

Date of Mailing: June 7, 1994



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
(Motion of Comm. Floreen, seconded by Comm. Bauman, with a vote of 5-0; Comms. Floreen, Bauman, Aron, Floreen and Richardson voting in favor).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-88156
NAME OF PLAN: CLOVERLEAF CENTER GERMANTOWN

On 7-13-93, CREAMORE GERMANTOWN ASSOC., submitted a request to revise a previously approved preliminary plan of subdivision of property in the I-3 Zone. On 12-2-93, Preliminary Plan 1-88156 was brought before the Montgomery County Planning Board for a public hearing to consider a revision to the approved conditions. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Boards finds Revised Preliminary Plan 1-88156 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88156, subject to the following conditions:

The Planning Board voted to revise Condition #6 to require that certain area depicted on the plan be dedicated and certain area be placed in reservation. These areas will accommodate future transit service in the I-270 Corridor. In voting to revise this preliminary plan, the Board was mindful of the unique facts and circumstances relative to the treatment of the subject property in the Approved and Adopted Germantown Master Plan and in prior zoning actions. Simultaneous with the Board's action on the preliminary plan, the Board voted to adopt M-NCPPC Resolution 93-23, placing in reservation that certain property contemplated in the revision.

1. Agreement with Planning Board to limit development to 1,384,007 square feet of office space and 881 multi-family dwelling units to be developed in three phases. Phase I includes 403,657 square feet of office space in accordance with Transportation Division memo of 4-28-89 as revised on 9-16-91 and 9-19-91. Phase II includes 881 multi-family dwelling units. Phase III includes 980,350 square feet of office space. Applicant shall not receive any building permits until the necessary road improvements outlined in 6-24-91 Transportation Division memo, as revised on 7-12-91, 9-16-91 and 9-19-91 associated with the phases of development are under construction. Construction means all right-of-way acquired, all contract let with notice to

proceed issues, all bonds posted and necessary PIA's entered into.

2. Dedication along Waters Landing Drive and Century Boulevard in accordance with Germantown Master Plan. Dedication along Crystal Rock Drive and provision for bike path construction along Crystal Rock Drive and Father Hurley Boulevard to be determined at site plan.
3. The applicant shall enter into an agreement with MCDOT and all parties affected by this agreement to either dedicate and/or reimburse the County within a specified time frame for a pro rata share of the planning, design, supervision and acquisition costs related to the need by the County to obtain all necessary rights-of-way as needed for the interchange of Father Hurley Boulevard and I-270. Such agreement must be signed by the applicant within three months of the date of the preliminary plan approval, but in any event prior to any site plan review by the Planning Board. Full compliance with this condition will be confirmed by the Planning Board staff. Failure on the part of the applicant to fully execute the agreement in a timely manner shall make approval of this preliminary plan as to Phases II, III and the additional development in Phase I (209,157 square feet) null and void.
4. Applicant shall conform to the trip reduction guidelines for the I-3 zone as required by Section 59-C-5.43 of the Montgomery County Zoning Ordinance.
5. No driveway to Crystal Rock Drive south of Father Hurley Boulevard unless approved at site plan.
6. (a) Creamore will dedicate a 50 foot wide strip of property adjoining the east side of Century Blvd. to serve as the right-of-way for the Corridor Cities Transitway at or before the time of initial record plat recordation for Phase III. Creamore acknowledges that this 50' strip will separate from Century Blvd. at the southwest corner of lot to provide an approximate 195 foot radius at the curve to follow the alignment of Master Plan Road I-4.

(b) Creamore will revise the preliminary plan to show that a 3.2812 acre portion of the property consisting of Parcel "P" and Outparcel "S" as shown on the Corridor Cities Transitway Plat of Reservation dated 9-23-93 and prepared by Gutschick, Little & Weber, P.A., will be placed into reservation for a proposed transit parking area and/or possible transit station if not included in the dedicated right-of-way for the Corridor Cities Transitway ("Transitway") which may include the interim Transitway approved for said Transitway. The term of the reservation shall expire June 30, 1996. Creamore

may agree to continue the property in reservation for additional periods of time as Creamore may elect.

- (c) The terms and conditions set forth in applicants counsel letter dated July 13, 1993 concerning the required dedication and reservation shall be incorporated herein.
7. No clearing, grading or recording of plat(s) prior to site plan approval. A plan for the design of the regional stormwater management pond to be located in the west boundary of Phase II may be submitted prior to site plan review for approval by the Planning Board.
 8. Conditions of DEP stormwater management concept approval dated 6-20-91.
 9. Address environmental issues outlined in Environmental Division comments dated 6-10-91 (as revised on 7-16-91) and 6-21-91.
 10. Record plat to reflect delineation of 100-year floodplain and stream buffer.
 11. Necessary easements
 12.
 - (a) With respect to all lots/parcels, except Lot P and Lot O, shown on the approved plan, this preliminary plan will remain valid until April 8, 1997. Prior to the expiration of this validity period, a final record plat for all property, except Lot P and Lot O as delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.
 - (b) With respect to Lot P and Lot O shown on the approved plan, the validity period shall not begin to commence until June 30, 1996 (i.e., the expiration of the reservation term per Condition No. 6 or the expiration of any additional reservation term requested by the Planning Board if agreed to by Creamore ("Determination Date"). The validity period for Lot P and Lot O shall run for a period of three (3) years from the Determination Date. Prior to the expiration of the validity period, a final record plat for all property delineated on the approved preliminary plan as Lot P and Lot O must be recorded or a request for an extension must be filed.