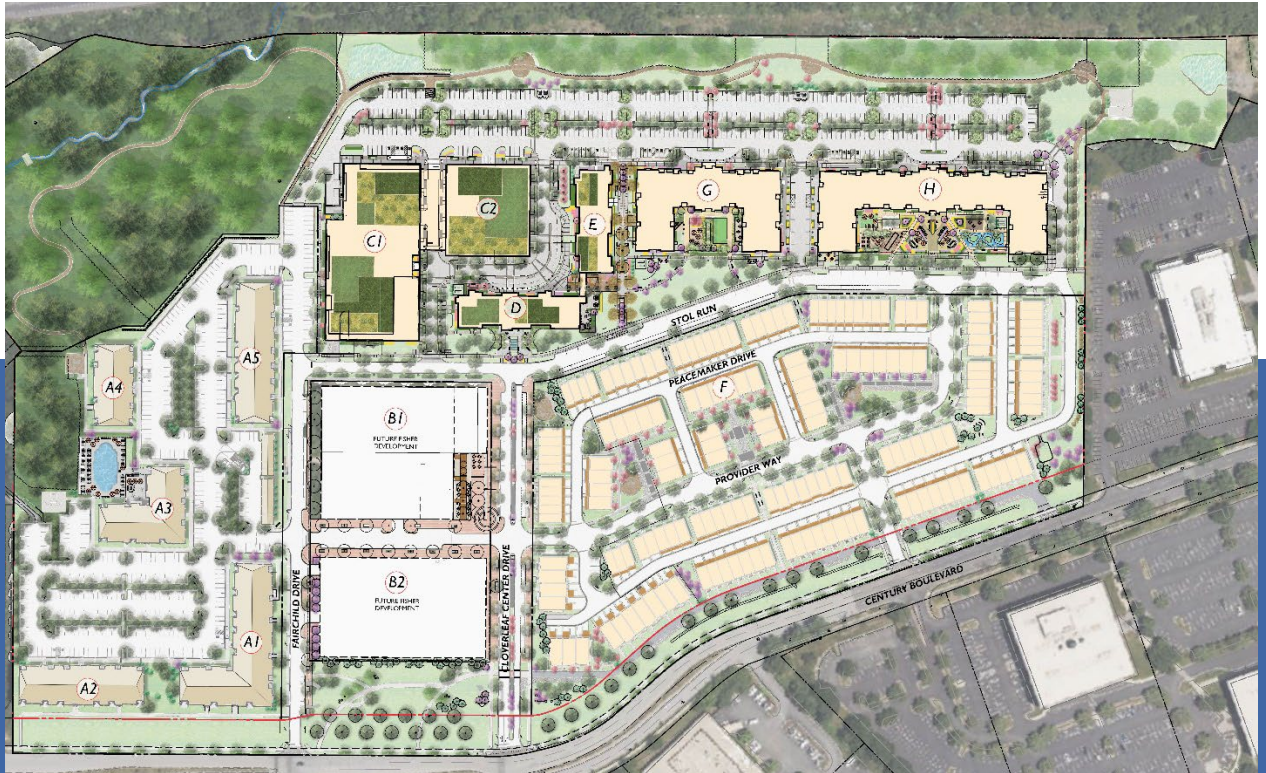


CENTURY

SKETCH PLAN NO. 32016002A, PRELIMINARY PLAN NO.
12002095C & SITE PLAN NO. 82003007F



Description

Sketch Plan: Application to allow for a phased, mixed-use development with up to 2,463,520 square feet of total development (1,415,770 sq. ft. of residential and 1,047,750 square feet of commercial) on 51.7 acres.

Preliminary Plan: Create lots for up to 2,063,520 square feet of total development (1,248,970 square feet of residential and 814,550 square feet of commercial) to replace two previously approved office buildings and one previously approved hotel with two new 13-story Research & Development/Office buildings, two new eight-story hotel buildings (154 rooms), and two new six-story multi-family/retail buildings (233 units) on 51.7 acres.

Site Plan: Construct four buildings consisting of up to 346,440 square feet of multi-family residential uses (233 dwelling units, including 20% MPDUs), 48,550 square feet of retail/service use, and 199,580 square feet of hotel use (154 rooms) on 10.88 acres for a total of 594,570 square feet of development.

No. 32016002A, 12002095C,
and 82003007F

MCPB
Item No. 10
7-27-2023

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Floor 14
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 **Summary:**

- Staff recommends **approval with conditions** of the Sketch Plan Amendment No. 32016002A, Preliminary Plan Amendment No. 12002095C, and Site Plan Amendment No. 82003007F.
- The Amendment revises the commercial to residential land use mix while maintaining substantial conformance to the Sector Plan recommended ratios.
- The application proposes biomedical Research & Development, which falls under the 2021 LATR Guidelines’ Temporary Suspension for Bioscience Facilities policy.
- As an optional method of development project, the Amendment provides a minimum of 20% MPDUs, and therefore, does not have to provide any other public benefit category.
- As conditioned, the Applicant is required to purchase 19.15 Building Lot Terminations (BLTs) for the overall development per the Germantown Transit Mixed Use Overlay Zone.
- Staff’s recommended alternative for frontage improvements is a road diet along approximately 4,600 feet of Century Boulevard running from the frontage of the Subject Property to Aircraft Drive to the south.
- Staff has received one community correspondence letter on this application with concerns from a resident of the Phase I-A development.

LOCATION

On Century Blvd opposite Cloverleaf Center Drive

MASTER PLAN/ZONE

2009 *Germantown Employment Area Sector Plan*, CR-2.0, C-1.25, R-1.0, H-145 T & Germantown Transit Mixed Use Overlay

PROPERTY SIZE

Sketch Plan and Preliminary Plan: 51.7 acres (net tract area), Site Plan: 10.88 acres

APPLICANT

Century Development Services, LLC

ACCEPTANCE DATE

December 29, 2021

REVIEW BASIS

Chapters 50, 59, 22A and 19

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SECTION 1 - EXECUTIVE SUMMARY

This Amendment is part of a multi-phased project, in which Phase I-A and I-B are constructed and Phase I-C is now subject of the Amendment (Figure 1).

Phases I-A and I-B, located along Century Boulevard, built 160 townhouse units, 28 two-over-two units, and 300 multi-family units on approximately 19.5 acres. Commercial uses are limited to 49,420 square feet of existing Research and Development uses on the existing Thermo Fisher Scientific building site with approximately 3.78 acres.

Phase I-C, located in the rear of the Property between the Phase I development and I-270 on approximately 10.88 acres, proposes to replace the previously approved land use mix with two new multi-family buildings with ground floor retail (Buildings G and H) and two hotels (Buildings D and E), while leaving the portion of the site vacant for future Research & Development/Office buildings (Buildings C1 and C2) subject to a future site plan amendment.

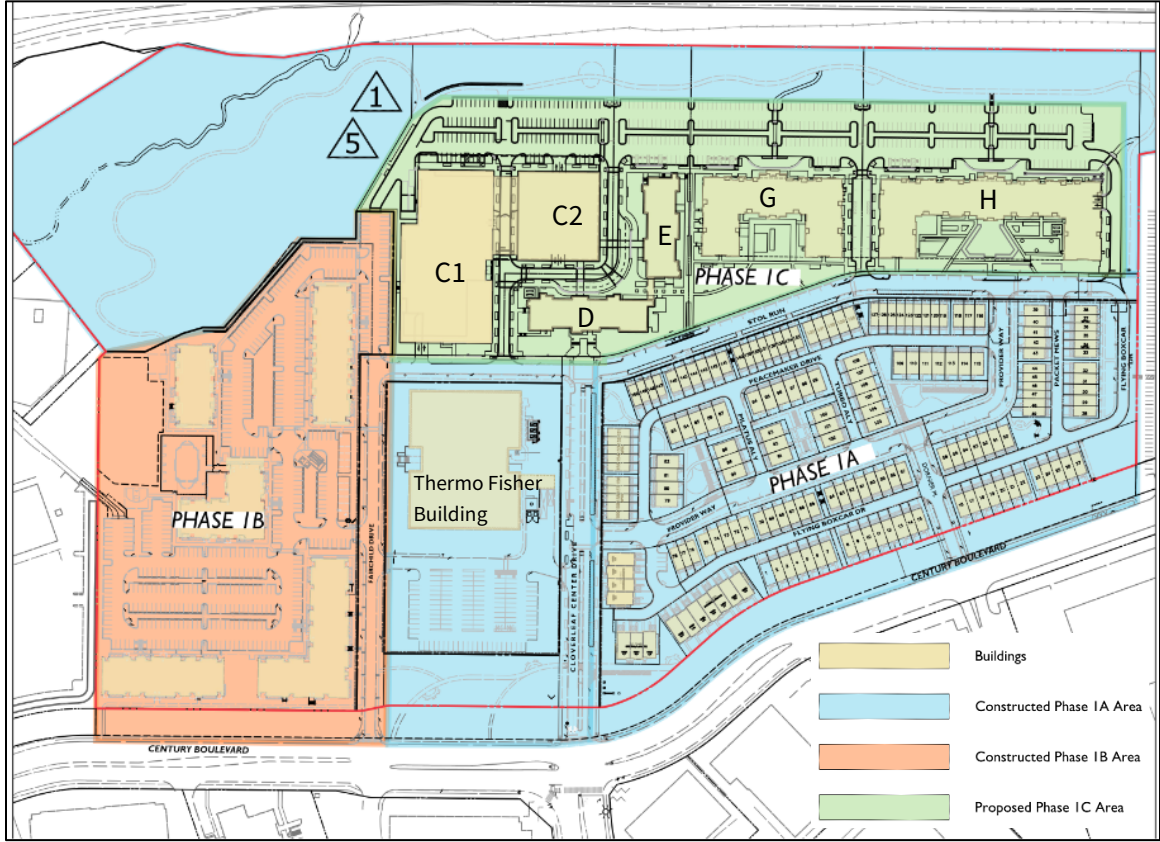


Figure 1 - Phasing Plan

Both the Sketch Plan and the Preliminary Plan Amendments encompass the entire property with a total of 51.7 acres (no. 32016002A and 12002095C). The Site Plan Amendment is limited

to Phase 2 on approximately 10.88 acres even though the original Site Plan application for this project (no. 82003007B) covered the entire 51.7-acre property.

The density for the Sketch Plan and Preliminary Plan applications differ, in that the Sketch Plan Amendment accounts for the existing and previously approved density on the Thermo Fisher Scientific site, while the Preliminary Plan Amendment accounts only for the existing density on the Thermo Fisher Scientific site. Separately, the owner of the Thermo Fisher Scientific site intends on filing a limited Preliminary Plan Amendment for the additional density and uses on their property.

The proposed development is located in the Cloverleaf District as defined in the 2009 *Germantown Employment Area Sector Plan*. The Sector Plan established land use ratios for commercial and residential uses on each property in the Cloverleaf District to create a mixed-use neighborhood. The proposed land use ratio is in substantial conformance with the recommended ratios. With the economic recession of 2008/2009 and the global health pandemic of the past few years, demand for office and commercial space throughout the region has slowed significantly. At the same time, the County is experiencing a shortage of housing and affordable housing. If approved, the Amendment will add residential uses to Phase I-C, consisting of 233 new multi-family units, including 20% MPDUs, and revise the non-residential mix from office to Research & Development/Office while maintaining hotel uses.

The increase in density requires significant frontage improvements to accommodate master plan, policy, operational requirements. These improvements will take the form of one of two options: the first possibility is the implementation of a road diet on Century Boulevard that would remove one lane of traffic in each direction to be replaced with a buffered on-street bike lane. This option would run from the frontage of the Subject Property to Germantown Town Center to the south, providing a complete connection to that destination. The second option is the implementation of a 12-foot-wide, two-way separated bike lane and a parallel eight-foot-wide sidepath along the frontage of the Subject Property, which while more precisely matching the Bicycle Master Plan vision, provides a more marginal improvement to area-wide connectivity as the improvements would not extend beyond the Subject Property.

As an optional method of development project, the Amendment replaces all previously approved public benefit categories and points with the Diversity of Uses & Activities category by providing a minimum of 20% MPDUs. Previous approvals established the MPDU percentage at 12.5%, which was then increased to 25% in the most recent site plan amendment (Site Plan No. 82003007E).

While the project that does not have to satisfy any other public benefit category by providing a minimum of 20% MPDUs, the Amendment is still required to purchase Building Lot Terminations (BLTs) per the Germantown Transit Mixed Use (GTMU) Overlay Zone. The purpose

of the Overlay zone is to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.

The applications remain consistent with the previously approved Forest Conservation Plan, which was approved under Preliminary Plan No. 12002095B.

SECTION 2 – RECOMMENDATIONS & CONDITIONS

SKETCH PLAN AMENDMENT NO. 32016002A

Staff recommends approval of Century, Sketch Plan No. 32016002A, for up to 2,414,100 square feet of density on 51.7 acres, zoned CR-2.0, C-1.25, R-1.0, H-145 T & Germantown Transit Mixed Use Overlay Zone, in the 2009 *Germantown Employment Area Sector Plan*. The following 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 binding under Section 59-7.3.3.F:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan. This approval is subject to the following conditions:

Modified Conditions

The following Conditions No. 1 and Nos. 3-7 modify previous conditions, and Condition No. 8 is new and in addition to all other conditions, which remain in full force and effect¹.

1. Density

The ~~development~~ Sketch Plan is limited to a maximum of ~~2,114,230~~ 2,463,520 square feet of total development, including a maximum of 1,415,770 sq. ft. of residential and

¹ 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.

1,047,750 sq. ft. of commercial uses. The maximum number and distribution of residential dwelling units ~~and non-residential uses~~ will be determined at Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59-7.3.3.I. Total points must equal at least 100. ~~And be chosen from at least four categories as required by Section 59-4.5.4.2.a.~~ Section 59.4.7.3.D.6.e of the Zoning Ordinance states that “A project that provides a minimum of 20 percent MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2.” The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

- ~~a) Transit Proximity, achieved through proximity to the Corridor Cities Transitway (CCT) station;~~
- ~~b) Connectivity and Mobility, achieved through the provision of through-block connections and wayfinding;~~
- ~~c) Diversity of Uses and Activities, achieved through small business opportunities;~~
- ~~d) Quality of Building and Site Design, achieved through public art, and public open space; and~~
- ~~e) Protection and Enhancement of the Natural Environment, achieved through building lot termination (BLT), and vegetated roof.~~
- a) Diversity of Uses and Activities, achieved through moderately priced dwelling units.

4. Public Open Space

The Applicant must provide a minimum of ~~20%~~ 10% of the net lot area as public open space, ~~in excess of minimum open space requirement of the zone, in order to qualify for 20 points of incentive density.~~

~~5. Public Art [DELETE CONDITION]~~

~~The Applicant must provide public art on-site, integrated into the overall site design. The public art components must be commensurate with the size of the public use space in which the art will be located.~~

6. Building Lot Terminations (BLTs)

The ultimate build out of this Project will require the purchase of ~~13.61~~19.15 BLTs. The provision of BLTs will commence upon issuance of building permits for development that exceeds 0.5 FAR for the site and will be in accordance with a Development Program to be included on the Certified Site Plan.

7. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of ~~12.5%~~23.4% of the total residential units as Moderately Priced Dwelling Units on the Subject Property in order to qualify for 140 public benefit points. The development must provide MPDUs in accordance with Chapter 25A.

New Conditions

8. Validity

A site plan must be submitted within 36 months after the date the resolution is mailed for the Sketch Plan.

PRELIMINARY PLAN AMENDMENT NO. 12002095C:

Staff recommends approval with conditions of the Preliminary Plan Amendment to modify three (3) lots, addition to the unmodified existing lots and construction, for up to 2,063,520 square feet of total development (1,248,970 square feet of residential and 814,550 square feet of commercial) to replace two (2) previously approved office buildings and one (1) previously approved hotel with two (2) new 13-story Research & Development/Office buildings (C1 & C2), two (2) new eight-story hotel buildings (154 keys) (Buildings D & E), and two (2) new six-story multi-family/retail buildings (233 units) (Buildings G & H) on 51.7 acres.

