

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

December 21, 2023

MCPB No. 23-092

Site Plan No. 82003007F

Century

Date of Hearing: July 27, 2023

RESOLUTION

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

WHEREAS, 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 acres of I-3 zoned-land, 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 December 14, 2010, the Planning Board, by Corrected Resolution MCPB No. 10-153 (original MCPB No. 09-157), approved Site Plan No. 82003007A for 510,072 square feet of general office and 21,000 square feet of accessory storage uses on the Subject Property; and

WHEREAS, following the approval of Site Plan No. 82003007A, 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 2009 *Germantown Employment Area Sector Plan* (“Sector Plan”) area; and

WHEREAS, on March 16, 2016, the Planning Board approved Site Plan No. 82003007B (MCPB No. 15-162) for Phase 1 development with 160 townhouse units, 28 two-over-two dwellings, 300 multi-family units (including 12.5% MPDUs), 303,000 square feet of new office uses, 85,000 square feet of hotel, and 49,240 square feet of existing office uses, on 57.6 acres, on the Subject Property; and

WHEREAS, on October 3, 2017, the Planning Director approved Site Plan No. 82003007C for retention of nitrogen tanks at an existing location, relocation of a trash enclosure, revisions to a loading dock area, and landscaping on the Subject Property; and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on April 9, 2018, the Planning Director approved Site Plan No. 82003007D for revisions to stormwater management structures, landscaping, and swimming pool, and the relocation of four MPDUs on the Subject Property; and

WHEREAS, on July 17, 2019, the Planning Board approved Site Plan No. 82003007E (MCPB No. 19-078) to increase the number of MPDUs to 25% from the previously approved 12.5% 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 site plans to construct four buildings consisting of up to 346,440 square feet of multi-family residential use (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 on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82003007F, Century (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated 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 Vice Chair Pedoeem, 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 Site Plan No. 82003007F to construct four buildings consisting of up to 346,440 square feet of multi-family residential use (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 by modifying prior Conditions 4-9, 12-14, 16, 18-19, and 21, and adding three new conditions. However, all conditions are restated and set forth below and these conditions supersede and replace in their entirety all prior conditions:¹

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

Restated Conditions

1. Previous Conditions

All conditions imposed by the approval of prior Site Plan Amendments, Nos. 82003007A, 82003007B, 82003007C, 82003007D, and 82003007E, are superseded by the conditions contained herein.

2. Sketch Plan Conformance

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.

3. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan Amendment No. 12002095C, approved at the same time as this Application.

Environment

4. Forest Conservation & Tree Save

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

- a) The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers as specified on the approved Forest Conservation Plan and demonstrated on the Easement Tracking Exhibit. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition requiring sediment control permit, clearing, or grading on the Subject Property. The Liber Folio for the easement must then be referenced on the record plat.
- b) The Applicant must provide financial surety to the M-NCPPC Planning Department for the 5.97 acres of new forest planting prior to the start of any demolition requiring sediment control permit, clearing, or grading on the Property.
- c) The Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel prior to the start of any demolition requiring sediment control permit, clearing, or grading on the Property.
- d) Prior to the issuance of the first building permit for the Subject Property, the Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.
- e) The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
- f) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

- g) All planting on the forested berms, as shown on the Forest Conservation Plan sheet FCP-04, must be completed prior to the release of the 120th townhouse building permit, which represents 75% of the total number of townhouse units.
- h) All other forest plantings must be completed within two (2) years of the first multi-family building permit release.
- i) Applicant must submit and have approved by M-NCPPC an invasive species management plan for all forest conservation areas prior to Certified Site Plan.
- j) The Applicant shall revise the configuration of previously recorded Category I conservation easements; via abandonment of all the current Category I conservation easements and recordation by deed of all new Category I conservation easements on the Subject Property. The final Category I conservation easement area onsite must match the easement tracking exhibit and the Final Forest Conservation Plan. All new easements must be recorded prior to the abandonment.
- 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

