

ITEM #3



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ATTORNEYS

ROBERT G. BREWER, JR.
DIRECT 301.657.0165
RGBREWER@LERCHEARLY.COM

December 23, 2005

By Hand Delivery

The Honorable Derick Berlage
Chair
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Reinstatement of Preliminary Plan No. 1-02095
Property: Cloverleaf Center (located on the east side of Century Boulevard
opposite the intersection with Cloverleaf Drive in Germantown,
Maryland)

Dear Mr. Berlage:

Our firm represents the Multi-Employer Property Trust ("MEPT"), which owns the 55.80693 acres comprising the Cloverleaf Center located between Interstate 270 and Century Boulevard in the Germantown Employment Corridor. This letter requests reinstatement of Preliminary Plan No. 1-02095 to permit the record plat to be recorded.

On August 14, 2002, the former owner, MGP Real Estate, LLC, obtained preliminary plan approval (Preliminary Plan No. 1-02095) to subdivide Cloverleaf Center into four lots (Parcels S, T, U and V). A copy of the Planning Board's preliminary plan opinion (the "Preliminary Plan Opinion") is attached as **Exhibit A**. Consistent with Preliminary Plan Opinion condition no. 15, the Preliminary Plan was valid for 37 months – until September 14, 2005. As a result of a series of bureaucratic slowdowns, the Preliminary Plan expired just after the final record plat was approved, but before it was recorded. A copy of the record plat is attached as **Exhibit B**.¹ This letter requests a reinstatement of the Preliminary Plan for a period of thirty (30) days to allow the record plat to be recorded. A check in the amount of \$925.00 (preliminary plan extension fee) is enclosed for your consideration of our request.

At this time, nearly all the conditions contained in the Preliminary Plan Opinion have been fulfilled. In particular, MEPT (and/or its predecessor) has constructed acceleration lanes on Father Hurley Boulevard and Crystal Rock Drive to accommodate more efficient traffic

¹ As set forth below, the record plat has been fully executed and is currently in Park and Planning's possession. You will note that the attached copy of the record plat lacks the Department of Permitting Services' signature. MEPT obtained this signature and immediately delivered the record plat to Park and Planning for recordation, without making a copy of the fully-executed plat.

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movements (condition nos. 2 & 3) and participated in funding the signal and pavement marking modifications necessary to redesignate the lane configuration on southbound Crystal Rock Drive at MD 118 (condition no. 5). In addition, consistent with the Preliminary Plan Opinion, the fully-executed plat contains the following:

- 50 foot transit easement dedication along Century Boulevard for the future Corridor Cities Transitway (condition nos. 7 & 8)
- 80 foot transitway reservation for proposed transitway on southern boundary of site (condition no. 8)
- several Category 1 Conservation Easements (condition no. 9)

Essentially all that is left to accomplish from the Preliminary Plan Opinion is recordation of the plat. It has been approved by the Planning Board, signed by the applicant and signed by all public agencies.

With regard to MEPT's failure to timely record the record plat, please note that the recordation process has been underway for some time. Since this property is in the I-3 Zone, MEPT was required to prepare, file and obtain the Planning Board's approval of a comprehensive site plan before the plat could be recorded. As such, the record plat process began in earnest in October 2003, following the site plan approval (Site Plan No. on 8-03007) for Cloverleaf Center on March 17, 2003. A copy of the site plan opinion is attached as **Exhibit C**. On October 9, 2003 the Montgomery County Planning Board approved the proposed record plat, which was then disseminated for appropriate agency approvals. To the best of our knowledge, the record plat had been approved by all appropriate agencies by early to mid 2004. On March 28, 2005, MEPT signed the record plat mylar and distributed it for final signature.

