



**Topgolf - Germantown: Preliminary Plan Amendment No. 12007065B and Site Plan No. 820170010**

BCB

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**Completed: 07-07-17**

**Description**

**A. Topgolf - Germantown: Preliminary Plan Amendment**

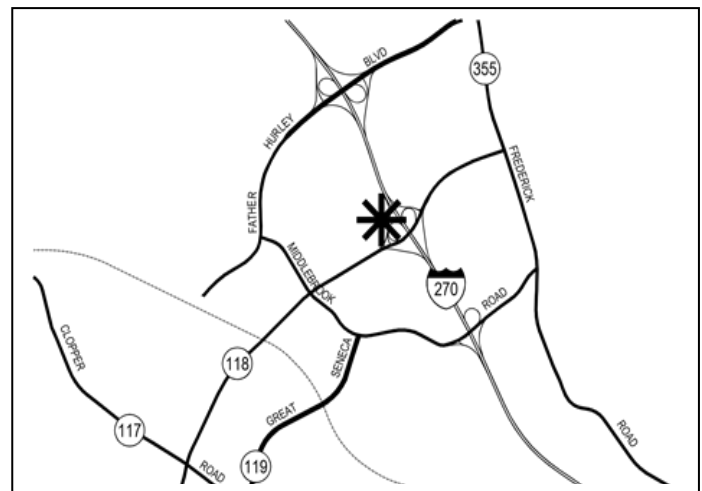
**No. 12007065B:** Application to create one lot for up to a 64,232-square foot building with 102 golf hitting bays and a restaurant, located on the east side of Century Blvd., approximately 700 feet east of the intersection with Aircraft Drive; 12.1 acres, CR2.0 C-1.5, R-1.5, H-145 & Germantown Transit Mixed Use Overlay Zone; Germantown Employment Area Sector Plan.

*Recommendation – Approval with conditions*

**B. Topgolf - Germantown: Site Plan No. 820170010:**

Application to construct a 64,232-square foot building with up to 102 golf hitting bays and associated on-site restaurant, located on the east side of Century Blvd., approximately 700 feet east of the intersection with Aircraft Drive; 12.1 acres, CR2.0 C-1.5, R-1.5, H-145 & Germantown Transit Mixed Use Overlay Zone; Germantown Employment Area Sector Plan.

*Recommendation – Approval with conditions*



**Applicant:** Topgolf USA Germantown LLC

**Acceptance Date:** November 23, 2016

**Review Basis:** Chapter 22A, Chapter 50, Chapter 59

**Summary**

- Staff recommends **Approval with conditions** to both the Preliminary Plan Amendment and Site Plan.
- While the Preliminary Plan Amendment is using valid Adequate Public Facilities for transportation from the original approvals, the Amendment is fully replacing all other conditions and findings from the original approvals, and is being reviewed under the old Chapter 50 Subdivision Regulations that were in effect on February 12, 2017.
- The Applicant is required to construct a concrete median on Century Boulevard to improve off-site vehicle safety and circulation.
- The Site is located in the 2009 Germantown Employment Area Sector Plan.
- The proposed use will help anchor an emerging entertainment district on the eastern edge of the town center.
- Requirements of the Germantown Transit Mixed Use Overlay Zone do not apply because this project is using the standard method of development.
- As conditioned, the Applicant must incorporate additional design elements that engage the public open space and sidewalk on Century Boulevard in order for Staff to support modifications to the Build-to-Area and Building orientation requirements per Section 4.5.3. of the zoning ordinance.

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## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**PRELIMINARY PLAN AMENDMENT NO. 12007065B:** Staff recommends approval of the Preliminary Plan Amendment subject to conditions. All previous conditions from Preliminary Plan 120070650 and the subsequent A amendment are being fully replaced by the following conditions.

- 1) This approval is limited to one lot for up to 64,232 square feet of Commercial Recreation and Entertainment space.
- 2) 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 03/16/2017, 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 06/05/2017, and hereby incorporates 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.

**SITE PLAN NO. 820170010:** Staff recommends approval of Site Plan 820170010. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 12007065B.

### **Environment**

2. Forest Conservation & Tree Save

The development must comply with the conditions of approval for the Final Forest Conservation Plan ("FFCP"), approved as part of this Site Plan, as follows:

- a) Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank for the 2.67 acres of off-site afforestation/reforestation required per the FFCP.
- b) Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
- d) The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

### **Public Use Space, Facilities and Amenities**

3. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 66,500 square feet of public use space (13.2% of net lot area) on-site.
- b) Prior to Certified Site Plan, Applicant must work with M-NCPPC Staff to incorporate additional design elements that engage the public open space and sidewalk on Century Boulevard, including, but not limited to, the following:
  - i. Steps through the terraced planters ("Staircase") leading up to the building's main entrance in a similar manner as the steps provided through the terraced planters facing the parking lot.
  - ii. Re-align the path connection between the Century Boulevard sidewalk and the Staircase to the building's main entrance so that it is perpendicular to Century Boulevard and aligns to the Staircase.
  - iii. Activate the approximately 9,900 SF lawn area located between the building and Century Boulevard with site elements, such as, an expanded lawn games area, sitting, landscaping, and/or art.

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<sup>1</sup> For the purposes 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.

- c) Before the issuance of Use and Occupancy certificate for the commercial development, all public use space areas on the Subject Property must be completed, except for the landscaping, which may be deferred until the next planting season.
- 4. Maintenance of Public Amenities  
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to benches, interpretive signs, bird houses, lawn games, bike racks and locker, light fixtures, and landscaping.

## **Transportation & Circulation**

- 5. Pedestrian & Bicycle Circulation
  - a) The Applicant must provide 2 long-term and 6 short-term bicycle parking spaces.
  - b) The long-term spaces must be in an outdoor bicycle locker, and the short-term spaces must be inverted-U racks (or approved equal) installed next to the main entrance of the building, as identified on the Certified Site Plan.
  - c) All internal sidewalks and pedestrian paths must be a minimum of five feet wide.
  - d) Prior to issuance of Use and Occupancy for the commercial development, the Applicant must construct an eight-foot wide brick sidewalk across the Subject Property Frontage on Century Boulevard, tying into the existing five-foot wide sidewalk at the northern site boundary.
- 6. Fire and Rescue  
The Planning Board accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated June 5, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## **Site Plan**

- 7. Site Design
  - a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations of the submitted architectural drawings submitted via ePlans, as determined by M-NCPPC Staff.
  - b) Applicant must provide LED color changing mesh panels as shown on architectural elevations of the Certified Site Plan.
- 8. Landscaping
  - a) The Applicant must install the site elements as shown on the landscape plans submitted to MNCPPC, or approved equivalent.
  - b) Prior to Certified Site Plan, the Applicant must work with M-NCPPC Staff to supplement the plant material along the northern retaining wall with several groupings of evergreen trees and additional vines, subject to final approval by MCDPS – Water Resources Section.
- 9. Lighting
  - a) Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All

onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

#### 10. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to site furniture, benches, interpretive signs, bird houses, lawn games, bike racks, bike lockers, retaining walls, fences, railings, private roads, private utilities, paths, sidewalks, on-site lighting, and landscaping and associated improvements of development.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

#### 11. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

#### 12. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.
- e) Show wayfinding signage within the Property guiding visitors to I-270.

## SECTION 2 – SITE LOCATION & DESCRIPTION

### Site Location

The subject property is located on the east side of Century Blvd., approximately 700 feet east of the intersection with Aircraft Drive and consists of parcels G and F of Century XXI, shown on Plat No. 13750 (Attachment D), and Parcel No. P228 on Tax Map EU562 for a total of 12.1 acres (“Property” or “Subject Property”) (Figure 1). The Subject Property is zoned CR 2.0 C-1.5, R-1.5, H-145T and within the Germantown Transit Mixed-Use Overlay Zone. It is located in the Town center/West End district, Core Neighborhood, of the Germantown Employment Area Sector Plan.



Figure 1 - Aerial



## Site Vicinity

To the north, west and south of the Property, the abutting and confronting land is zoned CR-2.0 and within the Germantown Transit Mixed-Use Overlay Zone. North of the property the improved uses include office and an extended stay hotel, to the south the land is developed with a hotel and restaurant uses, and to the west is office space and a movie theater. East of the Property is the freeway interchange of I-270 with MD 118. The Property is less than half a mile from the Germantown Town Center, including the Germantown Library, Germantown Urban Park and the Black Rock Center for the Arts (Figure 2).