All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 12002095C as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.² The following Conditions No. 2, Nos. 4-5, and Nos. 10-14 modify previous conditions and Conditions Nos. 26-32 are in addition to all other conditions, which remain in full force and effect:

Modified Conditions

² 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.

2. Approval is limited to one hundred and sixty (160) lots for townhouses, three (3) lots for 28 2-over-2 dwelling units, and one (1) lot for up to 300 multi-family dwelling units including 12.5% moderately priced dwelling units (“MPDUs”) with a maximum density of 902,530 square feet of residential uses, and up to 437,420 square feet of nonresidential (office and hotel) uses, one outlet for forest conservation and one outlet for stormwater management.

This Preliminary Plan Amendment is limited to 2,063,520 sq. ft. of total development (1,248,970 sq. ft. of residential and 814,550 sq. ft. of commercial) on 51.7 acres. This amendment is specifically limited to the following:

- a) Phases I-A and I-B (previously constructed)

Limited to a maximum of 902,530 square feet of residential uses, consisting of one hundred and sixty (160) lots for townhouses, three (3) lots for 28 2-over-2 dwelling units, and one (1) lot for up to 300 multi-family dwelling units, including 25% moderately priced dwelling units (“MPDUs”). Commercial uses are limited to 49,420 square feet of Research and Development uses (existing Thermo Fisher Scientific site) on approximately 3.78 acres.

- b) Phase I-C (proposed as part of Preliminary Plan No. 12002095C)

Limited to a maximum of 0.82 FAR consisting of 1,111,570 square feet of total development on 51.7 acres.

- i. 340,000 sq. ft. of Research and Development as defined by Section 3.5.8.C of the Zoning Ordinance on Lot 5, Block A;
- ii. 177,000 sq. ft. of Office as defined by Section 3.5.8.B of the Zoning Ordinance on Lot 5, Block A;
- iii. 199,580 sq. ft. of Hotel, Motel as defined by Section 3.5.6 of the Zoning Ordinance on Lot 6, Block A;
- iv. 48,550 sq. ft. of Retail/Service Establishment (15,001-50,000 SF) as defined by Section 3.5.11.B of the Zoning Ordinance on Lot 7, Block A; and
- v. 346,440 sq. ft. (233 dwelling units) of Multi-Unit Living as defined by 3.3.1.E of the Zoning Ordinance, including 20% MPDUs, on Lot 7, Block A.

4. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated ~~January 5, 2016~~ March 18, 2022, and hereby incorporates them as conditions of the Preliminary Plan Amendment 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 Amendment approval.

5. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (“MCFRS”) approval dated February 2, 2016 [TBD], and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the approval. These recommendations may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval.

10. Before the release of the second above ground building permit in Phase I-C, the design for any traffic signal improvement shall be reviewed and approved by MCDOT and Planning staff. The Applicant must pay the full cost of installation as determined by paid invoice to MCDOT if the signal is installed by others prior to the issuance of the Use and Occupancy Certificate. Before issuance of any Use and Occupancy Certificate for the second building in Phase I-C, the Applicant must install a traffic signal or roundabout, as approved by MCDOT Division of Traffic Engineering and Operations at the intersection of Century Boulevard and Cloverleaf Center Drive/Private Street B, prior to the issuance of the third nonresidential building permit (either Building C or Building D only, as shown on the Preliminary Plan). This allows the issuance of building permits for all residential dwelling units (488 units) and up to 266,899 square feet of nonresidential uses on the Subject Property.

11. Before issuance of the first building permit for either Research & Development/Office Building C1 or C2 as shown on the Certified Preliminary Plan, the Applicant must install a traffic signal at the intersection of Crystal Rock Drive/Cloverleaf Center Drive/Waters Landing Drive. Prior to the issuance of the second nonresidential building permit. This allows the issuance of building permits for all approved residential dwelling units (488 units) and up to 266,899 square feet of nonresidential uses on the Subject Property. If the traffic signal is installed by others before the issuance of the first building permit, the Applicant must pay the full cost of installation as determined by paid invoice to MCDOT.

12. Before issuance of the second building permit for either Research & Development/Office Building C1 or C2 as shown on the Certified Preliminary Plan, the Applicant must construct a second northbound right turn lane on Crystal Rock Drive at

Father Hurley Boulevard. ~~Prior to the issuance of the first nonresidential building permit of any Use and Occupancy Certificate for any floor in nonresidential Buildings C, D, and E as shown on the Preliminary Plan. This allows the issuance of building permits for all approved residential dwelling units (488 units) on the Subject Property.~~

13. [DELETE CONDITION] The Applicant must satisfy the Adequate Public Facilities—Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services (DPS) at the time of building permit.
14. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated December 8, 2015, and does hereby incorporate them as conditions of the Preliminary Plan Amendment approval except for Comment #2 and Comment #11A, 11B, and 11E. Comment #2 is amended by the triggers of in the Preliminary Plan Conditions #10 and #11, for the construction of the traffic signals. For MCDOT Comment #11, the permit and bonding of the improvements in amended as follows:
- a) ~~11A—prior to the issuance of any building permit for any residential building fronting Century Boulevard.~~
 - b) ~~11B—prior to the issuance of the triggering building permit as noted in the Preliminary Plan Conditions #10 and #11 for the construction of the traffic signals.~~
 - c) ~~11E—prior to the issuance of any building permit for any residential building fronting Century Boulevard.~~

Except for the above amendments, the Applicant must comply with each of the recommendations as set forth in the MCDOT letter, which may be subsequently amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval.

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated July 14, 2023, and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

New Conditions

26. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its

letter dated June 15, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

27. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.

28. The Applicant must receive approval from MCDOT and Planning Staff for final designs of one of two frontage improvements listed below in paragraphs a) and b). The timing of ultimate construction is determined by Condition 23 of Site Plan 82003007F.
 - a) A road diet design with bike lanes on Century Boulevard with the following requirements:
 - i. A road diet on both sides of Century Boulevard from the driveway access point approximately 700 ft. north of Fairchild Drive to the intersection of Century Boulevard with Aircraft Drive to the south. The road diet will consist of bicycle facilities within the road comprised of a painted striped median, concrete dividers, and flexi bollards.
 - ii. Restriping the right travel lanes in each direction into a bike lane with a minimum four-foot-wide buffer with interim barriers equivalent to concrete wheel stops with bollards.
 - iii. Provision of breaks to accommodate bus stops and movement or consolidation of existing bus stops.
 - iv. Traffic analysis showing that the improvement will meet safety and congestion standards.
 - b) Designs for a twelve-foot-wide, two-way separated bike lane along the property frontage on the east side of Century Boulevard with a minimum six-foot-wide buffer in the ultimate location of the cross section for Century Boulevard with a parallel eight-foot-wide asphalt sidepath.

29. The record plat must reflect all areas under common ownership.

30. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

31. The Preliminary Plan will remain valid for six (6) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date

of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed. Phase 1-C of the Preliminary Plan will be implemented in two stages: (1) multi-family buildings G and H and (2) commercial buildings C1/C2, D and E.

32. The Adequate Public Facilities (“APF”) review for stage 1 of the Preliminary Plan Amendment will remain valid for 85 months from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5) and stage 2 will remain valid for 145 months from the initiation date.

33. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Remove all references to an ownership lot from Lot 7, Block A.
 - b) Remove bicycle parking reference for restaurant uses from Data Table.

SITE PLAN AMENDMENT NO. 82003007F:

Staff recommends approval of Site Plan Amendment No. 82003007F, for the construction of four buildings consisting of up to 346,440 square feet (233 dwelling units, including 20% MPDUs) of multi-family residential, up to 199,580 square feet of hotel (154 rooms), and up to 48,550 square feet of retail on 10.88 acres for a total of 594,570 square feet of development with associated open space, parking, and other amenities. The development must comply with the conditions of approval for Sketch Plan No. 320160020 (MCPB Resolution No. 15-160), as amended, and Preliminary Plan No. 120020950 (MCPB Opinion dated August 14, 2002), as amended. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.³ The following Conditions Nos. 4-9, Nos. 12-14, No. 16, Nos. 18-19, and No. 21 modify previous conditions and new Conditions Nos. 22-24 are in addition to all other conditions, which remain in full force and effect:

Modified Conditions

ENVIRONMENT

³ 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.

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the approved Final Forest Conservation Plan No. 82003007B.

* * *

- k) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- l) The Applicant must address all outstanding Staff comments on the FFCP before submittal of the Certified FFCP.

5. Noise Attenuation

* * *

- e) Before the issuance of the first above ground residential building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65_{L_{dn}} dBA, for proposed Buildings G and H, will attenuate the projected exterior noise levels to an interior level not to exceed 45_{L_{dn}} dBA.
- f) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

6. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated ~~January 5, 2016~~ March 18, 2022, and ~~hereby~~ incorporates them as conditions of approval. The Applicant must comply with each of the recommendations ~~as set forth~~ in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Stormwater Management easements and facilities.

OPEN SPACE, FACILITIES AND AMENITIES

7. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of ~~750,000~~ 696,576 square feet of public open space (~~33%~~ 31% of net lot area) on the 51.7-acre on-site.
- d) Before issuance of the 1st Commercial Use & Occupancy Permit, excluding core and shell, for the hotel, the water feature, plaza, open space, and amenities fronting the hotel must be completed.

* * *

- e) ~~Before issuance of the Use & Occupancy Permit for the last floor of the Office Buildings, the open space and amenities fronting each building, including public art, must be completed.~~

8. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) ~~Transit Proximity (30 points)~~

~~The Subject Property is abutting the master-planned Corridor Cities Transitway (CCT) station on Century Boulevard, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. The Site Plan qualifies for the full 30 points as provided in the Zoning Ordinance for CR-zoned properties that are abutting or confronting a master-planned transit station.~~

b) ~~Connectivity and Mobility~~

i. ~~Through Block Connections (10 points)~~

~~The Applicant must provide two pedestrian connections within the townhouse cluster that are open-air, at least 15 feet wide, open to the public at least between 8 AM and 9 PM, and with enhanced landscaping and light bollards, as shown on the Certified Site Plan.~~

ii. ~~Wayfinding (8 points)~~

~~The Applicant must install informational signs, directional signs, and interpretive signs directing pedestrians and bicyclists to the sculptural Art Piece, the Clubhouse amenity area, the major open space area with nature and exercise trails in the northeast corner of the site and along I-270, the future CCT station, office and hotel plaza and lawn area, as shown on the Certified Site Plan.~~

e) *Quality of Building and Site Design*

i. *Public Open Space (20 points)*

The Applicant must provide a minimum of 20 percent of the net lot area as public open space in excess of the minimum open space requirement of the zone.

ii. *Public Art (15 points)*

The Planning Board accepts the recommendations of the Art Review Panel as described in their letter dated October 7, 2015 and hereby incorporates them as conditions of approval. The Applicant must provide for and install the public art concept designed by artist Judy Moore, as presented to the Planning Board's Art Review Panel on September 16, 2015, and illustrated on the Certified Site Plan. Any significant changes to the concept must be presented to the Art Review Panel and may require a Site Plan Amendment.

a. Prior to the issuance of the first building permit for the nonresidential portion of the Property, the Applicant must submit engineering drawings, certified by a structural engineer, regarding the construction of the artwork(s) to the Arts & Humanities Council of Montgomery County ("AHCMC") and MCDPS. The drawings must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners to ensure adequate safety and proper inspection by AHCMC and MCDPS. The Certified Site Plan must include a note referencing the aforementioned drawings.

b. The appropriate signage should be clearly visible on site, specifically identifying the title of the piece, artist name, materials, completion date, and overall dimensions.

c. Prior to final inspection of the public artwork(s), the Applicant must submit to the Public Art Coordinator at the Maryland National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork(s) on site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks through the County (<http://www.mcatlas.org/art/>).

d) *Protection and Enhancement of the Natural Environment*

i. *Building Lot Termination ("BLT") (11.5 points)*

The Applicant must provide proof of purchase and/or payment of 1.32 BLTs to the MCDPS prior to the issuance of building permit(s) for density in excess of the base 0.5 FAR (1,256,899 square feet) of combined construction of residential and commercial square footage. Prior to release of each building permit, the Applicant must submit to MCDPS a certified running tabulation of the individual building square footage and the cumulative total square footage against the 0.5 FAR. If the available Site Plan density is subsequently reduced pursuant to a Site Plan Amendment, the BLT requirement may be reduced accordingly.

ii. Vegetated Roof (5 points)

The Applicant must install a vegetated roof on Buildings C1, D, and E with a soil depth of at least 8 inches and covering more than 33% of the total roof, excluding space for mechanical equipment, as shown on the Certified Site Plan.

a) Diversity of Uses and Activities

i. Affordable Housing / MPDUs (140 points)

1. Within Phase I-C, the development must provide 20 percent MPDUs, or MCDHCA -approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
2. Within Phases I-A and I-B, the development must provide 25 percent MPDUs, or MCDHCA -approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
3. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
4. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated July 12, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

9. Recreation Facilities

* * *

- h) The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
 - i. Prior to the first above ground building permit for hotel Buildings D or E, whichever comes first, the Applicant must construct the picnic and seating areas, and a pedestrian connection to a trail system.
 - ii. Prior to final Use and Occupancy of hotel Buildings D and E, the Applicant must construct an indoor fitness center and indoor swimming pool.
 - iii. Prior to final Use and Occupancy of residential Building G, the Applicant must construct an indoor fitness area, an open grass area lawn, and picnic and seating areas.
 - iv. Prior to final Use and Occupancy of residential Building H, the Applicant must construct a tot lot, a play area, a multipurpose court, an indoor swimming pool, a wading pool, and picnic and seating areas.

12. Public Road Right-of-Way

The Planning Board has reviewed and accepts the recommendations of the ~~MCDPS Right of Way Permitting Section~~ Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its letter-memo dated ~~January 7, 2016~~ April 18, 2022, and ~~hereby~~ incorporates them as conditions of approval. The Applicant must comply with each of the recommendations ~~as set forth in the letter~~ their memo, which the ~~MCDPS Permitting Right of Way Section~~ DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide ~~182-136~~ long-term and ~~20-10~~ short-term bicycle parking spaces.

* * *

- f) Prior to the issuance of any commercial use and occupancy permits for Buildings ~~C, D, and E~~ D, E, G, and H, the Applicant must complete the bike room in each building that can accommodate the number of bicycle parking spaces specified in the Certified Site Plan.
- ~~g) Prior to the issuance of any commercial use and occupancy permit for Buildings C and D, the Applicant must install four bicycle parking spaces (inverted U rack or~~

design approved by MDPS) at each building within 50 feet of the main door facing Private Street D.

DENSITY, HEIGHT & HOUSING

14. Density

The Phase I development Site Plan Amendment No. 82003007F is limited to a maximum 0.53 FAR total density of 0.62 FAR consisting of 902,530 SF 594,570 square feet of residential uses, 199,580 square feet of hotel uses, and 437,420 SF 48,550 square feet of non-residential retail/service uses on 10.88 acres. Residential uses include 160 townhouse units, 28 two-over-two units, and 300 multi-family units. Non-residential uses include an 85,000 SF hotel (120 keys), 303,000 SF of new office and 49,420 SF of existing office space.

a) Phase I-A and I-B (previously constructed)

Limited to a maximum of 0.38 FAR consisting of 902,530 square feet of existing residential uses, including 25% MPDUs, consisting of 160 townhouse units, 28 two-over-two units, and 300 multi-family units on approximately 19.5 acres. Commercial uses are limited to 49,420 square feet of Research and Development uses (existing Thermo Fisher Scientific site) on approximately 3.78 acres.

b) Phase I-C (proposed as part of Site Plan Amendment No. 82003007F)

Limited to a maximum of 0.24 FAR consisting of 594,570 square feet of total development. The total square footage consisting of 346,400 square feet (233 dwelling units), including 20% MPDUs, of Multi-Unit Living as defined by Section 59.3.3.1.E of the Zoning Ordinance; a total of 297,550 square feet of commercial uses consisting of 48,550 square feet of Retail/Service Establishment (15,001-50,000 SF); and 199,580 square feet of hotel use (154 keys) on 10.88 acres.