In early July 2005, the signature process stalled when Alex Hekimian of Park and Planning's Transportation Technical Staff asserted that the record plat needs to show the dedication of an existing parking lot on proposed Parcel U for the future Corridor Cities Transitway. Rob Klein of the Department of Public Works and Transportation raised this issue during the initial approval process and it was thought that the issue had been resolved. Both Mr. Hekimian and Mr. Klein focused on reservation / dedication language in the I-3 Trip Reduction Agreement that had been executed in 2003 pursuant to the approved site plan. There was some question about whether MEPT was required to dedicate the parking lot on the record plat. Ultimately, the issue was resolved on August 29, 2005, by adding Note 11 on the record

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plat mylar. This last minute issue, however, considerably slowed the record plat signature process.

The Department of Permitting Services approved the final record plat, with the added Note 11, on August 30, 2005. MEPT obtained the signed plat from DPS on September 15, 2005 (one day after the Preliminary Plan had expired) and hand carried it to Park and Planning for final recordation the next day. MEPT was aware of the record plat deadline and erroneously believed that the deadline had been met when the record plat was fully executed. However, on November 11, 2005, Park and Planning notified MEPT that the plat could not be recorded because the Preliminary Plan had expired, notwithstanding the completed signatures.

MEPT had every intent to comply with the Preliminary Plan's validity period. Indeed, until November 11, 2005's notification, MEPT believed that it had complied. MEPT expended significant resources to construct and/or fund the improvements set forth in the Preliminary Plan Opinion's stated conditions. It undertook the record plat process in a timely manner and, but for the last minute dedication issue and Clarksburg's ripple effects on your staff's workload, would have completed the record plat process long before the September 14, 2005 deadline. What normally is a 3-4 week process in this case became a six-month ordeal.

Consistent with Section 50-35(h)(3)(c)(2) of the Montgomery County Zoning Ordinance, the Planning Board may reinstate an expired preliminary plan where practical difficulty or undue hardship is demonstrated by the applicant. In this matter, MEPT would suffer sever hardship if the Preliminary Plan were not reinstated. All the time, energy and resources that MEPT, along with numerous County agencies, had put forth in the preliminary plan and site plan processes would be wasted if the Preliminary Plan Opinion were not reinstated. In addition, the County would lose the present certainty of the Century Boulevard dedication, the transitway reservation, and the various Category 1 Conservation Easements if the fully-executed record plat could not be recorded. Moreover, this outcome it seems would be particularly harsh because MEPT reasonably believed that it had met the recording deadline and, in fact, only missed the deadline by a few days.

In light of all the considerations set forth in this letter, MEPT respectfully asks the Planning Board to reinstate Preliminary Plan No. 1-02095 for so long as it takes to record the fully executed record plat; we support a maximum of thirty (30) days. MEPT is prepared to

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submit the record plat for final recordation immediately upon the issuance of the Planning Board's determination that the Preliminary Plan is reinstated. Thank you very much for your consideration of this request.

Very truly yours,



Robert G. Brewer, Jr.

Enclosures: Exhibits A-C
Preliminary Plan Extension Check

cc: Reid Townsend
Mike Plitt

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed: August 14, 2002

**Action: Approved Staff Recommendation
Motion of Comm. Robinson, seconded by
Comm. Wellington with a vote
of 5-0;**

**Comms. Bryant, Berlage, Perdue,
Robinson and Wellington voting in favor**

MONTGOMERY COUNTY PLANNING BOARD

OPINION

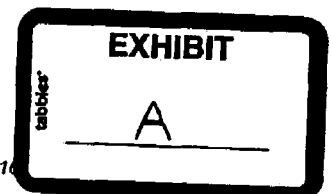
Preliminary Plan 1-02095

NAME OF PLAN: CLOVERLEAF CENTER

On 04/01/02, MGP REAL ESTATE, L.L.C. submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 zone. The application proposed to reestablish 4 Parcels on 55.81 acres of land. The application was designated Preliminary Plan 1-02095. On 07/25/02, Preliminary Plan 1-02095 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 1-02095 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02095.