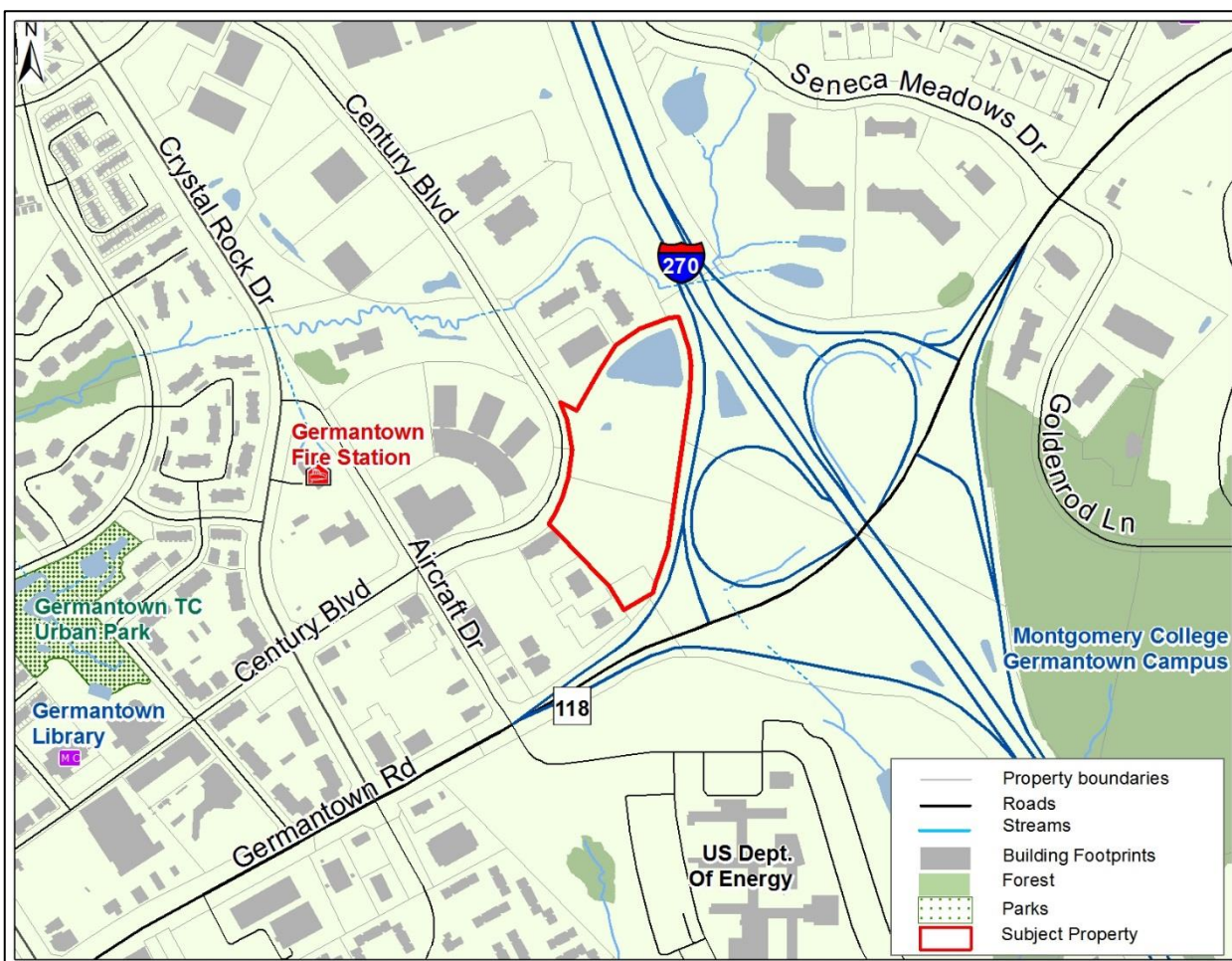


Figure 2 - Vicinity

## Site Analysis

The Subject Property is currently cleared, rough graded and has a large stormwater management facility in its northern corner. The topography generally is highest along the I-270 ramp edge in the east, and lower along the Century Blvd frontage in the west. The Property is located in the Little Seneca Creek watershed, designated as Use I-P waters. There are no documented streams, natural wetlands, or rare or endangered species on or immediately adjacent to the subject property.

## **SECTION 3 – APPLICATIONS AND PROPOSAL**

### **Previous Regulatory Approvals**

#### Preliminary Plan No. 119791210, 270 Executive Park

This Preliminary Plan was the original subdivision of land along Century Boulevard, which led to the creation of Plat No. 13750 which first established Parcels G and F. No improvements were constructed as a result of this preliminary plan and all previous entitlements have expired.

#### Preliminary Plan No. 120070650 and 12007065A, Century XXI

The Planning Board approved the original preliminary plan No. 120070650, by resolution No. 08-136 dated December 4, 2008 and reconsidered by the Planning Board with resolution No. 10-35 dated June 21, 2010. The approval created one lot for a maximum of 235,000 square feet of general office use on the Subject Property. The reconsideration approved a request to modify or remove condition four, regarding a Traffic Mitigation Agreement, which was resolved in 2010.

Preliminary Plan Amendment 12007065A was also filed in January of 2010 to remove condition four of the original approval, but was withdrawn because the request was acted on through the reconsideration request approved by resolution No. 10-35.

#### Site Plan No. 820070150, Century XXI

The Planning Board approved Site plan No. 820070150, by resolution No. 08-142 on November 24, 2008, for the construction of 235,000 square feet of general office use on the Subject Property. This site plan accompanied Preliminary Plan No. 120070650.

### **Current Applications**

#### Preliminary Plan Amendment 12007065B

Preliminary Plan Amendment, No. 12007065B, proposes to combine Parcels G, F and Parcel 228 into one 12.1-acre lot for up to a 64,232-square foot building including up to 102 golf hitting bays and associated on-site restaurant ("Preliminary Plan") (Attachment A). The Preliminary Plan proposes using the existing and valid Adequate Public Facilities ("APF") approval from the original approvals for transportation as a credit to the trips generated by the new uses. All other conditions, findings and elements of the approved preliminary plans are being fully replaced by this Amendment. The Preliminary Pan is being reviewed under Chapter 50, the Subdivision Regulations, that were in effect on February 12, 2017.

#### Site Plan 820170010

The Site Plan, No. 820170010, proposes constructing a 64,232-square foot structure including 102 golf hitting bays and an associated restaurant space, parking, open space and landscaping ("Site Plan") (Attachment B). The Site Plan was reviewed for conformance to the new Chapter 59, the Zoning Ordinance, in effect on October 30, 2014. This new Site Plan will replace the previous site plan No. 820070150.

#### Proposal

Collectively, the Preliminary Plan and the Site Plan applications are referred to as the Application ("Application"). The Application proposes to construct a golf driving range on the Subject Property that

includes 102 hitting bays on three levels, and also includes a restaurant, bar and multiple gathering spaces internal to the site operations (Figure 3).



Figure 3 – Proposal

#### *Building and Site Layout*

The proposed structure is a long, skinny, three-story structure, with a solid façade on the building front and sides, and an open frame with golf hitting bays at its rear. The front façade of the building faces south over the parking lot, but is angled slightly to be highly visible from Century Boulevard. The front façade includes the front door, a grand staircase, signage and façade articulation. The two short sides of the structure are roughly facing east and west, and are wrapped in similar materials to the front, and include numerous windows. The open golf bays are on the north side of the structure, and are stacked three bays high by 34 bays wide (Figure 4). The bays are all covered, but are exposed on their sides. Behind the golf bays is a wall with doors and windows, allowing the interior uses including the bars, restaurants and check-in desk to be in a fully enclosed space.

Extending over 600 feet from the north side of the building is the outfield area where patrons hit the golf balls into. The outfield is a specific design unique to the Application with varied topography and numerous recessed areas that facilitate the scoring in the games offered by the Applicant. Surrounding the outfield is a series of poles, up to 186-foot tall <sup>2</sup>, designed to hold up the required safety nets. The height of these poles exceeds the height limit in the zone and the Applicant has been granted a variance by the Board of Appeals (Attachment E). The poles are painted in a light grey color to minimize their appearance, and the netting is a thin black mesh that is nearly invisible from both inside the facility and from the public streets surrounding the Property.

<sup>2</sup> As measured from the building height benchmark along Century Boulevard.



The building location and orientation are a response both to the shape of the property, the necessary relationship between the structure and the playing outfield, and the preferred operation requirements of Topgolf. The Subject Property is longer in a north/south orientation, and Topgolf has a preference for players to hit their balls in a northerly orientation. The Parking area is located in one large area south of the structure. Although the longest building edge is unable to be placed along Century Boulevard, the entrance is off-centered, located much closer to the street, and is highly visible from the street in part because the development site is on the outside edge of a large curve, providing clear views of the buildings front entrance while traveling north on Century Boulevard.



