

FEB 23 2012



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-114

Preliminary Plan No. 11986115C

Johns Hopkins University Montgomery County Medical Center

Date of Hearing: November 10, 2011

RESOLUTION

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

WHEREAS, Preliminary Plan 119861150 was approved in April 1987 for the creation of one lot on 35.57 acres to allow 375,000 square feet of research and development related uses ("R&D related uses") in the Life Sciences Center (LSC) Zone; located on the south side of Key West Avenue between Broschart Road and Medical Center Drive, ("Property" or "Subject Property"), in the Great Seneca Science Corridor (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, Preliminary Plan 11986115A was approved in October 2007 to allow an additional 519,636 square feet of R&D related uses for a total of 894,636 square feet of approved development on the Property; and

WHEREAS, Preliminary Plan 11986115B, was approved in March 2010 to allow changes to the timing of certain transportation related conditions; and

WHEREAS, on February 18, 2011, Johns Hopkins Real Estate ("Applicant"), filed an application for approval of a preliminary plan for another 169,071 square feet of R&D related uses for life sciences in addition to the 894,636 square feet of R&D related uses previously approved, for a total of 1,063,707 square feet of R&D related uses on the Property; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 11986115C, Johns Hopkins University Montgomery County Medical Center ("Preliminary Plan" or "Application"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department
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WHEREAS, Staff issued a memorandum to the Planning Board, dated October 28, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on November 10, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on November 10, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 4-0: Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, with Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVED Preliminary Plan No. 11986115C, subject to the following conditions:

1. Total development under the Preliminary Plan is limited to an additional 169,071 square feet of R&D office space for a total of 1,053,709 square feet of R&D office space and 9,998 square feet of retail space.
2. Applicant to comply with all conditions of approval of the Preliminary Forest Conservation Plan:
 - a. Mitigation up to the conservation threshold of 15% of the net tract area to be fulfilled through planting of 4.80 acres of forest or preservation of 9.60 acres of existing forest in an approved forest mitigation bank.
 - b. Submission of a Final Forest Conservation plan consistent with section 1.09(b) of the forest conservation regulations.
 - c. If Applicant is required to build facilities (roads, sidewalks, trails, utilities, etc.) in any of the 3.60 acres deducted from the net tract area on the worksheet, the affected area will be added back into the net tract area and mitigation requirements will likely increase at the time of Final Forest Conservation Plan approval.
3. The Applicant may install plantings or make payments of the fee in lieu pursuant to the approved Final Forest Conservation Plan on a pro-rata share basis with each site plan. Payment for the National Cancer Center ("NCI") portion of the site may be made at the earlier of:
 - a. The date of the last site plan approval Resolution; or
 - b. 15 years from the date of the Preliminary Plan resolution.

4. The Applicant must satisfy the Local Area Transportation Review (“LATR”) test by providing the following intersection improvements:
 - a. Great Seneca Highway (MD 119) and Muddy Branch Road: Construct a second northbound left turn lane on Muddy Branch Road and a second westbound left-turn lane on Great Seneca Highway with the necessary traffic signal modifications.
 - b. Great Seneca Highway and Sam Eig Highway: Construct a third through lane on the eastbound approach of Great Seneca Highway with the necessary traffic signal modifications.
 - c. Key West Avenue-West Montgomery Avenue (MD 28) and Shady Grove Road: Extend three eastbound left turns on Key West Avenue.

The recommended intersection improvements above should be constructed with the required length as determined by the Montgomery County Department of Transportation (MCDOT) and the Maryland State Highway Administration (“SHA”), and will be based on their required supplemental SYNCHRO/traffic simulation analyses. The Applicant must submit a Letter of Intent to confirm the plan to create, fund, and privately operate a Road Club. The specific intersection improvements must be identified by the “Road Club” and permitted and bonded by the Montgomery County Department of Permitting Services (“DPS”) and SHA prior to release of any building permit. The construction of these intersection improvements must be complete and open to traffic prior to issuance of any use and occupancy permit.

