from existing parking structure to existing building;
 - f. Updated entry vehicular circulation pattern and pedestrian circulation in response to new building configuration and parking changes;
 - g. Removal and re-design of some surface parking;
 - h. Updated SWM facilities in response to current ESD requirements and proposed limits of disturbance;
 - i. Updated utilities in response to new layout; and
 - j. Accommodation of fire access standards.
8. Site Plan Amendment No. 81998022H. The Planning Director approved a subsequent minor administrative amendment on May 24, 2019. This minor administrative amendment was approved for the limited purposes of adjusting the location of the footprint of the next phase building, and for accommodating corresponding, associated revisions to areas immediately surrounding and within the final footprint location (including excavation of approximately 29,152 square feet as a cellar level).
9. Site Plan Amendment No. 81998022I (i.e., the Previous Amendment) (Resolution dated December 23, 2019). The Planning Board approved the Previous Amendment on December 19, 2019, which allowed for the following modifications, as described in the Planning Board's Resolution dated December 23, 2019:
- a. Increase the density of previously approved, but unbuilt, Building 3 to 157,700 square feet for office and R&D, while retaining the unused remainder of previously-approved total density for future phases;
 - b. Enlarge the physical connector between the existing and new building;
 - c. Modify certain existing building façades to match the new building;
 - d. Add new decorative structural elements; and
 - e. Make minor adjustments to grading and landscaping.

The Applicant has now submitted a building permit application for the new building to be constructed pursuant to the Previous Amendment (i.e., "Building 3"). Because construction has not yet commenced for the new building, the amount of existing building floor area at the

Germantown Headquarters remains at approximately 241,400 square feet (*i.e.*, the buildings approved with Site Plan Amendment No. 8-98022A and Site Plan Amendment No. 81998022D). Assuming that MCPDS issues permits in the near future, the Applicant may then construct a portion of the unbuilt, approved density – approximately 157,700 square feet of the remaining cumulative approved 302,600 square feet – in the near term, in the approved building. It would then be necessary for the Applicant to site plan, and then construct, the approximately 144,900 square feet of unbuilt remaining approved floor area in future phases of development. (The Applicant anticipates that this unbuilt remainder will be situated generally to the south of the existing buildings at the Germantown Headquarters, as shown on the Previous Amendment, but details for this future expansion will be confirmed at a later date in connection with subsequent site plan amendments. As stated previously, only the general area for that future expansion has been set aside with the Previous Amendment.)

APPENDIX B

2020 PRELIMINARY PLAN & SITE PLAN CHRONOLOGY EXHIBIT

2020 PRELIMINARY PLAN & SITE PLAN CHRONOLOGY¹
QIAGEN CAMPUS AT GERMANTOWN BUSINESS PARK
19300 Germantown Road
Germantown, Maryland