*Figure 4: Illustrative representation of golf hitting bays and outfield*

#### *Access and Circulation and Parking*

Access to the property is provided by a single right-in/right-out intersection that is already constructed along Century Boulevard. The access drive is located on the southern edge of the Subject Property and was constructed within a shared use and access easement with the neighboring development to the south. The access is perpendicular to Century Boulevard and acts as a primary drive isle, with each parking row and drive isle perpendicular to the access drive. The large size of the parking lot is mitigated with the inclusion of landscaped islands between every row of parking, which include a mixture of shade trees and landscaped stormwater management facilities. To aid in pedestrian circulation, the Applicant is providing a marked pedestrian route through the parking lot, from the front door to the furthest corner of the parking lot. There will be a total of 358 vehicle parking spaces, including 8 handicap spaces, and a total of 8 bicycle parking spaces.

#### *Public Open Space and Amenities*

There are two primary areas of public open space on the site. The first is a large area of stormwater management serving the proposed development plus some of the capacity needs of the existing stormwater pond that will be removed. This open space includes recreational and educational

features, such as a 5-foot wide loop path with benches, bird houses, and interpretative exhibits, that enhance it as an amenity space.

The second major public open space area is located between the building's main entrance and Century Boulevard. This space includes an outdoor sitting area for restaurant patrons; an area for lawn games; and unprogrammed open lawn. It also accommodates two lead-in path connections from the sidewalk on Century Boulevard to the terraced planters near the building's main entrance. One path connection is ADA compliant while the other provides a more direct connection with several steps to address the grade difference (Figure 5).



*Figure 5: Proposed Public Open Space area between building's main entrance and Century Boulevard*

#### Issues

During the review of the Site Plan, Staff continuously urged the Applicant to create a public open space area between the building's main entrance and Century Boulevard that primarily achieved three goals: 1) street activation, 2) connectivity, and 3) placemaking. These goals are consistent with the Sector Plan's vision and recommendations for this Property, and enable Staff to make the necessary findings for modifications to the Build-to Area and Building Orientation requirements.

While the Application provides adequate street activation with outdoor seating for restaurant patrons and the lawn games area, it does not provide adequate connectivity or placemaking features in the remainder of the public open space. Connectivity is partly provided from the Century Boulevard sidewalk through the open space to the terraced planters. Placemaking features are lacking in the large lawn area, which accommodates a 12-foot grade difference, and is largely unprogrammed (Figure 6).



*Figure 6: Illustrative rendering of the proposed Public Open Space area between the building and Century Boulevard as viewed from Century Boulevard*

Staff recommends that the Application incorporate additional design elements that engage the public open space and sidewalk on Century Boulevard, including, but not limited to, the following:

- a) Steps through the terraced planters leading up to the building's main entrance in a similar manner as the steps provided through the terraced planters facing the parking lot.
- b) Re-align the path connection between the Century Boulevard sidewalk and the staircase to the building's main entrance so that it is perpendicular to Century Boulevard and aligns to the new staircase.
- c) Activate the approximately 9,900 SF lawn area located between the building and Century Boulevard with site elements, such as, an expanded lawn games area, sitting, landscaping, and/or art.

Options to achieve these additional design elements were illustrated by the Applicant in Figures 7 and 8, however, the Applicant chose not to include them in their proposal. Staff supports the general character of the design elements in Figures 7 and 8 as a possible revision to the Application to address Site Plan condition no. 3. This design change would enable Staff to make the necessary findings to modify the Build-to Area and Building Orientation requirements. The additional steps through the terraced planters and activation of the lawn area can be considered as design elements that engage the surrounding publicly accessible spaces, such as, streets, sidewalks and parks. Ultimately, these revisions would achieve placemaking, connectivity and street activation goals, and honor the *landmark site* designation by the Sector Plan.





*Figures 7 and 8: Illustrative design options, prepared by the Applicant and recommended by Staff, with elements that engage the public open space and sidewalk on Century Boulevard and connect the building's main entrance to the sidewalk on Century Boulevard*

## SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan Amendment No. 12007065B

The Preliminary Plan Amendment is a major amendment proposing a substantially different use and site layout compared to the original preliminary plan. While this Amendment is using valid Adequate Public Facilities for transportation from the original approvals, all other previous analysis and findings of Preliminary Plan No. 120070650 are being replaced with the following analysis and findings.

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

The Preliminary Plan substantially conforms with the recommendations of the 2009 Germantown Employment Area Sector Plan (“Master Plan”).

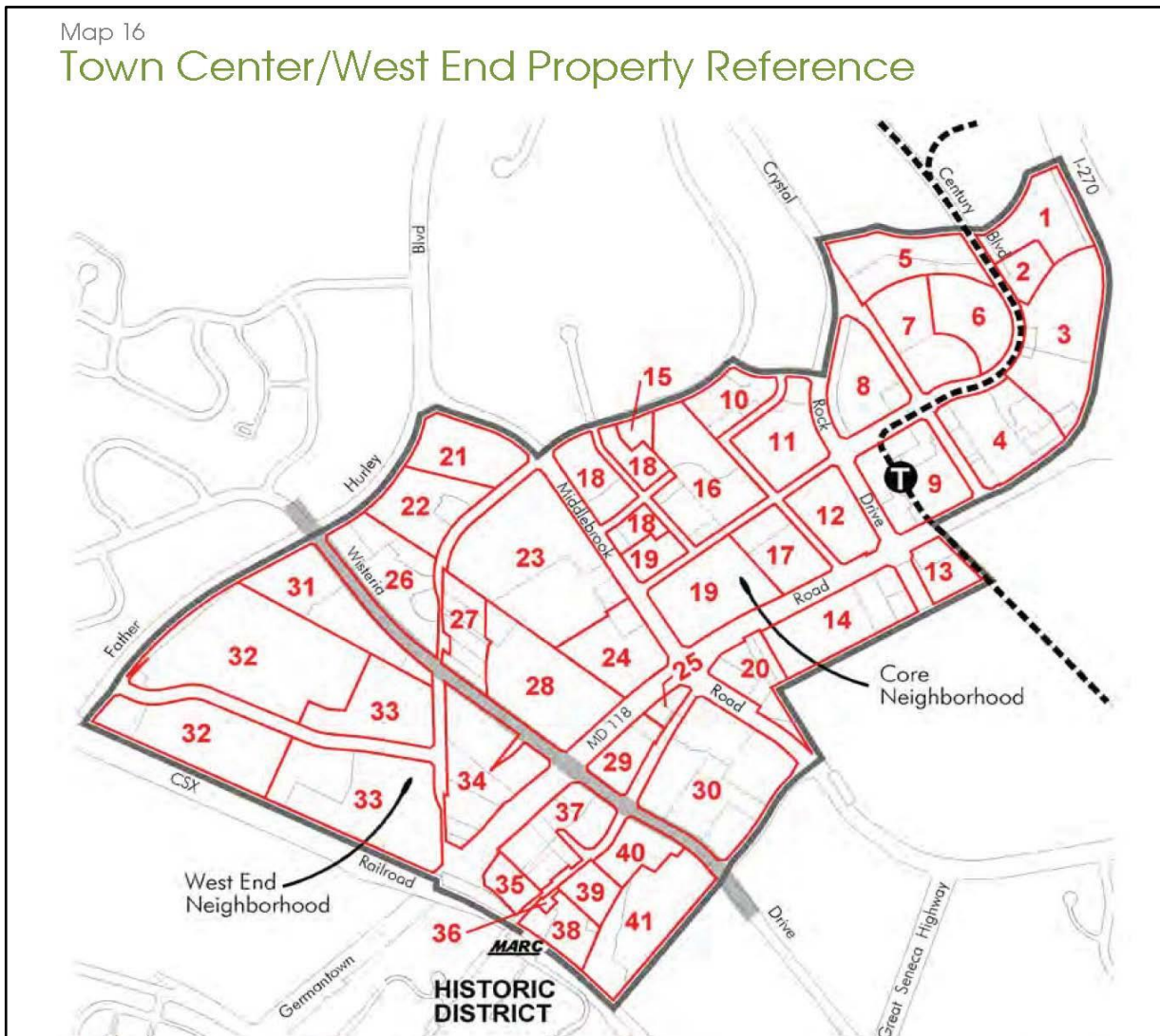


Figure 9 - Town Center Properties, Master Plan p. 46

The purpose of the Master Plan is to establish a vision that will transform Germantown’s central employment corridor into a vibrant town center and mixed-use uptown districts. The Germantown of the



*future will be the center of business and community life in upper Montgomery County (page 8).* The subject property is within the Town Center Core District which *has the most concentrated and varied development with a mix of residential, retail, office and cultural uses in a compact and walkable form*, and continues by saying *Adding residential and commercial uses with an emphasis on cultural, entertainment and street level retail uses will create synergy among diverse uses (page 46).* The Subject Property is identified in map 16 of the Master Plan as property T-C (Figure 9), which was recommended with a density of up to 2.0 floor-area-ratio and a mixed-use zoning. While the requested density is quite low at 0.12 floor-area-ratio, much of the improvements to the Property are not structural as defined by code, but are intense in the ability to generate activity and draw in customers. Development of the Property as a major entertainment center provides a huge opportunity to increase the vibrancy of the town center and to complement the existing entertainment and cultural resources in the vicinity. The western part of the Town Center Core will have a synergy between Topgolf, the movie theater, the library, the Black Rock Center for the Arts, Germantown Urban Park, and many restaurants and hotels all within walking distance of each other.