SITE PLAN

16. Site Design

* * *

- d) The Applicant must provide direct access through the public open space to Building G from Stol Run.
- e) The Applicant must underground all above grade transformers and utility boxes within the Public Open Space along Stol Run.

- f) The Applicant must minimize pavement of the layby lane at the rear of Buildings D and E and connect it to the proposed drive lane, as approved by Staff.

18. Lighting

- a) Before issuance of any above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNSA) recommendations in effect on the date of this Resolution for a development of this type.
- b) Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public road.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.

19. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or use-and-occupancy permit for each block/phase of development, the Applicant must enter into a separate Site Plan Sure 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 of the Montgomery County Zoning Ordinance, with the following provisions:

* * *

- b) The cost estimate must include applicable Site Plan elements, including, but not limited to: site signage features; decorative and security fencing; plant materials; on-site lighting; exterior site furniture; all recreation and playground equipment/features; ~~artwork~~; water feature; plazas; retaining walls; railings; private roads, streets, and alleys; curbs; gutters; sidewalks; specialty pavers; group mailboxes; indoor and outdoor recreational facilities; bikeways; trash enclosures; private utilities; paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, site trees and site lights; and associated improvements within the relevant phase of development.

21. 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:

* * *

- g) Add the following notes:
 - i. “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.”
 - ii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- h) Approved Fire and Rescue Access plan must be included in the Certified Site Plan.
- i) Applicant must provide an exhibit showing the location and materials of all recreational amenities, including but not limited to an indoor fitness room, open grass area lawn, a tot lot, a play area, a multipurpose court, swimming pool, wading pool, picnic and seating areas, a pedestrian connection to a trail system, a fitness trail, and bikeways.
- j) Multi-family residential buildings G and H must provide building entrances facing Stol Run with a maximum entrance separation of 100 feet.
- k) Applicant must provide revised recreation amenity tables specific to the proposed multi-family buildings to be included in the Certified Site Plan.

New Conditions

22. Building Lot Terminations (BLTs) in the Germantown Transit Mixed Use Overlay

The Applicant must provide proof of purchase and/or payment of 4.6 BLTs to MCDPS prior to the issuance of the building permit(s) for density in excess of the base 0.5 FAR (1,256,800 square feet) of combined construction of residential and commercial

square footage. Prior to release of each building permit, the Applicant must submit to MCDPS a certified running tabulation of the individual building square footage and cumulative total square footage against the 0.5 FAR. If the available Site Plan density is subsequently reduced pursuant to a Site Plan Amendment, the BLT requirement may be reduced accordingly.

23. Before the issuance of the second above ground residential building permit for Phase I-C of the project (either Building G or H), the Applicant must receive approval from MCDOT and Planning Staff for final designs of one of the two frontage mitigation improvements listed under condition 28 of Preliminary Plan 12002095C.
24. Before the issuance of the Use and Occupancy Certificate for the second residential building for Phase I-C of the project (either Building G or H), the Applicant must install the frontage improvements as outlined as per the approved design described in Condition 28 of Preliminary Plan 12002095C.

SECTION 3 – COMMUNITY CORRESPONDENCE

This Application was submitted and noticed in accordance with all County Code requirements and Planning Board adopted procedures. Seven signs, four along Century Boulevard and three along the recreation trail which fronts along I-270, referencing the proposed Application were posted along the Subject Property’s dual frontages. A pre-submission community meeting was not required for this Application.

As of the date of this report, Staff has received one community correspondence letter (Attachment H). The letter is from the owner of one of the townhouses which was constructed as Phase 1-A of overall Century development.

The letter raises a number of issues related to traffic, density, the inclusion of non-residential structures, and forest conservation. In reviewing these concerns, Staff reviewed existing approvals going back more than 5 years. The Century project was always envisioned to be an attractive mixed-use community with walkable urban design characteristics. When the original plans were proposed, the Applicant met all applicable requirements for community meetings, notifications, and public hearings. When any of those prospective townhouse owners purchased their homes, the applicable master plan and approved regulatory plans were all publicly available to inform the public on the future of this property. If approved, the amendment will continue to operate within the County’s transportation guidance regarding traffic volumes, safety, and operations.

The letter contends that a plan encroaches on a forest conservation area but does not elaborate where or how. The Applicant does not propose any changes to the Forest Conservation Plan and no existing encroachments have been reported or exist.

These topics are further discussed in the finding section of this Staff Report.

SECTION 4 – SITE LOCATION & DESCRIPTION

SITE LOCATION AND VICINITY

The area covered by the Preliminary Plan and Sketch Plan is located to the west of Interstate 270 and to the east of Century Boulevard, at its intersection with Cloverleaf Center Drive in the Cloverleaf District of the Germantown Employment Area Sector Plan containing 51.7 acres (“Preliminary Plan Area” and/or “Sketch Plan Area”). The area covered by this Site Plan Amendment is bordered by the I-270 to the east, the existing Thermo Fisher Scientific property to the west and the residential multi-family and townhouse constructed in Phases 1-A and 1-B of Century containing 10.88 acres (“Site Plan Area”).

The uses adjacent to the Site consist entirely of commercial and office uses surrounded by large areas of surface parking. The Sketch Plan Area, Preliminary Plan Area, Site Plan Area, will be served by the Manekin West Connector, a proposed Corridor Connector as designated in the Corridor Forward Plan, which is planned to run along Century Boulevard, with an anticipated stop in front of the Property. Properties in the Cloverleaf District, including the Subject Property, are all zoned CR-2 and within the Germantown Transit Mixed Use Overlay Zone.



Figure 2 - Vicinity

The Preliminary Plan and Sketch Plan Area consists of approximately 51.7 acres including the existing Thermo Fisher Scientific property which is a research facility. The balance of the Preliminary Plan Area and Sketch Plan Area contains multi-family residential and townhouses which were constructed as part of Phase I -A and I-B of Century (Site Plan No. 82003007B).

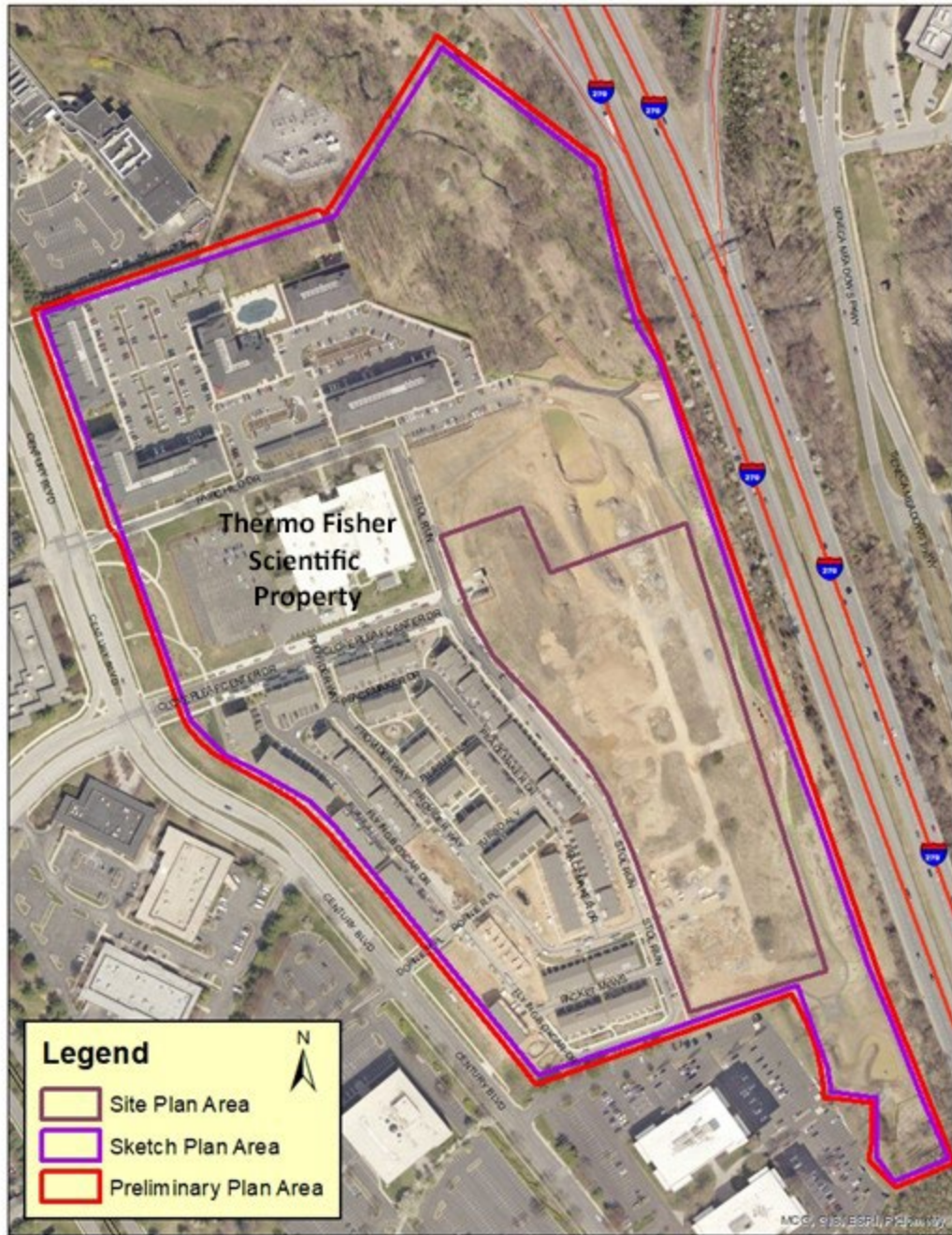


Figure 3 - Aerial View

The 51.7 acres that are subject to these applications are within the Little Seneca Creek watershed; a Use IV-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this section of the watershed as good overall condition. The Property contains 4.25 acres of forest, and 98 trees greater than 24" diameter at breast (DBH).

The topography is generally flat with exception of the northern corner which has steep and moderate slopes leading down to the stream. There is a stream, wetlands, and associated

environmental buffers in the northern corner of the Preliminary Plan Area and Sketch Plan Area. The southern end of the Preliminary Plan Area and Sketch Plan Area is approximately 10-14 feet higher than the adjacent property to the south (See Figure 3). This difference in grade is man-made presumably to create a flatter surface for the parking lot on the adjacent property.

SECTION 5 – PREVIOUS APPROVALS & PROPOSAL

PREVIOUS APPROVALS

[Preliminary Plan No. 120020950](#)

On August 14, 2002, the Planning Board approved Preliminary Plan No. 120020950, Cloverleaf Center, to create four recorded parcels on 55.81 acres of land for a total of 498,934 square feet of office space, which included 156,516 square feet of new general office space and 342,418 square feet of existing office space.

[Site Plan No. 820030070](#)

On March 17, 2003, the Planning Board approved Site Plan No. 820030070, Century Technology Campus at Cloverleaf Center, for a total of 499,000 square feet of office space, which included 156,500 square feet of new commercial office space and 342,500 square feet of existing office space, on 55.81 gross acres.

[Preliminary Plan Amendment No. 12002095A](#)

On January 25, 2010, the Planning Board, by Resolution MCPB No. 09-156, approved Preliminary Plan No. 12002095A to create one recorded parcel on 51.8 acres of land for 510,702 square feet of general office and 21,000 square feet of accessory storage uses.

[Site Plan Amendment No. 82003007A](#)

On December 14, 2010, the Planning Board, by Corrected Resolution MCPB No. 10-153 (original MCPB No. 09-157), approved Site Plan No. 82003007A for 510,702 square feet of general office and 21,000 square feet of accessory storage uses, on 51.8 acres of land.

[Sketch Plan No. 320160020](#)

On January 7, 2016, the Planning Board approved Sketch Plan No. 320160020, by Resolution MCPB No. 15-160, for a phased mixed-use development with a maximum of 2,114,230 square feet including residential, office, hotel, retail, and restaurant use on 57.6 gross acres.

[Preliminary Plan Amendment No. 12002095B](#)

On March 17, 2016, the Planning Board, by Resolution MCPB No. 15-161, approved Preliminary Plan Amendment No. 12002095B to create 160 townhouse lots, 3 lots for 28 two-over-two dwelling units, one lot for 300 multi-family units, four lots for a combined 437,420 square feet of commercial uses, one lot for a forest conservation/natural area, and one outlot for stormwater management in the CR zone. When this resolution was adopted by the Planning Board, it superseded all previous conditions from Preliminary Plan 120020950 and Preliminary Plan Amendment 12002095A.

[Site Plan Amendment No. 82003007B](#)

On March 16, 2016, the Planning Board, by Resolution MCPD No. 15-162, approved Phase 1 with 160 single-attached dwellings units, 28 two-over-two units, and 300 multi-family units (including 12.5% MPDUs), 303,000 SF of new office uses, 85,000 SF of hotel and 49,420 square feet of existing office uses.

[Site Plan Amendment No. 82003007C](#)

On September 27, 2017, an administrative amendment was approved to allow retention of an existing nitrogen tank, minor revisions to the loading dock on Building #6, relocation of trash enclosure, and minor changes to landscaping.

[Site Plan Amendment No. 82003007D](#)

On May 9, 2018, an administrative amendment to the multi-family section to adjust stormwater structures and landscaping near building foundations, provide boardwalk crossings at some stormwater bio-swales, reorient swimming pool for more deck space, minor landscaping changes, relocation four MPDU units, and reconfigure trash enclosures was approved.

[Site Plan Amendment No. 82003007E](#)

On July 17, 2019, the Planning Board, by Resolution MCPD No. 19-078, approved an amendment to increase the number of MPDUs to 25% from the previously approved 12.5%.

[PROPOSAL](#)

[Sketch Plan Amendment 32016002A](#)

Proposes to set density and building massing for a phased, mixed-use development with up to 2,463,520 square feet of total development (1,415,770 square feet of residential and 1,047,750 square feet of commercial uses).

Preliminary Plan Amendment 12002095C

Proposes to create lots for up to 2,063,520 square feet of total development (1,248,970 square feet of residential and 814,550 square feet of commercial) to replace two previously approved office buildings and one previously approved hotel with two new 13-story Research & Development/Office buildings, two new eight-story hotel buildings (154 rooms), and two new six-story multi-family/retail buildings (233 units).

Site Plan Amendment 82003007F

Proposes to construct four buildings consisting of up to 346,440 square feet of multi-family residential uses (233 dwelling units, including 20% MPDUs), 48,550 square feet of retail/service use, and 199,580 square feet of hotel use (154 rooms) on 10.88 acres for a total of 594,570 square feet of development with associated open space, parking, and other amenities.