5. The Applicant must satisfy the Policy Area Mobility Review (“PAMR”) test by contributing to the County \$11,300 per trip for each of the 47 new peak-hour trips for a total of \$531,100. The pro-rata share of the Applicant’s costs of the off-site LATR intersections listed above may be credited against the total PAMR cost of \$531,100. The construction of two (2) southern lanes of the four (4) Blackwell Road travel lanes is currently estimated to equate to 2,698 linear feet of travel lanes which equates to 66 PAMR eligible trip credits as off-site improvements subject to MCDOT approval. The 2,698 linear feet for Blackwell Road is based upon the additional two outside lanes adjacent to NCI and the two outside lanes from that section west to Broschart Road. If the pro-rata share of the Applicant’s costs of the LATR improvements is less than \$531,000, the Blackwell Road PAMR eligible trip credits may also be applied to meet the remaining PAMR funding requirements. Any remaining PAMR funds should be paid to MCDOT for master-planned Life Science Center roadway and/or intersection improvements prior to the issuance of the relevant Use & Occupancy permit.
6. The Applicant must submit a letter from the Maryland Transit Administration (“MTA”) to MCDOT and the Planning Department indicating that they are coordinating with MTA, and their plan reflects the latest alignment and design of the Corridor City Transitway (CCT) along Broschart Road and its proposed station south of Blackwell Road. The Applicant’s plan must show the CCT along the east side of Broschart Road and include the necessary vehicular access

controls to minimize conflicting movements with CCT vehicles while permitting safe through east-west movements on the master-planned business road, B-7 across Broschart Road.

7. Within the Master Plan recommended rights-of-way, the Applicant must address the following pedestrian and bicycle improvements shown on the preliminary plan. The final extent, delineation, and alignment of these improvements shall be determined and provided at the time of the relevant site plan:
 - a. A dual bikeway (LB-1) on Medical Center Way, including a 10-foot-wide shared use path on the west side and wide outside lanes for a signed-shared roadway.
 - b. A dual bikeway (LB-4) on Blackwell Road, including a 10-foot-wide shared use path on the north side and wide outside lanes for a signed-shared roadway.
 - c. A 10-foot-wide shared use path, SP-66 on the east side of Broschart Road.
 - d. The necessary pedestrian crosswalks, handicapped ramps, and other pedestrian infrastructure improvements to be determined with the plan details provided at the relevant site plan.
 - e. One bicycle parking space per 20 proposed vehicular parking spaces to accommodate short term and long term parking. The spaces must be a combination of inverted-U bike racks near the main entrances of the JHU-MCC buildings and secured key-access bike storage and/or lockers in the two garages in a well-lit area near the elevator. Work with transportation planning staff regarding the types, distribution, and locations prior to the relevant site plan to provide the best practices for the proposed campus.
8. The Applicant must dedicate their portion of, and the record plat must reflect the master-planned recommended 150-foot right-of-way for Broschart Road (A-261b) as shown on the preliminary plan that includes the 50-foot wide Corridor Cities Transitway (CCT) and the associated shared use path.
9. At the time of the relevant site plan, the Applicant must construct (i.e., permitted and bonded) the portion of Blackwell Road, including the shared use path necessary to serve the development included in that site plan.
10. The Applicant must dedicate, and the record plat must reflect an additional 20-foot of right-of-way where needed along Key West Avenue, between Broschart Road and Medical Center Drive as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 200 feet (100 feet from centerline), and construct the shared use path at the time of the relevant site plan.
11. The Applicant must dedicate, and the record plat must reflect an additional 25-foot of right-of-way where needed along Broschart Road, between Key West Avenue and Blackwell Road as shown on the Preliminary Plan, to provide the master-planned minimum right-of-way width of 150 feet, and construct the bikeway in accordance with Road Code standard no. 2004.09 and Median