The Master Plan contains numerous urban form, amenity and transportation recommendations to consider during development review; both relevant to all properties in the Master Plan, and specific to the Town Center Core.

#### *Amenities and Urban Form*

On pages 50 and 51 of the Master Plan, there are specific recommendations for amenities and urban form for the Town Center district. The following are paraphrased recommendations taken directly from the Master Plan that are relevant to the Subject Property and were analyzed when formulating Staff recommendations. They are organized into the themes of 1) building design, and 2) open spaces and amenities.

#### Building Design

The Master Plan contains the following recommendations that dictate the building design or placement. Development of the Subject Property should *create a continuous building line along Century Boulevard, design buildings to architecturally respond to views and vistas and landmark sites, allow building heights up to 143 feet for properties extending to I-270, but Along Century Boulevard, limit heights to 60 feet to maintain sufficient light and air along the Promenade, and building setbacks from I-270 should maintain existing setback of 200 feet from the current right-of-way.*

The development proposed for the Subject Property is a commercial entertainment venue, with the primary structure as a three-story tall golf driving range including internal restaurant and lounge space. The building placement meets the required 200-foot building setback from I-270 and the design and scale of the building does not impede on allowing sufficient light and air down to Century Boulevard. Staff acknowledges the building does not create the desired continuous building line along Century Boulevard, which was intended to frame and activate the street. Staff has worked through the review process of this Application to seek alternative ways to create activation with the street, including insisting on outdoor patio space adjacent to Century Boulevard for use by patrons of Topgolf, and Staff's conditions requesting better design, activation and connectivity between the provided patio space, the building's main entrance, and the street. The Property is identified in the Master Plan as a landmark site, because it's highly visible from Century Boulevard within the Town Center, being located on the outside curve in the road. The Applicant was able to position the front entrance with the primary signage and architectural features nearly in line with this viewshed, which will provide a terminus to the

entertainment district within the Town Center and should help attract visitors to the eastern end of the corridor.

Staff also took into consideration the impact the proposed use will have on future achievement of the Master Plan recommendations not being fully met at this time. The Subject Property and the surrounding properties are zoned CR, with a maximum FAR allotment of up to 2.0. The current proposal is for only 0.12 FAR, and much of the Property will be graded and improved with surface treatments of parking lots and the large outfield area. The Property is also being kept as one large lot under common ownership. Most of the surrounding properties are also developed well under the 2.0 FAR cap and have not been through the redevelopment process recently. The use proposed for the Property does not preclude redevelopment at some future time, once the other surrounding properties also begin to redevelop with more density and in a more urban way.

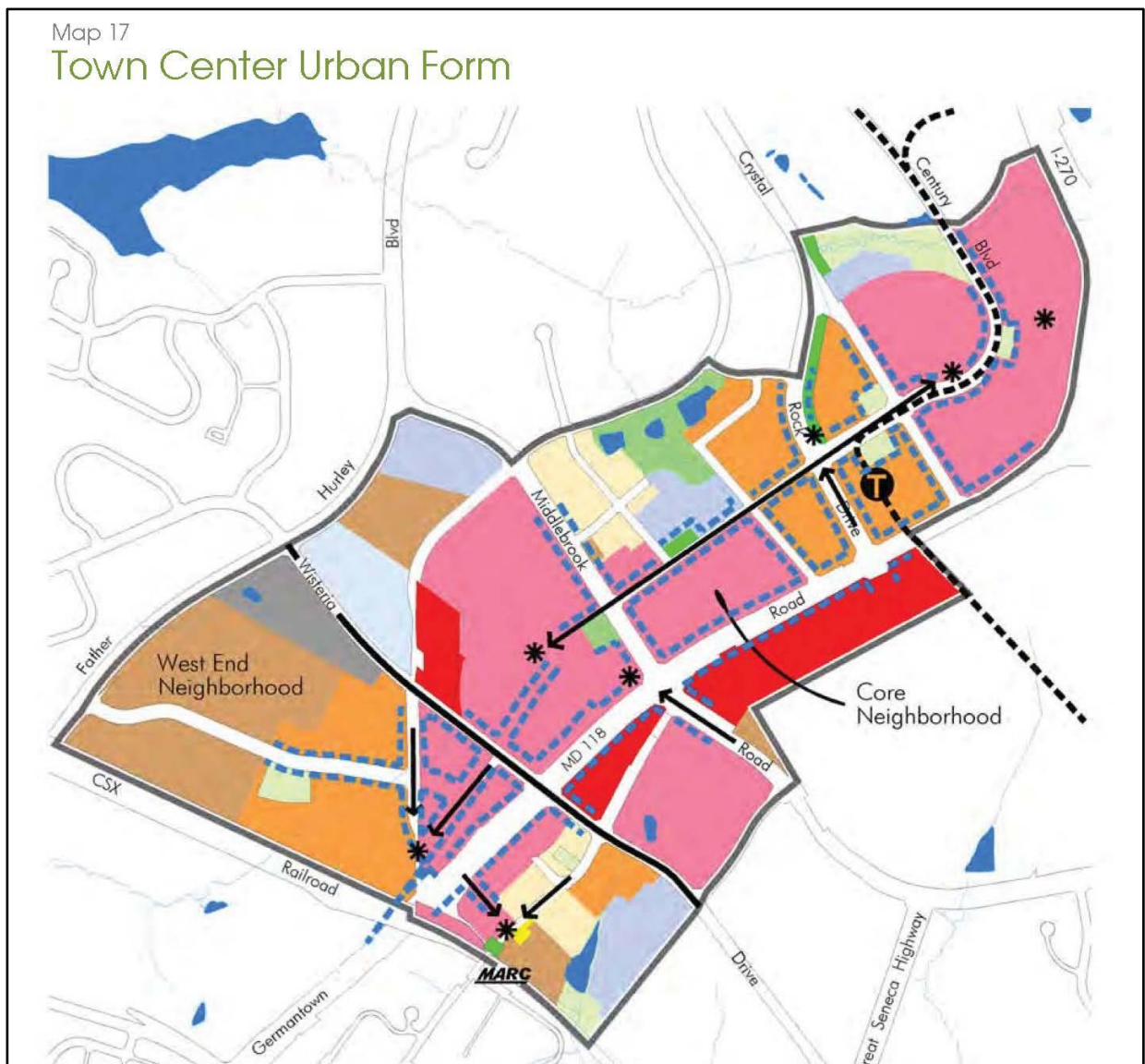


Figure 10 - Town Center Future Land Use/Form, Master Plan p. 50

### Open Spaces and Amenities

The following recommendations guide where and how open spaces and amenities should be located within development in the Town Center. *Public use space should not be located in the front building setbacks with no tie to pedestrian circulation, Amenity requirements are best provided by creating intimate spaces fronted with active uses, develop Century Boulevard as a Promenade, an active street with wide sidewalks to accommodate sidewalk cafes and restaurant from the Matan property to Sugarloaf Shopping Center and establish a series of parks, open spaces, and other public gathering places along Century Boulevard anchored by a green area at the eastern end of the Promenade.*

The Application provides 66,500 square feet of Public Open Space, generally located in two areas; between the building's main entrance and Century Boulevard, and between the outfield and Century Boulevard. While the Master Plan generally suggests not locating public open space in the front building setbacks, Map 17 from the Master Plan (Figure 10) designates an area of privately held open space adjacent to Century Boulevard where the Subject Property is located. The Subject Property is also recommended for providing a green area anchoring the eastern end of the envisioned Promenade. This open space identified in the Master Plan is integral for implementing the view of this landmark site, while providing connectivity between the building's main entrance and the sidewalk on Century Boulevard. The location of the open space is appropriate given the Master Plan recommendations, however, the current design of the open space does not provide adequate connectivity to the building's main entrance or placemaking features, specifically in the large unprogrammed lawn area portion of the public open space. As part of the Site Plan conditions, Staff is requesting additional design elements that engage the public open space and sidewalk on Century Boulevard. To further activate the street, the Application will extend the eight-foot wide brick sidewalk across the Property frontage, and outdoor seating will be provided for use by Topgolf patrons adjacent to the public open space area.

