



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

MCPB No. 20-101  
Preliminary Plan No. 11988156B  
Cloverleaf Center Germantown  
Date of Hearing: September 24, 2020

**OCT 06 2020**

**RESOLUTION**

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

WHEREAS, on June 7, 1994, the Planning Board, by Planning Board Opinion dated June 7, 1994, approved Preliminary Plan No. 119881560, creating fourteen (14) lots on 151.50 acres of land in the I-3 zone, located at Crystal Rock Drive and Century Boulevard ("Subject Property"), in the Germantown West Policy Area and 1989 *Germantown Master Plan* ("Master Plan") area; and

WHEREAS, on April 4, 2001, the Planning Board approved an amendment to Preliminary Plan No. 11988156A (Planning Board Opinion dated April 4, 2001) modifying a 0.54-acre portion of the approved Forest Conservation Plan for the construction of a new culvert in the right-of-way under Crystal Rock Drive which was not located on the Subject Property; and

WHEREAS, on May 14, 2020, Worldshine Group ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to modify adequate public facilities findings to allow for conversion of the existing office building to sixty-five (65) age-restricted, multi-family residential units (including 12.5% MPDU's) with associated 23,700 sq. ft. adult daycare use for up to 230 senior adults on the 5.51-acre Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11988156B, Cloverleaf Center Germantown ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 4, 2020 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 24, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11988156B to modify adequate public facilities findings to allow for conversion of the existing office building to sixty-five (65) age-restricted, multi-family residential units (including 12.5% MPDU's) with associated 23,700 sq. ft. adult daycare use for up to 230 senior adults by adding the following conditions:<sup>1</sup>

- 1.) Approval is limited to sixty-five (65) age-restricted multi-family residential dwelling units including 12.5% MPDU's and a 23,700 square foot day care facility for up to 230 senior adults on the 5.52-acre Subject Property.
- 2.) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated August 18, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
- 3.) After the issuance of Use and Occupancy Permit (U&O) for the age-restricted multi-family residential or adult day care uses, the Amendment limits the combined age-restricted multi-family residential and day care uses to 74 am and 28 pm peak hour vehicle trips on the 5.52-acre Subject Property. In the event that U&O permits are not issued for the Amendment, the allowed vehicle trips will revert back to the previously approved office use.
- 4.) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.
- 5.) Prior to submittal of the Certified Preliminary Plan, the Applicant must make a revision to the data table to include the allowable and proposed floor area ratio (FAR) for commercial and residential uses for confirmation with density

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<sup>1</sup> 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.

requirements with the CR zone required in Section 59-7.7.1.A.2 of the Zoning Ordinance.

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

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

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

- 1.) *Public Facilities will be adequate to support and service the area of the subdivision*

#### Transportation

##### Site Access and Transportation Facilities

The Subject Property has frontage along three rights-of-way; Century Boulevard, Cloverleaf Center Drive and Crystal Rock Drive. Per the *2018 Master Plan of Highways and Transitways*, Century Boulevard is identified as a 4-lane Business Road with a 136 ft. right-of-way; Cloverleaf Center Drive is identified as a 4-lane Business Road with a 100 ft. right-of-way and Crystal Rock Drive is identified as an Arterial Road with a 120 ft. right-of-way. The Property is currently improved with a two-story office building with a 22-foot-wide eastern vehicular access provided off Century Boulevard and a 22-foot wide western access off Crystal Rock Drive. No changes to the access will occur, which remains adequate for the use; however, the radius of the internal drive aisle will be modified to provide adequate space for fire access movement. The existing rights-of-way on all three streets, for which the Subject Property has frontage, currently meet Master Plan requirements. As such, no further dedication is necessary.

The existing frontages along Century Boulevard, Cloverleaf Center Drive and Crystal Rock Drive have existing pedestrian facilities. The *2018 Bicycle Master Plan* recommends a 10 ft. wide sidepath along the property frontage of Century Boulevard and two-way separated bike lanes along Crystal Rock Drive's property frontage. Given the limited nature of this Amendment, which proposes to adaptively re-use an existing office building with minimal exterior site modifications (e.g. only those which are required by code for ADA and fire access) and an overall reduction of impact to areawide transportation across all modes

due to the change in use, the Planning Board deems these improvements are outside the scope of this Amendment. The Amendment will result in significantly fewer AM and PM peak hour vehicle trips in particular, and will reduce trips across all other modes, thereby decreasing the demand on the overall transportation network.

#### Local Area Transportation Review

The Amendment is for a mixed-use building consisting of sixty-five (65) age-restricted, affordable multiple family dwelling units (ITE code 252) and a 23,700 sq. ft. Adult Day Care. The Adult Day Care use is not included in the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and there are no comparable land uses. The vehicle trip generations characteristics for this land use are unique and are characterized by employee commuting tendencies and the Applicant's owned and operated shuttle service that all patrons/senior adults must use. The previously approved office use is limited to 104 am and 95 pm vehicle trips so long as this use remains in continuous operation; this allowance is extinguished with any change in use. This differs from a child day care in which the vast majority of attendees are dropped off by personal vehicle.

Alternatively, this Amendment is studied under the assumption of producing 61 AM peak hour trips. This accounts for the planned use of 15 shuttle busses; these 15 buses will be employee-driven by 15 of 45 expected employees and will pick up all daycare attendees. 30 employees (out of 45) are expected to drive alone. It is assumed that 8 buses will make return trips. In total this will yield 61 vehicle trips (15 shuttles in, 8 shuttles returning out, 8 shuttles returning in, 30 individual employee drivers). These vehicle trips were adjusted as per LATR guidelines for the Germantown Town Center Policy Area. All attendees will depart prior to 2:30 PM and all staff will depart prior to 3:30 PM and will therefore not generate PM peak period trips. The senior housing trip generation is calculated based off standard calculations produced by the ITE 10<sup>th</sup> Edition Trip Generation Manual and also adjusted as per LATR guidelines for the Germantown Town Center Policy Area.

Importantly, this Amendment will result in a significant reduction in trips across all individual modes. In particular, the day care use will result in a significant reduction in vehicle trips as most trips will be consolidated on shuttle buses for day care participants, while employees will utilize personal vehicles, as opposed to the predominant drive-alone mode share of the existing office use. Additionally, given their age and potential medical conditions, it is not anticipated that any attendees will walk or bike in the area and employees will remain on-site to supervise. Similarly, the senior housing use is anticipated to reduce a significant reduction of all trips across modes as compared to the office use. The Applicant is not required to submit a traffic study to satisfy the LATR test because the land use generates fewer than 50 peak-hour net new person



trips within the weekday morning and evening peak periods. Additionally, intersection capacity data indicates that the intersections in the vicinity of the site are operating well within the congestion standard of 1500 for the Germantown Town Center policy area.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the lot. The Property is located in the W-1/S-1 water and sewer service categories and utilize existing water and sewer infrastructure. All other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the time that the Amendment was submitted.

Applicable School Test

This Amendment proposes age-restricted housing which does not produce any school aged children under the Subdivision Staging Policy. Therefore, a school facility test does not apply to this Application.

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

The Property is subject to Forest Conservation Plan No. 119881560 and was subsequently amended for the Kinster Drive Culvert Replacement project with Forest Conservation Plan No. 11988156A. This approved Forest Conservation Plan remains valid and in effect. This Amendment proposes no changes to the approval Forest Conservation Plan.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 06 2020 (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).

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**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 Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, September 24, 2020, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board