



FFC at Cloverleaf Center: Site Plan Amendment No. 81998006F

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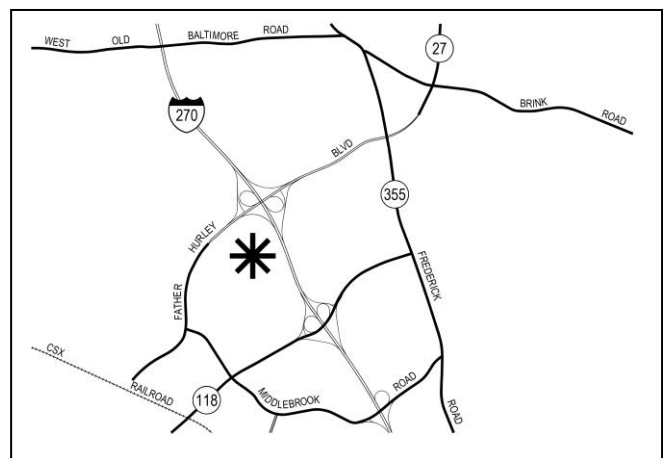
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Completed: 6/6/19

Description

FFC at Cloverleaf Center: Site Plan Amendment No. 81998006F: Amendment to add a 1,584 sf second floor addition, add a roof structure above the Wing #2 loading dock, add concertina wire to the top of the fence in the rear of the property, and request a parking waiver; located in the southwest quadrant of the intersection of Interstate 270 and Father Hurley Boulevard, off of Century Boulevard; 13.41 acres; CR 2.0, C-1.25, R-1.0, H-145T and Germantown Transit Mixed Use Overlay Zone but reviewed under previous TMX-2 Zone; 2009 Germantown Employment Area Sector Plan.



Recommendation – Approval with conditions

Applicant: Recovery Point Systems, Inc.

Application Accepted: 11/30/2018

Review Basis: Chapter 59

Summary

- Primary purpose of the Amendment is to increase the overall gross floor area by 1,584 sf to allow a second-floor addition above Wing #1 of the existing building. The addition generates less than 50 peak hour person trips and the existing building was completed 12 or more years ago, therefore the Local Area Transportation Review (LATR) test is met.
- Other modifications to the plan include adding a roof structure above Wing #2's loading dock to protect deliveries, increasing security by adding concertina wire to rear fence, and a waiver of minimum parking requirements.
- Staff supports the waiver of the minimum parking requirements, which will allow for 11 parking spaces below the minimum required. The minimum parking requirements are not necessary to accomplish the objectives in Section 59-E-4.2 of the old zoning ordinance and are not necessary for the current tenant of the building (data center).
- The Site Plan Amendment is being reviewed under the old Zoning Ordinance in effect on and prior to October 29, 2014 because it is subject to grandfathering under Section 7.7.1.B.3.
- Staff has not received any correspondence from the community regarding the Site Plan Amendment.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Site Plan Amendment No 81998006F: Staff recommends approval of the Site Plan Amendment No. 81998006F for FFC at Cloverleaf Center with the new condition of approval shown below. All previous conditions of approval remain in full force and effect.

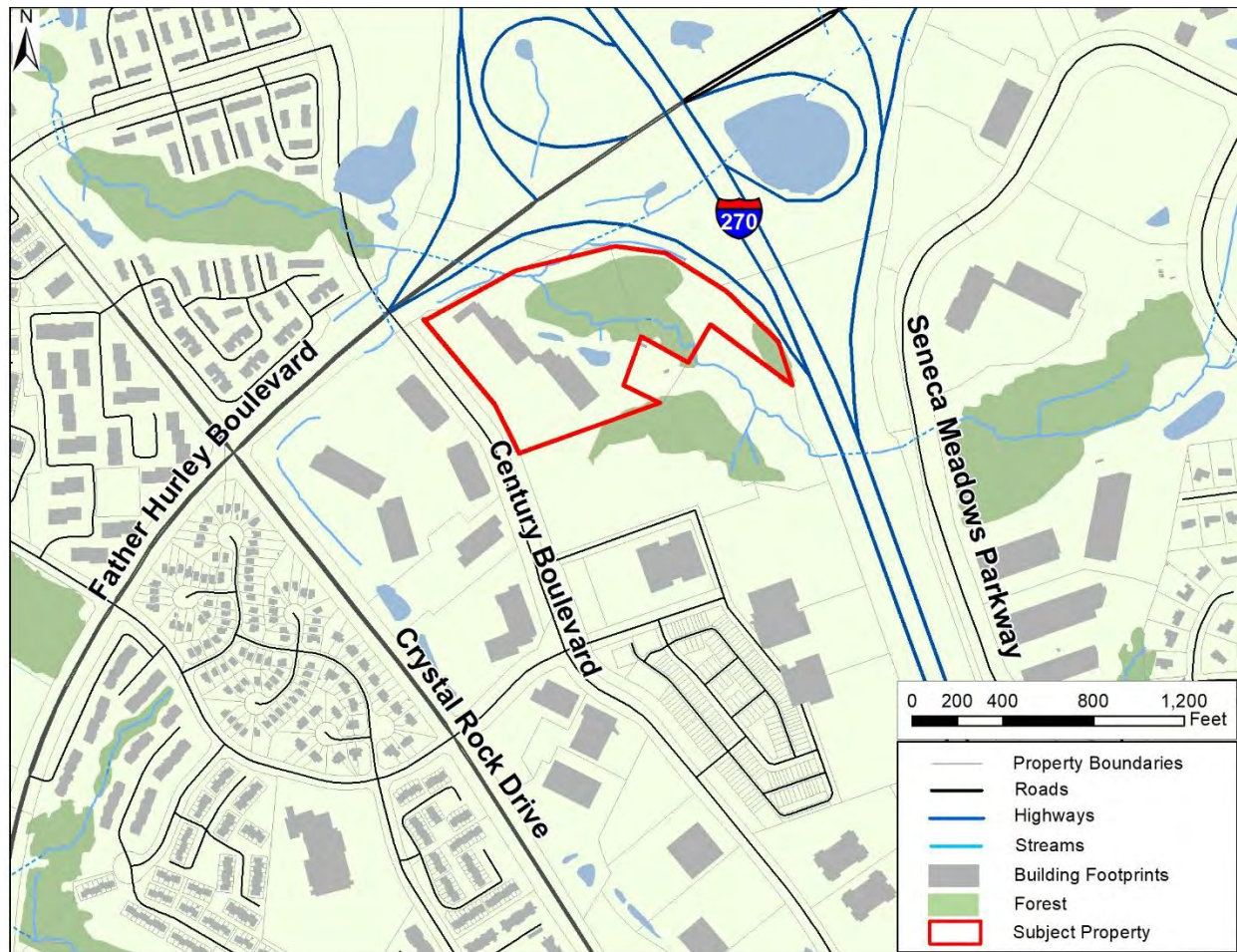
6. The Site Plan is limited to a maximum of 115,700 gsf of commercial office development and associated parking on the Subject Property.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location and Vicinity