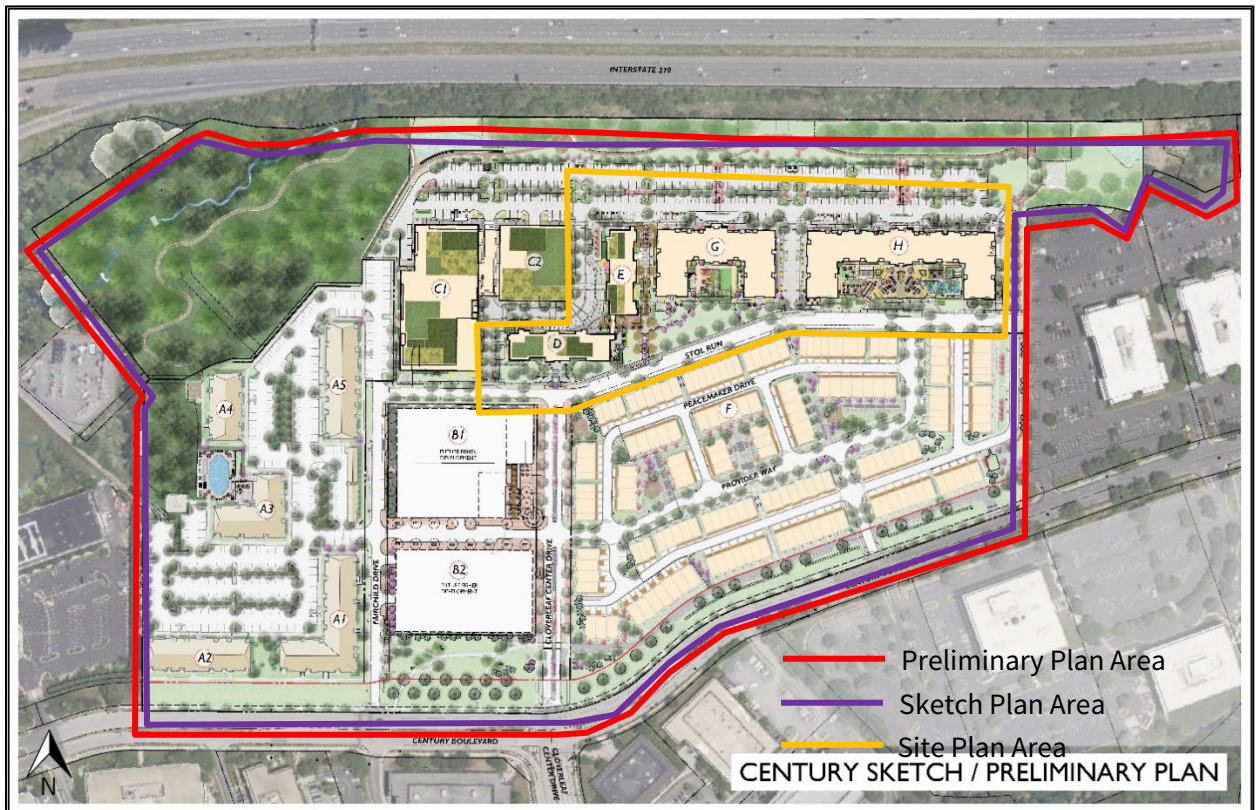


Figure 4 - Sketch Plan, Preliminary Plan, and Site Plan Rendering

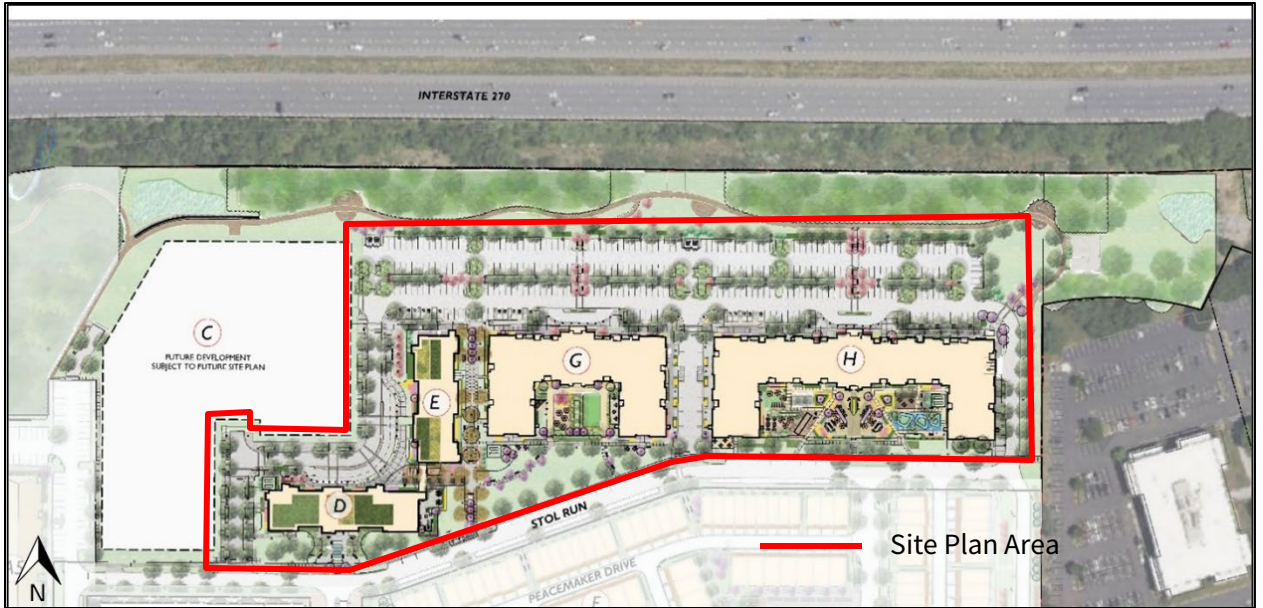


Figure 5 - Site Plan Rendering

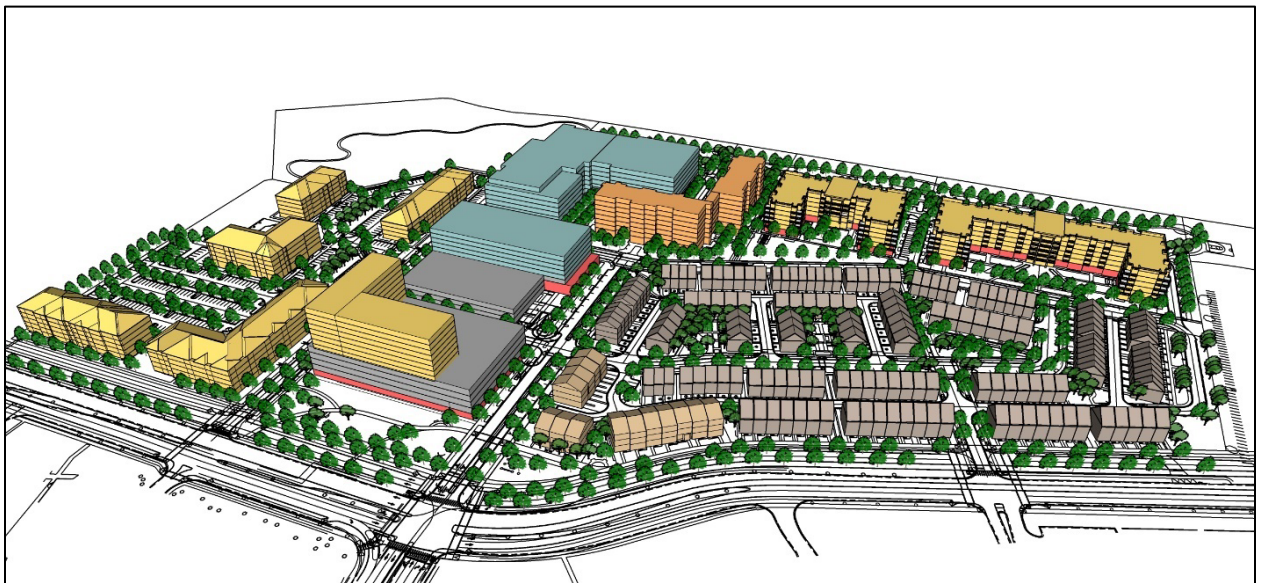


Figure 6 - Sketch Plan Building Massing

**SECTION 6 – ANALYSIS & FINDINGS, SKETCH PLAN AMENDMENT
#32016002A, 59.7.3.3.E**

The purpose of a Sketch Plan (Section 59.7.3.3) is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the general locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Per Section 59.7.3.3.E of the Zoning Ordinance, to approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan:

1. Meet the objectives, general requirements, and standards of this Chapter;

Table 1 - Sketch Plan Data Table for CR-2.0, C-1.25, R-1.0, H-145 T Zone, Optional Method, Section 59.4.5.4

CR-2.0 C-1.25, R-1.00, H-145T	Permitted / Required	Approved by Sketch Plan 320160020	Proposed for Approval 321016002A
Gross Tract Area	N/A	57.7 acres (2,513,798 sq.ft.)	57.7 acres (2,513,798 sq.ft.)
Previous Dedications	N/A	6.0 acres (262,588 sq.ft.)	6.0 acres (262,588 sq.ft.)
Net Tract Area	N/A	51.7 acres (2,251,310 sq.ft.)	51.7 acres (2,251,310 sq.ft.)
Max. Density (FAR / GFA)			
Commercial	1.25/3,142,248 sq.ft.	0.35/874,900 sq.ft.	0.42/1,047,750 sq. ft.
Residential	1.0/2,513,798 sq.ft.	0.49/1,239,330 sq.ft.	0.56/1,415,770 sq. ft.
TOTAL	2.0/5,027,596 sq. ft.	0.84/2,114,230 sq. ft.	0.98/2,463,520 sq. ft.
Building Height	145 ft. max.	145 ft. or less	145 ft. or less
Open Space (% / sq. ft.)			
Common Open Space	10/46,245 sq.ft.	17.5/80,805 sq.ft.	11/50,978 sq. ft.
Public Open Space	10/141,172 sq.ft.	10.9/153,902 sq.ft.	10/146,408 sq. ft.
TOTAL	10/225,121 sq. ft.	12.5/234,707 sq. ft.	10.5/197,386 sq. ft.
MPDUs	12.5%	12.5%	23.4%
BLTs	1 BLT/31,500 sq. ft. of 50% of incentive density	13.61	19.15

Germantown Transit Mixed Use Overlay Zone (“GTMU”)

Under Section 59-4.12 of the Zoning Ordinance, the purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations (“BLT”) in the optional method of development for properties in the CR zone under the Germantown Sector Plan. As an optional method of development project in the CR zone, the Applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.

The incentive density floor area above 0.5 FAR is 1,206,621 square feet, 50% of this square footage is 603,311 square feet. One BLT must be purchased for every 31,500 square feet of this 50% of incentive density. As a result, 19.15 BLTs must be purchased, or payment made to the ALPF.

a) *Implement the recommendations of applicable master plans (59.4.5.1.A)*

The proposed development substantially conforms to the 2009 *Germantown Employment Area Sector Plan*.

The proposed development is located in Area 1 of the Cloverleaf District as defined in the 2009 *Germantown Employment Area Sector Plan*. The overall Cloverleaf District is approximately 130 acres. This Sketch Plan Amendment calls for the remainder of the site to be developed with new Research & Development/Office buildings, two hotel buildings, and two new multifamily residential/retail buildings. In total, the development proposal will result in an overall density of 0.98 FAR with a split 0.42 to 0.56 FAR of commercial to residential uses for the larger Cloverleaf District.

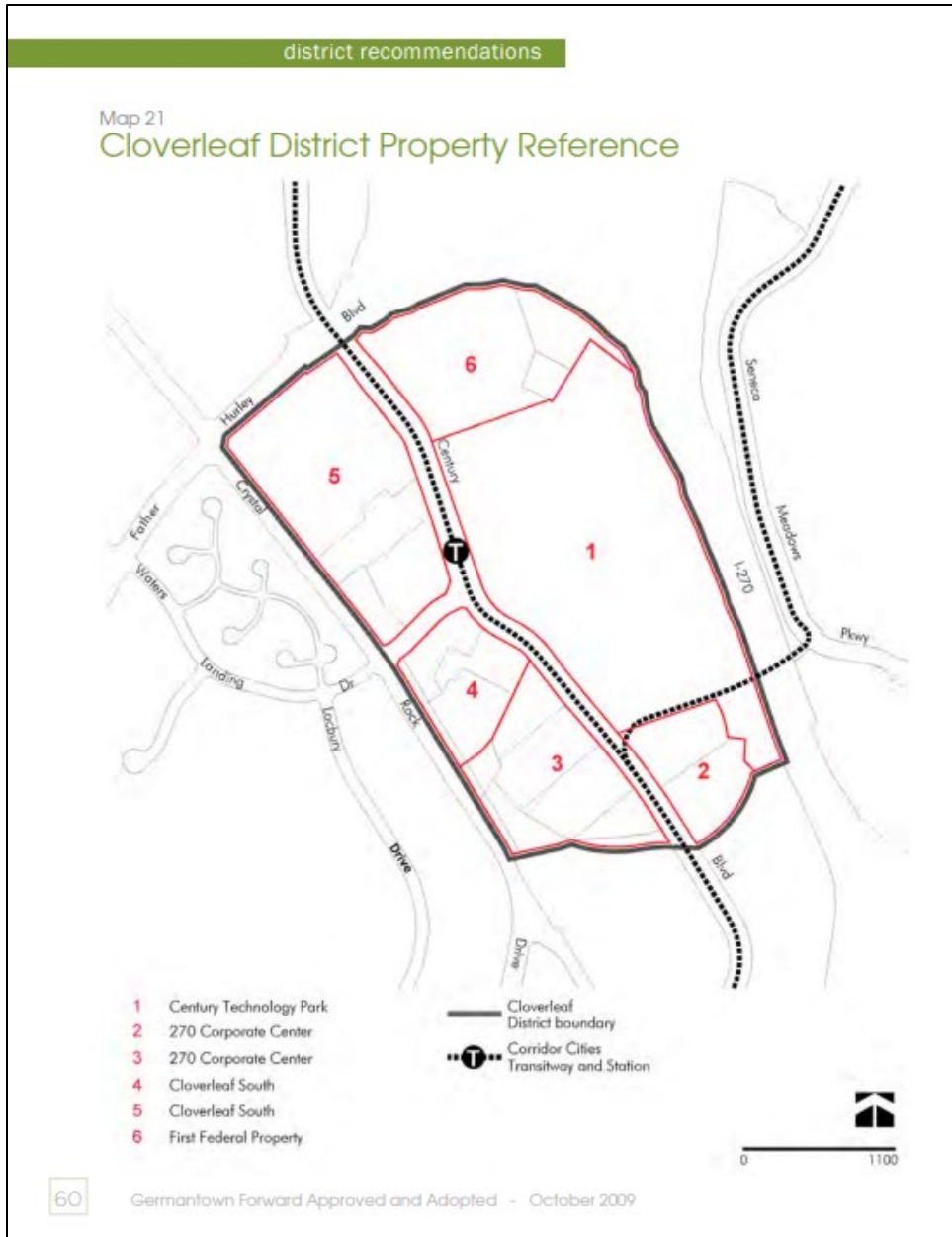


Figure 7 – District Recommendations from Sector Plan (source: 2009 Sector Plan)

In the Areawide Urban Framework section of the 2009 *Germantown Employment Area Sector Plan*, some recommendations that are applicable to the subject development are as follows:

Design Framework (page 20)

- Clustering development at transit stations to encourage use of transit, provide convenience, and create a focus of activity

- Connecting streets, bikeways, and pedestrian routes to encourage walking and improve access + expanding the natural open spaces and urban gathering spaces as amenities, recreation spaces, and conservation areas
- Incorporating historic, cultural, and nature-oriented themes into development to strengthen community identity
- Locating the tallest buildings at the transit stations or within the centers and stepping down heights adjacent to existing residential communities.

Compact Centers (page 21)

- Concentrate development at transit stations creating compact, walkable centers. Place highest densities nearest transit stations, transitioning down to lower densities adjacent to existing residential communities.

Street Oriented Development (page 21)

- Locate buildings adjacent to the street to form a building line of the sidewalk and street that form public spaces. Provide front entrances along the street to improve pedestrian convenience, activate the street, and reduce walking distances. Provide street level retail uses along streets where street activity is desired. Place retail, restaurants, and other uses at highly visible locations along boulevards and main streets and adjacent to urban open spaces to add vitality and convenience. Design retail storefronts with large, clear glass windows for merchandise display that promote retailing and add visual interest to the street.

The Application proposes a mix of uses around a planned transit stop. There are large areas of open space, the proposed building heights are focused near the center of the site and along I-270 along the rear of the Subject Property. The proposed urban form is consistent with the areawide recommendations from the Urban Framework section. The proposed residential buildings and two hotels in this application will have their primary facades facing streets and open spaces. The parking for the uses will be behind the buildings. The proposed development will have shaded sidewalks that promote pedestrian connectivity to the other existing residential and commercial uses within the Cloverleaf District.

The specific land use and urban form recommendations for the Cloverleaf District are found on pages 59-61 of the 2009 *Germantown Employment Area Sector Plan* and state the following:

- Concentrate mixed-use development at the transit station at an average density of 1.0 FAR, stepping down toward existing residential communities along Crystal Rock Drive. The entire Cloverleaf District is recommended to be rezoned from I-1 and I-3 to TMX-2 to create opportunity for mixed-use development near the future Cloverleaf CCT station.

