

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED

December 21, 2023

MCPB No. 23-085

Preliminary Plan Amendment No. 12002095C

Century

Date of Hearing: July 27, 2023

## **RESOLUTION**

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

WHEREAS, the Planning Board, by Opinion dated August 14, 2002, approved Preliminary Plan No. 120020950, 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 in the I-3 zone, located on Century Boulevard, opposite Cloverleaf Center Drive (“Subject Property”), in the Germantown West Policy Area and 1989 *Germantown Master Plan* area; and

WHEREAS, on January 25, 2010, the Planning Board approved an amendment to Preliminary Plan No. 12002095A (MCPB No. 09-156) 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 on the Subject Property; and

WHEREAS, following the approval of Preliminary Plan No. 12002095A, the Subject Property was rezoned from I-3 to TMX-2 and then from TMX-2 to CR-2.0, C-1.25, R-1.0, H-145T within the Germantown Transit Mixed Use Overlay Zone and the 2009 *Germantown Employment Area Sector Plan* (“Sector Plan”) area; and

WHEREAS, on March 17, 2016, the Planning Board approved an amendment to Preliminary Plan No. 12002095B (MCPB No. 15-161) to create 160 townhouse lots, three 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 outlot for a forest conservation/natural area, and one outlot for stormwater management on the Subject Property; and

WHEREAS, on December 29, 2021, Century Development Services, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plans to create lots for up to 2,063,520 square feet of total development (1,248,970 square feet of residential

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

and 814,550 square feet of commercial) to replace two previously approved office buildings and one previously approved hotel with two new eight-floor research and development/office buildings, two new eight-floor hotel buildings (154 rooms), and two new six-floor multi-family/retail buildings (233 dwelling units) on 51.7 acres on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12002095C, Century ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 14, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 27, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner - Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12002095C 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 eight-floor research and development/office buildings, two new eight-floor hotel buildings (154 rooms), and two new six-floor multi-family/retail buildings (233 dwelling units) by modifying prior Conditions 2, 4, 5, 10-14, and adding eight new conditions. However, all conditions are restated and set forth below and these conditions supersede and replace in their entirety all prior conditions:<sup>1</sup>

### **Restated Conditions**

1. All conditions imposed by the approval of prior Preliminary Plan Amendments Nos. 12002095A and 12002095B are superseded by the conditions contained herein.
2. 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%

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

- 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 (approved as part of this 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.
3. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan Amendment No. 32016002A, approved at the same time as this Application.
4. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated 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 July 18, 2023, 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.
6. The Applicant must show on the record plat a parcel for the following private streets as well as construct the roads to the design standards specified below:
- a. Private Street A (Sherman Boulevard) with a minimum parcel width of 50 feet from Century Boulevard to Private Street C (Stol Run Way). Private Street A must be constructed to Montgomery County Department of Transportation (“MCDOT”) Road Code Standard MC-2001.02: Tertiary Residential Street Modified as shown on the Certified Preliminary Plan.
  - b. Private Street B (Fairchild Boulevard) with a minimum parcel width of 76 feet from Century Boulevard to Private Street C (Stol Run Way). Private Street B must be

- constructed to MCDOT Road Code Standard MC-2005.04: Business District Street Modified as shown on the Certified Preliminary Plan.
- c. Private Street C (Stol Run Way) with a minimum parcel width of 50 feet from Private Street A to Private Alley A. Private Street C must be constructed MCDOT Road Code Standard MC-2001.02: Tertiary Residential Street Modified as shown on the Certified Preliminary Plan.
  - d. Private Street D (Mills Drive) with a minimum parcel width of 50 feet from Century Boulevard to Private Street E. Private Street D must be constructed to MCDOT Road Code Standard MC-2001.02: Tertiary Residential Street Modified as shown on the Certified Preliminary Plan.
  - e. Private Street E (Provider Lane) with a minimum parcel width of 50 feet from Private Street B to Private Street C. Private Street E must be constructed to MCDOT Road Code Standard MC-2001.02: Tertiary Residential Street Modified as shown on the Certified Preliminary Plan.
7. A public access easement must be shown on the record plat for Private Street A, Private Street B, Private Street C, Private Street D, and Private Street E.
  8. The Applicant must show on the record plat a 50-foot wide access easement for a future inter-parcel street connection, as shown on the Preliminary Plan Amendment, from the southern terminus of Private Street C (Stol Run Way) to the southern property boundary to provide future access to Parcel J on Plat No. 13751.
  9. The Applicant must show a note on the record plat for an easement for a 2,000 square foot bicycle parking facility adjacent to the Century Boulevard right-of-way and outside of the Public Utility Easement between Private Street B and Private Street A that will be provided to the County when the Corridor Cities Transitway – Phase II is funded for design and construction in the Capital Improvement Program (CIP).
  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, as approved by MCDOT Division of Traffic Engineering and Operations at the intersection of Century Boulevard and Cloverleaf Center Drive/Private Street B.
  11. Before issuance of the use and occupancy permit for the first building 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. 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 use and occupancy permit for the second building 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.
13. [CONDITION DELETED]
14. 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.
15. The Certified Preliminary Plan must contain the following note:  
*"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."*
16. The record plat must show necessary easements.
17. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
18. The final number of Building Lot Termination (BLT) will be determined at the time of Site Plan(s) approval.
19. The final number of MPDUs and other affordable housing units as per condition #2 above will be determined at the time of Site Plan(s) approval.
20. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA documents incorporate the Covenant by reference.
21. Except for the demolition of existing structures that does not require a sediment control permit, no clearing, grading, or recording of plats prior to Certified Site Plan approval.

