



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

November 16, 2022

Ms. Tamika Graham, Planner III  
Mid-County Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive, 13th floor,  
Wheaton, MD 20902

**REVISED**

RE: Preliminary Plan Letter  
Preliminary Plan No. 12020010B  
PSTA Site Amendment

Dear Ms. Graham:

We have completed our review of the preliminary plan amendment uploaded in eplans dated October 13, 2022. A previous plan was reviewed by the Development Review Committee at its April 28, 2022, meeting. **This letter supersedes the previous MCDOT letter dated November 4, 2022.** We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Condition 26a of the PSTA Preliminary Plan Resolution:

*The Applicant must dedicate 150-foot-right-of-way for Medical Center Drive and will design and construct all necessary improvements as shown in the Medical Center Drive road cross-section on the Certified Preliminary Plan.*

- a. *The Applicant shall contact the adjacent property owner to acquire the right-of-way necessary to make the connection of Medical Center Drive with Key West Avenue. The applicant will coordinate with MCDOT if an agreement cannot be reached with the*

**Office of the Director**

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*Located one block west of the Rockville Metro Station*

*adjacent property owner. If the necessary right-of-way cannot be acquired prior to recordation of the first plat, then a Preliminary Plan amendment will be required.*

**Applicant's request:** Condition 26a of the PSTA Preliminary Plan Resolution states that Elms at PSTA is unable record any plat for PSTA until the necessary Medical Center Drive right-of-way has been acquired from 9850 Key West Avenue. The applicant states that Elms at PSTA has not been able to acquire the right-of way and no agreement has been reached for acquisition with the owner to date. In addition, the applicant states working to record plats later this year in anticipation of receipt of building permits for vertical construction starting in late 2022 or early 2023. In order to not delay construction of the site as the plats are being recorded, the Applicant is requesting to amend Condition 26A of the PSTA Preliminary Plan Resolution as follows:

*The Applicant shall continue its discussions with the adjacent property owner to acquire the right-of-way necessary to make the connection of Medical Center Drive with Key West Avenue. The Applicant will coordinate with MCDOT regarding these efforts. If the necessary right-of-way cannot be acquired prior to the recordation of the eighth plat, then the Applicant shall escrow the necessary funds, as determined by a Certified General Appraiser, for the County to acquire the Medical Center Drive right-of-way. Once these funds are escrowed, Applicant shall have satisfied its obligations regarding this portion of Medical Center Drive.*

**MCDOT Response:** We generally **agree** with the applicant's request to amend Condition 26a. The final language for the resolution as agreed to by MCDOT and the applicant is as follows:

*The Applicant shall continue its discussions with the adjacent property owner to acquire the right-of-way necessary to make the connection of Medical Center Drive with Key West Avenue. The Applicant will coordinate with MCDOT regarding these efforts. If the necessary right-of-way cannot be acquired within nine (9) months of the mailing date of this resolution for this Amendment, then the Applicant must execute an agreement with MCDOT for the County to acquire the right-of-way from the adjacent property owner.*

**In addition, the following language is added to the MCDOT approval letter.**

*The Agreement between the Applicant and MCDOT shall detail timing, funding, and responsibilities of the right-of-way acquisition and any other items necessary to acquire the property.*

**In order to clarify the timing of the roadway construction, the following condition is also added to the MCDOT letter:**

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Applicant shall bond the cost of the necessary improvements within the acquired right-of-way, as shown on the site plan, not later than two (2) months after the acquisition of the right-of-way is finalized by the applicant or DOT.

Thank you for the opportunity to review this preliminary plan amendment. If you have any questions or comments regarding this letter, please contact myself for this project at [brenda.pardo@montgomerycountymd.gov](mailto:brenda.pardo@montgomerycountymd.gov) or at (240) 777-7170.

Sincerely,

*Rebecca Torma*

Rebecca Torma  
Development Review Team  
Office to Transportation Policy

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cc: SharePoint Correspondence FY 2023

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