- Create a center, clustering density at the transit station. If multiple ownership patterns occur, encourage high density at the transit station through density transfer between adjoining properties.
- Allow a ratio of land uses that are 50% to 60% commercial uses and 40% to 50% residential uses for each property to create a mixed-use neighborhood.
- Establish a street-oriented development pattern throughout the neighborhood with parking areas internally within the blocks.

With the adoption of the 2014 Zoning Ordinance, the zoning for the subject property was converted from the TMX-2 zone to CR-2.0 C-1.25 R-1.0 H-145T.

The Sector Plan proposed a density of 1.00 FAR for the Cloverleaf District. The proposed development will provide an overall density of 0.98 FAR, which is below the overall 1.00 FAR for the district, but generally matches the density recommendations of the Sector Plan. The Sector Plan, adopted in 2009, suggests an approximate range of land use ratios between 50% to 60% for commercial uses and 40% to 50% for residential uses on each property in the Cloverleaf District. The specific language is aspirational and suggestive and will be difficult to realize given changing market conditions give the office market in the region and housing shortage since the Sector Plan was adopted. With the economic recession of 2008/2009 and the global health pandemic of the past few years, it has been difficult to build and lease significant amounts of commercial space throughout the region. At the same time, the County is experiencing a housing and affordable housing shortage. Additionally, the CR zone, established with the 2014 Zoning Ordinance, promotes economic, environmental, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities and provides greater predictability regarding practical land use ratios.

In the case of the Cloverleaf District, while the mapped zoning is geared slightly towards more commercial uses for the site, it does allow an applicant to determine what ratio is best for uses on the site. The proposed ratio of 43% to 57%, commercial to residential uses, for the larger Cloverleaf District is not a significantly outside of the range that was suggested for the district. The proposed ratio responds to market conditions, more current housing policy, and is in keeping with the mapped zoning for the area. Thus, the proposal is in substantial conformance with the 2009 *Germantown Employment Area Sector Plan*.

b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

The Sketch Plan Area is currently developed with residential uses and is approved for office, hotel, retail, and restaurant uses. The Application proposes a mix of residential and commercial uses, with a Site Plan Amendment proposing additional multi-family residential,

retail, and hotel uses on 10.88 acres, with surface parking lots to be located at the rear of the proposed buildings and structured parking within the buildings.

c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.

As proposed, the combination of housing types, mobility options, commercial uses, and public open space amenities encourage integrated development within the Sketch Plan Area. The Amendment proposes replacing the previously approved two office buildings (Buildings C and D) and hotel (Building E), with two new hotel buildings (Buildings D and E), two new multi-family mixed-use buildings with retail (Buildings G and H), and two new Research & Development/Office buildings (Buildings C1 and C2).

Pursuant to Section 59-4.5.4.B.1, the Application is required to dedicate at least 10% of the site for public open space. The intent of the required public open space is to “provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality.” The required public open space will be provided around the proposed buildings and accessible from the public right-of-way along the existing alignment of Stol Run. This will enhance the pedestrian experience along the street frontages and within the public realm of the open spaces. Presently, the locations for the hotel buildings, multi-family buildings, and office buildings are rough graded and undeveloped along the east side of Stol Run. Once the buildings are developed, there will be dedicated surface parking located at the rear of the buildings, along with structured parking.

d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.

The Sketch Plan Area is currently developed with residential uses and is approved for office, hotel, retail, and restaurant uses. The Application would expand the existing residential uses and add new commercial space for research & development/office, hotel, and retail uses. The Sketch Plan Area includes existing residential uses and is bordered by existing office and non-residential uses, while fronting on to a major roadway (Century Boulevard). The proposed residential and commercial uses would be located at the northeastern and eastern most edges of the Sketch Plan Area, at the terminus of Cloverleaf Center Drive. As proposed, the mix of uses would be compatible with existing residential development on the Sketch Plan and with the neighboring non-residential uses.

The Application proposes densities and building heights allowed within the CR zone within the Sketch Plan Area. The Amendment proposes an increase to the originally approved density by

adding 176,440 square feet of residential use and 172,850 square feet of commercial use, resulting in a cumulative total of 349,290 square feet of development from the original approval. The heights of the proposed buildings range from 6 floors for the multi-family residential buildings, 8 floors for the hotel buildings, and up to 13 floors for the office/research & development buildings. While some of the proposed heights are taller than other structures in the immediate vicinity, the Amendment would be designed to ensure a compatible relationship with existing residential and neighboring development through articulated design, variations in building heights and massing, and locating the tallest massing and density towards the center and rear of the Sketch Plan Area (Figure 6). Lastly, the Amendment follows the existing pattern of on-site development in its height, massing, and proportions for the proposed buildings.

e) Integrate an appropriate balance of employment and housing opportunities.

The Application proposes additional market-rate and affordable housing units with up to 1,415,770 square feet (0.56 FAR) of residential space, adding more housing opportunities within the greater Germantown community. The Project would also create additional employment opportunities through the up to 1,047,750 square feet (0.42 FAR) of commercial uses including office, research & development, hotel, and retail spaces, as well as maintenance and management of the multi-family apartment buildings, and as well as the open space and grounds. The proposed balance of multi-family housing, as the principal use, and employment, as a subordinate use, accommodates opportunities that are appropriate at this location. This is reinforced by the proximity to the Germantown Town Center and convenient access to the regional transportation network.

f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

The original Sketch Plan approval, Sketch Plan No. 320160020, required a minimum of 100 public benefit points from four benefit categories. The Applicant provided 135 public benefit points from five different benefit categories. Per Section 59-4.7.3.D.6.e, the proposed amendment will exceed the previously approved public benefit points by providing 140 points from a single category, Moderately Priced Dwelling Units, to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be made at the time of Site Plan. The proposed public benefit points, as discussed below, would support and accommodate the optional method density.

2. Substantially conforms to the recommendations of the applicable master plan:

As discussed above in Section 1.a, the Sketch Plan substantially conforms to the 2009 *Germantown Employment Area Sector Plan*.

3. Satisfy any development plan or schematic development plan in effect on October 29, 2014;

This finding is not applicable as the property is not subject to a development plan or schematic development plan that was in effect on October 29, 2014.

4. Achieve compatible internal and external relationships between existing and pending nearby development;

The Sketch Plan Amendment provides compatible internal and external relationships between existing and nearby development through height, density, massing, and articulation. The proposed research & development/office, hotel, and multi-family residential buildings range in height from 6 floors to 13 floors and would incorporate structured parking within each building. The proposed density is comparable to existing residential and commercial development within the Sketch Plan Area and in neighboring development. The height, massing, and articulation of the proposed hotel and multi-family residential buildings is comparable to the existing residential buildings within the Sketch Plan Area. While the proposed research & development/office buildings are also comparable to existing development nearby, the building heights would be taller than other structures within the Sketch Plan Area but located centrally and towards the rear of existing and proposed development. The additionally proposed development would vary in height from 6 floors to 8 floors, ultimately stepping up the 13 floors for the research & development/office buildings. Although taller than other structures in the immediate vicinity, the Project would be designed to ensure a compatible relationship with adjoining neighborhoods through articulated design, variations in building heights, and setbacks. The Project also follows the existing pattern of the on-site development in its height and massing for portions of the building nearest to adjoining neighborhoods.

Research & Development (R&D)/Office Buildings

The proposed R&D/office buildings, Buildings C1 and C2, would be 13 floors in height and located directly north and adjacent to the proposed hotel buildings, Buildings D and E. The massing is configured in a manner to appear as two separate buildings, but function as a singular R&D/office space. Buildings C1 and C2 will incorporate a flat roof assembly with appropriate height parapet walls. Both buildings include structured parking and a designated loading dock at the northeast side of the building. The R&D/office portion of the building would include a cumulative total of approximately 903,300 square feet spread across Buildings C1 and C2. The R&D/office use within Building C1 is to be located above a ground floor lobby, with structured parking, and three below-grade parking levels. The R&D/office use within Building C2 is to be located above four levels of above-grade parking, while Buildings C1 and C2 will only be connected at the third floor to accommodate a future north-

south connection to the surface parking at the rear of the eastern side of the Sketch Plan Area. The primary circulation will be from existing Stol Run and the proposed private driveway, which will serve both the hotel buildings and R&D/office buildings.



Figure 8 - R&D/office (Buildings C1 and C2), Rendered Front Exterior Elevation

Hotel Buildings

As discussed in detail within the findings for the Site Plan Amendment, the proposed hotel buildings (Figures 18 and 19 in the Site Plan Amendment) within the Sketch Plan Area achieve compatible internal and external relationships between existing and pending nearby development.

Multi-family Residential Buildings

As discussed in detail within the findings for the Site Plan Amendment, the proposed multi-family residential buildings (Figures 20 and 21 in the Site Plan Amendment) within the Sketch Plan Area achieve compatible internal and external relationships between existing and pending nearby development.

5. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

As detailed in the findings for the Preliminary Plan and Site Plan, the Sketch Plan provides adequate multimodal site circulation, loading, and parking.

6. Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to

adjacent properties, the following outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the site, as described below.

The Applicant proposes to exceed the 100-point requirement by providing 140 public benefit points utilizing MPDUs within the Diversity of Uses and Activities category, which would replace the previously approved categories. Although at the time of Sketch Plan review only an outline of public benefits needs to be approved, the following table shows the categories and points for the public benefits requested at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

Table 2 - Public Benefit Calculations, Section 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Diversity of Uses and Activities		
Moderately Priced Dwelling Units	N/A	140 Points
Total Points	N/A	140 Points

DIVERSITY OF USES AND ACTIVITIES

Moderately Priced Dwelling Units

The Sketch Plan Amendment proposes a minimum of 20% MPDUs within the new multi-family residential buildings in addition to the existing 25% MPDUs within the existing multi-family and townhouse development in Phase 1-A and 1-B. Section 59-4.7.3.D.6.e of the Zoning Ordinance states that “A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2.” The proposed MPDUs within the Sketch Plan Area would exceed the 20% threshold and meet the criteria of not having to satisfy any additional public benefit categories. The Sketch Plan Amendment would provide 140 Public Benefit Points through the Sketch Plan Area’s MPDU percentage of a minimum of 20%. The proposed changes to the Public Benefit Points replace all previously approved categories including the public art component, which was approved as part of Section 59-4.7.3.E – Quality of Building and Site Design. The Applicant proposes to replace the public art component with an equivalent landscape architectural amenity plaza with a central water feature. The proposed water feature and amenity plaza would be located at the front of Building D along Stol Run and at the terminus of Cloverleaf Center Drive. The proposed water feature and amenity plaza would serve as a focal point for residents and visitors, while also complying with the Sector Plan.

- 7. Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.***

This Amendment is part of a multi-phased project, in which Phase I-A and I-B are constructed and Phase I-C is now subject of the Amendment. Phases I-A and I-B, located along Century Boulevard, are built with 160 townhouse units, 28 two-over-two units, and 300 multi-family units on approximately 19.5 acres. Commercial uses are limited to 49,420 square feet of existing Research and Development uses on the existing Thermos Fisher Scientific building site with approximately 3.78 acres. Phase I-C, located in the rear of the Property between the Phase I development and I-270 on approximately 10.88 acres, proposes to replace the previously approved land use mix with two new multi-family buildings with ground floor retail (Buildings G and H) and two hotels (Buildings D and E), while leaving the portion of the site vacant for future R&D/office buildings (Buildings C1 and C2) subject to a future site plan amendment. The phasing plan is appropriate by ensuring that each phase is supported with the necessary infrastructure and amenities. The required public benefit points can be fully achieved during the current Phase I-C through the Diversity of Uses & Activities category by providing a minimum of 20% MPDUs.

SECTION 7 – ANALYSIS & FINDINGS, PRELIMINARY PLAN AMENDMENT #12002095C, 50.4.2.D

- 1. The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The Preliminary Plan Area meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (General Building Type) use contemplated for the Property.

The lots were reviewed for compliance with the dimensional requirements for the CR and Germantown Transit Mixed Use Overlay Zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage and can accommodate the commercial/residential buildings, hotels, and R&D/office buildings which can reasonably meet the width and setbacks requirements in the zone. A summary of this review is included in Table 3. The Application is proposed under the optional method in accordance with Section 4.4.8.A of the Zoning Ordinance. The Preliminary Plan Area has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 3 – Development Standards Table – CR (Optional Method)

CR-2.0 C-1.25, R-1.00, H-145T	Allowed/Required by the Zone	Approved by Sketch Plan 32016002A	Proposed for Approval 12002095C
Preliminary Plan Area	N/A	51.7 acres	51.7 acres (net tract post ROW dedication)
FAR (Floor Area Ratio)			
Residential	1.0 FAR (2,513,798 sq. ft.)	0.56 FAR (1,415,770 sq. ft.)	0.50 FAR (1,248,970 sq. ft.)
Commercial	1.25 FAR (3,142,248 sq. ft.)	0.42 FAR (1,047,750 sq. ft.)	0.32 FAR (814,550 sq. ft.)
Total FAR	2.0 FAR (5,027,597 sq. ft.)	0.98 FAR (2,463,520 sq. ft.)	0.82 FAR (2,063,520 sq. ft.)
MPDUs	12.5% (30 MPDUs)	23.4% (169 MPDUs)	23.4% (169 MPDUs)
Open Space			
Public Open Space	10%	10%	10%
Common Open Space	10%	11%	11%
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width at B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage	No limit	No limit	No limit
Principle Building, Min. Setbacks (for all lots)	Determined at site plan	Determined at site plan	Determined at site plan
From Public Street (Front/side)	Determined at site plan	Determined at site plan	Determined at site plan
Front (Open Space)	Determined at site plan	Determined at site plan	Determined at site plan
Side (Abutting Site Boundary)	Determined at site plan	Determined at site plan	Determined at site plan
Side (End unit)	Determined at site plan	Determined at site plan	Determined at site plan
Side (Internal Unit)	Determined at site plan	Determined at site plan	Determined at site plan
Rear (Abutting Site Boundary)	Determined at site plan	Determined at site plan	Determined at site plan
Rear (Alley)	Determined at site plan	Determined at site plan	Determined at site plan
Building Height	145 ft. max.	145 ft.	145 ft. or less
Site Plan Required	Yes	Yes	Yes

Germantown Transit Mixed Use Overlay Zone (“GTMU”)

Under Section 59-4.12 of the Zoning Ordinance, the purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations (“BLT”) in the optional method of development for properties in the CR zone under the Germantown Sector Plan. As an optional method Preliminary Plan Amendment in the CR zone, the Applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.

The calculations and BLT requirements are further discussed in the Site Plan Amendment portion of this Staff Report.

2. *The Preliminary Plan substantially conforms to the Master Plan*

The Preliminary Plan Area is located in Area 1 of the Cloverleaf District in the 2009 *Germantown Employment Area Sector Plan*. The overall Cloverleaf District is approximately 130 acres. The southwest portion of the overall 51.7-acre Preliminary Plan Area currently contains the one-story Thermo Fisher Scientific Building, which is used for medical research, five mid-rise multi-family buildings and a townhouse community. This Preliminary Plan Amendment calls for the remainder of the Preliminary Plan Area to be developed with two new R&D/office buildings, two hotel buildings, and two new multi-family residential/retail buildings. In total, the Preliminary Plan Amendment will result in an overall density of 0.82 FAR with a 39% to 61% ratio of commercial to residential uses for the larger Cloverleaf District. The overall ration in the district will likely improve when the Thermo Fisher Scientific Building site is also considered for redevelopment, but that additional non-residential square footage is not factored into this application at this time.

In the Areawide Urban Framework section of the 2009 *Germantown Employment Area Sector Plan*, some recommendations that are applicable to the Preliminary Plan Amendment are as follows:

Design Framework (page 20)

- Clustering development at transit stations to encourage use of transit, provide convenience, and create a focus of activity.
- Connecting streets, bikeways, and pedestrian routes to encourage walking and improve access + expanding the natural open spaces and urban gathering spaces as amenities, recreation spaces, and conservation areas.
- Incorporating historic, cultural, and nature-oriented themes into development to strengthen community identity.
- Locating the tallest buildings at the transit stations or within the centers and stepping down heights adjacent to existing residential communities.