Use	Functional Areas, Per Approved Plan	8/29/1994	4/22/1998	2/24/2000	1/24/2000			10/28/2002			7/31/2009			10/27/2010			Use	Functional Areas, Per Approved Plan	6/6/2013			7/26/2018				12/19/2019					
		Preliminary Plan # 1-81142	Site Plan # 8-98022	Preliminary Plan #1-81142R	Site Plan # 8-98022A (Lot 6 Only)			Site Plan # 8-98022B (Lot 1 Only)			Site Plan # 81998022C (Lot 6 Only)			Site Plan # 81998022D (Lot 6 Only)					Site Plan # 81998022F (Lot 7)			Site Plan # 81998022G (Lot 7)				Site Plan # 81998022I (Lot 7)					
		S.F.	S.F.	S.F.	Total Approved Area (S.F.)	Built Area (S.F.) (Phase 1)	Remaining Approved Area (S.F.) (Phase 2)	Total Approved Area (S.F.)	Built Area (S.F.)	Remaining Approved Area (S.F.)	Total Approved Area (S.F.)	Built Area (S.F.)	Remaining Approved Area (S.F.)	Total Approved Area (S.F.)	Built Area (S.F.)	Remaining Approved Area (S.F.)			Total Approved Area (S.F.)	Built Area (S.F.) ⁱⁱ	Remaining Approved Area (S.F.)	Total Approved Area (S.F.) (Corrected) ⁱⁱⁱ	Built Area (S.F.)	Proposed for Development with Site Plan (S.F.)	Remaining Approved Area (S.F.)	Total Approved Area (S.F.)	Built Area (S.F.)	Proposed for Development with Site Plan (S.F.)	Remaining Approved Area (S.F.) ^{iv}		
Lot 6	Research & Development	R&D Labs/Admin/QC Labs	-	-	130,000	129,050	64,450	64,600	-	-	-	64,450	64,450	-	64,450	64,450	-	Lot 7	Research & Development	R&D Labs/Admin/QC Labs	124,450	64,450	60,000	124,450	64,450	45,000	15,000	124,450	64,450	59,782	218
	Manufacturing/Production	Production	-	-	100,000	78,660	45,720	32,940	-	-	-	89,655	45,720	43,935	95,330	45,720	49,610	205,995	95,330	110,665	203,495 (inadvertently shown as 205,995 on Certified Site Plan)	95,330	22,500	85,665	203,495	95,330	2,313	105,852			
		Central Plant/Maintenance	-	-	-	12,915	9,765	3,150	-	-	-	21,285	9,765	11,520	16,125	9,765	6,360	16,125	16,125	-	18,625 (inadvertently shown as 16,125 on Certified Site Plan)	16,125	2,500	-	18,625	16,125	-	2,500			
		Circulation Corridor	-	-	-	7,000	7,000	-	-	-	-	7,000	7,000	-	7,000	7,000	-	7,000	7,000	-	7,000	7,000	-	-	7,000	7,000	-	-			
	Warehouse & Distribution	Lockers/Canteen/Support	-	-	100,000	14,730	13,450	1,280	-	-	-	17,595	13,450	4,145	17,080	13,450	3,630	17,080	17,080	-	19,080 (inadvertently shown as 17,080 on Certified Site Plan)	17,080	2,000	-	19,080	17,080	2,000	-			
		Distribution Centre	-	-	-	30,745	20,750	6,100	-	-	-	20,750	20,750	-	20,750	20,750	-	25,750	20,750	5,000	25,750	20,750	-	5,000	25,750	20,750	5,000	-			
		Warehouse	-	-	-	26,850	20,665	10,080	-	-	-	20,665	20,665	-	20,665	20,665	-	63,600	20,665	42,935	61,600 (inadvertently shown as 63,600 on Certified Site Plan)	20,665	10,000	30,935	61,600	20,665	4,605	36,330			
Office	Admin/Fitness/Meeting Rooms	-	-	-	-	-	-	-	-	-	58,550	-	58,550	58,550	-	58,550	-	84,000	-	84,000	84,000	-	68,000	16,000	84,000	-	84,000	-			
SUBTOTAL (LOT 6)							300,000 ^v	299,950 ^{vi}	181,800	118,150	299,950 ^{vi}	181,800	118,150	299,950	181,800	118,150	SUBTOTAL	544,000	241,400	302,600	544,000	241,400	150,000	152,600	544,000	241,400	157,700	144,900			
Lot 1	Research & Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
	Manufacturing/Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
	Warehouse & Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
	Office	Admin	-	-	100,000	-	-	-	90,000	-	90,000	90,000	-	90,000	90,000	-	90,000	-	90,000	-	90,000	-	-	-	-	90,000	-	90,000	-		
SUBTOTAL (LOT 1)							100,000	-	-	90,000	90,000 ^{vii}	-	90,000	90,000 ^{vii}	-	90,000	SUBTOTAL	544,000	241,400	302,600	544,000	241,400	150,000	152,600	544,000	241,400	157,700	144,900			
TOTAL (FORMER LOTS 6 & 1)					400,000 office (or trip equivalent)	231,600 ^{viii}	400,000 office (or trip equivalent)	400,000	181,800	218,200	389,950	181,800	208,150	389,950	181,800	208,150	TOTAL (CONSOLIDATED LOT 7)	544,000	241,400	302,600	544,000	241,400	150,000	152,600	544,000	241,400	157,700	144,900			

¹ Chronology excludes the following: (1) Site Plan Amendment # 81998022E, a minor administrative amendment which neither proposes to provide any new building floor area, nor to reallocate any previously approved building floor area; (2) Minor Subdivision Plat No. 220121880, which was approved by the Planning Board on September 20, 2012, pursuant to the minor subdivision procedures of the Subdivision Regulations (i.e., former Section 50-35A(a)(3)) (the "Minor Subdivision Plat"); and (3) Site Plan Amendment # 81998022H, a minor administrative amendment approved for the limited purpose of adjusting the final location of the building footprint associated with Amendment G. The Minor Subdivision Plat allowed for the consolidation of former Lot 6 and former Lot 1 into a new unified record lot, known as Lot 7.

ⁱⁱ QIAGEN completed construction of all building areas identified as "Area[s] Under Construction" at time of Certified Site Plan No. 81998022F.

ⁱⁱⁱ Tabulations shown reflect the updated information for the functional use areas that was provided with Amendment I to correct minor, inadvertent errors that were included in the development density table on the Certified Site Plan for Amendment G. More specifically, the development density table that was included on the Amendment G Certified Site Plan correctly listed the overall use allocations that have approved for the primary functional use categories on the Property (i.e., research and development, manufacturing/production, warehouse/distribution, and office). However, the development density table included certain inadvertent errors with respect to the floor areas allocated to the sub-components of these overall functional categories with the previous amendment (for example, within the manufacturing and production use category, between the discrete allocations of floor area for production uses, central plant/maintenance uses, and circulation corridors).