### *Transportation and Corridor Cities Transitway*

The Master Plan Transportation recommendations for all of Germantown, and the Town Center properties focus on street reconstruction, multi-modal improvements and protecting the Corridor Cities Transitway ("CCT") corridor. The CCT is a planned Bus Rapid Transit ("BRT") route ultimately planned to start at the Shady Grove Red Line station in the south and end at the Clarksburg Town Center in the north. Century Boulevard, in front of the Subject Property, is identified as the route for the CCT, and is part of the phase two segment. No engineering or funding has been planned in the near term for phase two, however, land use planning purposes is still providing for its implementation. The Master Plan calls for the CCT to run in the median of a reconstructed Century Boulevard, which should be reconstructed as *a transit and pedestrian oriented street, with four vehicle lanes, pedestrian or bike facilities, and planted green panels on both sides.* The recommended cross-section was 134 feet wide in total, including minimum eight-foot wide sidewalks, a Class I off-road bikeway and a 50-foot wide transitway. The Master Plan recommended that any necessary road improvements *construct street improvements according to the Urban Area guidelines.*

As part of the necessary transportation improvements, the Applicant is constructing a concrete median within Century Boulevard, which will narrow each of the travel lanes down to 10 feet wide, which is the standard preferred for urban roadways. The Applicant is also constructing a new eight-foot wide brick sidewalk, near the ultimate cross-section location, but is not contributing to additional frontage improvements at this time. Coordination with MCDOT and MDOT MTA has led to a

preference to leave the existing road section in place until a longer section of the reconstructed roadway can be achieved. While previous transitway plans, which required only 130 feet of total dedication along Century Boulevard, have specified achieving this dedication along the east side of the roadway, the current Master Plan with its 134-foot wide dedication did not specify where the additional four feet should come from. To be consistent with the properties to the north and south of the Subject Property, this Application will dedicate now the 130 feet of right-of-way from the opposite right-of-way edge (90 feet from centerline) and the remaining four feet of dedication will occur from the properties on the western side of the roadway. Draft plans of the Bicycle Master Plan are considering up to 136 feet of right-of-way for Century Boulevard to implement better bicycle facilities, however the additional two feet would also be a requirement of properties on the west side of Century Boulevard.

Additionally, the Applicant is removing an existing 150-foot building restriction line from I-270 and the I-270 exit ramp shown on Plat 13750 and replacing it with a new 200-foot building restriction line, only from the main travel lanes of I-270. This 200-foot setback is consistent with the Master Plan.

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

The Preliminary Plan APF was reviewed under the Subdivision Staging Policy 2012-2016 because this is an amendment to a previously approved preliminary plan and the amendment was submitted prior to the effective date of the new policy.

Roads and Transportation Facilities

The proposed vehicle and pedestrian access for the subdivision will be safe and adequate to serve the proposed development of the site.

*Existing and Planned Facilities*

The proposed access to the Property is from Century Boulevard. Currently, the roadway has a variable width of right-of-way between approximately 80 and 125 feet. The Application will provide dedication to ensure 130 feet of right-of-way from the opposite right-of-way line (90 feet from centerline). This is most of the total recommended 134 feet of right-of-way for the Century Boulevard Transitway B-10. The remaining four feet of right-of-way will come from properties west of Century Boulevard in the future, either through dedication, or acquisition when construction of the CCT is more eminent. The closest planned CCT station is approximately 800 feet to the southwest, at the Germantown Transit Center, near the intersection of Century Boulevard and Aircraft Drive. Century Boulevard, in front of the Subject Property, is recommended for a shared use path, SP-66. The Applicant is providing for an eight-foot wide shared use path across the property frontage, consistent with the improvements further south into the town center. The ultimate cross-section for Century Boulevard including all planned pedestrian, bicycle, transitway and vehicle improvements will be completed as a capital project in the future.

Existing transit service directly in front of the Property includes the Ride-On Route 83 which provides rush-hour service to the Germantown MARC, and all-day service to the Germantown Transit Center and to other parts of Germantown. At the Germantown Transit Center, approximately 800 feet away, connections to Ride-On routes 55, 61, 74, 75, 97, 98, and 100 can be made.

#### *Access and Regional Circulation*

Site access to the Property is limited to a right-in, right-out movement at an existing location on Century Boulevard. There is a median that extends across part of the Property frontage on Century Boulevard now, and it will be extended for the full length of the Property frontage by the Applicant. Long term planning with the CCT has identified the need for a continuous median in this location, and coordination between M-NCPPC Staff and MCDOT agreed for safety reasons the median should be extended now to avoid illegal U-turns in an area with limited sight distance. Vehicles wishing to access the Property from southbound Century Boulevard must make a U-turn at the existing median break in front of the movie theater access, and vehicles exiting Topgolf wishing to reach MD 118 must travel north on Century Boulevard until Cloverleaf Center Drive, where they can either U-turn or turn left. MCDOT, as part of their review, requested a supplemental circulation study from an operational standpoint and has deemed local transportation operations as acceptable with Topgolf trips included.

#### *Local Area Transportation Review*

The Property is subject to the Local Area Transportation Review (LATR) guidelines. The Subject Property has a valid transportation APF for 235,000 square feet of general office space, approved by the original preliminary plan No. 120070650, that remains unbuilt, and does not expire until August 14, 2021. The Applicant submitted a traffic statement, showing that the projected number of site generated peak-hour trips for a golf driving range with 102 hitting bays, and a 12,905 square foot restaurant would generate 49 peak-hour trips during the AM peak, and 188 peak-hour trips during the PM peak. These numbers are based on a two-week driveway count performed on a similar sized Topgolf facility taken in the fall of 2014. Staff accepted this data for LATR review purposes. These predicted volumes are substantially less than the trips predicted to occur for the approved office building, as shown in Table 1.

**Table 1 - Predicted Peak-Hour Trips**

Land Use	Size	Weekday Peak-Hour Vehicular Trips	
		Morning	Evening
Approved General Office	235,000 sq. ft.	392*	358*
Proposed Golf Driving Range	102 tee & 12,905 sq. restaurant space	49	188
Net Decrease		-343 (-87.5%)	-170 (-47.5%)

\* Does not include the I-3 trip mitigation required reduction

Based on the Application creating no new trips during the weekday morning peak period or the weekday evening peak period, the LATR guidelines were satisfied with the traffic statement rather than a full traffic study.

#### *Policy Area Review*

The original APF review approved with preliminary plan no. 120070650 was approved with a Policy Area Mobility Review (PAMR) test, performed under the 2007-2009 Growth Policy. At the

time, no trip mitigation was required in the Germantown West Policy Area. Also, as of March 1, 2017, all developments must pay the new standard development impact tax rates at the time of building permit, regardless of which subdivision staging policy review the development was approved under. The timing and amount of the development impact tax payment will be in accordance with Chapter 52 of the Montgomery County Code, subject to any future amendments to that chapter.

#### *I-3 Trip Mitigation*

The original APF approvals being utilized by the current Application were approved under the old I-3 zone, which required standard trip reductions as a part of any project approval. The zoning ordinance required a general 10% trip reduction, and the Planning Boards *I-3 Trip Reduction Guidelines* refined the goal for Germantown's I-3 zone to a 6% trip reduction. While the current CR zone does not have a similar trip reduction target, the APF used by this Preliminary Plan amendment was done when the reductions were required. Because the Application is for a use that generates over a 47% trip reduction from what was originally approved (see Table 1), Staff finds the intent in trip reduction is met.

#### Other Public Facilities and Services

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 proposes that the development will utilize the public utilities. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the Site 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 (Attachment G). 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 Preliminary Plan meets all applicable sections of the Subdivision Regulations. Although parcels G and H are shown on record plat 13750, accepted Planning Board policy only applies the resubdivision analysis of 50-29(b)(2) to properties in a residential zone, and the Property is located in the mixed-use CR zone.

The proposed 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 is able to 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 proposed 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 Preliminary Plan amendment, the Applicant is requesting 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 the original 1979 preliminary plan. 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 it has been Staff's past interpretation 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.*

The Subject Property is covered by an approved Final Forest Conservation Plan No. 820070150 as amended. An amendment to the Final Forest Conservation Plan is being reviewed as part of Site Plan No. 820170010, concurrent with the Preliminary Plan Amendment. The existing Final Forest Conservation Plan still applies to the Subject Property and satisfies all requirements of Chapter 22A, therefore the Preliminary Plan amendment is also in conformance with Chapter 22A.

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 received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on March 16, 2017 (Attachment H). The Application will meet stormwater management goals through the use of micro-bioretenention, 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.

## SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 820170010

### Findings – Chapter 59

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The Approval of the Site Plan findings will only apply to the property being reviewed as part of this Application.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. satisfies any previous approval that applies to the site;*

The Site Plan conforms to all conditions of Preliminary Plan 12007065B, which is being reviewed concurrently.