Compact Centers (page 21)

- Concentrate development at transit stations creating compact, walkable centers. Place highest densities nearest transit stations, transitioning down to lower densities adjacent to existing residential communities.

Street Oriented Development (page 21)

- Locate buildings adjacent to the street to form a building line of the sidewalk and street that form public spaces.
- Provide front entrances along the street to improve pedestrian convenience, activate the street, and reduce walking distances.
- Provide street level retail uses along streets where street activity is desired.
- Place retail, restaurants, and other uses at highly visible locations along boulevards and main streets and adjacent to urban open spaces to add vitality and convenience.
- Design retail storefronts with large, clear glass windows for merchandise display that promote retailing and add visual interest to the street.
- The urban form of the Preliminary Plan Amendment is consistent with the areawide recommendations from the Urban Framework section.
- The proposed residential buildings and two hotels will have their primary facades facing streets and open spaces.
- The parking for the uses will be behind the buildings.
- The Preliminary Plan Amendment will have shaded sidewalks that promote pedestrian connectivity to the other existing residential and commercial uses within the Cloverleaf District.

The specific land use and urban form recommendations for the Cloverleaf District are found on pages 59-61 of the 2009 *Germantown Employment Area Sector Plan* state the following:

- Concentrate mixed-use development at the transit station at an average density of 1.0 FAR, stepping down toward existing residential communities along Crystal Rock Drive. The entire Cloverleaf District is recommended to be rezoned from I-1 and I-3 to TMX-2 to create opportunity for mixed-use development near the future Cloverleaf CCT station.
- Create a center, clustering density at the transit station. If multiple ownership patterns occur, encourage high density at the transit station through density transfer between adjoining properties.
- Allow a ratio of land uses that are 50% to 60% commercial uses and 40% to 50% residential uses for each property to create a mixed-use neighborhood.
- Establish a street-oriented development pattern throughout the neighborhood with parking areas internally within the blocks.

With the adoption of the 2014 Zoning Ordinance, the zoning for the Preliminary Plan Area was converted from the TMX-2 zone to CR-2.0 C-1.25 R-1.0 H-145T.



Figure 9 - Cloverleaf District Land use (source: 2009 Sector Plan)

Per the Master Plan finding in the Sketch Plan section above, in the case of the Cloverleaf District, while the mapped zoning is geared slightly towards more commercial uses for the Preliminary Plan Area, it does allow an applicant to determine what ratio is best for uses within the Preliminary Plan Area. The proposed Preliminary Plan area ratio of 61% residential to 39% residential for the larger Cloverleaf District is not a significantly outside of the range that was suggested for the district. The proposed ratio responds to market conditions, more current housing policy, and is in keeping with the mapped zoning for the area. Thus, the proposal is in substantial conformance with the 2009 *Germantown Employment Area Sector Plan*.

Transportation

Master Plan Transportation Facilities

The Preliminary Plan Amendment substantially conforms to the 2009 *Germantown Employment Sector Plan*, 2021 *Complete Streets Design Guide*, and 2023 *Corridor Forward: The I-270 Transit Plan*.

The Subject Property fronts one public road, Century Boulevard, classified in the 2021 *Complete Streets Design Guide* as a Town Center Boulevard with a 136-foot right-of-way. The road is recommended to carry the Manekin West Connector, a planned Corridor Connector as identified in the Corridor Forward Plan (Figure 10), which replaces the prior alignment for the former Corridor Cities Transitway.

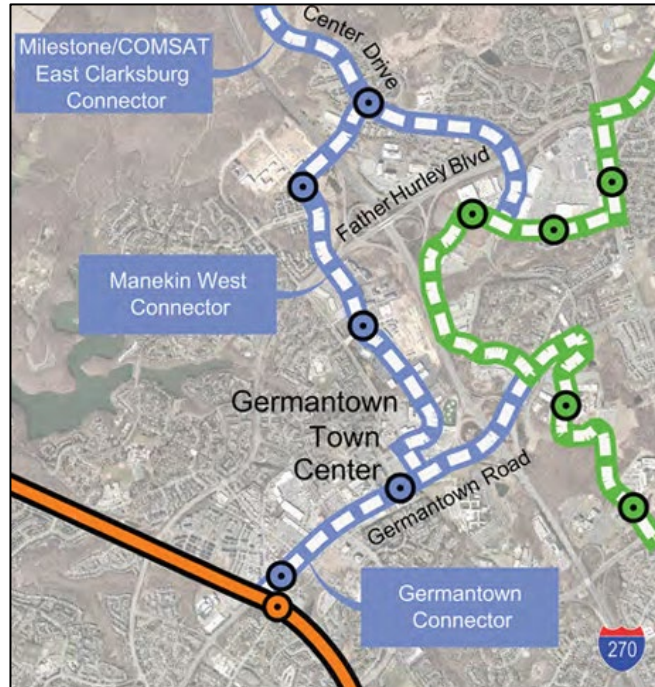


Figure 10 - Manekin West Connector

Existing right-of-way along the Site frontage is adequate to serve all planned facilities, as shown in the proposed ultimate cross section for Century Boulevard (Figure 11). All facilities fit within the existing 170 ft. ROW.

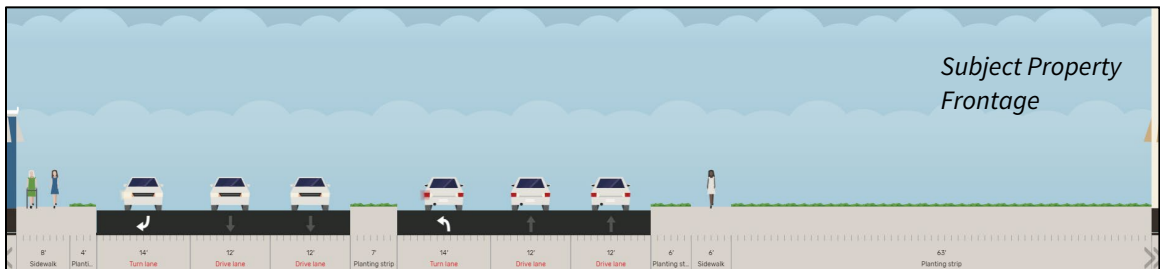


Figure 11 - Existing 170 ft. Cross Section for Century Boulevard Looking North

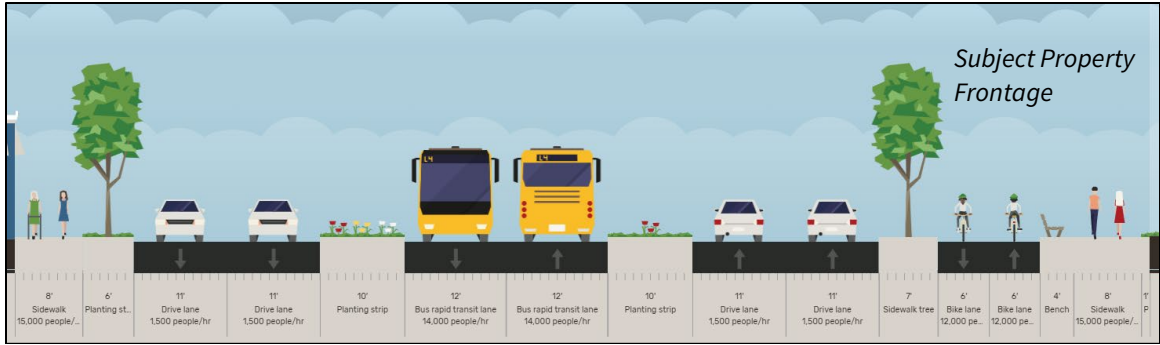


Figure 12 - Ultimate 136 ft. Cross Section for Century Boulevard Looking North

3. Public facilities will be adequate to support and service the area of the subdivision.

ROADS AND TRANSPORTATION FACILITIES

Vehicular access to the Subject Property is provided at three locations on Century Boulevard (Figure 13): Fairchild Drive in the north (1), Cloverleaf Center Drive in the middle (2), and Dornier Place in the south (3). As conditioned, the Applicant will provide either a traffic signal at the Cloverleaf Drive intersection, or roundabout as determined after study. A network of internal private streets accommodates vehicular, bike, and pedestrian circulation to the proposed uses, parking areas, and alleyways. Access for service and emergency vehicles can be accommodated on these roads.

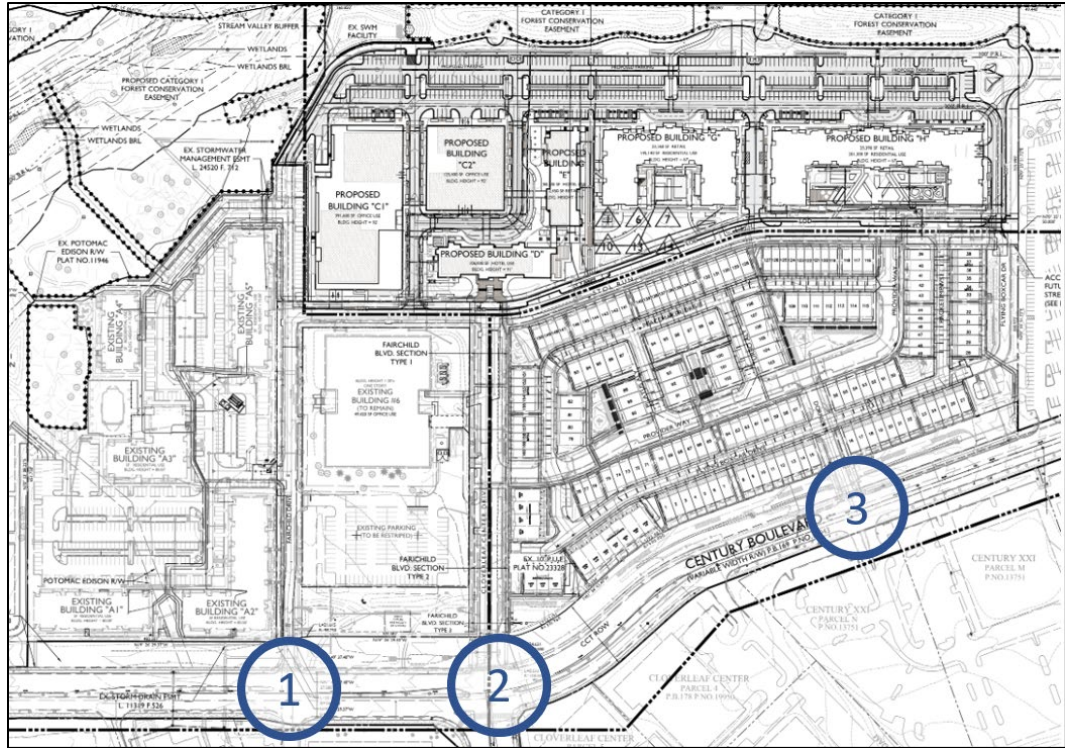


Figure 13 - Site Access and Intersections on Century Boulevard

Pedestrian circulation is accommodated on sidewalks along both sides of most streets. The townhouse cluster additionally includes internal through-block paved pathways to facilitate pedestrian circulation. Paved paths accommodate access and circulation through open spaces throughout the site. Finally, a natural surface path is provided through the Forest Conservation easement in the northeast corner of the Property and continues to run along the east side of the Subject Property as a paved exercise path.

As conditioned, the Applicant will construct one of two alternative frontage improvements along Century Boulevard.

The first alternative, as conditioned, and if allowed by MCDOT following additional traffic study by the Applicant, is to design and construct a road diet along approximately 4,600 ft. of Century Boulevard running from the north of the Subject Property to Aircraft Drive in Germantown Town Center in the south (Figure 14).

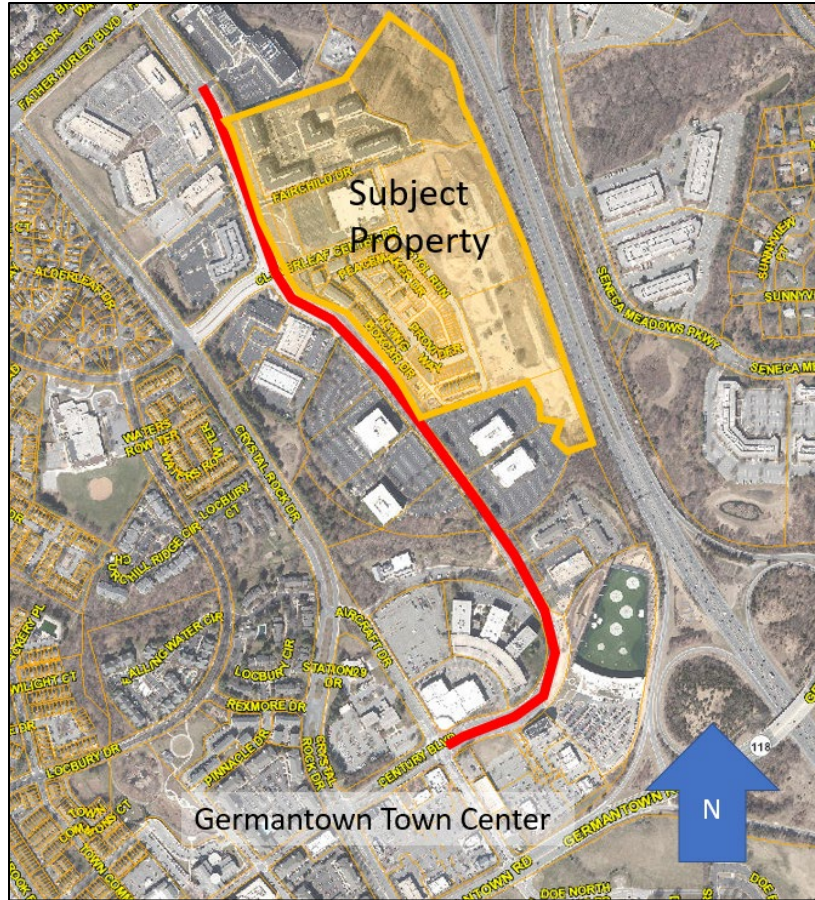


Figure 14 - Location of Century Boulevard Road Diet

The road diet would eliminate one travel lane in each direction and replace it with a bike lane using wheelstops, paint and bollards as an interim improvement. The interim nature of the construction will allow the roadbed to be maintained, possibly to be repurposed at a later date for bus lanes, if needed for the Manekin West Connector. Permanent separated bike lanes would similarly be constructed in space currently proposed to remain as street buffer. Construction of the ultimate condition will be completed as part of the construction of the eventual Manekin West Connector or as part of an additional later development application. In the meantime, the installation of bike lanes will provide a complete bikeable connection from the Subject Property to central Germantown, the Germantown Transit Center, and Top Golf among other destinations for the hundreds of current and future residents of the Century community as well as providing access to many other adjacent businesses and residents. This will additionally have a significant safety benefit as the reduction in pavement width is a proven strategy to reduce vehicular speed, a concern voiced by community members.



Figure 15 - Middlebrook Road Example Road Diet

The interim design would be modeled off the nearby successful Middlebrook Road road diet in which an existing travel lane was removed and replaced with a two-way separated bike lane in 2020 (Figure 15). The flexibility of the implemented design would provide the separated bike lanes as recommended in the 2018 *Bicycle Master Plan* and 2021 *Complete Streets Design Guide* for the foreseeable future, while retaining space for bus lanes for the proposed Manekin West Connector.