Approval, subject to the following conditions:

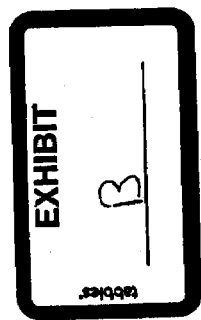
- 1) Applicant to submit an amended Adequate Public Facilities agreement to reflect the additional 156,516 square feet of general office space
- 2) The applicant shall participate in construction an acceleration land on Father Hurley Boulevard to accommodate the movement from north bound Crystal Rock Drive to eastbound Father Hurley Boulevard
- 3) The applicant shall participate in constructing an acceleration lane to Crystal Rock Drive to accommodate the movement from westbound Father Hurley Boulevard to northbound Crystal Rock Drive including reconstruction/reconfiguration of the median and travel lanes on the northern leg of the intersection
- 4) The applicant shall participate on the County's future CIP project to construct the four-lane divided highway portion of Century Boulevard from its current terminus near Father Hurley Boulevard to its intersection with Dorsey Mill Road by allocating a portion of their impact taxes when paid to this project
- 5) The applicant shall participate in funding the signal and pavement marking modification necessary to redesignate the lane configuration on southbound Crystal Rock Drive at MD 118 from right/through and two left turn lanes to an exclusive right, through/left and left-turn lane with the timing to be at the discretion of the Department



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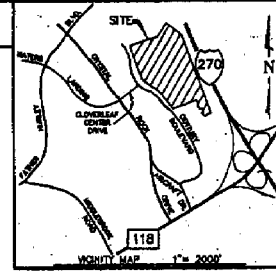
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1-02095

- of Public Works and Transportation (DPWT) and the Maryland State Highway Administration (SHA)
- 6) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
 - 7) The transitway easement along Century Boulevard as shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width (50 ft) mandated by the Germantown Master Plan for the future Corridor Cities Transitway
 - 8) Record plat to show dedication of fifty (50) feet for proposed transitway along Century Boulevard and an eighty (80) foot reservation for proposed transitway on southern boundary of site as shown on the approved preliminary plan
 - 9) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
 - 10) Compliance with the conditions of MCDPS stormwater management approval dated, April 12, 2002
 - 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
 - 12) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
 - 13) Final approval of the location of buildings, on-site parking, site circulation, and sidewalks, will be determined at site plan
 - 14) A landscape and lighting plan must be submitted as part of the site plan application for review and approval
 - 15) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
 - 16) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
 - 17) Necessary easements