- Transitway Standard No. MC-225.02 at the time of the relevant site plan.
12. The Applicant must dedicate, and the record plat must reflect an additional 37-foot to 100-foot of right-of-way where needed along Blackwell Road as shown on the Preliminary Plan, to provide the master-planned minimum right-of-way width of 100 feet (50 feet from centerline), and construct the sidewalk and shared use path in accordance with Road Code standard no. 2005.03 at the time of the relevant site plan.
 13. The Applicant must design, construct, maintain, and provide a public use easement for the recommended 70-foot right-of-way for business district street B-8, as shown on the Preliminary Plan, and the boundary of the easements must be shown on the record plat. The roads must be constructed to public standards and in accordance with the Road Code standard no. 2005.02, including sidewalks and amenities, unless modifications are approved by MCDOT and the Planning Board at the time of site plan. The final extent, delineation and alignment of these roads shall be determined at the time of the relevant site plan. The easements must be approved by the Planning Board and MCDOT, and must include, at a minimum, provision for the following:
 - a. Public easements must be granted along all these master-planned roads as approved by MCDOT and DPS for connectivity and consistency with the *Great Seneca Science Corridor Master Plan*.
 - b. These master-planned roads must comply with the County's Road Code standards for similar public roads, the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines.
 - c. Installation of public utilities must be permitted within the public easement.
 - d. These master-planned roads must not be closed for any reason unless approved by MCDOT.
 - e. The public easement must be volumetric to accommodate uses above and below the designated easement area.
 - f. The public easement must grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant.
 - g. Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
 14. The Applicant must design, construct, maintain, and provide a public use easement for the recommended 60-foot right-of-way for business district street B-7, and the boundary of the easement must be shown on the record plat. The road must be constructed to public standards and in accordance with the Road Code standard no. 2005.01, including sidewalks and amenities, unless modifications are approved by MCDOT and the Planning Board at the time of site plan. The final extent, delineation, and alignment of these roads shall be determined at the

- time of the relevant site plan. The easement must be approved by the Planning Board and MCDOT, and must include, at a minimum, provision for the following:
- a. Public easements must be granted along all these master-planned roads as approved by MCDOT and DPS for connectivity and consistency with the *Great Seneca Science Corridor Master Plan*.
 - b. These master-planned roads must comply with the County's Road Code standards for similar public roads, the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines.
 - c. Installation of public utilities must be permitted within the public easement.
 - d. These master-planned roads must not be closed for any reason unless approved by MCDOT.
 - e. The public easement must be volumetric to accommodate uses above and below the designated easement area.
 - f. The public easement must grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant.
 - g. Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
15. The Applicant must enter into a Traffic Mitigation Agreement with the MCDOT and the Planning Board to participate in the Greater Shady Grove Transportation Management District. The Traffic Mitigation Agreement must be executed prior to certified site plan for the first building and modified as needed prior to certified site plan for the successive buildings.
 16. All private internal roadways must be constructed in accordance with the Design Guidelines and Road Code cross-section requirements as modified to satisfy the Master Plan recommendations. Future site plans must determine the extent and timing of construction of the internal private roads necessary to support the development proposed by the relevant site plan.
 17. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks. This easement must be recorded by deed prior to the first building permit after each site plan is approved.
 18. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue ("MCF&R") letter dated September 16, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 19. The Applicant must comply with the conditions of approval of the MCDOT letter dated October 6, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

20. The Applicant must comply with the conditions of approval of the SHA letter dated September 21, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
21. The Applicant must comply with the conditions of the DPS stormwater management concept approval letter dated July 29, 2011. These conditions may be amended by DPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
22. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
23. The Applicant must provide a ten-foot public utility easement parallel, contiguous and adjacent to the rights-of-way of Key West Avenue, Broschart Road, Blackwell Road, Medical Center Drive, and Master Planned Roads B-7 and B-8 unless an alternative alignment is agreed upon by the applicable utility companies at the request of the M-NCPPC prior to certification of the relevant site plan and recordation of the plat.
24. No clearing, grading, or recording of plats prior to the relevant certified site plan approval.
25. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at the relevant site plan.
26. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the relevant site plan.
27. As required by the Master Plan, a Concept Plan is being approved as part of this Preliminary Plan. Any subsequent site plan must generally conform to the approved Concept Plan.
28. Open Space Areas shown on the Concept Plan must be provided as part of subsequent site plans as recommended in the Master Plan.
29. The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

30. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution¹.
31. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report (as revised at the Hearing), 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. *The Preliminary Plan substantially conforms to the Master Plan.*

Great Seneca Science Corridor Master Plan

The Life Sciences Center (“LSC”) in the GSSC Master Plan area includes five districts. The Subject Property is located within the Central District. The applicable Master Plan recommendations include a CCT station on Broschart Road near Blackwell Road, and that those streets should be enlivened with activating uses. Future development, in its design and use, should be carefully planned to take advantage of transit and contribute to creating a vibrant LSC hub. The Preliminary Plan allows portions of the block surrounded by Broschart Road, Medical Center Drive, Great Seneca Highway, and Blackwell Road to be redeveloped. Currently, this area is developed with low-density, low-scale uses. With a transit station along Broschart Road, portions of this block could redevelop to higher densities with a mix of housing, retail, and employment uses.