^{iv} Or trip generation equivalent, if substitution is approved pursuant to future Site Plan Amendment.

^v Former Lot 6 and former Lot 1 were consolidated into a single record lot – current Lot 7 – pursuant to the Minor Subdivision Plat.

^{vi} Cumulative Total of research and development/administrative/quality control labs, manufacturing/production, and warehouse & distribution uses not to exceed 300,000 square feet.

^{vii} Site plan utilizes only 299,950 square feet of 300,000 square feet approved with Preliminary Plan #1-81142R for research and development labs/administrative/quality control labs, manufacturing/production, and warehouse & distribution uses.

^{viii} Previously approved with Site Plan #8-98022A.

^{ix} Up to 11,700 square feet of approved office floor area on Lot 1 may be utilized for on-site day care, with cumulative total of office and day care not to exceed 90,000 square feet.

^x Site Plan # 8-98022 only applied to the O-M zoned portion of the property, which has subsequently been rezoned to the EOF zone pursuant to District Map Amendment G-956. No site plan was required for the remaining office space.

APPENDIX C

CORRESPONDENCE RE GERMANTOWN BUSINESS PARK
INFRASTRUCTURE CONTRIBUTIONS

miller
properties of Bethesda, LLC

FAX (301) 770-5587

3200 Tower Oaks Boulevard, Suite 300, Rockville, MD 20852 • (301) 770-5584

August 10, 2000

Barbara Slade
Manekin, LLC
7470 New Technology Way
Suite B
Frederick, MD 21703

Re: Germantown Business Park Road Improvement Contribution
Aircraft Drive & Route 118, Germantown, MD

Dear Barbara:

As we discussed, please find enclosed the Germantown Business Park's contribution toward the referenced road improvement. This contribution, in the amount of \$12,824.23, reflects the pro-rata share of the Germantown Business Park at its full potential development. Thank you for your swift assistance in this matter and please feel free to call with any questions.

Sincerely,



Stephen Miller

enclosure

MILLER PROPERTIES 11/86
OF BETHESDA, LLC
PH 301-770-5584
3200 TOWER OAKS BLVD, STE 300
ROCKVILLE, MD 20852

19916

65-320/550
BRANCH 14008

DATE 8/10/00

PAY
TO THE
ORDER OF

Maxekin LLC

\$ 12,824.23

Twelve Thousand Eight Hundred Twenty Four and 23/100

DOLLARS

FIRST UNION
First Union National Bank
RT 055003201

FOR Offsite costs - Rte 118 Aircraft Drive

John Y McVeary

⑆019916⑆ ⑆055003201⑆ 2000005666405⑆

miller
properties of Bethesda, LLC

FAX (301) 770-5587

3200 Tower Oaks Boulevard, Suite 300, Rockville, MD 20852 • (301) 770-5584

April 27, 2000

Jean Chait
Project Development Section
Montgomery County Department of Public Works and Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

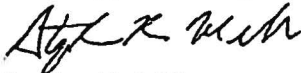
Re: Germantown Business Park, Road Improvement Contribution:
Middlebrook Road & Great Seneca Highway intersection improvements

Dear Jean,

Please find enclosed a check in the amount of \$80,500 representing the Germantown Business Park's contribution to the above referenced road improvement. This contribution is based upon the prorated share calculation provided by Craig Hedberg of Integrated Transportation Solutions and approved by your office. A copy of Mr. Hedbergs' worksheet is attached. Although the Germantown Business Park is not currently being developed to it's full potential, this contribution is based upon the traffic generated by the maximum approved development envelope of the business park (400,000 square feet of office use) and fully satisfies the park's obligation to contribute to this road improvement.

Please acknowledge receipt of the contribution where indicated below and return a signed copy to my attention at the letterhead address. Thank you for you assistance and cooperation in this matter.

Sincerely,



Stephen R. Miller

\$80,500 received by Montgomery County DPWT from Germantown Business Park c/o
Miller Properties:

Signature: _____ Date: _____

Printed Name: _____
Montgomery County DPWT

MILLER PROPERTIES 11/86
OF BETHESDA, LLC
P O BOX 34455
BETHESDA, MD 20817
PH 301-767-0800

19792

65-320/550
BRANCH 14006


DATE 4/20/2000

PAY
TO THE
ORDER OF

Montgomery County

\$ 80,500.00

Eighty Thousand Five Hundred

DOLLARS 

FIRST UNION
First Union National Bank
McLean, Virginia
RT 055003201

FOR Germanstown Business Park Road Contribution

Stuart M. Mearns

⑈000019792⑈ ⑆055003201⑆ 2000005666405⑈

REC'D DEC 21 2001

Miller Investments Limited Partnerships
19828 Mayhill Terrace
Gaithersburg, Maryland 20879
Phone: 240-683-7220 Fax: 240-683-7222