The second alternative is to provide a 12-foot-wide, two-way separated bike lane and a parallel eight-foot-wide sidepath along the frontage of the Subject Property (Figure 16), along with a 6 ft. wide street buffer and bike/ped buffers as shown in Figure 16. The existing recently constructed 6 ft. wide sidewalk, which runs closest to the existing road edge, would be retained in parallel to the proposed bike lane and sidepath. This alternative is provided in the event the road diet is not approved by MCDOT. While this alternative most closely aligns with the long-term master plan cross section for the road, this option is not Staff's preferred approach as the bike facilities would not connect to an existing bike network; the nearest off-site bike facilities are approximately ¼ mile to the south, and even there, does not offer connectivity to Germantown Town Center, limiting the intermediate term

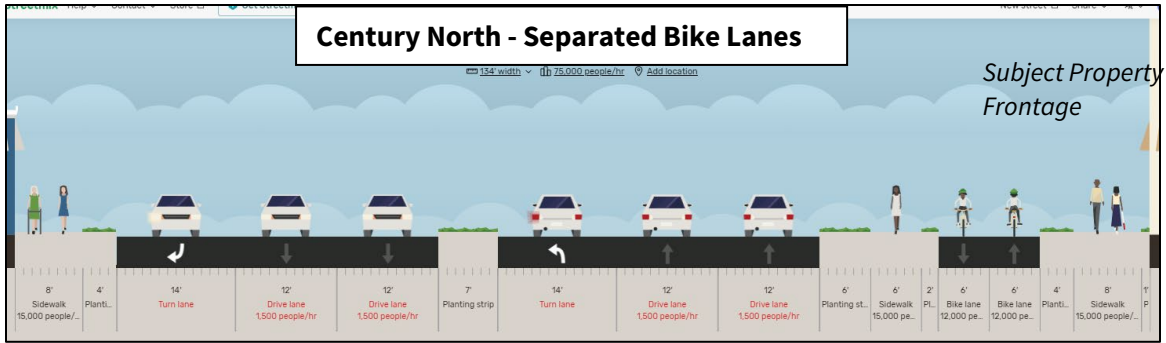


Figure 16 - Example Cross Section with Permanent Off-street Bike Lanes and Sidepath

value of the improvement. The bike lanes would also not address speeding and safety issues noted on Century Boulevard itself, though it would provide a high level of bike and pedestrian comfort for users, assuming the facilities are integrated into the larger network in the future.

LOCAL AREA TRANSPORTATION REVIEW (LATR)

As detailed in the Applicant’s transportation exemption statement (Attachment J) as well as in Table 4 below, the Application will generate a reduction of 133 AM peak hour trips and result in a reduction of 101 PM peak hour person trips. The application is exempt from additional LATR review as the Application will not produce greater than 50 peak hour net-new person trips. This assumes the exemption of 340,000 sf of biomedical R&D use as a temporary allowance under the 2021 LATR Guidelines’ *Temporary Suspension for Bioscience Facilities* policy. The exemption requires a building permit to be submitted within three years of Preliminary Plan approval, after which time the building(s) will need a new APF review.

Table 4 - Trip Generation Analysis

		Adjusted Vehicle Rates		Total Person Trips	
		Germantown Town Center Policy Area		AM	PM
		AM	PM	AM	PM
Existing	188 Townhomes and mid-rise residential units	72	90	125	157
Existing	300 Multifamily Units	120	117	186	181
Existing	49,420 sf Office	77	75	101	98
Approved (Credit – to be replaced)	303,000 sf Office	469	457	616	601
Approved (Credit – to be replaced)	120 Room Hotel	40	46	53	55

Proposed	233 Multifamily Units w/ Ground Floor Retail	70	84	108	129
Proposed	177,000 sf Office	274	267	360	351
Proposed	154 Room Hotel	51	56	68	75
Proposed, Trips Temporarily Exempt until Aug. 2026	340,000 sf Biomedical R&D (Exempt)	327	311	430	409
Net Change (exempting Biomedical R&D trips)				- 133	-101

Source: Transportation Exemption Statement from Symmetra Design, June 27, 2023, modified by staff

OTHER PUBLIC FACILITIES AND SERVICES

Other public facilities and services are available and adequate to serve the proposed lots. The Preliminary Plan Area is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Preliminary Plan Amendment was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on [TBD] (Attachment G). 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 2020-2024 Growth and Instructure Policy (GIP) in effect at the time that the Preliminary Plan Amendment was accepted.

SCHOOLS FACILITIES TEST

Overview and Applicable School Test

The FY24 Annual School Test, approved by the Planning Board on June 15, 2023, and effective July 1, 2023 is applicable to this Preliminary Plan Area. This Preliminary Plan Amendment proposes a net total of 233 additional multifamily high-rise units.

School Adequacy Test

The Preliminary Plan Amendment is served by Waters Landing ES, Martin Luther King, Jr. MS, and Seneca Valley HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 5 - Applicable FY2024 School Adequacy

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Waters Landing ES	768	677	88.2%	+91	No UPP	176	245	360
Martin Luther King, Jr. MS	914	979	107.1%	-65	No UPP	61	118	255
Seneca Valley HS	2,520	2,551	101.2%	-31	No UPP	149	473	851

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. **Under the FY24 Annual School Test, Waters Landing ES and Martin Luther King, Jr. MS and Seneca Valley HS do not require any UPP.** If the Preliminary Plan Amendment is estimated to generate more students than the identified ceilings, then UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Preliminary Plan Amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 233 multifamily high-rise units that are not age-restricted, the Preliminary Plan Amendment is estimated to generate the following number of students based on the Preliminary Plan Area’s location within a Turnover Impact Area:

Table 6 - Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.185	0.000	0.102	0.000	0.154	0.000
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	233	0.073	17.009	0.042	9.786	0.053	12.349
TOTALS	233		17		9		12

As shown in Table 6, on average, this Preliminary Plan Amendment is estimated to generate 17 elementary school students, 9 middle school students and 12 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 5, therefore no additional UPPs are required, nor partial payments across multiple UPP tiers.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied

Forest Conservation

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines. The Final Forest Conservation Plan Amendment was reviewed under Site Plan 82003007F. Please refer to Site Plan Analysis and Findings below for further discussion.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on March 18, 2022 (Attachment G). The Application will meet stormwater management goals through the use of Environmental Site Design (“ESD”), green roof, microbioretention, bioswales, and two existing structural sand filters.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.

There is no evidence, actual notice, or constructive notice of a burial site within the Preliminary Plan Area. The Preliminary Plan Area is not included in the Montgomery County Inventory.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

There are no other applicable provisions specific to the Preliminary Plan Area that are necessary for approval of this Application.

**SECTION 8 – ANALYSIS & FINDINGS, SITE PLAN AMENDMENT #82003007F,
59-7.3.4.E**

Site Plan Amendment No. 82003007F requests to construct four buildings consisting of up to 346,440 square feet (233 dwelling units, including 20% MPDUs) of multi-family residential, up to 199,580 square feet of hotel, and up to 48,550 square feet of retail on 10.88 acres for a total of 594,570 square feet of development. Unless specifically set forth herein, the proposed Site Plan Amendment does not alter the intent, objective, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

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 10.88-acre Site Plan Area 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;

This Site Plan application is being reviewed concurrently with Sketch Plan Amendment No. 32016002A and Preliminary Plan Amendment No. 12002095C for the Site Plan Area. Except as modified herein, the proposed development will continue to satisfy all previous approvals.

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 a 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 since the Site Plan Area’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;***

- i. ***Division 4.5.4 CR-2.0, C-1.25, R-1.0, H-145 T Zone***

The Site Plan satisfies the use standards, development standards, and general requirements for apartment living, general use, and multi-use within the Commercial Residential Zone (CR), under Optional Method Development in Division 4.5.4 of the Zoning Ordinance.

Use and Development Standards

The Application proposes to construct two 6-floor multi-family buildings with 233 dwelling units (including 20% MPDUs), approximately 346,440 square feet, and two 8-floor hotel buildings with 154 rooms, approximately 199,580 square feet, and up to 48,550 square feet of retail/service space at the ground level of the multi-family buildings within the Site Plan Area, all of which are permitted uses within the CR Zone. As demonstrated in Table 7 below, the Application meets the general requirements and development standards of the CR Zone under the optional method of development.

Germantown Transit Mixed Use Overlay Zone (“GTMU”)

Under Section 59-4.12 of the Zoning Ordinance, the purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations (“BLT”) in the optional method of development for properties in the CR zone under the Germantown Sector Plan. As an optional method Site Plan Amendment in the CR zone, the Applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.

The incentive density floor area above 0.5 FAR for the Site Plan Application is 289,621 square feet, 50% of this square footage is 144,811 square feet. One BLT must be purchased for every 31,500 square feet of this 50% of incentive density. As a result, 4.6 BLTs must be purchased, or payment made to the ALPF.

The following table, Table 7, shows the Application’s conformance to the development standards of the zone. Parking calculations for the existing multifamily buildings and townhomes exceed the current zone maximum but were calculated under the old zoning ordinance and cannot be removed.

Table 7 - Site Plan Data Table for CR-2.0, C-1.25, R-1.0, H-145 T Zone, Optional Method, Section 59.4.5.4

CR-2.0 C-1.25, R-1.00, H-145T	Permitted / Required	Proposed for Approval
Site Plan Area		
Lot 6, Block A (Hotel)	N/A	2.52 acres (109,679 sq. ft.)
Lot 7, Block A (MF Residential)	N/A	8.36 acres (364,380 sq. ft.)
TOTAL	N/A	10.88 acres (474,059 sq. ft.)
FAR (Floor Area Ratio)		
Residential	1.00 FAR (2,513,798 sq. ft.)	0.14 FAR (346,440 sq. ft.)
Commercial	1.25 FAR (3,142,248 sq. ft.)	0.10 FAR (248,130 sq. ft.)
Retail/Service		0.02 FAR (48,550 sq. ft.)
Hotel		0.08 FAR (199,580 sq. ft.)
Total FAR	2.0 FAR (5,027,597 sq. ft.)	0.24 FAR (594,570 sq. ft.)
MPDUs	12.5% (30 DUs)	20% (47 DUs) min.
Open Space		
Public Open Space	10%	10%
BLT easements (50% of the incentive density = 50% * 289,621) ⁴	1 BLT = 31,500 SF of 50% incentive density	4.60
Minimum Lot Area	N/A	N/A
Minimum Lot Width at B.R.L.	N/A	N/A
Maximum Lot Coverage	No limit	No limit
Minimum Setback (feet)		
Principle Building		
Multi-family / Apartment		
- Front	0 feet	15 feet
-Side	0 feet	12 feet
-Rear, Alley	4 feet	4 feet
General (Hotel, Retail)		
-Front	0 feet	19 feet
-Side	0 feet	18 feet
-Rear, Alley	4 feet	4 feet
Build-to-Area (BTA, max setback and Min% of lot width)		
Front Setback		
Apartment	30 feet	15 feet
General	20 feet	N/A

⁴ As required by the Germantown Transit Mixed Use Overlay Zone.

CR-2.0 C-1.25, R-1.00, H-145T	Permitted / Required	Proposed for Approval
Building in front street BTA		
Apartment	70%	72%
General	70%	72%
Side Street Setback		
Apartment	30 feet	0 feet
General	20 feet	N/A
Building in side street BTA		
Apartment	35%	47%
General	35%	N/A
Building Height	145 ft. max.	145 ft. or less
Building Form		
- Massing	N/A	N/A
- Building Orientation		
Entrance facing street or open space	Required	Provided
Entrance spacing (max)	Apartment Use = 100 ft. General Use = 100 ft.	Apartment Use = 100 ft. General Use = 100 ft.
- Transparency		
Ground story, front (min)	Apartment Use = 20% General Use = 20%	Apartment Use = 28% General Use = 42% - 45%
Ground story, side/rear (min)	Apartment Use = 20% General Use = 25%	Apartment Use = 21% General Use = 31% - 34%
Upper story (min)	Apartment Use = 20% General Use = 20%	Apartment Use = 25% General Use = 23% - 30%
Blank wall, front (max)	Apartment Use = 35' General Use = 35'	Apartment Use = 0 ft. General Use = 14 - 15 ft.
Blank wall, side/rear (max)	Apartment Use = 35' General Use = 35'	Apartment Use = 9 ft. General Use = 9 ft.
- Allowed Building Elements	Balcony, porch/stoop, or gallery/awning	Provided

Table 8 - Vehicle Parking

Parking	Min/Max	Provided parking
Existing multi-family A1, A2, A3, A4, and A5	300/449 spaces	489 spaces
Existing Fisher Building	99/149 spaces	128 spaces
Buildings D & E - Hotel	54/198 spaces	55 spaces
Buildings G & H - Multi-Family Residential/Commercial	375/775 spaces	549 spaces
Existing Townhouse	160/320 spaces	418 spaces

Table 9 – Bicycle Parking

Bicycle Parking	Required Long Term	Required Short Term	Proposed Long Term	Proposed Short Term
Existing multi-family A1, A2, A3, A4, and A5	100 spaces maximum	N/A	107 spaces	N/A
Buildings D & E – Hotel	16 spaces	0	16 spaces	N/A
Buildings G & H – Multi-Family Residential/Commercial	117 spaces	6	120 spaces	10 spaces
Building G & H – Commercial	1	4		
Townhouse	Not applicable		Not applicable	Not applicable

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 140 public benefit points within the Moderately Priced Dwelling Units category to satisfy the requirements. The public benefit points are discussed in detail above within the Sketch Plan Amendment findings.

Table 10 - Public Benefit Calculations, Section 59.4.7

Public Benefit	Maximum Points Allowed	Proposed
Diversity of Uses and Activities		
Moderately Priced Dwelling Units	N/A	140 Points
Total Points	N/A	140 Points

iii. **Division 59-6 General Development Standards**

(1) Division 6.1 Site Access

Site access is safe, adequate, and efficient to serve the proposed development. Vehicular access to the Subject Property is provided at three locations on Century Boulevard: Fairchild Drive in the north, Cloverleaf Center Drive in the middle, and Dornier Place in the south. As conditioned, the Applicant will provide a traffic signal at the Cloverleaf Drive intersection, or roundabout as determined by MCDOT and Planning staff after study. A network of internal private streets accommodates vehicular, bike, and pedestrian circulation to the proposed uses, parking areas, and alleyways. Access for service and emergency vehicles are similarly provided through these roads. Pedestrian circulation is accommodated on sidewalks along both sides of most streets. The townhouse cluster additionally includes internal through-block paved pathways to facilitate pedestrian circulation. Paved paths accommodate access and circulation through open spaces. Finally, a natural surface path is provided through the

Forest Conservation easement in the northeast corner of the Property and continues to run along the east side of the Subject Property as a paved exercise path.

(2) Division 6.2. Parking, Queuing, and Loading

Proposed parking, queuing and loading is adequate to serve the Site Plan Area. Parking for proposed multifamily, commercial, and hotel structures is proposed in a combination of structured and surface lots in the rear of the buildings. Loading for the hotel uses will utilize loading bays accessed from an internal driveway. Additional loading and circulation details for the R&D/office uses will be provided and finalized as part of subsequent Site Plan applications.

(3) Division 6.3. Open Space and Recreation

Open Space

Within the CR zone, per Section 59-4.5.4.B.1, Optional Method, the Application is required to provide a minimum of 10% open space for multi-use and general development. Section 59-6.3.2 clarifies that the open space must be designated as public open space. Furthermore, per Sections 59-6.3.6.B and 59-6.3.6.B.2, the public open space must abut a public sidewalk or other public pedestrian route, include space for pedestrian circulation, landscaping seating, shade, water features, artwork, or recreation, and be in a contiguous space or spaces that abut other public open space or sidewalks or pedestrian routes and are not fragmented and disconnected to not meet the intent of public open space. The Site Plan meets the required amount of open space within the Site Plan Area by providing the minimum 10% public open space, which is in addition to the existing areas of common open space that were provided with the existing townhouse dwelling units and multi-family buildings. Additionally, the Applicant is providing an undeveloped portion of the Site Plan Area as open space for future development with a future Site Plan amendment. The public open space meets the public open space requirements for optional method development.

There is an open space area located at the terminus of Cloverleaf Center Drive, which includes a water feature and plaza in front of the main entrance to the hotel. The plaza area includes landscaping, seating, and pedestrian connectivity to additional open spaces areas within the Site Plan Area. The hotel area includes additional plazas for open space, which include amenities such as large canopy shade trees, umbrellas, tables, chairs, a lounge area with a fire pit, and a designated grilling area. Additionally, the hotel area includes a pedestrian through-block connection from the exercise trail and surface parking to public open space and retail within the ground level of Buildings G and H, multi-family residential dwelling units.