The subject property consists of Parcel R on record plat No. 21979 and with previous dedication on Century Boulevard the property totals 13.41 +/- acres located in the CR 2.0, C-1.25, R-1.0, H-145T Zone and Germantown Transit Mixed Use Overlay Zone (“Property” or “Subject Property”). The Property is within the Germantown Employment Area Sector Plan and is broadly located in the southwest quadrant of the intersection of Interstate 270 and Father Hurley Boulevard, as outlined in Figure 1 below. The Property fronts on Century Boulevard to the west, across the street from which is located several mid-rise office buildings. To the north and east, the Property is bordered by the on-ramp to Interstate 270 southbound from Father Hurley Boulevard and a Potomac Edison substation. To the south, the Property is bounded by Century Technology Campus (Site Plan No. 82003007E), which is approved for a mix of mid-rise office buildings, a hotel, 174 townhouses, and 303 mid-rise apartment units.

Figure 1: Vicinity



Site Analysis

The Property is currently developed with one office building totaling 114,090 square feet, arranged in two wings, as shown below in Figure 2. The two-story building is surrounded by a 10-foot-tall fence on all sides and from Century Boulevard, the view of the building is primarily obstructed by berms and trees. The building is mainly visible from the entry point through a gated entry. The building is setback from Century Boulevard behind a large parking lot of 336 spaces and an entry plaza. The building facades are designed with bays that are primarily clad in an exterior insulation and finish system (EIFS), a stucco looking material, and reflective glass windows; these bays are separated by vertical bands of masonry pilaster that look like brick from the street. The loading areas are on the far end of each wing. Behind (east of) the building there are stormwater management facilities and a wooded area.

Figure 2: Aerial



SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

The development for the Property was permitted under Preliminary Plan 119881560, Cloverleaf Center Germantown, approved on May 4, 1989. This Preliminary Plan covered 190 acres of land between Crystal Rock Drive and Interstate 270 from Aircraft Drive to what is now Dorsey Mill Road. Phase III of this Preliminary Plan, which included the Subject Property, was approved for 980,350 SF of general office or some combination of light industrial and general office not to exceed 3,306 peak hour trips.

In October of 1997, Creamore Germantown Associates (Manekin Corporation) applied for 106,000 gsf of Commercial Office on Parcels L, M, and Q as Site Plan 819980060. The Site Plan was approved on April 2, 1998 (Planning Board opinion dated September 1, 1998 – Attachment A). Subsequent Site Plan Amendments were filed and approved and are noted in Table 1 below.

Table 1: 819980060 Site Plan Amendments

Application Number	Approval Date	Description
81998006A	January 23, 2002	Increase floor area to 110,000 gsf and modifications to building layout, parking, and on-site pedestrian circulation
81998006B	February 27, 2004	Increase floor area to 114,090 gsf and modifications to building layout, parking, and on-site pedestrian circulation
81998006C	November 30, 2004	Modifications to building layout, parking, and on-site pedestrian circulation
81998006D	March 15, 2007	Replace two existing fences to address safety concerns and modify the grading and retaining walls around the building
81998006E	September 15, 2014	Expand the mechanical courtyard to accommodate additional emergency generators and install three underground fuel tanks to fuel emergency generators

Proposed Amendment

The Applicant submitted Site Plan Amendment No. 81998006F (Amendment) to make the following modifications:

- Add a second-floor addition above the Wing #1 loading dock and increase overall gross floor area by 1,584 sf,
- Add a roof structure above the Wing #2 loading dock,
- Add concertina wire to the top of the fence in the rear of the property, and
- Request waiver of the minimum parking requirements.

SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 81998006F

The Site Plan Amendment is being reviewed under the old Zoning Ordinance in effect on and prior to October 29, 2014 because it is subject to grandfathering under Section 7.7.1.B.3. Under this section, an Applicant may apply to amend any previously approved plan before October 30, 2014 under the development standards and procedures of the property's zoning on October 29, 2014 if it meets several provisions. This Application meets the following provisions for grandfathering: it does not increase the approved density or building height except as allowed, it satisfies the setbacks required by the zoning on the date the application was submitted, and it does not increase the tract area.

Unless explicitly stated below, all previous Planning Board findings from the original Site Plan approval remain in full force and effect.

- 2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements and development standards of the TMX-2 zone, with the exception of parking minimums, which the Applicant has requested a waiver of as discussed

below. With respect to building height, setbacks, and the density, this development is under all the maximum standards allowed. With respect to green spaces, there is no change and therefore the proposed development meets the requirements.

Parking Waiver

The Planning Board may waive any requirement of Article 59-E (Off-Street Parking and Loading) not necessary to accomplish the objectives in Section 59-E-4.2. The Applicant proposes to reduce the minimum parking by 11 spaces and justifies that as a data center, the parking lot is extremely underutilized because data centers have fewer employees than typical office buildings (Attachment B). Therefore, a slight reduction in the minimum parking will still allow the Applicant to meet the objectives in Section 59-E-4.2. The Application meets these objectives by:

- Protecting the health, safety, and welfare of those who use any adjoining land or public road that abuts a parking facility.
- Ensuring safety of pedestrians and motorists within a parking facility.
- Supporting optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- Providing appropriate lighting, if the parking is to be used after dark.

This waiver was noticed to all adjoining property owners and affected citizen associations for comment on May 17, 2019, as required under 59-E-4.5. Staff has not received any correspondence from the community regarding the parking waiver.

Development Standards

The Subject Property is currently zoned CR 2.0, C-1.25, R-1.0, H-145T, but the Applicant has elected to be reviewed under the previous TMX-2 Zone.

Table 2 indicates the development's compliance with the Zoning Ordinance.

Table 2: Project Data Table for TMX-2 Zone

Development Standard	Permitted/Required per Zone or Original Application	Previously Approved (81998006E)	Permitted/ Required per New Application	Proposed (81998006F)
Floor Area Ratio (FAR)	0.25*	0.20	0.25*	0.20
Building Area (square feet)	292,115 or 146,058	114,090	292,115 or 146,058	115,674
Parking Spaces (Total)	3 per 1,000 (343)	340	3 per 1,000 (347)	336**
Standard Parking	328	325	332	321
Handicap Parking	8??	8	8??	8
Motorcycle Parking	7	7	7	7
Bicycle Parking	18	18	18	18

*Projects within the TMX-2 Zone are permitted up to 0.5 FAR. However, Site Plan 819980060 noted the maximum FAR allowed for this project was 0.25.

**Applicant is requesting a parking waiver per Section 59-E-4.5.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Location of Buildings and Structures

The locations of buildings and structures remains adequate, safe, and efficient. The Amendment adds a second-floor addition of 1,584 square feet above the Wing #1 loading dock. Besides the minimal increase to the overall gross floor area for the project, this addition has no impacts to other site features. The addition is efficiently located above the loading dock while expanding the internal area of the building.

The Amendment also adds a roof structure over the Wing #2 loading dock area that results in additional columns beyond the footprint of the original building. The Applicant has demonstrated that these additional columns will not impact pedestrian or vehicular circulation.

Vehicular Circulation

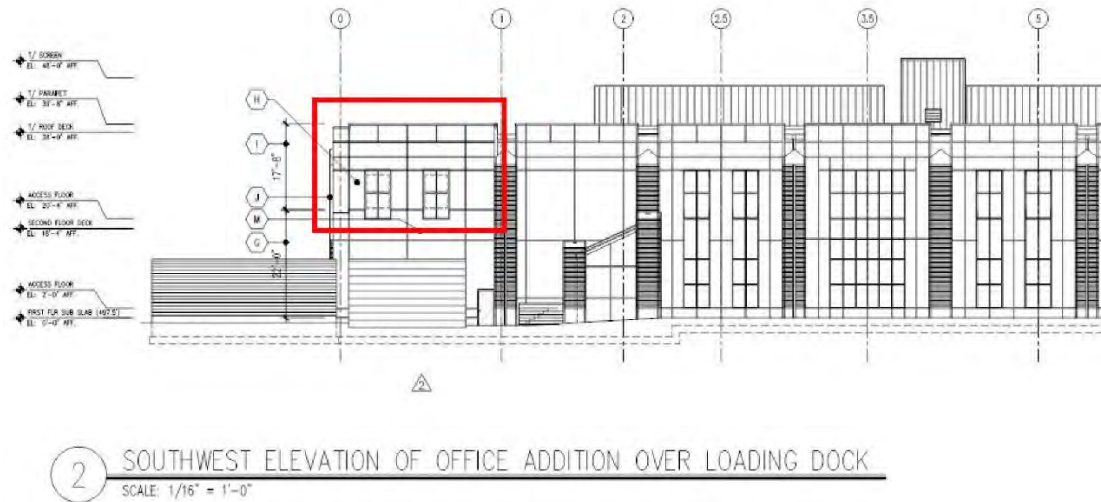
The vehicular circulation systems remain adequate, safe, and efficient. The Amendment proposes the removal of four parallel parking spaces near the Wing #1 loading dock, which will improve safe and efficient vehicular circulation by reducing conflicts between parked vehicles and loading trucks using the Wing #1 loading dock.