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that:
 - i. the location of the noise mitigation techniques to attenuate current and/or future noise levels to no more than 60 dBA Ldn for areas of common outdoor activity in the townhouse portion of the Property are adequate.
 - ii. the building shell for residential dwelling units to be constructed within the projected ≥ 60 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the Site Plan after Certified Site Plan, which affect the validity of the noise analysis dated, November 9, 2015, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.
- c) Prior to Certified Site Plan, the Applicant must certify that they will construct the noise impacted units (Lots 1-59, 103-149, Condo 2/2 (a-e), and Condo 2/2 (a-n)) in accordance with the recommendations of the engineer that specializes in acoustical treatments.
- d) For any residential dwelling units to be constructed within the projected 60 dBA Ldn noise contour (Lots 1-59, 103-149, Condo 2/2 (a-e), and Condo 2/2 (a-n)), the Applicant must disclose in writing to all prospective residents that those units are impacted by transportation noise.
- 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_{Ldn} dBA, for proposed Buildings G and H, will attenuate the projected exterior noise levels to an interior level not to exceed 45_{Ldn} 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 accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated 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 696,576 square feet of public open space (31% of net lot area) on the 51.7-acre site.
- b) Before issuance of the Use & Occupancy Permit for the last floor of each multi-family building, all on-site amenities² associated with that building must be installed.
- c) Before issuance of the Use & Occupancy Permit for the last floor of Building A3, the Clubhouse, swimming pool, wading pool or Staff approved equivalent, and tot lot must be completed.
- d) Before issuance of the first (1st) Commercial Use & Occupancy Permit for the hotel, excluding core and shell, the water feature, plaza, open space, and amenities fronting the hotel must be completed.
- e) [CONDITION DELETED]
- f) Before issuance of the 120th townhouse building permit, which represents 75% of the total number of townhouse units, the exercise trail and associated amenities must be completed. The natural surface trail to be delineated after the stormwater management facility conversion.
- g) Prior to the release of the 159th townhouse building permit, which represents 99% of the total number of townhouse units, the open space on Century Boulevard and associated amenities must be completed.

² On-site amenities include, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities.

- h) All public and common open space areas, including those with or without amenities, with each sub-Phase (I-A, I-B, I-C), shall be completed when each respective Phase is 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*:

a) *Diversity of Uses and Activities*

i. Affordable Housing / MPDUs (140 points)

- a. 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.
- b. 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.
- c. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- d. 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

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide at a minimum the following recreation facilities: one (1) indoor fitness facility, one (1) swimming pool, one (1) wading pool or Staff approved equivalent, ten (10) picnic/sitting areas, one (1) play lot, three (3) tot lots, one (1) open play area with a minimum of 5,000 SF, a bike system, a pedestrian system, and nature trails.
- c) The Applicant must allow access to the pool facilities to all future residents of the development, including the townhouse units, two-over-two units, and multi-family units.
- d) The Applicant must provide a minimum of 3 fitness stations, 4 outdoor musical play structures, and a junior half basketball court along the exercise trail in rear of the Property.
- e) The Applicant must provide a minimum of 3 butterfly boxes and 3 bird boxes along the natural surface trail in the northeast corner of the Property.
- f) The Applicant must provide a total of 3 trellis structures, one at each entrance to the natural surface trail and exercise path.

- g) The Applicant must provide a minimum of 2 pet stations in the open space on Century Boulevard and adjacent to the future transit stop.
- 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, an indoor swimming pool, and picnic and seating areas.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, lighting, hardscape, recreation facilities, site amenities, and public open space.

Transportation & Circulation

11. Transportation

- a) The Applicant must construct the private internal streets to applicable Montgomery County structural standards as specified in Preliminary Plan No. 12002095C and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. The structural standards must be shown on the Certified Site Plan. Before the release of bond or surety, the Applicant must provide DPS Zoning and Site Plan Enforcement Section (Z&SPE) staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.
- b) Prior to issuance of the 30th building permit for the townhomes fronting Private Street C (Stohl Run Way), which represents 85 percent of the total number of units fronting Street C, Street C must be opened to traffic. Prior to the issuance of the building permits for the last stick of townhouses fronting Private Street C, Private Street C cannot be used for construction staging, material storage, and operations.