Property Recommendations and Concept Plan

The Land Use & Zoning Recommendations for the LSC Central District of the Master Plan require submittal of “a Concept Plan prior to approval of any future individual development projects for Johns Hopkins University (“JHU”) to address the Plan’s guidelines, including the location of the CCT, the highest densities and height at transit, the mix of uses, creation of a local street network, and provision of open spaces” (page 36). The Applicant submitted a Concept Plan as part of the Preliminary Plan as required by the Master Plan. Each of these issues is addressed by topic below.

CCT Location

The Plan recommends that the CCT route travel along the Property on the east side of Broschart Road. A station is recommended on the adjoining Shady Grove Adventist Hospital site.

¹ The APF approval for development under Preliminary Plans 119861150 and 11986115A are not affected by this Resolution.

The Applicant's Preliminary Plan and Concept Plan reflect the general alignment recommended in the Master Plan. Final alignment of the transitway will be determined during site plan review when the detailed site layout is designed. The MTA believes the CCT can be accommodated within the eventual 150-foot right-of-way of Broschart Road as shown on the Preliminary Plan. During site plan review, the final alignment should maximize pedestrian and transit user comfort and usability, and optimize access to the open spaces and circulation system.

Density & Height Near Transit

The Master Plan recommends the LSC zone with a density limit of 1.5 FAR for the Subject Property. Maximum building heights are recommended at 110 feet on the eastern half of the Property (bisected by business district street B-8) and 150 feet on the western half of the Property, which is closer to transit. Street walls are suggested by the "build-to lines" on the Master Plan illustrations.

The Applicant's Concept Plan follows the Master Plan guidelines regarding density and height. As shown within the building envelopes of allowed height, the 1.5 FAR is dispersed between lower buildings to the east of B-8, and higher buildings to the west side of B-8. The Master Plan recommends that Adventist Health Care and JHU design the east side of Broschart Road as an urban street lined with buildings and activating street level uses. The lot and street layout of the Preliminary Plan will accommodate the Master Plan's vision for this density and lively street edge.

Circulation System & Links to Adjacent Neighborhoods

The Master Plan recommends numerous circulation and mobility improvements for LSC Central. These include:

- Construction of the CCT and station,
- Extension of Blackwell Road,
- Creation of a network of streets within the site,
- Creation of a pedestrian network,
- Implementation of the LSC Loop,
- Design of Broschart Road as an urban street,
- Connection of recreational trails and bikeways,
- Road improvements.

The Applicant's Preliminary Plan and Concept Plan addresses each of these recommendations and illustrates them in their circulation plan, which shows the CCT alignment and station, extension of Blackwell Road, pedestrian sidewalks and paths, LSC Loop Connection, and Broschart Road, which is represented as an urban street with the proposed CCT alignment and significant building frontage.

The internal streets, which form an urban-scale network of blocks, will have sidewalks that connect to adjacent properties and open spaces proposed within the site. These sidewalks will connect to master-planned paths, including the LSC Loop, that run with the major roads along the periphery of the Subject Property.

Dedication of the CCT right-of-way, Blackwell Road right-of-way, and expansion of the rights-of-way for Key West Avenue and Broschart Road will allow for the recommended vehicular and transit improvements. All other internal roads will be built to public road standards, maintaining the mobility and design objectives of the Master Plan but maintained privately with public access easements over the right-of-way width that would otherwise be required.

Open Space System

The Master Plan requires that properties in the LSC Central provide the following public open spaces:

- LSC Loop,
- Stream buffers,
- Urban square at the CCT station, and
- Urban promenade to connect between buildings and public spaces.

All of the applicable master-planned open spaces are provided in the Applicant's Preliminary Plan and Concept Plan as required.

Therefore, the Board finds the Preliminary Plan to be in substantial conformance with the GSSC Master Plan, including the submission of a conforming Concept Plan as required.