The addition of 1,584 square feet of office space would generate 4 new AM and 3 new PM peak hour person trips based on 10th Edition ITE Trip Generation rates and the 2017 Local Area Transportation Review (LATR) Guidelines. Since the building was constructed more than 12 years ago and the project generates less than 50 peak hour person trips, the Application meets the LATR test and no further transportation analysis is needed. The small increase in size to a building originally reviewed under the old zoning standards is allowed under Section 7.7.1.C.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed minor additions will be compatible with the adjacent and confronting uses, as well as adjacent approved development plans (Century). The proposed building additions allow for a minor expansion of the existing use and continue the same building façade treatment as the remainder of the building (Figure 3). Additionally, the building has very limited visibility from Century Boulevard, which was intentionally obstructed with berms, landscaping, and a large setback from all property boundaries. Therefore, the proposed additions will also have limited visibility from surrounding roads or properties.

Figure 3: Addition Above Wing #2 Shown in Red



The concertina (razor) wire added to the fence in the rear of the property is needed for added security due to the sensitive data handled by this data center. While this treatment is generally not favorable, the location of the treatment is limited to the rear of the property against a forest conservation area and 100-year floodplain that will not be developed and is further separated from other uses by the Interstate 270 on-ramps (Figure 4). The secluded area to the rear of the building has few eyes on it, hence the need for additional safety measures.

Figure 4: Location of Concertina Wire



SECTION 6: COMMUNITY CORRESPONDENCE

The Site Plan Amendment met all of the noticing requirements for amendments as required by the Zoning Ordinance. The Property was posted with signs and the adjacent property owners and near-by associations were sent notice of the Application and notice of the waiver of parking requirements. As of the publishing of this Staff Report, Staff has not received any correspondence from the community regarding the Site Plan Amendment.

SECTION 7: CONCLUSION

The Site Plan Amendment meets all requirements established in the Zoning Ordinance and continues to meet all the requirements and findings of Chapter 59. Staff recommends approval of the Site Plan Amendment, with the conditions as enumerated in the Staff Report.

Attachments

A – MCPB Opinion and Revised Opinion for Site Plan No. 819980060

B – Parking Waiver request included as part of the Statement of Justification

Attachment A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MONTGOMERY COUNTY PLANNING BOARD
OPINION

Site Plan Review: No. 8-98006

Project: Cloverleaf Center, Parcels L, M, and Outlot Q (Phase III)

Date of Hearing: April 2, 1998

Action: **APPROVAL SUBJECT TO CONDITIONS.** Motion was made by Commissioner Holmes, seconded by Commissioner Bryant, with a vote of 3 to 0; Commissioners Bryant, Holmes and Hussmann voting for; Commissioner Richardson was necessarily absent.

The date of this written opinion is September 1, 1998, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal on or before October 1, 1998, (which is thirty days from the date of this written opinion), as provided in the Maryland Rules of Procedure.

On April 2, 1998, Site Plan Review No. 8-98006 was brought before the Montgomery County Planning Board ("Planning Board") for a public hearing.¹ At the public hearing, which was duly noticed, the Planning Board heard testimony and received evidence submitted into the record on the application.

PROJECT BACKGROUND

On October 1, 1997, Creamore Germantown Associates ("Applicant") filed the subject Site Plan review application as required by Preliminary Plan No. 1-88156. In presenting the application to the Planning Board, the Board's expert technical staff ("Staff") prepared packets of information including a Staff report and analysis of the proposal, plan drawings and a vicinity map. The Applicant also submitted a letter and attachments including the five previous Planning Board opinions approving the Preliminary Plan and revisions to the plan, reports from Staff and Montgomery County Department of Transportation Staff detailing the transportation improvements required by the Preliminary Plan, the March 11, 1994 Adequate Public Facilities ("APF") Agreement, Staff's September 19, 1991 Revised Transportation APF Review, and memoranda from the Applicant's traffic expert. Staff distributed the materials to the Planning Board and they are part of the record.

¹ A hearing on the application that was scheduled for January 29, 1998, was rescheduled at the Applicant's request.

The subject property is located in Germantown on the east side of Century Boulevard, north of Cloverleaf Center Drive. The property is zoned I-3 (Technology and Business Park). The 17.9-acre property is undeveloped. A partially-wooded stream valley occupies the northeast portion of the site, adjacent to the I-270/Father Hurley Boulevard interchange. A WSSC easement containing a sewer line is located in the stream valley. The topography slopes down about 44 feet toward the north and east.