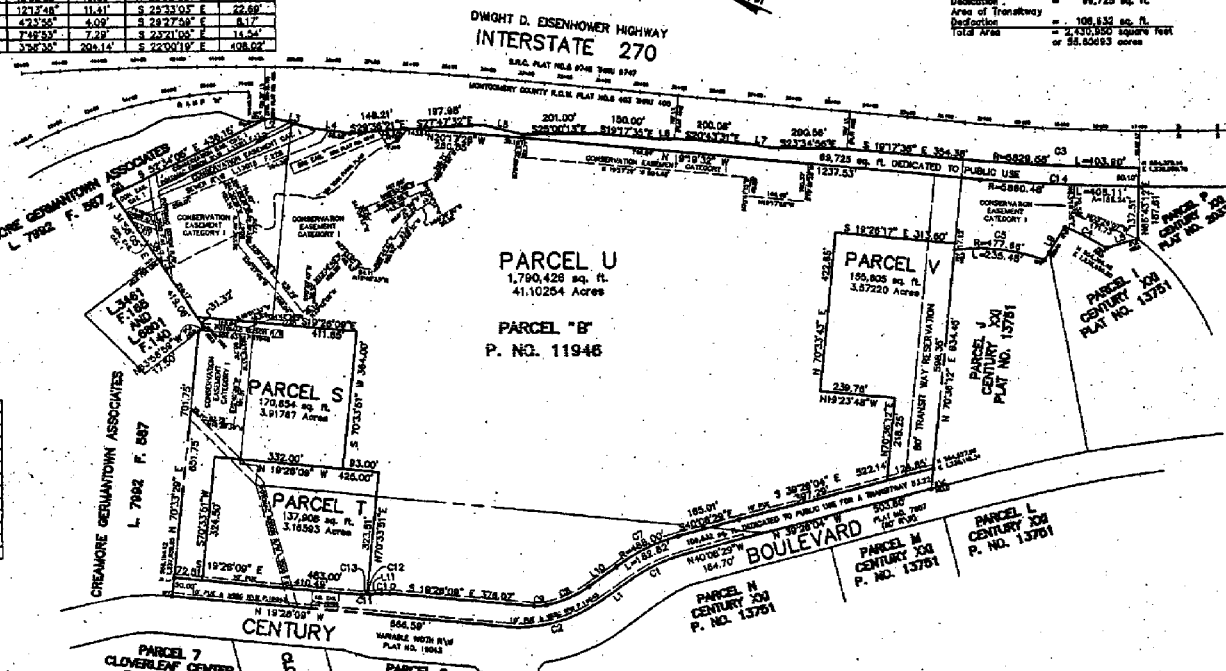
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	138.00'	184.00'	212°27'34"	133.00'	N 80°24'28" W	183.13'
C2	300.00'	288.42'	42°02'48"	138.34'	S 4°24'24" E	232.00'
C3	562.88'	403.80'	3°30'11"	202.03'	S 23°07'48" E	403.82'
C4	580.00'	122.40'	12°08'31"	81.63'	N 03°15'58" E	122.18'
C5	477.88'	236.40'	28°14'33"	126.17'	N 17°27'10" W	233.07'
C6	188.00'	182.40'	21°27'54"	92.52'	N 50°29'28" W	181.72'
C7	301.88'	122.18'	23°10'40"	81.82'	S 50°01'08" E	121.32'
C8	100.00'	53.18'	18°28'45"	18.73'	S 28°58'02" E	33.00'
C10	88.75'	21.81'	12°32'29"	10.83'	N 25°33'03" W	21.37'
C11	108.48'	84.72'	12°32'29"	11.41'	S 22°31'03" E	22.86'
C12	128.48'	81.18'	4°33'56"	4.00'	S 28°37'58" E	81.77'
C13	108.48'	14.86'	7°18'53"	7.22'	S 22°21'05" E	14.54'
C14	8880.48'	408.11'	3°28'33"	204.14'	S 22°02'19" E	408.02'

PLAT No.



PLAT TABULATION

Number of Parcels	= 4
Area of Forests	= 2,354,583 sq. ft.
Area of Street	= 88,725 sq. ft.
Dedication	= 108,132 sq. ft.
Area of Transitway	= 2,430,850 square feet
Total Area	= 55,00693 acres



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 81°26'27" W	86.25'
L2	S 34°20'17" E	26.39'
L3	S 02°14'14" E	103.20'
L4	S 18°37'09" E	28.30'
L5	S 10°29'46" E	100.00'
L6	S 24°00'14" E	80.25'
L7	S 12°19'17" E	50.29'
L8	N 43°22'02" W	84.41'
L9	S 84°21'14" E	103.00'
L10	S 61°28'24" E	88.42'
L11	S 31°42'27" E	29.30'

