



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

MCPB No. 17-063
Preliminary Plan No. 12007065B
Topgolf Germantown
Date of Hearing: July 20, 2017

'JUL 25 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on December 4, 2008, the Planning Board, by Resolution MCPB No. 08-146, approved Preliminary Plan No. 120070650, creating one lot on 11.53 acres of land in the I-3 zone, located on the east side of Century Boulevard, approximately 700 feet east of Aircraft Drive ("Subject Property"); in the 1989 Germantown Master Plan; and

WHEREAS, on July 14, 2010, the Planning Board approved a reconsideration to the Preliminary Plan No. 120070650 (MCPB No. 10-35) to be excused from Condition number four. This action was subsequently renumbered Preliminary Plan No. 12007065A; and

WHEREAS, on November 23, 2016, Topgolf USA Germantown LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to create one lot for up to a 64,232 square foot recreation building with up to 102 golf hitting bays, and a restaurant on the Subject Property; in the Germantown Town Center Policy Area and the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area, and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12007065B, Topgolf Germantown ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 7, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

 7/13/17

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WHEREAS, on July 20, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12007065B to create one lot for up to a 64,232 square foot recreation building with up to 102 golf hitting bays, and a restaurant, with the following conditions:¹

- 1) This approval is limited to one lot for up to 64,232 square feet of Commercial Recreation and Entertainment space.
- 2) The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
- 3) The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820070150, as amended.
- 4) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 27, 2017, except for condition number 5 regarding TPAR payments, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated March 16, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 5, 2017, and hereby incorporates

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

- 8) The Applicant must dedicate and show on the record plat one hundred thirty (130) feet of dedication from the opposite right-of-way line of Century Boulevard along the Subject Property's entire frontage.
- 9) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan including:
 - a. A four-foot wide concrete median, to be located in the centerline of the existing pavement section for Century Boulevard, from the end of the existing median, north approximately 400 feet, as modified by MCDOT thereafter.
 - b. Construct an eight-foot wide brick sidewalk across the Subject Property Frontage, tying into the existing five-foot wide sidewalk at the northern site boundary.
- 10) 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 approval. 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.”
- 11) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and open spaces will be determined at site plan.
- 12) Prior to recordation of any plat, Site Plan No. 820170010 must be certified by M-NCPPC Staff.
- 13) Record plat must show necessary easements.
- 14) The record plat must reflect the following:
 - a. An ingress/egress easement over the portion of the Subject Property where access is shared with the properties to the south.
 - b. A common use and access easement for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel, including the asphalt path around the stormwater

management pond and the lead in sidewalks through the public open space between Century Boulevard and the building's main entrance.

- 15) 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 Resolution.

BE IT FURTHER RESOLVED that all previous preliminary plan conditions of approval for this project are repealed and replaced by those above.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan substantially conforms to the 2009 Germantown Employment Area Sector Plan ("Sector Plan"). The Sector Plan establishes a vision for transforming Germantown's central employment corridor into a vibrant town center with mixed-use districts. Germantown is envisioned as the center of business and community life in upper Montgomery County. The Subject Property is specifically within the Town Center Core District with a concentration of residential, retail, office and cultural uses, and encourages adding new residential and commercial uses with an emphasis on cultural, entertainment and street level retail uses to create a synergy among uses. The Amendment will provide a new entertainment venue and restaurant space on the eastern side of the Town Center, within walking distance to other retail, entertainment and cultural resources including the Regal Cinemas, the Germantown Library and the Black Rock Center For The Arts. While there is no residential component of the Preliminary Plan, the improvements are only a 0.12 floor-area-ratio, which is not a major impediment to future redevelopment of the Subject Property as the neighborhood changes.

The Subject Property is identified as Town Center property number three in the Sector Plan, and the future land use map identifies an area of privately maintained public open space, and identifies a landmark site with high visibility needing increase architectural scrutiny. The position of the building on the Subject Property takes advantage of the high visibility created along Century Boulevard by enabling the front door and grand entrance staircase to line up with this viewshed. The Applicant is providing an area of public open space between the front entrance and the street which will be scrutinized for design as part of site plan review.