- b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Site's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;*

#### Division 4.5. Commercial/Residential Zones

##### *Use and Development Standards*

The Subject Property is approximately 12.1 acres and zoned CR2.0 (C-1.5, R-1.5, H-145). Although the Subject Property is also within the Germantown Transit Mixed Use (GTMU) Overlay Zone, the requirements of the Overlay Zone do not apply because this Application is being developed under the standard method. The following table, Table 2, shows the project's conformance to the development standards of Section 4.5 Commercial/Residential Zone, and Section 6.2 Parking.



<b>TABLE 2 - Division 4.5 Zoning Data Table: CR2.0 (C-1.5, R-1.5, H-145)</b>		
<b>Standard Method of Development</b>		
<b>Development Standard</b>	<b>Required/ Permitted</b>	<b>Proposed</b>
<b>Site Area (acres)</b>		
Gross Tract Area (GTA)	n/a	12.1 (527,125 SF)
Dedication	n/a	0.58 (25,131 SF)
Net Lot Area	n/a	11.52 (501,996 SF)
<b>Site</b>		
Common Open Space, Site >10,000 SF	10% (50,200 SF)	13.2% (66,500 SF)
<b>Lot and Density</b>		
Min Lot Area	n/a	11.52 (501,996 SF)
Min Lot width at front building line	n/a	578'
Min Lot width at front lot line	n/a	573'
Max CR Density (Commercial)	1.5 (790,688 SF)	0.12 (64,232 SF)
<b>Placement</b>		
Min Principal Building Setback		
Front Setback	0' / 10' PUE	10'
Side Street Setback	0'	n/a
Side Setback, abutting other CR Zones	0'	256'
Rear setback, Abutting other Zones	0'	26'
Min Accessory Structures Setbacks		
Front Setback, behind building line	0'	19'
Side street setback	0'	n/a
Side Setback	0'	38'
Rear Setback	0'	5'
Min Parking Setbacks for Surface Parking Lots		
Front Setback	Must be behind front building line of building in the BTA	58'
Side Street Setback		n/a
Side Setback		10'
Rear Setback		8'
Build-to Area (BTA)		
Max Front Setback (BTA)	20'	10'
Min Building in front street BTA	70%	30% <sup>3</sup>
Max Side Street Setback	20'	n/a
Min Building in side street BTA	35%	n/a
<b>Max Height</b>		

<sup>3</sup> As conditioned, the Applicant must incorporate additional design elements that engage the public open space and sidewalk on Century Boulevard in order for Staff to support modifications to the Build-to-Area and Building orientation requirements per Section 4.5.3. of the zoning ordinance.

<b>TABLE 2 - Division 4.5 Zoning Data Table: CR2.0 (C-1.5, R-1.5, H-145)</b>		
<b>Standard Method of Development</b>		
<b>Development Standard</b>	<b>Required/ Permitted</b>	<b>Proposed</b>
Principal Building	145'	70'-4" <sup>4</sup>
Accessory Structure (net support poles)	145'	186' <sup>5</sup>
<b>Form</b>		
Building Orientation		
Entrance facing street or open space	required	conditioned <sup>3</sup>
Transparency		
Ground story, front (min)	40%	49.5% (west elevation)
Ground story, side/rear (min)	25%	31.7% (south elevation)
Upper story (min)	20%	20.9% (west elevation)
Blank Wall, front (max)	35'	33'-8" x 12'-3" (west elevation)
Blank wall, side/rear (max)	35'	49'-4" x 14'-2" (south elevation)
<b>Section 6.2 Parking</b>		
Vehicle Spaces <sup>6</sup>		
Recreation (51,327 SF)	103 to 257 (2 to 5 / 1,000 GFA)	
Restaurant (12,905 SF)	52 to 155 (4 to 12 / 1,000 GFA)	
Total	155 to 412 (min – max)	358 spaces
Handicap Accessible	8	6 car & 2 van
Motorcycle Spaces	7 (2% of total veh sp)	7
Car Share Spaces	3	3
Convertible Charging Station Spaces	4	4
Bicycle Spaces		
Recreation (51,327 SF)	6 (1/1,000 GFA)	
Restaurant (12,905 SF)	2 (1/1,000 GFA)	
Total	8 (6 ST & 2 LT)	8 (6 ST & 2 LT)
<b>Parking Lot Green Area</b>		
Parking Lot Area	n/a	132,760 SF
Parking Lot Green Area	5% (6,638 SF)	16.7% (22,218 SF)

*Modification of Build-To-Area and Building orientation requirements*

The placement of the building is such that the side façade is in the front street Build-To Area. The total amount of side façade that faces the Build-To Area on Century Boulevard

<sup>4</sup> Measured from building height benchmark along Century Boulevard to top of upper parapet.

<sup>5</sup> Measured from building height benchmark along Century Boulevard. The Board of Appeals for Montgomery County granted a variance for the height of the net support poles on June 8, 2017 (Attachment E).

<sup>6</sup> The Property is in a Reduced Parking Area.

is approximately 85 feet, and is staggered into three portions recessed from the Build-To Area by different distances. The façade portion within the maximum front setback of 20 feet represents only about 30 percent of the total side façade amount.

The building orientation is such that the building's main entrance does not face Century Boulevard or open space as required. Instead, the main entrance faces the surface parking lot area with a grand staircase through the terraced planters.

Sections 4.5.3.C.3.b and 4.5.3.C.5.a state that the Build-to Area requirements and Building Orientation requirements, respectively, may be modified by the Planning Board during site plan review. The Planning Board must find that the plan: (1) deviates from the Build-to-Area/Building Orientation requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible space such as streets, sidewalks, and parks.

Staff finds that the Site Plan deviates from the Build-to Area and Building Orientation requirements to accommodate the physical constraints of the site, such as, topography and elevation drop, as well as the unique programmatic requirements of this entertainment facility. However, as conditioned and fully discussed below, the Applicant must incorporate additional design elements that engage the public open space and sidewalk on Century Boulevard in order for Staff to support modifications to the Build-to-Area and Building orientation requirements per Section 4.5.3. of the zoning ordinance.

#### Division 6 – General Development Standards

##### *i. Division 6.1. Site Access*

Access to the Subject Property provides safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face. Vehicular access to the Property is provided by a single right-in/right-out intersection that is already constructed along Century Boulevard. The access drive is located on the southern edge of the Subject Property and was constructed within a shared use and access easement with the neighboring development to the south. The access is perpendicular to Century Boulevard and acts as a primary drive aisle, with each parking row and drive isle perpendicular to the access drive.

Pedestrian and bicycle access to the Property is provided along Century Boulevard with an eight-foot wide brick sidewalk across the Subject Property Frontage, which ties into the existing five-foot wide sidewalk at the northern site boundary. As conditioned, steps through the terraced planters leading up to the building's main entrance in a similar manner as the steps provided through the terraced planters facing the parking lot, will provide adequate access between the building's main entrance and the lead-in sidewalks off Century Boulevard.

##### *ii. Division 6.2. Parking, Queuing, and Loading*

The Site Plan provides adequate vehicle, motorcycle, and bicycle parking, in a safe and efficient manner, to serve the proposed development. Vehicle parking in the CR Zone within a Reduced Parking Area is calculated as the sum of the number of spaces required for each applicable land use, which in this case are recreation & entertainment facility, and restaurant. The Site Plan provides a total of 358 spaces, which falls within the 155 to 412 range required by the Zone. The total of 358 spaces includes handicapped accessible spaces, car share spaces, and convertible electric charging station spaces.

The Site Plan provides a total of 7 motorcycle spaces, located along the eastern edge of the Subject Property adjacent to the I-270 ramp. The Site Plan provides a total of 8 bicycle parking spaces consisting of 6 short-term spaces and 2 long-term spaces. As required, short-term bicycle spaces are available to the public, and conveniently located within 90 feet from the main entrance of the building, which is a well-lit area and clearly visible. As required, long-term bicycle spaces are provided in an outdoor bicycle locker.

iii. *Division 6.3. Open Space and Recreation*

As conditioned, the Site Plan adequately meets the Public Open Space requirements as detailed in the Open Space Applicability section of the zoning ordinance. The Public Open Space provided is devoted to public use and enjoyment and attracts public appreciation due to its location, amenities, and additional design elements to be provided. The Site Plan exceeds the minimum 10 percent requirement, by providing a total of 13.2 percent, or 66,500 SF, of the tract area as Public Open Space that is divided into two major areas (Figure 11). As required, both of these areas abut the public sidewalk along Century Boulevard, exceed the 15-foot minimum width, include seating and shading, and are one contiguous space.