- Notes:
- The property is zoned I-3.
 - The approval of this plat is predicated on the availability of public water and sewer prior to the construction of buildings.
 - This plat is limited to use and conditions as required by Site Plan Enforcement Agreement No. B-03007, Preliminary Plan No. 1-02005 entitled CLOVERLEAF CENTER.
 - The Flood Plain shown herein is from M-NCPCC Floodplain Information Mapping sheet L34-2, Ultimate Land Use and is subject to a 25' Building Restriction Line (BRRL).
 - The property shown herein is subject to the requirements of the Montgomery County Forest Conservation Law of 1993, including approval of a Final Forest Conservation Plan and appropriate agreements prior to issuance of a sediment control permit.
 - Unless expressly contemplated by the plan as approved, all terms, conditions, agreements, limitations, and requirements associated with any preliminary plans, site plan, project plan, or other plan, showing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recording of this plat. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
 - Vehicle access is denied along Interstate 270.
 - This Plat is not intended to show every matter affecting or restricting the ownership and use of the property. This Plat is not intended to replace an examination of title or to depict or note matters affecting title.
 - Coordinates shown herein are based on the Maryland State NAD83/91 Datum as projected by NAD83 and are for Geographical Information Services (GIS) only. Stations used are No. 20761 with coordinates of North 500,020.623 feet and East 1,220,818.743 feet and No. 20762 with coordinates of North 554,726.599 feet and East 1,228,804.203 feet. The scale factor for this site is 0.999846767.
 - To convert the grid coordinates to ground/surface coordinates, divide the grid coordinates by the combined scale factor.
 - The distances shown on this plat are as measured on the ground/surface. To convert the ground/surface distances to grid distances, multiply the ground/surface distances by the combined scale factor.
 - This plat is subject to a Declaration of Covenants recorded among the Land Records of Montgomery County, Maryland on 05/28/2004.
 - A portion of Parcel U along Century Boulevard at Cloverleaf Center Drive, which is an existing parking lot, shall remain free of buildings for immediate future improvements. Any proposed parking lot shall be approved with a future transitway.

SURVEYOR'S CERTIFICATE

We hereby certify that the plat shown herein is correct; that it is a subdivision of all of the land conveyed by Century Technology, LLC to Riggs Bank, N.A. as Trustee of the Riggs Bank N.A. Multi-Employer Property Trust by deed dated December 31, 2003 and recorded among the Land Records of Montgomery County, Maryland, in Liber 28306 at Folio 222; and also being a redivision of part of Parcel B, as delineated on a plat of subdivision entitled "Parcel B, DIVERSIFIED TECHNOLOGY CENTER" as recorded among the said Land Records as Plat No. 11946. We hereby certify that the limits of the 100-year floodplain shown on this record plat is an accurate reflection as transferred from the floodplain study referenced elsewhere on this plat. We hereby certify that, once engaged as described in the surveyor's certification herein, all measurements and all property markers and other boundary markers will be set as delineated herein in accordance with the provisions of Section 20-24(a) of the Montgomery County Code. The total area included on this plat is 2,430,850 square feet or 55,00693 acres, including 88,725 square feet of street dedication.

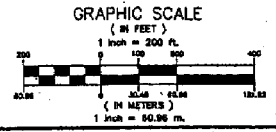
OWNER'S CERTIFICATE

Riggs Bank N.A., as Trustee of the Riggs Bank N.A. Multi-Employer Property Trust, a Trust organized under 12 C.F.R. Section 9.13, a Maryland limited liability company, owner of the property shown herein, hereby adopts this plat of subdivision and redivision; dedicates the streets or other lanes to public use; dedicates the transit way as shown herein to Montgomery County, Maryland; hereby grant a Conservation Easement as shown herein to the parties named in a document entitled "Conservation Easement Agreement, Category I" as recorded in Liber 13178 at Folio 413 among the Land Records of Montgomery County, Maryland, subject to the terms set forth therein; hereby reserve the 80 foot Transitway Easement as shown herein, for a period of 3 years from the date of the recording of this plat, pursuant to Section 20-31 of the Montgomery County Code. As owners of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required monumentation, to be set by a registered Maryland Land Surveyor, in accordance with Section 20-24(c)(2) of the Montgomery County Code.

There are no subs, liens, mortgages, or trusts, affecting the property included in this plat of subdivision and redivision.