22. Final approval of the number and location of buildings, dwelling units, on-site parking, and internal sidewalks will be determined at Site Plan.
23. Include the stormwater management concept approval letter, other agency letters referenced in the conditions, and Preliminary Plan Amendment resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
24. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
25. [ CONDITION DELETED]
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. OR
  - b) Designs for a minimum 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 as measured from the curb edge in the ultimate location of the cross section for Century Boulevard with a parallel minimum eight-foot-wide asphalt sidepath. The bike

lanes and sidepath must be separated by a minimum four-foot-wide buffer. The existing 12-foot-wide asphalt sidepath may be retained to partially fulfill this requirement for the sidepath. The existing six-foot-wide sidewalk may be retained.

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: Stage 1 is multi-family buildings G and H and Stage 2 is 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.

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

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

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 Zones as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area and 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 1 below. 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 1 – 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	Approved by this Application (Preliminary Plan 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	Determined at	Determined at



CR-2.0 C-1.25, R-1.00, H-145T	Allowed / Required by the Zone	Approved by Sketch Plan 32016002A	Approved by this Application (Preliminary Plan 12002095C)
	site plan	site plan	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 will be determined by the accompanying Site Plan Amendment.

#### *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 ratio 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.

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 approved Preliminary Plan area ratio of 61% residential to 39% commercial for the larger Cloverleaf District is not significantly outside of the range that was suggested for the district. The approved ratio responds to market conditions, more current housing policy, and is in keeping with the mapped zoning for the area. Thus, the Preliminary Plan Amendment 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, which replaces the prior alignment for the former Corridor Cities Transitway.

Existing right-of-way along the Site frontage is adequate to serve all planned facilities, as shown in the approved ultimate cross section for Century Boulevard. All facilities fit within the existing 170 foot right-of-way.

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

a) *Roads and Transportation Facilities*

Vehicular access to the Subject Property is provided at three locations on Century Boulevard: 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 approved uses, parking areas, and alleyways. Access for service and emergency vehicles can be accommodated on 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 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 feet of Century Boulevard running from the north of the Subject Property to Aircraft Drive in Germantown Town Center in the south.

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.

The interim design would be modeled off the nearby successful Middlebrook Road diet in which an existing travel lane was removed and replaced with a two-way separated bike lane in 2020. 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, along with a six-foot-wide street buffer and bike/pedestrian buffers. The existing recently constructed six-foot-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 preferred as the bike facilities would not connect to an existing bike network; the nearest off-site bike facilities are approximately a quarter of a mile to the south, and even there, does not offer connectivity to Germantown Town Center, limiting the intermediate term 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.

*b) Local Area Transportation Review (LATR)*

As detailed in the Applicant's transportation exemption statement as well as in Table 2 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 2 - Trip Generation Analysis*

		Adjusted Vehicle Rates Germantown Town Center Policy Area		Total Person Trips	
		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*

*c) Schools*

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 includes 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 3 - 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 4 - 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 4, on average, this Preliminary Plan Amendment is estimated to generate 17 elementary school students, nine 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 3, therefore no additional UPPs are required, nor partial payments across multiple UPP tiers.

*d) Other Public Facilities and Services*

Other public facilities and services are available and adequate to serve the approved 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 July 18, 2023. 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.

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

*a) 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 and approved under Site Plan 82003007F.

*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. 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.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

December 21, 2023

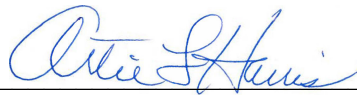
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

#### **CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Linden, seconded by Vice Chair Pedoeem, with a vote of **4-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Linden, voting in favor of the motion, Commissioner Hedrick necessarily absent, at its regular meeting held on Thursday, December 14, 2023, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board