The proposal consists of the construction of 106,000 gross square feet of commercial office and Research & Development ("R&D") space in three two-story buildings. The Applicant's revised plan layout creates an axial relationship with a previously-approved development located directly across Century Boulevard. Together, the two developments form a tightly-spaced group of buildings, in contrast to the usual sprawling and random pattern of most office parks. An axial entry drive, which also functions as a pedestrian spine, is the central feature of the Site Plan. The two office buildings flank the entry drive at Century Boulevard, forming a gateway into the site. The buildings are located along the front setback line to allow easy pedestrian access to the lobbies from the sidewalk without intervening parking and to encourage transit usage in accordance with the provisions of the I-3 Zone. The third building, which will contain R&D uses, is located at the terminus of the entry drive. A series of loading bays is located at the rear of the R&D building. The main parking area occupies the middle of the site, with additional parking located at the ends of the buildings. Planned transit stops will be located on Century Boulevard at Cloverleaf Drive, a few hundred feet south of the entrance to the subject site, and at the point where the transit line meets I-270. Stormwater management is handled at the rear of the site, just beyond the limit of the stream valley. The configuration features a surface sand filter forebay and utilizes an extended detention dry pond with wetland plantings providing two-year quantity and quality control. Landscaping is provided in setback areas, pedestrian areas, parking islands, around buildings and along the street frontage.

The site is surrounded by roads and office/R&D development. On the west, the site is bordered by Father Hurley Boulevard, Century Boulevard, and the right-of-way for the future extension of Century Boulevard. The site is bordered on the north by Father Hurley Boulevard and on the east by I-270. Existing office/R&D development abuts the property on the south. Stormwater management facilities for an earlier-approved section of Cloverleaf Center are under construction to the northwest of the site, across Father Hurley Boulevard. The Planning Board has approved a Preliminary Plan for 475,350 gross square feet of office/R&D space for the property located north of the site, across Father Hurley Boulevard.

Century Boulevard has been constructed as far north as the entrance to the subject site. Plans for the extension of Century Boulevard include a grade-separated intersection with Father Hurley Boulevard at the northwest corner of the site. A future transit extension, originally designed along the east side of the right-of-way, is being relocated to the median of Century Boulevard.

The subject site is located within the area covered by the 1989 Approved and Adopted Germantown Master Plan ("Master Plan"). The Master Plan recommends employment uses for the site. In addition, the Master Plan of Highways designates Century Boulevard as an arterial with a parallel transitway. As part of the Sectional Map Amendment implementing the Master Plan, the subject site was rezoned from the I-1 (Light Industrial) Zone to the I-3 Zone.

The Planning Board originally approved development on the subject property by Opinion dated May 9, 1989, approving Preliminary Plan No. 1-88156. On September 19, 1991, the Planning Board approved revisions to Preliminary Plan No. 1-88156, allowing 1,384,007 square feet of office space and 881 multi-family dwellings to be developed in three phases. The revised Preliminary Plan contained several conditions of approval, including various road improvements, dedications and easements for rights-of-way. The Preliminary Plan was revised two more times to address changes to the phasing schedule.

DISCUSSION OF ISSUES

At the public hearing, the Planning Board considered the standard criteria for site plan review. The Planning Board also considered the major unresolved issue concerning the subject Site Plan – Staff's proposed Condition #2, which requires the Applicant to dedicate and construct the extension of Century Boulevard north from the site entrance to the centerline of Father Hurley Boulevard. Staff believes that the Applicant is required to construct the subject portion of Century Boulevard by the underlying Preliminary Plan approval, the Subdivision Regulations (Montgomery County Code, Chapter 50), the Master Plan and Montgomery County policy. The Applicant disagrees with Staff's position, however, and contends that the approved Preliminary Plan does not require the Applicant to construct the extension of Century Boulevard, the extension is not needed to support the traffic that will be generated by the subject development and the extension is not needed for safety purposes, and there is insufficient nexus between the road improvement and the development proposed in the Site Plan to require the construction of Century Boulevard.

Staff testified that the nexus requirement must be evaluated not at the time of Site Plan, but during the underlying Preliminary Plan approval, at which time the Planning

Board reviewed and considered the overall traffic and transportation needs generated by the site. The entire road network concluding, but not limited to, those roads required to satisfy the Adequate Public Facilities Ordinance ("APFO"), was reviewed and approved at the time of Preliminary Plan in accordance with the Master Plan as detailed in the Staff Report. The Planning Board imposed as a specific requirement through the Subdivision Regulations that roads in the project be constructed by the developer. That requirement was not contested at the time of Preliminary Plan.

The nexus between the overall density approved by the Preliminary Plan, which includes 1,384,007 square feet of office space and 881 multifamily dwellings in three phases on lots with densities varying between FAR 0.15 and 0.76, clearly approximates not only a "rough proportionality" between the intensity of the overall development and the transportation network, but is closely tailored to those needs. The Applicant noted during the Site Plan hearing that the instant application is for a density significantly less than that approved in the Preliminary Plan and claimed that the nexus requirement was not met. The Staff, however, noted that the road system is planned based on the density levels approved in the Preliminary Plan and which are available to the Applicant by right, to be exercised at such time as market demands justify.