Buildings G and H are configured with large courtyard areas that face out towards Stol Run. The courtyards for both buildings serve as privatized outdoor amenity space for the residents

of the buildings. The open space areas around Building G include an outdoor grilling area, a large seating area with umbrellas, tables, and chairs, a non-programmed open lawn space in front of the building, and a bifurcated outdoor dining area designated for restaurant use. The open space around Building H includes defined areas for grilling, lounge and seating areas, outdoor game space, a tot lot, and play area. The courtyards are separated from the public open space areas by a post and railing fence but are contiguous with the connecting public open space areas within the Site Plan Area. All the public open space areas include opportunities for active and passive recreation, as well as select locations for connection and reflection with nature. Within the proposed development, there are connected and contiguous areas that connect the proposed hotel and multi-family buildings with proposed and existing open space areas. There is also available open space from the setbacks between the different buildings, streets, and areas along the pedestrian walkways and sidewalks, all of which provide locations for landscaping and greenery. The public open space will provide ample opportunities for residents to gather and recreate.

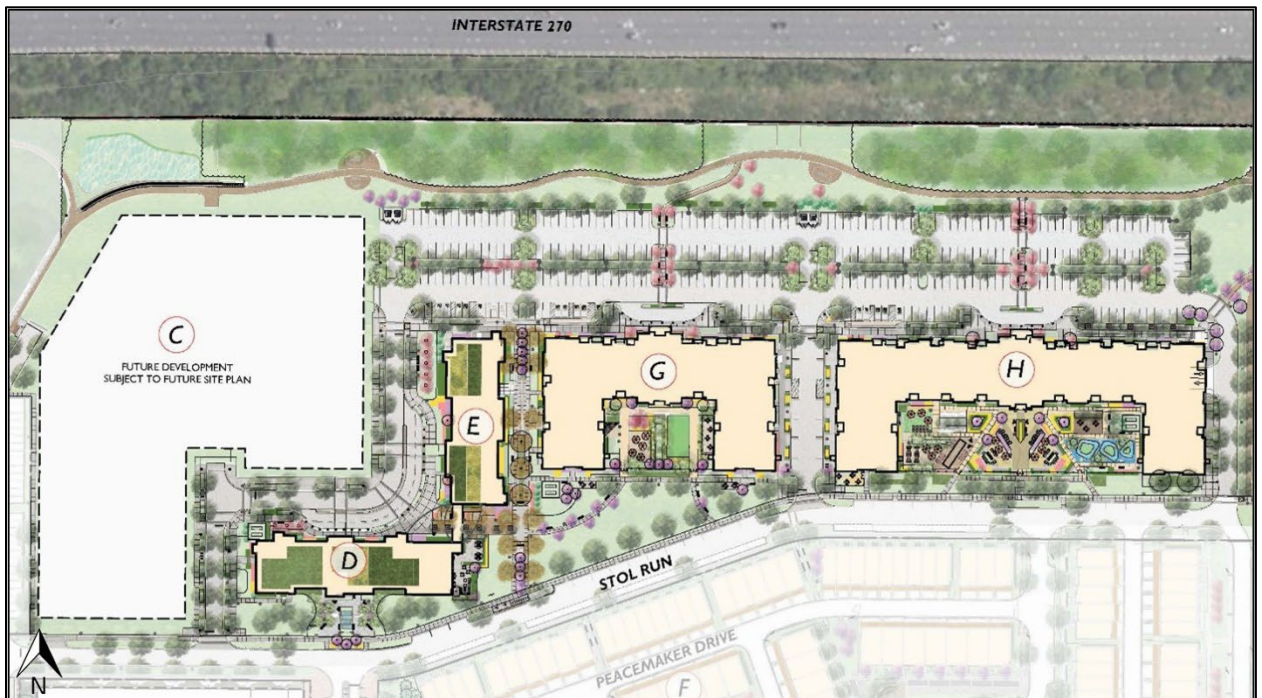


Figure 17 - Open Space Plan (Hotel, Residential Dwelling Units, and Open Space Areas)

Recreation Facilities

The location and quantity of provided recreation facilities is adequate, safe, and efficient. Construction of two multi-family buildings with up to 233 dwelling units requires the Site Plan to meet the 2017 *Approved and Adopted Recreation Guidelines*. Consistent with the Guidelines, the Site Plan supplies recreation amenities to meet the recreation demand.

To satisfy the recreation demand, the Applicant has proposed several outdoor recreation amenities. The primary recreational amenity is the public open space areas. The public open space areas are primarily located along the northeast side of existing Stol Run and at the terminus of Cloverleaf Center Drive. The open space areas will serve as the focal points for the proposed development and will include indoor fitness rooms, open grass area lawn, a tot lot, a play area, a multipurpose court, indoor swimming pools, a wading pool, and picnic and seating areas. There will be additional recreation amenities provided in the form of a pedestrian connection to a trail system and bikeways for residents and visitors. As conditioned, the Applicant will provide landscape design, including both large and small canopy trees, shrubs, and herbaceous plantings. All residents will have unfettered access to all recreation amenities.

Although the proposed recreation amenities fully meet the recreational demand for the development proposed, the proposed Site Plan is eligible to claim the maximum 35% of Total Demand Points from the neighboring Waters Landing Elementary School, Waters Landing Local Park, and existing facilities provided by the previously approved development on the Subject Property. The proposed recreation amenities, both onsite and offsite, are adequate to meet the recreation demand for this Site Plan.

(4) Division 6.4. General Landscaping and Outdoor Lighting

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The Application includes a variety of landscaping and lighting throughout the Site Plan Area, primarily along existing Stol Run, the terminus of Cloverleaf Center Drive, and community access to the public open space.

Landscaping on-site is safe, adequate, and efficient. Per Section 6.3.8, the public open space design requirements state that landscaping within the public open space is preferred to be native species, impervious surfaces are limited to 90%, and a minimum of 10% tree canopy. The Applicant is planting a variety of native trees and shrubs within the public open spaces and along the streets. The plantings will provide shade and visual interest throughout the public open spaces, along the public realm of the sidewalk and streets, as well as the private interior courtyards. A mix of shade and ornamental trees, such as Red Maples, Swamp White Oaks, Dogwoods, and Eastern Redbuds, are being planted along or near the street which will help to shade pedestrians using the sidewalk, soften the street edge, differentiate the outdoor spaces, and visually accentuate the public realm. The impervious elements within the public open space are the sidewalks, walkways, and pavers, with the imperviousness meeting the threshold of 90% as there is an abundance of foundation plantings, planting beds, and extensive landscaping. The diversity and number of shade trees and ornamental trees surpasses the 10% minimum tree canopy for open space landscaping.

All proposed lighting on-site is safe, adequate, and efficient. The proposed lighting consists of a mix of accent lighting, pedestrian pole lights and fixtures, bollards, and street lighting. There will be 28 privately owned and maintained freestanding light emitting diode (LED) streetlights with luminaires mounted on poles at 22.5 feet above finished grade. The light poles will be installed throughout the Site Plan Area to illuminate the pedestrian and vehicular circulation environment. The accent lighting, pedestrian pole lights and fixtures, and bollards will be located within the public open spaces, courtyards, and pedestrian connections and walkways. The photometric plan submitted by the Applicant shows that the proposed lighting will adequately illuminate the site creating a safe environment without creating light spillage or excessive glare on adjacent properties or the rights-of-way.

(5) Division 6.5. Screening

The Zoning Ordinance does not require screening between the proposed development and adjacent properties as they are all CR zoned.

e) Satisfies the applicable requirements of:

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

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on March 18, 2022 (Attachment G). The Application will meet stormwater management goals using environmental site design, green roof, microbioretention, bioswales, and two existing structural sand filters.

ii. Chapter 22A, Forest Conservation.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. As required by the County Forest Conservation Law, a Final Forest Conservation Plan Amendment ("FFCP") for the Application was submitted in conjunction with the Site Plan Amendment (Attachment E).

On June 9, 2003, Final Forest Conservation Plan no. 820030070 was approved addressing the requirements of Chapter 22A, Montgomery County Forest Conservation Law ("FCL"). The original Final Forest Conservation Plan has been amended three times since then. The current FFCP Amendment Application was submitted on October 31, 2021 in conjunction with the Site Plan Amendment in order to replace the approved office buildings and hotel with two hotel buildings, two new multi-family residential/retail structures, and a vacant pad site for two future R&D/office buildings. The previously approved FFCP, plan number 82003007C, showed a reforestation requirement of 5.71 acres. The Applicant met this requirement by planting 6.04

acres of new forest on-site. The current FFCP amendment does not alter the limits of disturbance or previous reforestation requirements which the Applicant has already met.

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

The proposed layout provides, safe, well-integrated parking, circulation, building massing, and open space. Buildings D and E are proposed as hotel buildings with a cumulative approximate area of 199,580 square feet. Both buildings will be eight levels in height and connected by an above ground glazed bridge element to provide direct access between the two buildings. Building D includes 70 rooms and Building E includes 84, resulting in a combined total of 154 rooms for the hotel use with the Site Plan Area. Building D will include guest services, amenities, and lobbies that connect to the Stol Run and the private drive. Building E will include conference facilities, retail spaces, bike storage, and additional lobbies that also connect to the private drive and public open space. Buildings D and E have direct vehicular access from a private drive and dedicated drop-off area, both of which connect to dedicated parking. Additionally, there is a dedicated pedestrian through-block connection that passes below the elevated glazed bridge element. The through-block connection links existing recreational amenities and open space with the additionally proposed within this amendment in the Site Plan Area. Buildings D and E share an identical architectural aesthetic (Figure 18 and 19). The base of the two buildings is clad with a blend of stone masonry and split-face CMU veneer. The upper levels include a mix of metal panels and fiber cement panels, both of which are accented at every third level with a trim panel. Both buildings have flat roof systems, with parapet walls extending to an appropriate height.

The 233 proposed multi-family dwelling units are split between Buildings G and H, both located within the northeaster and eastern portions of the Site Plan Area along the existing alignment of Stol Run, with most units located within the eastern portion. The 233 dwelling units are multi-family include structured parking located beneath both buildings. The parking is continuous and connected below both buildings and readily accessible to residents. Buildings G and H are configured in a 'U-shaped' layout, with activated private interior courtyards. Both multi-family buildings are 6 levels, with retail and services units at the base and residential units above. Building G includes 95 dwelling units, resulting in 145,140 square feet of resident use and 23,160 square feet of retail and service use. Building H includes 138 dwelling units, resulting in 201,300 square feet of residential use and 25,390 square feet of retail and service use. Building G is shorter in length than Building H, but both multi-family buildings provide articulated building fronts along the streets with interior courtyards and public open space. Building separation is consistent with surrounding existing development (Figure 17). Buildings G and H share the same architectural aesthetic with a blend of neo-traditional and modern detailing (Figures 20 and 21). The base of the buildings is clad in stone masonry materials, with store front glazing at select locations. The upper levels include a mix

of brick masonry veneers and metal panels, punctuated with balconies. Both buildings have flat roof systems, with parapet walls extending to an appropriate height.

The Site Plan provides well-integrated circulation patterns including a sidewalk along Stol Run that connects with public open space, amenities, recreation, and plaza areas. The proposed layout provides usable public open space within entirety of the Site Plan Area. Additionally, the Application provides well-integrated circulation patterns for both pedestrians and bicyclists.



Figure 18 - Hotel (Building D), Rendered Front Exterior Elevation along Stol Run



Figure 19 - Hotel (Building E), Rendered Front Exterior Elevation along Private Drive



Figure 20 - Multi-family (Building G), Rendered Front Exterior Elevation along Stol Run



Figure 21 - Multi-family (Building H), Rendered Front Exterior Elevation along Stol Run

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 is consistent with the 1989 *Germantown Master Plan*, the 2018 *Bicycle Master Plan*, and the 2021 *Complete Streets Design Guide*. Please refer to the Sketch Plan Amendment and Preliminary Plan Amendment findings above regarding Master Plan Conformance above for details regarding development within the Site Plan Area.

Noise Analysis

A Traffic Noise Impact and Barrier Analysis was prepared by Phoenix Noise & Vibration, LLC for the Property due to its location along and proximity to I-270. The results were provided in a report dated March 31, 2021 (Attachment I). A noise analysis is necessary to demonstrate conformance with the 1983 *Staff Guidelines for the Consideration of Transportation Noise Impacts In Land Use Planning and Development* (“Noise Guidelines”) by determining the projected interior and exterior noise levels and whether or not mitigation for residential units and outdoor recreational areas is required. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development”

stipulate a 60 dBA L_{dn} maximum noise level for outdoor recreation areas and 45 dBA L_{dn} for indoor areas.

The results of the analysis for this Property indicate that future unmitigated traffic noise levels above 60 dBA L_{dn} will impact the two multi-family residential structures, Buildings G and H on all four facades of the buildings. Buildings C1, C2, D and E will also be impacted by high levels of noise, but these buildings are not subject to the Noise Guidelines.

The analysis also determined that the highest building facade noise levels for Buildings G and H will be between 74 to 77 dBA L_{dn} on the east facing facades. On the north and south facades these noise levels drop to between 67 to 74 dBA L_{dn} . On the west facade the noise levels are between 60 and 66 dBA L_{dn} . This will require extensive enhanced building materials such as modified windows, doors, and wall construction to meet the interior noise guidelines. The analysis recommends that a Building Shell Analysis and review of architectural floor plans for proposed residential buildings be performed to ensure the guideline recommendations for interior areas are achieved.

The Noise Analysis recommends a “building shell analysis” to determine whether the proposed building construction will be capable of maintaining interior noise levels below 45 dBA L_{dn} . The report goes on to outline that when Architectural drawings are available for each residential building the noise impacts will be reviewed on an elevation-by-elevation, floor-by-floor basis for each residential building impacted by noise levels in excess of 60 dBA L_{dn} .

- 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 detailed in Preliminary Plan Amendment No. 12002095C Finding 3, the Application will be served by adequate public services and facilities, including schools, health services, police and fire protection, electric, telecommunications, public roads, storm drainage, and other public facilities, as determined as part of the Preliminary Plan approval process and are currently operating within the standards set by the *Growth and Infrastructure Policy* currently in effect.

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

Not applicable, the Site Plan Area for this Application is zoned CR.

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

The proposed use and structures for the Site Plan Area are compatible with existing and approved or pending adjacent development, as well as the Master Plan and prior approvals. The multi-family dwelling units complement the existing housing mix in the surrounding area encouraged in the Master Plan, while being similar in design, height, massing, and at a compatible scale with surrounding development. The hotel buildings complement the proposed multi-family residential buildings in terms of scale, massing, and proportion. The hotel and multi-family buildings are consistently oriented towards the street and public realm, with structured parking located beneath the buildings and surface parking located to the side and rears of the buildings. The pedestrian and vehicular circulation systems are adequate, safe, and efficient. The Application also integrates development compatibility with environmental and physical constraints found within the Site Plan Area.

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, the Site Plan Area 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 Site Plan Area is not zoned C-1 or C-2.

SECTION 9 - CONCLUSION

The Amendment Applications to the Sketch Plan, Preliminary Plan and Site Plan comply with the general requirements and findings of the Zoning Ordinance, Subdivision Regulations, and the 2009 *Germantown Employment Area Sector Plan*. The FFCP meets all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental

Guidelines. Therefore, Staff recommends approval of Sketch Plan Amendment No. 32016002A, Preliminary Plan Amendment No. 12002095C, and Site Plan Amendment No. 82003007F, including the Final Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

- Attachment A - Statement of Justification
- Attachment B - Sketch Plan Composite
- Attachment C - Preliminary Plan Composite
- Attachment D - Site Plan Composite
- Attachment E - Final Forest Conservation Plan Composite
- Attachment F - Prior Approvals
- Attachment G - Agency Approval Letters
- Attachment H - Community Correspondence
- Attachment I - Noise Analysis Report
- Attachment J - Transportation Exemption Statement