12. Public Road Right-of-Way

The Planning Board accepts the recommendations of the MCDPS Right-of-Way Permitting Section in its letter dated 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, which the MCDPS Permitting Right-of-Way Section may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 136 long-term (private) and 10 short-term (public) bicycle parking spaces.
- b) The private spaces must be on-site in a secured, well-lit bicycle room adjacent to the covered parking area, and the public spaces must be inverted U racks installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
- c) Prior to the issuance of the first use and occupancy permit for the first floor in Buildings A1-A5, the Applicant must complete the bike rooms in each respective building, as shown on the Certified Site Plan.
- d) Prior to the issuance of the first use and occupancy permit for the first floor in Building A2, the Applicant must install six bicycle parking spaces (inverted U rack or design approved by MCDPS) in the location as shown on the Certified Site Plan.
- e) Prior to the issuance of the first use and occupancy permit for the first floor in Building A3, the Applicant must install six bicycle parking spaces (inverted U rack or design approved by MCDPS) within 20 feet of Building A3.
- f) Prior to the issuance of any commercial use and occupancy permits for Buildings 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) [CONDITION DELETED]

Density, Height & Housing

14. Density

Site Plan Amendment No. 82003007F is limited to a maximum total density of 0.62 FAR consisting of 1,248,970 square feet of residential uses, 199,580 square feet of hotel uses, and 48,550 square feet of retail/service uses on 10.88 acres.

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 (approved as part of this 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 346,440 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.

15. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”) in its letter dated July 12, 2023, and hereby incorporates them as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA, provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 20 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Sector Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

Site Plan

16. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c) The Applicant must provide multiple direct ingress/egress points for the multi-family buildings from Century Boulevard and Street A, as shown on the Certified Site Plan.
- 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, subject to final approval by Potomac Edison. If not allowed by Potomac Edison, the Applicant must provide an artistic treatment for the above grade transformers and utility boxes in coordination with Staff and Potomac Edison.
- 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.

17. Landscaping

The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of each phase and site work.

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 Surety 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:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- 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; curbs; gutters; sidewalks; specialty pavers; indoor and outdoor recreational facilities; trash enclosures; private utilities; paths and associated improvements of development, including sidewalks, storm drainage facilities, site trees and site lights; and associated improvements within the relevant phase of development.
- c) The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.
- d) The bond or surety for each block/phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each phase.

20. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

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:

- a) Include the final forest conservation approval letter, stormwater management concept approval letter, development program, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.
- e) Show all recreation and site amenities approved on the site and landscape sheets.
- f) The Applicant must provide an additional half-court basketball court in the immediate proximity of the multi-family buildings prior to Certified Site Plan.
- 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, swimming 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.

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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Century, Site Plan No. 82003007F, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or provided 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, 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 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 approved development will continue to satisfy all relevant and 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 will 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 1 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 and 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 (144,811/31,500), or payment made to the ALPF.

The following tables, Tables 1-3, show 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 1 - 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	Approved
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) ³	1 BLT = 31,500 SF of 50% incentive density	4.60
Minimum Lot Area	N/A	N/A

³ As required by the Germantown Transit Mixed Use Overlay Zone.

CR-2.0 C-1.25, R-1.00, H-145T	Permitted / Required	Approved
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
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%	Apartment Use = 21%

CR-2.0 C-1.25, R-1.00, H-145T	Permitted / Required	Approved
	General Use = 25%	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 ft General Use = 35 ft	Apartment Use = 0 ft. General Use = 14 -15 ft.
Blank wall, side/rear (max)	Apartment Use = 35 ft General Use = 35 ft	Apartment Use = 9 ft. General Use = 9 ft.
- Allowed Building Elements	Balcony, porch/stoop, or gallery/awning	Provided

Table 2 – 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 3 – Bicycle Parking

Bicycle Parking	Required Long Term	Required Short Term	Approved Long Term	Approved 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

The Site Plan Amendment includes a minimum of 20% MPDUs within the approved multi-family residential buildings in addition to the existing 25% MPDUs within the existing multi-family and townhouse development in Phases 1-A and 1-B, which results in 23.4% MPDUs being provided across the entirety of the Century Technology property. 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 approved MPDUs within the Site Plan Area will exceed the 20% threshold and meet the criteria of not having to satisfy any additional public benefit categories. The Site Plan Amendment will provide 140 Public Benefit Points through the Site Plan Area’s MPDU percentage of a minimum of 20%. The approved 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 will replace the public art component with an equivalent landscape architectural amenity plaza with a central water feature. The approved water feature and amenity plaza will be located at the front of Building D along Stol Run and at the terminus of Cloverleaf Center Drive. The approved water feature and amenity plaza will serve as a focal point for residents and visitors, while also complying with the Sector Plan.

