



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

MCPB No. 19-069
Site Plan No. 81998006F
FFC at Cloverleaf Center
Date of Hearing: June 20, 2019

JUN 27 2019

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on September 1, 1998 and revised on September 17, 1999, the Planning Board, by Opinion, approved Site Plan No. 819980060 for 106,000 gross square feet (gsf) of commercial office and Research & Development space in three two-story buildings on 17.9 acres of I-3 zoned-land, located in Germantown on the east side of Century Boulevard, in the southwest quadrant of the intersection of Interstate 270 and Father Hurley Boulevard on Parcel R and Outlot Q ("Subject Property"), in the 1989 Germantown Master Plan area; and

WHEREAS, on January 23, 2002, an amendment to the previously approved site plan, designated Site Plan No. 81998006A, was approved to increase floor area to 110,000 gsf and modify the building layout, parking, and on-site pedestrian circulation on the Subject Property; and

WHEREAS, on February 27, 2004, an amendment to the previously approved site plan, designated Site Plan No. 81998006B, was approved to increase floor area to 114,090 gsf and modify the building layout, parking, and on-site pedestrian circulation on the Subject Property; and

WHEREAS, on November 30, 2004, an amendment to the previously approved site plan, designated Site Plan No. 81998006C, was approved to modify the building layout, parking, and on-site pedestrian circulation on the Subject Property; and

Approved as to
Legal Sufficiency

Christina Sost 6/12/19

WHEREAS, on March 15, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81998006D (MCPB No. 07-24), to replace two existing fences to address safety concerns and modify the grading and retaining walls around the building on the Subject Property; and

WHEREAS, on September 15, 2014, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 81998006E, to expand the mechanical courtyard to accommodate additional emergency generators and install three underground fuel tanks to fuel emergency generators on the Subject Property; and

WHEREAS, on November 30, 2018, Recovery Point Solutions, Inc. ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to add a 1,584 square foot second floor addition above the Wing #1 loading dock, 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 on the Subject Property, in the Germantown Town Center Policy Area and 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81998006F, FFC at Cloverleaf Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 6, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 20, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81998006F for a 1,584 gsf second floor addition above the Wing #1 loading dock, a new roof structure above the Wing #2 loading dock, concertina wire on top of the rear fence, and a parking waiver, by adding the following conditions:¹

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

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

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of FFC at Cloverleaf Center Site Plan Amendment No. 81998006F, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

- 1. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in 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 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 will 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. 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.

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 1 indicates the development's compliance with the Zoning Ordinance.

Table 1: Project Data Table for TMX-2 Zone

Development Standard	Permitted/ Required per Zone or Original Application	Previously Approved (81998006E)	Permitted/ Required per New Application	Approved (81998006F)
Floor Area Ratio (FAR)	0.25*	0.20	0.25*	0.20
Building Area (square feet)	146,058	114,090	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 approved for 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 removes 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 minor additions will be compatible with the adjacent and confronting uses, as well as adjacent approved development plans (Century). The building additions allow for a minor expansion of the existing use and continue the same building façade treatment as the remainder of the building. 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 additions will also have limited visibility from surrounding roads or properties.

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. The secluded area to the rear of the building has few eyes on it, hence the need for additional safety measures.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 27 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioner Cichy voting in favor, and Commissioners Fani-González and Patterson absent at its regular meeting held on Thursday, June 20, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board