2. Public facilities will be adequate to support and service the subdivision.

Master Plan Roadway, Corridor Cities Transitway, and Right-of-way

The Master Plan recommends a minimum right-of-way width of 200 feet for Key West Avenue; a 150-foot right-of-way for Broschart Road; and a 100-foot right-of-way for Blackwell Road and Medical Center Drive. The Broschart Road right-of-way is also designated to accommodate the Corridor Cities Transitway (CCT). All of the dedications above are shown on the Preliminary Plan, and are included as conditions of approval.

The Master Plan identifies three business district rights-of-way on the Subject Property. Roadway B-7 on the western portion of the Subject Property provides a connection from Broschart Road to roadway B-8, which bisects the Property. Roadway B-11 on the western portion of the Subject Property provides a connection from Medical Center Drive to roadway B-8. According to the Master Plan, business district streets B-7 and B-

11 are to be constructed as 60-foot wide rights-of-way, while business district street B-8 is to be constructed as a 70-foot wide right-of-way.

Although the Master Plan envisions these roadways to be dedicated to public use, the Board finds that the business district roads developed as private roads with public access easements granted to the County is in substantial conformance with the Master Plan, with the following conditions:

- a. Public easements must be granted along all these business district rights-of-way as approved by MCDOT and DPS for connectivity and consistency with the *Great Seneca Science Corridor Master Plan*.
- b. The design of these business district rights-of-way must comply with the County's Road Code standards for similar public roads, the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines.
- c. Installation of public utilities must be permitted within the public easement.
- d. These business district rights-of-way must not be closed for any reason unless approved by MCDOT.
- e. The public easement must be volumetric to accommodate uses above and below the designated easement area.
- f. The public easement must grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant.
- g. Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.

The Board conditionally approved the private, business district roads due to the unique circumstances of the JHU Montgomery County Medical Center site. The JHU site is being developed and maintained as a campus research environment, and JHU will retain ownership of the land in order to control the overall design, appearance, and character of this campus. These internal roads, unlike the perimeter roads (i.e., Key West Avenue, Broschart Road, Blackwell Road, and Medical Center Drive), are not essential to the primary connecting network for the Master Plan area. As private roads with public access easements, they will still provide alternate route options for pedestrians, cyclists, and vehicles. Also, the roads will be constructed to the public road standards identified in the Master Plan and Design Guidelines, and public access easements reflecting the master-planned right-of-way widths specified for B-7 and B-8 will be recorded on the plat. B-11 was approved and constructed as part of the previous preliminary plan amendment and site plan for the National Cancer Institute, and the cross section is actually much wider than the minimum 60 feet required by the Master

Plan. Therefore, in this instance the master-planned roads B-7, B-8, and B-11 will essentially function as public roads in a dedicated right-of-way. However, JHU will be responsible for maintenance of the roads.

Site Access and Vehicular/Pedestrian Circulation

The site is located on the south side of Key West Avenue between Broschart Road and Medical Center Drive with four vehicular access points from Key West Avenue, Medical Center Drive, Broschart Road, and Blackwell Road. The access points and the vehicular circulation system shown on the Preliminary Plan are adequate to provide sufficient capacity for safe and efficient circulation into and from the site. In particular, parking and driveways are sufficiently separated for through movement and safe maneuvering. The Applicant will upgrade the pedestrian and bicycle facilities along the fronting roadways and the internal roadways to ensure easy and safe access for pedestrians to and from the site. Detailed circulation will be decided at later phases as subsequent site plans are submitted for review, but should generally conform to what is approved in this Preliminary Plan.

Transportation Management District

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD) and therefore, the Applicant must participate with the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

On-Site Parking

Given the close proximity to a planned future CCT station, the Board approved the requested parking waiver of 721 spaces to reduce the required 5,298 spaces to 4,577 spaces. The total number of parking spaces and the number of parking spaces waived will be revisited and finalized as part of the future site plan reviews.

Available Transit Service

The following three Ride-on routes operate along the roads fronting the site:

- Ride-On route 74 along Key West Avenue between Diamondback Drive and Omega Drive;
- Ride-On route 66 along Broschart Road between Key West Avenue and Medical Center Drive;
- Ride-On routes 43 and 66 along Medical Center Way between Broschart Road and Key West Avenue.