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan includes 140 public benefit points within the Moderately Priced Dwelling Units category to satisfy the requirements. More specifically, the Amendment exceeds the 100-point requirement by providing 140 public benefit points utilizing MPDUs within the Diversity of Uses and Activities category, which will replace the previously approved categories. The Public Benefit Points are calculated below in Table 4.

Table 4 – MPDU Public Benefit Point Calculation⁴

P	Percentage of MPDUs Provided	23.4%
R	Percentage of MPDUs Required	12.5%
W	Percentage of 2-BR MPDUs Provided	50%
T	Percentage of 3-BR MPDUs Provided	18%
Total	Public Benefit Points ⁵	140 Points

iii. Division 59-6 General Development Standards

(1) Division 6.1 Site Access

⁴ Calculation of points:

$(P - R) * 12 + W * 2 + T * 5$
 $(23.4 - 12.5) * 12 + (0.50 * 2) + (0.18 * 5)$

⁵ Within the Germantown area, 15 points are granted for every one (1) percent of MPDUs to be provided greater than 15 percent.

Site access is safe, adequate, and efficient to serve the approved 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 approved 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

Approved parking, queuing and loading is adequate to serve the Site Plan Area, as shown in the Tables above. Parking for approved 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 approved development, there are connected and contiguous areas that connect the approved hotel and multi-family buildings with approved 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.

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 included 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 recreation areas will serve as the focal points for the approved development and will include indoor fitness rooms, open grass area lawn, a tot lot, a play area, indoor swimming pools, 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. All residents will have unfettered access to all recreation amenities.

Although the approved recreation amenities fully meet the recreational demand for the development, the approved 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 approved 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 lighting on-site is safe, adequate, and efficient. The approved 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 approved 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 approved 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. 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.

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. Therefore, the Application satisfies the Forest Conservation Law.

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

The approved layout provides, safe, well-integrated parking, circulation, building massing, and open space. Buildings D and E are approved 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 within the Site Plan Area. Building D will include guest services, amenities, and lobbies that connect to 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 newly approved spaces within this amendment within the Site Plan Area. Buildings D and E share an identical architectural aesthetic. 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 approved multi-family dwelling units are split between Buildings G and H, both located within the northeastern 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 and 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. Buildings G and H share the same architectural aesthetic with a blend of neo-traditional and modern detailing. 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 approved layout provides usable public open space within the entirety of the Site Plan Area. Additionally, the Application provides well-integrated circulation patterns for both pedestrians and bicyclists.

- 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 Area is located within Area 1 of the Cloverleaf District in the 2009 *Germantown Employment Area Sector Plan*. The overall Cloverleaf District is approximately 130 acres. The 10.88-acre Site Plan Area is currently undeveloped. The Site Plan Amendment calls for the Site Plan Area to be developed with two hotel buildings and two new multi-family residential/retail buildings. In total, the Site Plan Amendment will result in an overall density of 0.24 FAR with a 42% to 58% ratio of commercial to residential uses for the larger Cloverleaf District.

In the Areawide Urban Framework section of the 2009 Germantown Employment Area Sector Plan, some recommendations that are applicable to the Site 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 Site 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 Site 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 Site 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 Site Plan Area, it does allow an applicant to determine what ratio is best for uses within the Site Plan Area. The approved Site Plan area ratio of 58% residential to 42% residential for the larger Cloverleaf District is not a 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 Site 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.

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. 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 Noise Guidelines 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. Buildings C1 and C2 are not included within this Site Plan Amendment but discussed in detail within the Sketch Plan Amendment (Sketch Plan No. 32016002A).

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 the approved residential buildings be performed to ensure the Noise Guideline recommendations for interior areas are achieved.

The Noise Analysis recommends a “building shell analysis” to determine whether the approved 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 the accompanying 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 approved 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 approved 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, this Site Plan 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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

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

December 21, 2023

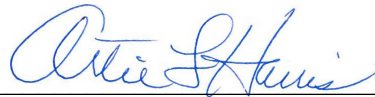
which is the date that this resolution is mailed to all parties of record); and

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