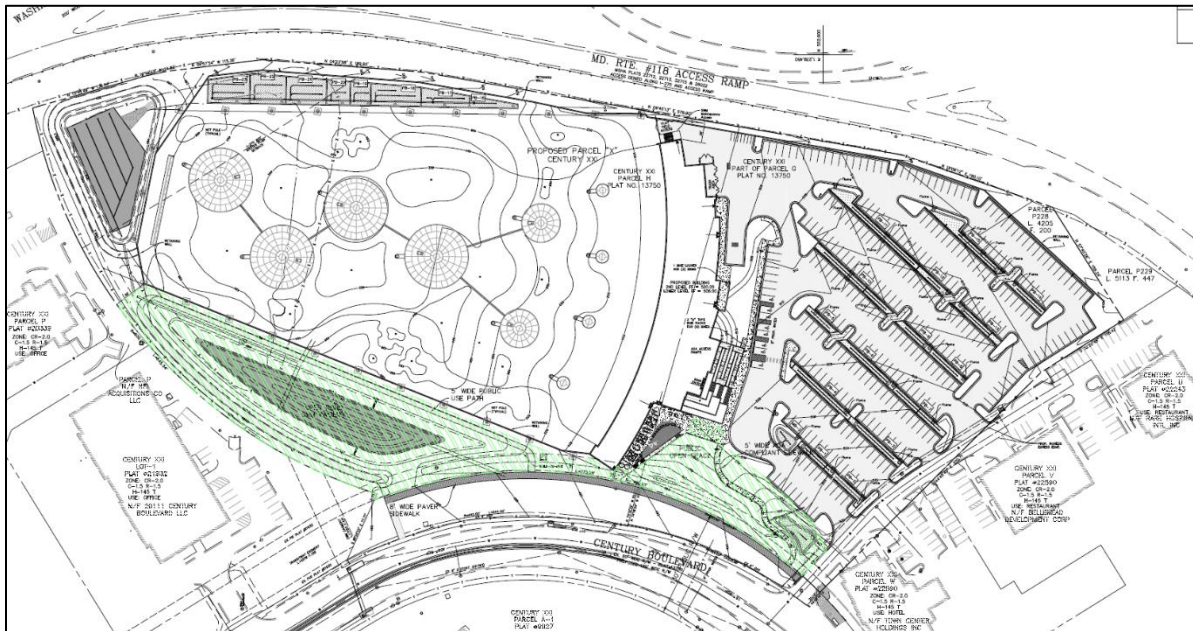


Figure 11: Public Use Space exhibit

First, the patio and lawn area is located between the building's main entrance and the Century Boulevard ROW (Figure 12). Consistent with the Zoning Ordinance requirements, and Sector Plan's recommendations, this space is intended to serve primarily three goals: 1) street activation, 2) connectivity, and 3) placemaking.



*Figure 12: Patio and lawn area located between the building's main entrance and the Century Boulevard ROW*

Street activation is achieved with an outdoor patio with sitting for restaurant patrons, which is integral to the facility and serves as a semi-public extension of the indoor uses and activities. Although the patio has direct access and free circulation with the interior of the facility, it has controlled access from the public open space and sidewalk. Additionally, due to topography, the outdoor patio is raised above the public sidewalk on Century Boulevard by approximately 13 feet. For these reasons, the outdoor patio area is not counted towards the public open space calculations, even though it provides much needed activation along Century Boulevard.

Carved out of the patio, and roughly three feet lower, is an approximately 600 SF area for lawn games, which contributes to the activation of the public open space. Although this area can be freely accessed by the public, because of its size, location and design, as a depression within the patio, it is not easily perceived as public. As conditioned, Staff recommends extending the lawn games area to the southwest to increase it in size.

Connectivity between the sidewalk on Century Boulevard and the main entrance of the building is partially achieved with two separate lead-in sidewalks from Century Boulevard that lead to the terraced planters near the main entrance of the building. As conditioned, Staff recommends that the terraced planters accommodate steps facing the public sidewalk and the public open space in addition to the steps facing the parking lot. Division 4.5.3 requires that the building's main entrance face a street or open space. By providing additional steps that face the street and open space, the Site Plan will provide adequate



access and circulation for pedestrians wanting to access the building, and improve the building's presence on Century Boulevard.

Placemaking goals are highlighted throughout the Sector Plan, which specifically identifies this Property as a landmark site. Staff recommends better articulation of the lawn area to create a more usable public open space with distinguishing features to celebrate it as a landmark site. The recommendations to expand the lawn games area, re-align the path connection and provide additional access to the main entrance of the building will reinforce this Property as a landmark site and better anchor the Topgolf facility in the fabric of the Germantown Town Center.



*Figure 13: Public open space located between the northern edge of the Subject Property and the outfields*

The second public open space is located between the northern edge of the Subject Property and the outfields (Figure 13). This area is more informal and serves primarily as a stormwater management facility, with a recreational and educational component. Amenities and features include a hard-surface path with benches, bird houses, and interpretive signs that educate the public on the themes of wildlife habitat, water run-off and infiltration, and plants in the biofilter.

The Site Plan is exempt from complying with the Montgomery County Recreation Guidelines since no residential units are proposed.

*iv. Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The landscaping provided, with an emphasis on native species, is appropriate for this development by achieving several objectives. Consistent with the

requirements of Sec 59.6.2.9.C, the Site Plan provides tree canopy coverage for the surface parking lot area, includes landscaped areas (islands) and perimeter plantings. The Site Plan exceeds the minimum 25 percent coverage requirement by providing 37 percent tree canopy coverage at 20 years of growth, consisting of mostly large shade trees and some ornamental trees. It also exceeds the minimum landscaped island requirement of 5 percent of the total area of surface parking by providing 18.8 percent, or 23,212 square feet, of landscaped islands within the parking lot. The landscaped islands are located between every row of parking, and include landscaped stormwater management facilities in addition to the large canopy trees described above. The perimeter planting requirements are met on the northern and southern sides of the parking area with a combination of existing trees and vegetation in the ROW to remain, new canopy trees to be provided, and landscaping in stormwater management ESD facilities. The western side of the parking area abuts another parking lot in which case perimeter plantings are not required.

Landscaping, consisting of a mix of evergreen trees, shrubs, ornamental grasses and vines, is adequately used for screening of the proposed wall along the outfields. The major stormwater management facility provided, which is located between the outfields and the northern edge of the Subject Property, will be heavily planted with a variety of native plant material to achieve ESD goals. All landscaping within stormwater management easements will be reviewed, approved and inspected by MCDPS, Water Resources Section. Smaller plant material, including understory trees, shrubs and herbaceous, are used to delineate spaces, such as the outdoor patio, and to highlight specific features, such as the terraces leading up to the main entrance of the building. Ultimately, the landscaping provided will strengthen community character, and improve water and air quality.

#### Outdoor Lighting

On-site lighting in the surface parking area and public open spaces will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. Additional lighting within the building, especially the open northeastern façade with the golf hitting bays, and the associated outfield, which is integral to the operation of this entertainment facility, was also determined not to cause glare on the adjacent roads or properties while enabling the operation of the entertaining facility. The photometric plan shows how the lighting meets the illumination requirements to avoid light in excess of 0.5 footcandles from spilling over the Subject Property line. Parking lot lighting consists of pole mounted light fixtures with maximum height of 22 feet. Pedestrian lights located along the path connecting the Century Boulevard sidewalk to the building's main entrance are pole mounted light fixtures with maximum height of 9 feet.

#### *Division 6.5. Screening Requirements*

This Division is not applicable because the Site Plan proposes a General building type in the CR Zone, which abuts other General building types in the CR Zone. Based on Division 6.5.2.C.2, screening is not required between these adjacent zones or building types.

- e. satisfies the applicable requirements of:*

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services Water Resources Section on March 16, 2017 (Attachment H). The Application will meet stormwater management goals through the use of micro-bioretenention, 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.

ii. Chapter 22A, Forest Conservation.

The Application is in compliance with the Environmental Guidelines and the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Final Forest Conservation Plan No. 82001015B (FFCP) was submitted as an amendment and included with the Site Plan No. 820170100, on November 4, 2016 (Attachment C). The submitted FFCP amendment generally conforms to the Preliminary Forest Conservation Plan (PFCP) for this project, which was approved by the Planning Board on December 4, 2008 as part of the Preliminary Plan 120070650 approval. For future clarity, Staff is adopting the FFCP amendment into the new Site Plan, and the approved FFCP amendment will take on plan No. 820170010 thereafter.

The submitted FFCP differs from the approved PFCP in two matters. One, the overall limit of disturbance (LOD) for the project has increased because of off-site improvements now required by the Applicant, thereby increasing the overall net tract area by 12.65 acres. This increases both the afforestation and reforestation conservation threshold amounts by 0.21 acres and ultimately increases the overall reforestation requirement by 0.43 acres. Two, the submitted FFCP shows a different land use from the approved PFCP. However, in both cases the requirements specified under Chapter 22A are being met.