Riggs Bank N.A., as Trustee of the Riggs Bank N.A. Multi-Employer Property Trust
 Date: March 28, 2005
 Patrick C. Moynihan, Senior Vice President

1
 SUBMISSION RECORD PLAT
 PARCELS S, T, U, & V
 CLOVERLEAF CENTER
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 200' FEBRUARY, 2005



MHG Macris, Hendricks & Gleason, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors
 8228 Magers Road, Suite 120
 Montgomery, Maryland 20886-1278
 Phone: 301.278.8440
 Fax: 301.278.9999
 www.mhga.com

FOR PUBLIC WATER AND SEWER ONLY

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

APPROVED: April 09, 2005
 William P. Taylor, CHAIRMAN
 David P. Brennan, SECRETARY-TREASURER

MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____
 DIRECTOR

DATE: _____
 Plat No.: _____

N.C.P. & P.C. RECORD FILE No. _____

ITEM #3



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: March 17, 2003
SITE PLAN REVIEW: #8-03007
PROJECT: Century Technology Campus at Cloverleaf Center

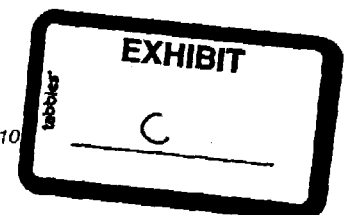
Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue with a vote of 3-2, Commissioners Berlage, Bryant, and Perdue voting for and Commissioners Robinson and Wellington voting against.

The date of this written opinion is March 17, 2003 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 17, 2003. (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On March 13, 2003, Site Plan Review #8-03007 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 on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the zone in which it is located;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan 8-03007 for 156,500 new square feet of commercial office space and 342,500 square feet of existing office space for a total of 499,000 square feet of office, subject to the following conditions:



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OPINION #8-03007

1. Stormwater Management

Conditions of Montgomery County Department of Permitting Services (DPS) stormwater management (SWM) concept approval dated April 12, 2002.

2. Transportation Planning

Conditions of Maryland-National Capitol Park and Planning Commission (MNCPPC) Transportation Planning memo dated March 5, 2003, including:

- a. Execute an I-3 Trip Mitigation Agreement with the MNCPPC prior to approval of record plats;
- b. Provide one lead sidewalk (with double row of street trees and two benches) from Century into the site benches to be determined prior to signature set, subject to staff review,, near Building 5 and Cloverleaf Center Drive, location of the sidewalk, trees and benches to be determined prior to signature set, subject to staff review;
- c. Provide two bus shelters along the internal campus streets, subject to coordination with MNCPPC staff, MC Department of Permitting Services (DPS), and MC Department of Public Works and Transportation (DPWT);
- d. Limit the total development under Preliminary Plan 1-02095 and Site Plan 8-03007 to 499,000 square feet of office space;
- e. The subject development may use part of the proposed transit right-of-way as parking areas under license from DPWT until the County or other entity is prepared to begin construction of the transit way. The applicant must assume full responsibility for maintenance and liability of the parking area. Upon receipt of DPWT notice of transit way construction, the applicant must
 - i. Within 30 days, file a site plan amendment application with MNCPPC to reflect the revised parking layout in accordance with applicable zoning ordinance requirements; and
 - ii. Within 90 days, remove at its expense the parking spaces located in the transit right-of-way; and
 - iii. Within 120 days, or such other time frame approved by the Planning Board or its designee, complete the construction of the revised parking area near the transit right-of-way including associated lighting and landscaping.