Hand Delivered

December 21, 2001

Bob Larkin
Centex Homes
9007 Shady Grove Court
Gaithersburg, Maryland 20877

Re: Germantown Business Park/Miller Investments Limited Partnership 7 (MILP 7)
Road Improvement Participation - Right hand turn lane: southbound Great Seneca
Highway to westbound Clopper Road, Germantown, Maryland

Dear Bob:

Per our discussion, please find enclosed the Germantown Business Park's (c/o MILP 7) contribution in the amount of \$65,000.00 (sixty five thousand dollars) for participation in the referenced road improvement. This payment represents the Germantown Business Park's maximum required contribution and fulfills the participation requirement in its entirety. In the event that 25% of the final cost of the improvement is less than \$65,000.00, Centex agrees to refund the difference to MILP 7 (or MILP 7's designated agent/successor). Upon completion of the project, Centex agrees to provide MILP 7 with a full accounting of all costs attributed to the turn lane improvement.

Please acknowledge your receipt of the contribution and concurrence with the terms of this letter by signing where indicated below and returning the signed copy to my attention. Thank you for your assistance and cooperation in this matter.

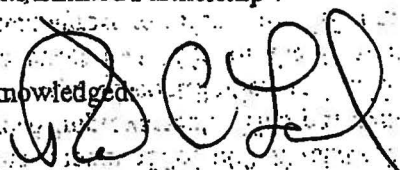
Sincerely,



Stephen R. Miller
General Partner
Miller Investments Limited Partnership 7

Accepted & Acknowledged

Centex Homes:



Date: 12/21/01

MILLER INVESTMENTS LIMITED
PARTNERSHIP 7
19828 MAYHILL TERR
GAITHERSBURG, MD 20879

CAP
Asset Management Account 4059
Date 12/21/01 65-320/550
BRANCH 99998

Pay to the Order of LENTEX HOMES \$ 65,000.00

SIXTY FIVE THOUSAND + 00/100 Dollars

Look for Micro Print signature line, green background with CAP logo, First Union logo on back. If not present, do not cash.

FIRST UNION
First Union National Bank
firstunion.com
Org. 014 R/T 055003201

CODE

For *Center Bus. Pk. Road Participation* *STEPH K MILL*

⑆05500320⑆ 4376870884⑆ 4059

Miller
properties of Bethesda, LLC

FAX (301) 770-5587

3200 Tower Oaks Boulevard, Suite 300, Rockville, MD 20852 • (301) 770-5584

February 23, 2000

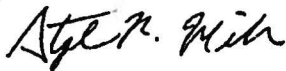
Tom Marshall
Elm Street Development
6820 Elm Street
Suite 200
McLean, VA 22101

Re: Germantown Business Park - Dawson Farm Road

Dear Tom:

Thank you for your quick response to my letter dated February 7, 2000 regarding our participation in A-254/Dawson Farm Road (copy attached). In accordance with the terms of the letter agreement, please find enclosed our check in the amount of \$30,000 as the Germantown Business Park's contribution toward the construction of Dawson Farm Road. Thank you for your assistance in this matter.

Sincerely,



Stephen Miller

enclosures

MILLER PROPERTIES 11/86
OF BETHESDA, LLC
P O BOX 34455
BETHESDA, MD 20817
PH 301-767-0800

19704

65-320/550
BRANCH 14006

DATE 2/23/00

PAY
TO THE
ORDER OF

Germantown Development Corporation

\$ 30,000.00

Thirty thousand

DOLLARS 

FIRST UNION

First Union National Bank
McLean, Virginia
R/T 055003201

FOR

Germantown Business Park

James M. Weary

⑈0000 19704⑈ ⑆05500320⑆ ⑆2000005666405⑈



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

Attachment C

August 14, 2007

QIAGEN Sciences, Inc.
Attn: Sean Augerson
19300 Germantown Road
Germantown, MD 20874

RE: Request for an extension of the validity date for the **LIBERTY HEIGHTS, GERMANTOWN BUSINESS PARK**
Preliminary Plan No. 119811420

This is to confirm for you that the Montgomery County Planning Board considered your request for an extension to the adequate public facilities validity period for the above-mentioned preliminary plan at its regularly scheduled meeting of December 7, 2006. At that time, the Planning Board voted 5-0 to grant a **six-year extension of the validity period until August 29, 2012.** Commissioner Bryant made the motion; Commissioner Robinson seconded; Chairman Hanson, Bryant, Perdue, Robinson and Wellington voted in favor.

If you have any questions concerning this Planning Board action, please call me at (301) 495-4542.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Conlon".

Catherine Conlon
Subdivision Section Supervisor
Development Review Division

cc: William Kominers, Holland & Knight