When the numbers of the total tract area, land use category, total amount of forest, forest removed and forest retained are entered into the Forest Conservation Worksheet, it results in a total afforestation/reforestation requirement of 2.67 acres. The Applicant proposes to meet this requirement by providing 2.67 acres to an M-NCPPC approved off-site forest mitigation bank.

Staff finds, as conditioned, that the FFCP meets all applicable requirements of Chapter 22A and is in general compliance with the approved PFCP with the exception of the two noted differences.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Site Plan provides for safe and well-integrated parking, circulation patterns, building massing, and open spaces and site amenities. Access to the Property is provided by a single right-in/right-out intersection that is already constructed along Century Boulevard. The access drive, which is located on the southern edge of the Subject Property, acts as a primary drive aisle, with each parking row and drive isle perpendicular to the access drive. The parking area efficiently accommodates circulation patterns for patron/visitor, loading, and emergency



vehicles. Additionally, patrons and visitors are guided to the main entrance of the building with a marked pedestrian route through the parking lot to the building's main entrance. Pedestrian access from Century Boulevard is provided with two lead-in sidewalks, one of which is associated with the open space/outdoor seating area provided.

The building location and orientation are a response both to the shape of the Property, the necessary relationship between the structure and the playing outfield, and the preferred operation requirements of Topgolf. The Subject Property is longer in a north/south orientation, and Topgolf prefers players to hit their balls in a northerly orientation. The parking area is located in one large area south of the structure.

The three-story building is generally long and skinny with a solid façade on the building front and sides, and an open frame with golf hitting bays at its rear. The building front faces south over the parking lot, but is angled slightly to be highly visible from Century Boulevard. The front façade includes the front door, a grand staircase, signage and façade articulation (Figure 14). The open golf bays are on the north side of the structure, and are stacked three bays high by 34 bays wide (Figure 15). Extending over 600 feet from the north side of the building is the outfield area where patrons hit the golf balls into. The outfield is a specific design unique to Topgolf with varied topography and numerous recessed areas that facilitate the scoring in the games offered by Topgolf.

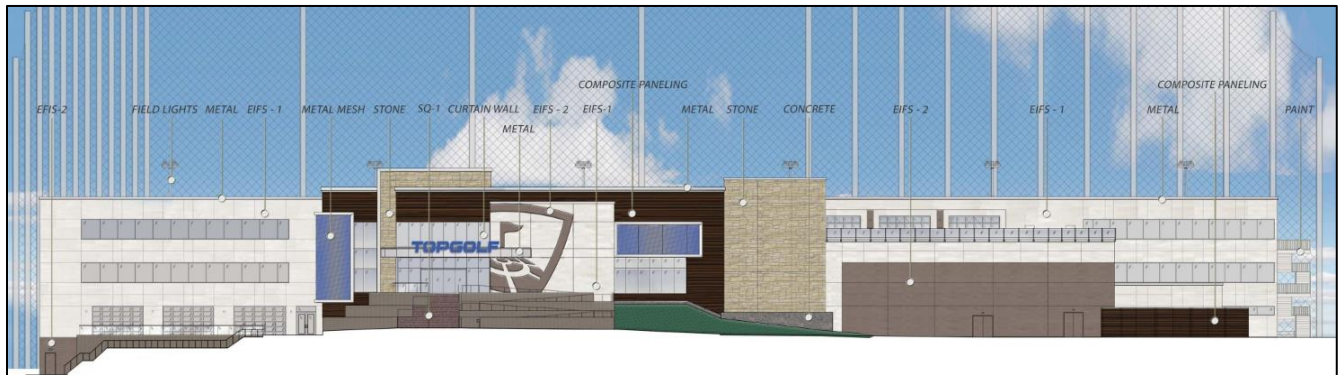


Figure 14: Front elevation

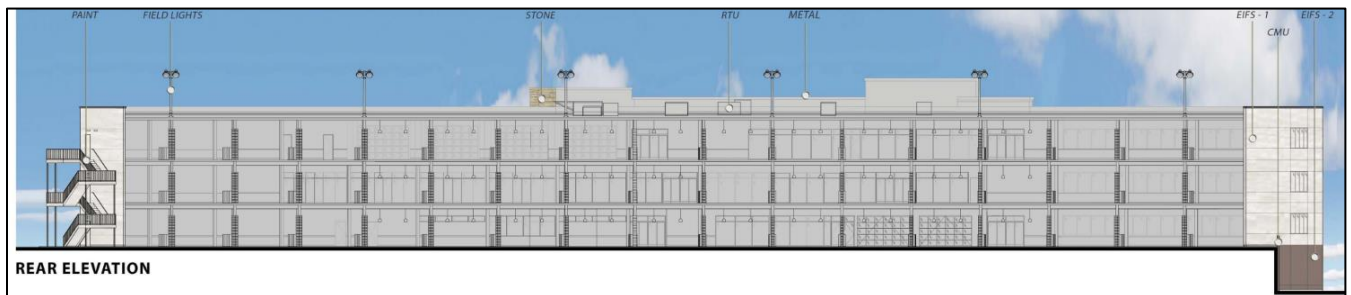


Figure 15: Rear elevation

As conditioned, the open spaces and site amenities are safe and well-integrated with the building massing and uses, and circulation on Century Boulevard. The two main open space areas front on Century Boulevard and are directly accessed off the brick sidewalk along the Property's frontage. One public open space is located between the building's main entrance,

and the Century Boulevard ROW. Activation of this space is heavily contingent upon the outdoor patron area for the restaurant, which is integral to the facility and serves as a semi-public extension of the indoor uses and activities. Additionally, this space also includes an area for lawn games which can be freely accessed by the public.

The other public open space is located between the northern edge of the Subject Property and the outfields. This area is more informal and serves primarily as a stormwater management facility with educational and recreational features added, including a hard-surface path with sitting, bird boxes and interpretive exhibits.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan substantially conforms to the recommendations of the applicable Master Plan. As described in detail in the Preliminary Plan section of this Staff Report, the proposed use and structure will help implement the vision for the Town Center of Germantown, including use, open spaces and activation.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the accompanying Preliminary Plan Amendment No. 12007065B findings, the proposed development in the Site Plan will be served by adequate public facilities, including transportation, police and fire protection, water, sanitary sewer, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well as with existing adjacent development. The Site Plan includes entertainment and restaurant uses that are compatible with existing hotel and restaurant uses to the south of the Property, the movie theater and office uses to the west, and additional hotel and office uses to the north. Within the Town Center Core, the Topgolf facility is compatible with existing entertainment and cultural resources, including the Germantown Library, Germantown Urban Park and the Black Rock Center for the Arts.

Surrounding the outfield is a series of poles, up to 186 feet in height<sup>7</sup>, designed to hold up the required safety nets. The Montgomery County Board of Appeals granted a variance to the height of the poles to exceed the height limit in the zone up to 170 feet as measured from the lower level first floor elevation of the principal building (Attachment E). Compatibility and visual mitigation of the poles and netting is achieved by painting them in a light grey color, which minimizes their appearance, and the netting is a thin black mesh, which is nearly invisible from both inside the facility and from the public streets surrounding the Property.

The architectural treatment of the building is compatible with adjacent development and reinforces the Sector Plan's vision of a landmark site. The front façade includes various materials and large areas of glass in addition to two panels of color changing LED washing metal mesh. The two short sides of the building, roughly facing east and west, are wrapped in similar materials as the front, and include numerous windows.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

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<sup>7</sup> As measured from building height benchmark along Century Boulevard.

## **SECTION 6: COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan and Site Plan was held on August 30, 2016 at a conference center located at 20101 Century Boulevard. According to the meeting sign-in sheets and provided minutes, there were nine people in attendance, including the representatives from the Applicant.

As of the writing of this Staff Report, there has been three letters of support submitted for this Application (Attachment J). One from the Gaithersburg-Germantown Chamber of Commerce supporting the use for creating an activity center, having a high level of design and for creating jobs. The adjacent hotel owner supports the Application also for creating jobs and business exposure to the community. The Matan Companies also wrote in support of this Application which is seen as a much-needed catalyst for Century Boulevard to spur economic growth and development. Staff has not received any correspondence in opposition to the Application.

## **SECTION 7: CONCLUSION**

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed use and the Applications has been reviewed by other applicable county agencies, all of whom have recommended approval of the plans. Staff also finds the Applicant has adequately addressed the relevant recommendations of the Germantown Employment Area Sector Plan. Staff recommends approval of this Application, with the conditions as enumerated in the Staff Report.

### **ATTACHMENTS**

Attachment A – Preliminary Plan  
Attachment B – Site Plan  
Attachment C – Forest Conservation Plan Composite  
Attachment D – Plat No. 13750  
Attachment E – Height Variance  
Attachment F – MCDOT Memo  
Attachment G – MCDPS Fire  
Attachment H – MCDPS Water Resources  
Attachment I – Circulation and Operations Study  
Attachment J – Support Letters