Along the frontage of the Subject Property is Century Boulevard, identified for an ultimate right-of-way of 134 feet, including 50 feet for the Corridor Cities Transitway. The Preliminary Plan is dedicating right-of-way to ensure 90 feet of right-of-way from the roadway centerline which is consistent with previous approvals and adjacent properties. This brings the total right-of-way to 130 feet for Century Boulevard. The remaining four feet of dedication will occur from properties on the west side of the roadway.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

The Preliminary Plan was reviewed under the Subdivision Staging Policy from 2012-2016 because it was submitted prior to January 1, 2017.

Transportation

Facilities

The Preliminary Plan is providing necessary right-of-way dedication to ensure 90 feet of dedication from the centerline of Century Boulevard, which is 50 additional feet from what exists. This is consistent with the Sector Plan recommendation for Century Boulevard (B-10) for 134 feet of total right-of-way, including 50 feet for the future Corridor Cities Transitway. There is also a planned shared use path (SP-66), and this Application is providing frontage improvements including an eight-foot wide shared use path, consistent with the frontage improvements made by other properties in the Town Center. The Subject Property is approximately 800 feet away from the Germantown Transit Center, which provides access to numerous local and regional bus routes, including access to the Germantown MARC station.

Circulation

As part of the Montgomery County Department of Transportation's ("MCDOT") review, a supplemental study on access and circulation was provided by the Applicant and reviewed by MCDOT. The study projected the impacts of future U-turning and left turning traffic volume in the Subject Property vicinity and it was found that the existing roadway improvements are adequate to accommodate the projected increase in turning movements.

Local Area Transportation Review

The Amendment is subject to the Local Area Transportation Review ("LATR"), utilizing the valid Adequate Public Facilities ("APF") from the original Preliminary Plan No. 120070650, which does not expire until August 14, 2021. The original APF was approved for 235,000 square feet of general office space, and this Application is for a 64,232 square foot recreation building with 102 golf driving ranges and a restaurant. The new use generates 49 peak-hour trips during the AM peak, and 188 peak-hour trips during the PM peak. Both are a substantial

reduction from the trip generation for a 235,000 square foot office building, therefore the submitted traffic statement satisfies the LATR review. The original preliminary plan was approved with an I-3 Trip Mitigation agreement with the goal of reducing trips by 6%. Because the golf driving range reduces trips by over 47% from the original approval, the Planning Board finds the intent of the trip mitigation agreement has been met and a new agreement is not necessary.

Other Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The Property is located in the W-1, S-1 water and sewer categories for public service and the Preliminary Plan will utilize the public utilities. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the Subject Property can be adequately served. The Preliminary Plan has also been reviewed by MCDPS Fire Department Access and Water Supply Section, who have determined that the Application provides adequate access for fire and emergency vehicles. Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lot size, width, shape and orientation is appropriate taking into account the Master Plan recommendations, the zoning ordinance, and the proposed use. The Topgolf facility will be located in a way to make its main entrance highly visible and activating from the road, and the Property can contain the structure, other site improvements, open space requirements and parking. The lot was reviewed for compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance. The CR zone standard method of development, for a general building type has no minimum size requirements and minimal setback requirements. The lot will accommodate the improvements within these minimal restrictions. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

As part of the Amendment, the Applicant requested the removal of an existing 150-foot setback building restriction line from I-270's main travel lanes and exit ramps, shown on Plat No. 13750. This restriction was a requirement of a 1979 preliminary plan that covers the Subject Property. The Applicant will replace the setback with a new 200-foot restriction from the main travel lanes of I-270 but not from the exit ramp. The 200-foot setback is a requirement of the Master Plan and the Planning Board finds that the setbacks only apply to the main travel lanes and not to exit ramps. The removal of the old building restriction line and placement of the new one will be done through the recording of a new record plat.

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

A. Forest Conservation

The Preliminary Plan complies with the requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A. The Subject Property is currently subject to an approved Final Forest Conservation Plan ("FFCP") No. 820070150 which covers the entirety of the Subject Property. This FFCP will be amended at site plan to incorporate the new use.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan has an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on March 16, 2017. The Amendment will meet stormwater management goals through the use of micro-bioretenion, a wet pond with extended detention, a sand filter, and structural filtration. The Applicant will also be replacing an existing on-site quantity control pond with underground detention systems.

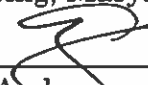
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 25 2017 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, July 20, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board