Site Plan Approval Criteria

In order to approve a site plan pursuant to Section 59-D-3 of the Montgomery County Zoning Ordinance, the Planning Board must find that:

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

Conformance to General Site Plan Approval Criteria

Staff submitted a report to the Planning Board which addressed the conformance of the subject Site Plan to the general approval criteria. The report notes that an approved development plan or a project plan for the optional method of development is not required. The report includes a comparison of the Site Plan to the I-3 Zone development standards and a detailed review of the location of buildings, open spaces, landscaping and lighting, vehicular and pedestrian circulation, and compatibility. Recreation facilities are not required for commercial developments. In addition, the proposed development is exempt from Forest Conservation requirements because the Preliminary Plan approval preceded the Forest Conservation legislation. Staff found that, with the recommended increase in the setback between the parking area and the street to 35 feet, the Site Plan met all applicable standards and regulations and recommended approval of the Site Plan with conditions.

The Applicant agreed with Staff's recommendations for approval with conditions, with the exception of Condition #2, which requires the Applicant to construct Century Boulevard to the centerline of Father Hurley Boulevard.

Century Boulevard

Staff recommended, in its testimony on the record and in its report, that the proposed development be conditioned upon the construction of Century Boulevard north from the existing terminus at the site entrance to the centerline of Father Hurley Boulevard. Staff explained that the road construction is required by the approved Preliminary Plan, pursuant to the provisions of the Subdivision Regulations and the Germantown Master Plan. Staff also noted that Montgomery County Department of Permitting Services policy requires developers to construct roadways located adjacent to their frontage in accordance with the Master Plan.

Staff explained that the Preliminary Plan proposed a comprehensive network of roads, including Century Boulevard, to support the internal circulation of the plan. Construction of that road network is necessary to meet the overall traffic and transportation needs generated by the development and is an underlying requirement of the plan approval. Staff noted that the Applicant did not contest the requirement when the Preliminary Plan was before the Planning Board. In addition, Century Boulevard is shown on the Master Plan as an integral traffic link internal to the three phases of the Preliminary Plan. The subject section of Century Boulevard is necessary to support the Master Plan concept of interconnectivity, which is essential to the findings of adequacy and efficiency that the Planning Board is required to make as part of Site Plan review.

In response to the Applicant's argument that the Century Boulevard connection is not necessary because it was not included in the Adequate Public Facilities ("APF") analysis, Staff explained that the Subdivision Regulations may require additional improvements beyond the specific construction and participation measures proposed to meet APF requirements. Moreover, Staff explained that there is sufficient nexus between the requirement for road construction and the new development approved by the Preliminary Plan. The appropriate comparison is between the requirement to build the road and the needs generated by the entire Preliminary Plan area rather than with the needs generated only by the development included in the subject Site Plan.

Staff referred the Planning Board to several sections of the Code which support Staff's position, including:

Section 50-2: The purpose of this chapter is to provide for:

(b) Coordination of roads within the subdivisions with other existing, planned or platted roads . . . or with any road plan adopted or approved by the Commission

Section 50-35(l): In determining the acceptability of the preliminary plan . . . the Planning Board must consider the applicable master plan. A preliminary plan must substantially conform to the applicable master plan, including maps and text

Section 50-25(a): Subdivision plats shall include roads and streets shown on any adopted master plan of streets and highways

Section 50-24(a): The roads, streets, . . . in each new subdivision must be constructed by the subdivider or developer

Through written and oral testimony, the Applicant objected to the proposed condition requiring it to construct Century Boulevard to the centerline of Father Hurley Boulevard. The Applicant stated, however, that it does not object to the dedication of the right-of-way. The Applicant believes that the prior Planning Board opinions approving Preliminary Plan No. 1-88156 did not require the road construction. In addition, the Applicant stated that the traffic studies show that the subject plan, taking into consideration surrounding existing and approved development, will not generate the need for any extension of Century Boulevard beyond the current terminus. Furthermore, the Applicant testified that the depiction of Century Boulevard on the Preliminary Plan was not a proposal to build the road.

The Applicant also explained that the density of development in the area covered by the subject Preliminary Plan is substantially less than the amount originally approved. The original approval permitted approximately 403,000 square feet of office space in

Phase I, 881 residential units on R-30 zoned property in Phase II, and 980,000 square feet of office space in Phase III. In contrast, the buildout of Phase I includes three buildings with only approximately 142,000 square feet of office development. Phase II will include approximately 330 residential units. Phase III has evolved to include a hotel (equivalent to approximately 123,000 square feet of office) in place of a 183,000 square foot office building, the Salvation Army Headquarters which will contain 20,000 square feet, and the subject Site Plan area. For the subject Site Plan, 380,000 square feet of office space was originally anticipated, but the density has been reduced to only 106,000 square feet of office/R&D space. Construction in the area north of Father Hurley Boulevard has not begun and that area is not before the Planning Board at this time. The Applicant also stated that the cost of the road improvement approximates thirty percent of the value of the lot.

In response to the Applicant's testimony and questions from the Planning Board, Staff testified that Century Boulevard is shown on the Preliminary Plan as a "proposed road". That depiction of the road makes a specific condition requiring the road construction unnecessary. Staff also testified that Montgomery County Department of Permitting Services and Department of Public Works and Transportation recommended that the Applicant be required to construct the street. Finally, Staff noted that if the Applicant had included the Century Boulevard connection in the traffic study rather than excluding it, Cloverleaf Center Drive might have been sufficient with four lanes rather than six lanes. As such, the Applicant might have had a choice between including the costlier long segment of Century Boulevard or the wider, short segment of Cloverleaf Center Drive in the APF analysis and required improvements.

