



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

MAR 29 2010

MCPB No. 10-32
Preliminary Plan No. 11986115B
Project Name: Montgomery County Medical Center
Hearing Date: March 11, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review amendments to approved preliminary plans; and

WHEREAS, on February 16, 2010, Johns Hopkins University, ("Applicant"), filed an application for approval of a limited preliminary plan amendment designated Preliminary Plan No. 11986115B ("Amendment") to modify the timing of conditions 3) and 5) included in the October 18, 2007 resolution (MCPB No. 07-181). All other conditions included in the October 18, 2007 resolution remain in full force and effect.

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 1, 2010, setting forth its analysis, and recommendation for approval, of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 11, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 11, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 3-0, Commissioners Dreyfuss, Hanson, and Presley voting in favor, Commissioners Alfandre and Wells-Harley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES Preliminary Plan No. 11986115B, subject to the following conditions:

- 3) The Applicant must complete the following roadway improvements, and have them open to traffic, prior to the issuance of any use and occupancy permit that includes square footage beyond the initially-approved 375,000 square feet:
 - a. The Applicant must construct a third, westbound through-lane on Great Seneca Highway (MD 119) from Sam Eig Highway intersection to Muddy Branch Road.
 - b. The applicant must construct a third, eastbound left-turn lane from Key West Avenue (MD 28) onto northbound Shady Grove Road.
 - c. The Applicant must fund the modification of the traffic signal operation at the Key West Avenue/Broschart Drive/Diamondback Drive intersection to split phase the north and south approaches and restripe the southbound Diamondback Drive approach to operate with a separate right-turn lane, a separate through lane, a shared through and left-turn lane, and a separate left-turn lane.
 - d. The Applicant must fund the modification of the traffic signal operation to run the north and south phases concurrently at the Darnestown Road/Shady Grove Road intersection.

The Applicant must obtain a right-of-way permit, to include bonding of all improvements above, from the Department of Permitting Services and access permit from the State Highway Administration prior to May 1, 2011. If a right-of-way permit and access permit has not been issued for the improvements as of this date, the plan will be in violation and a stop work order may be issued. The future site plan approval for this development must also reflect this requirement.

- 5) The Applicant must enter into a new or updated Traffic Mitigation Agreement with the Planning Board and DPWT to participate in the Greater Shady Grove Traffic Management Organization (TMO). The Agreement must be executed prior to issuance of any building permit that includes square footage beyond the initially-approved 375,000 square feet.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1) *All previous conditions remain in full force and effect.*

The Planning Board finds that the preliminary plan amendment does not affect the previous findings of the Board regarding the preliminary plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information: and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 29 2001 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital

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Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Alfandre present and voting in favor of the motion, and Commissioners Presley and Dreyfuss absent at its regular meeting held on Thursday, March 25, 2010, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board

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