3. Signature Set

Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:

a. Site Plan

- i. Show Forest Conservation easements on all drawings sheets;
- ii. Label building heights, building and parking setbacks at all property lines and parcel boundaries;
- iii. Denote methods and locations of tree protection;
- iv. Attach note stating the MNCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- v. Provide the development program inspection schedule.
- vi. Label easements for shared parking or cross parcel parking.

b. Transitway Plan

Provide conceptual plan showing transit way location, streetscaping, bike path, crosswalks, bus stops; show conformance with the required parking setback along Century Boulevard frontage upon implementation of transit way.

c. Zoning Ordinance Conformance: Development Data

- i. Provide on the site plan drawings, separate development data table for each parcel showing green area in square footage of green area and surface parking area, and

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OPINION #8-03007

the number of parking spaces supplied;

4. Site Design
 - a. Parcel T
 - i. Provide detail of loading dock façade facing internal street;
 - ii. Shift the sidewalk proposed for the west side of the central vehicular entrance drive (between Parcel U and Parcel T) back from the curb to provide a minimum six feet of street tree planting panel at the curb within the Parcel T property;
 - b. Parcel U
 - i. Campus Green: Provide sidewalk and street trees for both sides of internal driveways proposed between Building 1 and Building 6 and between Building 3 and Building 4; provide parallel parking along both sides of the driveways;
 - ii. Provide two bicycle racks within the campus green area;
 - iii. Carpool: Provide one additional carpool parking area near Buildings 1, 2, and 3.
5. Landscape Design
 - a. General
 - i. Label all plant symbols to denote plant species; identify all plants labeled; label species of existing trees to be retained;
 - ii. Provide conceptual landscape design for SWM and bio-retention parcels;
 - iii. Replace River Birch and shade trees for parking areas with Zelkova, Red Oak, or London Plane;
 - iv. Provide street trees every 40-50 feet along both sides of the three internal driveways; replace any trees missing from the 40-50-foot spacing;
 - v. Provide 5% internal green space for each surface parking area;
 - vi. Provide shade trees every 40 feet of lot frontage and at the perimeter of surface parking areas;
 - vii. Provide hedge at least 36 inches in height at the perimeter of all parking areas to the extent required by code.
 - b. Parcel T

Provide an additional additional shade tree within the central landscape island and two additional shade trees on the west side of the driveway between Parcel S and Parcel T; provide four shade trees at the building façade facing Century Boulevard;
 - c. Parcel U
 - i. Campus Green: Provide six additional shade trees for the central plaza employee amenity plaza;
 - ii. Parking Landscaping: Provide internal landscaping for surface parking adjacent to Century Boulevard as follows: provide an additional landscape island with two shade trees at the east end of each parking row.
6. Lighting
 - a. Provide revised photometric lighting plan showing levels calculated to property lines;
 - b. Provide lighting levels and average max/min ratios in accordance with the Illuminating Engineering Society of North America, IESNA Recommended Practice, for public recreation space and sidewalks. Light levels should read 0.1 foot-candles at the lot lines; wattage should not exceed 200 watts for specified fixtures.
7. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to approval of the signature set as follows:

 - a. Development Program to include a phasing schedule as follows:
 - i. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;

- ii. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed;
 - a. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed;
 - b. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - c. Coordination of each section of the development and roads;
 - d. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
8. Forest Conservation Plan
Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
9. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of signature set of plans.
10. Site Plan Amendments
The review of any site plan amendment shall require an analysis of the entire 55.8-acre site in order to ensure that the entire site complies with all applicable development standards and other requirements of the zoning ordinance.
11. Phasing
 - a. Prior to issuance of any occupancy permit for new buildings within Parcel S or Parcel T, the improvements to those parcels and those for the surface parking area located between Century Boulevard and Building 6 must be complete;
 - b. Prior to issuance of any occupancy permit for the new building within Parcel V, the improvements to that parcel and those for the surface parking lots adjoining I-270 must be complete;
 - c. Prior to issuance of occupancy permit for any new building, the streetscape improvements to Century Boulevard must be complete;
 - d. Landscaping improvements within the area between Building 2 and Building 5 must be complete as part of the streetscape improvements for the new parking areas between the existing buildings.