FINDINGS

After consideration of the Staff Report and analysis, and the testimony of Staff and the Applicant, the Planning Board finds that the Site Plan is consistent with approved Preliminary Plan No. 1-88156 and the Germantown Master Plan. The Planning Board also finds that the Site Plan meets all of the requirements of the I-3 Zone. The Planning Board further finds that the building locations, open spaces, landscaping and vehicular and pedestrian circulation are adequate, safe and efficient. In addition, the Planning Board finds that the proposed uses, the axial orientation of the proposed buildings, the pedestrian-friendly layout, the inclusion of trip reduction measures and the landscaping to be provided result in a Site Plan that is fully in accordance with the Master Plan and the purposes of the I-3 Zone, and that is compatible with existing and proposed surrounding development. Additionally, the proposed development is exempt from the Forest Conservation requirements of Chapter 22A.

Regarding Condition #2, which requires the Applicant to construct Century Boulevard to Father Hurley Boulevard, the Planning Board finds that the condition is appropriate and necessary. The Planning Board finds that the Applicant's construction of the extension of Century Boulevard is a requirement imposed by Preliminary Plan No. 1-88156 and justified by the level of density approved in that Plan. The Planning Board further finds that the Preliminary Plan did not include a specific condition regarding construction because Century Boulevard was shown on the plan; now that the requirement is contested by the Applicant *it has been added as a textual condition on the Site Plan* to confirm the Preliminary Plan requirement. The subject road segment is an integral part of the comprehensive road network that supports the development approved by the Preliminary Plan. The extension of Century Boulevard is required to achieve the Master Plan concept of interconnectivity and to support findings of an adequate, efficient and safe road network. Relieving the Applicant of this obligation would adversely affect efficient circulation and the continuity of the street system.

The Planning Board further finds that the appropriate nexus comparison for construction of Century Boulevard is between the proposed road network and the overall traffic needs generated by the Preliminary Plan (and not just the needs generated by the subject Site Plan) because the road network was designed and evaluated in terms of, and will serve, the entire Preliminary Plan area. The road is an integral piece of the Preliminary Plan approval, directly necessitated by the level of development authorized by the Preliminary Plan. Accordingly, the Planning Board finds that the requirement that the Applicant construct the extension of Century Boulevard to the centerline of Father Hurley Boulevard is closely tailored to the needs generated by the overall approved development.

The Planning Board acknowledges the concerns of the Applicant regarding the expense of the Century Boulevard construction, especially in light of the decreased density that has been achieved on other portions of the Preliminary Plan area. However, the Planning Board finds that eliminating the requirement for the Century Boulevard connection is not something that can or should be done at Site Plan, but that may be accomplished at the Preliminary Plan stage. Accordingly, the Planning Board finds that if the Applicant desires to pursue this issue, it should apply for an amendment of the approved Preliminary Plan.

CONCLUSION

Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board:

Cloverleaf Center Opinion
Site Plan No. 8-98006
September 1, 1998
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APPROVES Site Plan Review No. 8-98006, which consists of 106,000 gsf commercial office and associated parking, subject to the following conditions:

1. Standard Conditions of Approval dated October 10, 1995, Appendix A.
2. Extend Century Boulevard from end of existing pavement to center line of Father Hurley Boulevard overpass; include transition from existing northbound lanes to preferred alignment allowing transit way in median on extension of street. Configuration subject to approval of MCDPWT.
3. Truck circulation and loading dock configuration subject to MCDPWT approval.
4. Submit pedestrian area plan blowups and details for staff review and approval as part of signature set.
5. Reconfigure parking to provide 35' setback from Century Boulevard.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

Site Plan Review: No. 8-98006

Project: Cloverleaf Center, Parcels L, M, and Outlot Q (Phase III)

Date of Hearing: August 5, 1999

***Action: APPROVAL SUBJECT TO CONDITIONS.** Motion was made by Commissioner Perdue, seconded by Commissioner Wellington, with a vote of 3 to 0; Commissioners Perdue, Wellington, and Hussmann voting in favor of the motion; Commissioners Bryant and Holmes were necessarily absent.*

The date of this written opinion is September 17, 1999, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal on or before October 17, 1999, (which is thirty days from the date of this written opinion), as provided in the Maryland Rules of Procedure.

On April 2, 1998, Site Plan Review No. 8-98006 was brought before the Montgomery County Planning Board ("Planning Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the application, and approved Site Plan No. 8-98006 with conditions.

Subsequently, Applicant filed a Petition for Judicial Review of the Site Plan approval with the Montgomery County Circuit Court challenging the Planning Board's authority to impose Site Plan Condition No. 2, which required Applicant to construct Century Boulevard from the entrance to the Site Plan Property, north to the centerline of Father Hurley Boulevard. On April 16, 1999, Judge Martha Kavanaugh of the Montgomery County Circuit Court issued an Opinion, remanding Site Plan Review No. 8-98006 to the Planning Board with instructions to delete Condition No. 2 from the Site Plan Opinion.

