



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

MCPB No. 20-101
Site Plan No. 81990060C
Cloverleaf Center Germantown
Date of Hearing: September 24, 2020

OCT 06 2020

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 March 2, 1993, the Planning Board, by Planning Board Opinion, approved Site Plan No. 819900600 for construction of six (6) two story office buildings along Century Boulevard and three (3) single story office/research and development buildings totaling 403,657 square feet on 40.15 acres of I-3 zoned-land, 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 May 11, 1995, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81990060A (Planning Board Opinion dated May 11, 1995), revising the layout of two buildings and associated parking in the site plan's southeast corner. The revisions decreased the gross floor area from 403,657 square feet to 397,408 square foot for the buildings covered by this amendment which were not located on the Subject Property; and

WHEREAS, on September 27, 2019, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 81990060B (Approval memo dated September 27, 2019), to reconfigure the loading dock for one of the buildings in the original site plan 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 site plan to convert the existing office use into a mixed-use building containing sixty-five (65) age-restricted, multi-family residential units (including 12.5% MPDU's) and an 23,700 sq. ft. adult day care for up to 230 senior adults including associated access improvements

on the 5.51-acre Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81990060C, Cloverleaf Center Germantown ("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 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 Site Plan No. 81990060C to convert the existing office use into a mixed-use building containing sixty-five (65) age-restricted, multi-family residential units (including 12.5% MPDU's) and an 23,700 sq. ft. adult day care for up to 230 senior adults including associated access improvements by adding the following conditions:¹

1. The Amendment is limited to a maximum of sixty-five (65) age-restricted multi-family residential dwelling units, including 12.5% of MPDU's, and a 23,700 square foot daycare facility for up to 230 senior adults on the 5.52-acre Subject Property.
2. Before approval of the Certified Site Plan a revision must be made to the data table to include the allowable and proposed floor area ratio (FAR) for commercial and residential uses for confirmation with density 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 site plan conditions of approval for this project remain valid, unchanged and in full force and effect;

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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Cloverleaf Germantown Center, Site Plan No. 81990060C, 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, 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;*

a. Use Standards

Under Section 59-7.7.1.A of the current Zoning Ordinance, new uses proposed by an amendment must meet the use standards and density of the current zoning ordinance while the site design is reviewed under the previous I-3 zone. Age restricted multi-family residential and daycare uses (over 30 persons) are permitted in the Commercial Residential zone.

b. Development Standards

Under Section 59-7.7.1.A, the existing building and site design are conforming and any allowed use, up to the density limits established by the current zoning, may occupy the existing building. The Application satisfies the applicable development standards as shown in the following data table:

Table 1 – Development Data Table

Development Data			
Zoning	CR-2.0, C-1.25, R-1.0, H-145T (reviewed under the I-3 zone)		
Site Area	240,376 sq. ft.		
Uses	Required/Permitted	Existing	Approved
Commercial	300,470 sq. ft.	82,700 sq. ft.	23,700 sq. ft.

Adult Daycare		N/A	23,700 sq. ft.
Residential	240,376 sq. ft.	0 sq. ft.	59,000 sq. ft.
1 Bedroom Units	N/A	N/A	54 units
2 Bedroom Units	N/A	N/A	11 units
MPDU's	8.125 units (or 12.5%)		9 units (13.8%)
Total Dwelling Units	N/A	N/A	65 units ²
Total Density	480,752 sq. ft.	82,700 sq. ft.	82,700 sq. ft.
Commercial FAR ³	1.25 FAR	0.344 FAR	0.098 FAR
Residential FAR ⁴	1.0 FAR	N/A	0.25 FAR
Total FAR	2.0 FAR	0.344 FAR	0.344 FAR
Parking Requirements			
	Metric Rate	Required	Provided
Commercial			
Day Care Facility for senior adults and persons with disabilities/ 230 seniors ⁵	1.0 Space/ 4 non-resident seniors	57.5	
Residential (age restricted)			
1 Bedroom Dwelling Unit	1.25 spaces/dwelling unit	67.5	
2 Bedroom Dwelling Unit	1.5 spaces/dwelling unit	16.5	
Residential Subtotal		84	
TOTAL		142	252 ⁶

3. *the locations of building and structure, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

The location of the existing building will not change. The only changes to the building will include changes to ingress/egress locations to meet the needs of the

² Distribution of MPDU's to be addressed at the time of building permit based on DHCA requirements.

³ Commercial density must meet the current CR zoning requirements under Section 7.7.1 of the Zoning Ordinance

⁴ Residential density must meet the current CR zoning requirements under Section 7.7.1 of the Zoning Ordinance.

⁵ Non-residents will not drive to the Property. Day care users will be transported by private shuttle to and from the Property. Approximately 80 of the senior adults enrolled in the daycare center will reside on-site. Approximately 150 adult seniors will utilize the daycare from off-site. Nonetheless, the parking capacity has been calculated based on 230 seniors.

⁶ The existing parking lot includes 252 parking spaces which will remain to serve all land uses on the Property.

residential use and day care. The pedestrian and vehicular circulation system will remain largely the same with the exception of improvements to access from the existing parking to the building. These minimal changes will only enhance the adequacy, safety, and efficiency of the Property.

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

The structure is unchanged by this Amendment. Therefore, this portion of the finding remains valid. The use is compatible with other site plans as well as with existing and proposed adjacent development. The surrounding area has a variety of housing types made up of one-family detached, one-family attached, and multi-family residential. The age restricted multi-family dwelling units will only add to the housing diversity available in adjacent development. The adult day care on the ground floor of the building will enhance the availability of day care services in the area and improve access.

5. *the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

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 approved Forest Conservation Plan. The existing stormwater control are unchanged by this Amendment. The previous approvals remain valid and in effect.

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 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).

* * * * *

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.



Casey Anderson, Chair
Montgomery County Planning Board