Corridor Cities Transitway

The Maryland Transit Administration's ("MTA") preferred alignment of the CCT is along the east side of Broschart Road with a proposed station south of the intersection with Blackwell Road. The Applicant must coordinate with the MTA's CCT project manager

regarding MTA's latest alignment and design of the CCT. The *Master Plan* reflects the CCT alignment as being on the east side of Broschart Road. The MTA – while acknowledging alignments could be modified as the project proceeds through additional engineering - is showing the alignment on the same east side of Broschart Road. The Plans submitted by the Applicant dated September 23, 2011 as part of this application show the CCT alignment on the east side of Broschart Road within the 150-foot master-planned right-of-way.

Master-Planned Roadways and Bikeways

In accordance with the *Master Plan* and the 2005 approved and adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are provided as follows:

1. Key West Avenue is designated as a six-lane major highway, CM-22, with a recommended 200-foot right-of-way and a dual bikeway (bike lanes and a share use path on the north side), DB-43. The required right-of-way is shown on the Preliminary Plan.
2. Broschart Road is designated as a four-lane major highway, A-261b, with a recommended 150-foot right-of-way, CCT, and a shared use path on the east side, SP-66. The required right-of-way is shown on the Preliminary Plan.
3. Blackwell Road is a four-lane business road, B-1, with a recommended 100-foot right-of-way and a dual bikeway, LB-4, with a shared use path on the north side and a signed shared roadway. The required right-of-way is shown on the Preliminary Plan.
4. Medical Center Drive is a four-lane arterial, A-261d, with a recommended 100-foot right-of-way and a dual bikeway, LB-1, with a shared use path on the west side and a signed shared roadway. The required right-of-way is shown on the Preliminary Plan.
5. Road "F" or master-planned business district road, B-7, with a recommended two-lane 60-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.
6. Road "J" or master-planned business district road, B-11, with a recommended two-lane 60-foot right-of-way. This road was approved and constructed in its current configuration as part of the previous preliminary plan and site plan approvals for NCI.
7. Road "G" or master-planned business district road, B-8, with a recommended two-lane 70-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.

Pedestrian and Bicycle Facilities

The pedestrian and bicycle facilities will be adequate with some additional improvements required at the time of site plan review.

Local Area Transportation Review (LATR)

The additional R&D space is limited by the available remaining commercial development of 169,071 square feet in the Master Plan Stage I development. The table below shows the number of peak-hour trips to be generated during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

| | Square Footage | Peak-Hour Trips | |
|---|----------------|-----------------|---------|
| | | Morning | Evening |
| Previously Approved & Proposed Land Uses | 788,707 | 216 | 190 |
| Previously Approved by Preliminary Plan No. 11986115B | 519,636 | 355 | 331 |
| Net Increase by Preliminary. Plan No. 11986115C | 169,071 | 134 | 119 |

The Applicant submitted a traffic study to satisfy the LATR test because the proposed land use generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total Not Improved: The background condition plus the site-generated trips.
4. Total Improved: The Total Not Improved condition analyzed with intersection improvements described in Condition No 4.