At its regularly scheduled public hearing of August 5, 1999, Site Plan Review No. 8-98006 was brought before the Planning Board for its review and action in accordance with Judge Kavanaugh's Order. In accordance with the original record, incorporated herein, and Judge Kavanaugh's Circuit Court Opinion, the Planning Board APPROVES Site Plan Review No. 8-98006, which consists of 106,000 gross square feet commercial office space and associated parking, subject to the following restated conditions (specifically deleting original Condition No. 2):

MCPB Opinion
Cloverleaf Center 8-98006
September 17, 1999
Page Two

1. Standard Conditions of Approval dated October 10, 1995, Appendix A.
2. Truck circulation and loading dock configuration subject to MCDPWT approval.
3. Submit pedestrian area plan blowups and details for staff review and approval as part of signature set.
4. Reconfigure parking to provide 35' setback from Century Boulevard.
5. This Site Plan shall remain valid for as long as the Preliminary Plan for the property is valid, as provided in Section 59-D-3.8 of the Zoning Ordinance. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, or as otherwise provided in Section 59-D-3.8.

Attachment - Appendix A

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APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95

1. Submit a Site Plan Enforcement Agreement and Development for review and approval prior to approval of the signature set as follows:
 - A. Development Program to include a phasing schedule as follows:
 - a) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - b) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - c) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - d) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by MCDPS:
 1. Undisturbed stream buffers;
 2. Limit of disturbance;
 3. Methods and location of tree protection;
 4. Conditions of DPS Concept approval letter dated 9-9-97;
 5. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 6. The development program inspection schedule.
 7. Street trees along all public streets;
 - C. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and MCDPS issuance of sediment and erosion control permit.
 - D. No clearing or grading prior to Planning Department approval of signature set of plans.



RECOVERYPOINT

Integrated Business Continuity Solutions

May 21, 2019

Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Site Plan Amendment – 81998006F

Statement of Justification:

We have opted to submit this Site Plan Amendment under the old TMX-2 zoning adopted when the building was completed in December 2006. Since the small addition generates only 4 AM peak hour person trips and 3 PM peak hour person trips, we request a waiver of the parking requirements for the older zoning regulations. Additionally, please note that all of the required parking is not needed for the current use and the parking lot facility is extremely under-utilized.

APF is satisfied due to the very small increase of 1,584 sq. ft. of GFA, an increase from 114,090 sq. ft. to 115,674 sq. ft. We utilized the following Project Person Trip Calculation Tool to determine trip generation increases:

Project Person Trip Calculation Tool**Step 1: ITE Vehicle Trips**

Proposed	Source	Total Units (in 1,000 SF)	Rate (X = units) AM = 1.68(X) + 17.26 PM = 1.54(X) + 27.59	AM (round final results)	PM
Office	ITE: 715 - Single Tenant Office Building	115.7	AM = 1.68(X) + 17.26 PM = 1.54(X) + 27.59	211.64	205.77
Office (subtracting existing use)	ITE: 715 - Single Tenant Office Building	114.1	AM = 1.68(X) + 17.26 PM = 1.54(X) + 27.59	208.95	203.30
TOTAL Vehicle Trips				3.00	2.00

Step 2: Adjusted Vehicle Trips

Policy Area:	Germantown Town Center	<--update this cell with the policy area. See Map 1: Subdivision Staging Policy Areas to determine policy area.		
		Office Use		
Proposed	(TYPE vehicle trips from above)	91%	<-- Update this cell with policy area Residential Value from Appendix 1a	
AM	3	2.73		
PM	2	1.82		

Step 3: Person Trips

Mode Split Assumption: Auto Driver LATR ONLY				
		Office		
	(TYPE Adjusted Vehicle Trips from Step 2)	69.20%	<-- Update this cell with policy area Residential Value from Appendix 1b, Auto Driver only	
Proposed				
AM	2.73	4	<--Person Trips for Project	
PM	1.82	3		

The addition of 1,584 sq. ft. GFA results in four (4) additional AM trips and three (3) additional PM trips. We further cite the detailed traffic study performed by Integrated Transportation Solutions, Inc for Preliminary Plan 1-2002095B (Century Technology Campus) completed in July, 2015. Due to the fact that the building was constructed more than 12 years ago and the total additional trip generation is under 50 trips, no further requirements exist.

We have been in business at our present location in Germantown since January 2007. The expansion above Wing #1 loading dock is necessary to accommodate our growth. The cover over the Wing #2 loading dock is merely to protect shipments as they are loaded and unloaded

from the elements. The addition of concertina (razor) wire on top of barbed wire along the rear fence only is to enhance our security to this sensitive Critical Mission Data Center Facility and will only be placed along the back of the site, behind the building.

We request a waiver of the minimum parking regulations as they are not necessary to accomplish the objectives in Section 59-E-4.2 of the old zoning code as follows:

- a) The existing parking on site has been designed to shield all adjoining properties from noise, glare or reflection of light through the use of berm walls, plant material, fencing and gates along its entire perimeter.
- b) Sidewalks and crosswalks provide safe movements of pedestrians and vehicles throughout the site.
- c) All circulation is designed to avoid congestion both within the site and entry and exit onto Century Boulevard.
- d) Site lighting is provided for the entire parking lot to provide for pedestrian traffic after dark.

Sincerely,



Marc H. Lander