| Analyzed Intersection | Weekday Peak Hour | CLV Congestion Standard | Traffic Condition | | | |
|---|-------------------|-------------------------|--------------------|----------------------|----------------------|---------------------------|
| | | | Existing | Background | Total | |
| | | | | | Not Improved | Improved |
| Great Seneca Highway (MD 119) and Muddy Branch Road | Morning | 1,425 | 1,407 | 1,595 ¹ | 1,632 ¹ | 1,492 ^{1,4} |
| | Evening | | 1,615 | 1,740 ¹ | 1,780 ¹ | 1,690 ^{1,4} |
| Great Seneca Highway and Sam Eig Highway | Morning | 1,450 | 1,223 | 1,394 ² | 1,514 ^{1,2} | 1,276 ² |
| | Evening | | 1,480 | 1,393 ² | 1,433 ² | 1,433 ² |
| Darnestown Road (MD 28) and Muddy Branch Road | Morning | 1,450 | 1,454 ¹ | 1,582 ¹ | 1,586 ^{1,3} | Not Required ³ |
| | Evening | | 1,280 | 1,347 | 1,349 | |
| Key West Avenue (MD 28) and Darnestown Road | Morning | 1,450 | 1,030 | 1,108 | 1,118 | --- |
| | Evening | | 1,020 | 1,177 | 1,198 | --- |
| Key West Avenue and Great Seneca Highway | Morning | 1,450 | 1,230 | 1,348 | 1,422 | --- |
| | Evening | | 1,122 | 1,255 | 1,363 | --- |
| Key West Avenue (MD 28) and Broschart Drive-Diamondback Drive | Morning | 1,450 | 1,260 | 1,264 ² | 1,349 ² | --- |
| | Evening | | 1,088 | 1,189 ² | 1,270 ² | --- |
| Key West Avenue and Omega Drive-Medical Center Drive | Morning | 1,450 | 1,112 | 1,391 | 1,430 | --- |
| | Evening | | 1,110 | 1,316 | 1,362 | --- |
| Key West Avenue - West Montgomery Avenue and Shady Grove Road | Morning | 1,450 | 1,117 | 1,249 ² | 1,352 ² | 1,352 ² |
| | Evening | | 1,302 | 1,598 ^{1,2} | 1,680 ^{1,2} | 1,534 ^{1,2,4} |
| Shady Grove Road and Research Boulevard | Morning | 1,450 | 879 | 918 | 946 | --- |
| | Evening | | 990 | 1,137 | 1,237 | --- |
| Shady Grove Road and Corporate Boulevard | Morning | 1,450 | 889 | 949 | 1,040 | --- |
| | Evening | | 1,046 | 1,225 | 1,343 | --- |
| Darnestown Road and Travilah Road | Morning | 1,450 | 970 | 1,047 | 1,077 | --- |
| | Evening | | 995 | 1,167 | 1,190 | --- |
| Great Seneca Highway and Darnestown Road | Morning | 1,450 | 1,035 | 1,067 | 1,078 | --- |
| | Evening | | 1,077 | 1,185 | 1,225 | --- |
| Darnestown Road and Traville Gateway Drive | Morning | 1,450 | 993 | 1,016 | 1,022 | --- |
| | Evening | | 645 | 712 | 726 | --- |
| Shady Grove Road and Darnestown Road | Morning | 1,450 | 1,061 | 1,131 | 1,161 | --- |
| | Evening | | 1,019 | 1,140 | 1,188 | --- |
| Darnestown Road and Glen Mill Road | Morning | 1,500 | 931 | 972 | 999 | --- |
| | Evening | | 893 | 1,108 | 1,150 | --- |
| Shady Grove Road and Medical Center Way-Falls Grove Blvd | Morning | 1,450 | 708 | 879 | 1,112 | --- |
| | Evening | | 807 | 881 | 1,000 | --- |

¹ The CLV values exceed the intersection's congestion standard

² The CLV values calculated with the intersection improvement(s) required of the JHU-National Cancer Institute and the Crown Farm background developments.

³ The increase in CLV is 5 or less and, thus, an intersection improvement is not required because the Applicant is required to provide at least one improvement in accordance with Section TL1 of the 2009-11 Growth Policy.

⁴ The CLV value still exceeds the intersection's congestion standard, but the Total Improved CLV value is less than the Background CLV value.

The CLV values for the background, total not improved, and total improved traffic conditions were analyzed with the following intersection improvements:

1. Required of the developer of Site Plan No. 820100090, JHU-National Cancer Institute:

- a. Great Seneca Highway/Sam Eig Highway intersection: Construct a third westbound through lane on Great Seneca Highway from Sam Eig Highway to Muddy Branch Road.
 - b. Key West Avenue and Broschart Drive-Diamondback Drive: Convert the inside through lane on the southbound approach of Diamondback Drive to a combined through second left-turn lane and modify the traffic signal timing on the north/south approaches from a concurrent to a split phase.
 - c. Key West Avenue-West Montgomery Avenue/ Shady Grove Road: Construct a third left-turn lane on the eastbound Shady Grove Road approach.
2. Required of the developer of the Crown Farm in the City of Gaithersburg:
- a. Great Seneca Highway/Sam Eig Highway: Construct a third through lane on the westbound approach and a third receiving through lane on eastbound approach on Great Seneca Highway.

The LATR test is satisfied at four analyzed intersections where the CLV values in the total traffic condition exceed the intersections' congestion standards as follows:

1. Great Seneca Highway/ Muddy Branch Road intersection: The evening CLV value in the total Improved traffic condition still exceeds the intersection's congestion standard, but the CLV value in the total Improved traffic condition is reduced below the CLV value in the background traffic condition with the intersection improvements described in Condition No. 4.
2. Great Seneca Highway/Sam Eig Highway intersection: The CLV value in the total Improved traffic condition is reduced below its congestion standard of 1,450 with the intersection improvements described in Condition No. 4.
3. Darnestown Road/Muddy Branch Road intersection: The increase in morning CLV values from the background traffic condition to the total not Improved traffic condition is 5 or less. In accordance with Section TL1 of the *2009-11 Subdivision Staging Policy*, an improvement at this intersection is not required because the Applicant is required to provide at least one improvement at another off-site location.
4. Key West Avenue - West Montgomery Avenue/Shady Grove Road intersection: The evening CLV value in the total Improved traffic condition still exceeds the intersection's congestion standard, but the CLV value in the total Improved traffic condition is reduced below the CLV value in the background traffic condition with the intersection improvements described in Condition No. 4.

Policy Area Mobility Review (PAMR)

Since the Application was filed in February 2011, the trip mitigation requirements under the FY 11 *Subdivision Staging Policy* must be satisfied. *The FY 11 PAMR test* requires the Applicant to mitigate 47 or (35% of the 134) new peak-hour trips generated by the

additional R&D office space within the weekday morning and evening peak periods. To satisfy the PAMR test, the Applicant will contribute \$11,300 per trip for each of the 47 trips or \$531,100 towards the off-site LATR intersection improvements as required in Condition No. 5.

Therefore, with the conditions of approval, the Board finds the LATR and PAMR tests are satisfied.

Other Public Facilities and Services

The site will be served by public water and sewer. Gas, electric and telecommunications services are also available to serve the Property. Police stations, firehouses, health services, and schools were found to be operating within the standards set by the Subdivision Staging Policy Resolution in effect. The Application was reviewed and approved by the MCF&R which has determined that the Property has adequate access for emergency vehicles. The Property is within a school cluster that currently requires a school facilities payment; however, the Preliminary Plan does not include any residential uses.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot is appropriate for its location within the subdivision.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Inventory

An Existing Conditions Plan, containing roughly the same information as a simplified NRI/FSD, was approved by Staff on October 11, 2011. The site contains no forest, floodplain, wetlands, streams, stream buffers, or rare, threatened or endangered species.

The Property is located within the Muddy Branch watershed. This portion of the Muddy Branch watershed has been assessed as being in fair condition based on biological monitoring indicators. Muddy Branch is classified a Use Class I stream by the State of Maryland. This site does not lie within a Special Protection Area.

Therefore, the Board finds this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

A Preliminary Forest Conservation Plan (#11986115C) was approved by Staff on October 12, 2011. No forest exists on the site; therefore only the afforestation requirement applies. As submitted, the net tract area is 31.97 acres, including deductions taken for road and sidewalk dedications. The afforestation requirement is 4.8 acres of forest planting or 9.6 acres of forest preservation at an approved forest conservation bank. These requirements may increase at the time of Final Forest Conservation Plan approval if the Applicant is required to add areas that were deducted for right-of-way dedication back into the net tract area. The Applicant will meet all of their afforestation requirements off-site. Based on the approved Preliminary Forest Conservation Plan, the Board finds that the Preliminary Plan is in compliance with Chapter 22A, Forest Conservation.

Therefore, with the conditions of approval, the Board finds the Preliminary Plan satisfies the requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the MCDPS that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

DPS accepted the stormwater management concept for this project on July 29, 2011. The stormwater management concept proposes the use of environmentally Sensitive Design (ESD) approaches, including biofiltration, to treat runoff from the site. Any runoff not treated by the ESD systems will be treated by the existing regional pond on the northeast corner of the Property.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

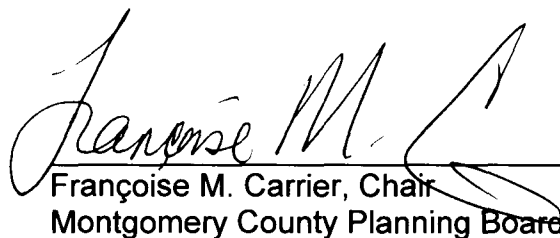
BE IT FURTHER RESOLVED, that the date of this Resolution is FEB 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley abstaining, at its regular meeting held on Thursday, February 2, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board