



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

M E M O R A N D U M

DATE: December 7, 1992

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Site Plan Review #8-90060 (Revision)
CLOVERLEAF CENTER, PHASE I
I-3 Zone
403,657 square feet of office
SW quadrant of Future Father Hurley Blvd. and Future Century Blvd.
Germantown Planning Area

APPLICATION

On October 3, 1990, Creamore Germantown Associates filed Site Plan #8-90060 for 403,657 square feet. The Planning Board approved Site Plan #8-90060 subject to conditions. The applicant has requested revisions to the terms of the I-3 trip reduction program. The revisions are reflected in the revised staff recommendation.

STAFF RECOMMENDATION

Staff recommends APPROVAL of 403,657 square feet of office subject to the following conditions:

1. Submit a Site Plan Enforcement Agreement, and Development Program for review prior to approval of the initial building permit as follows:
 - a. Enforcement Agreement to reference trip reduction program in accordance with the Transportation Planning Division memo dated December 7, 1992.
 - b. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed.
 - 2) Clearing and grading schedule.

- c. Development Program to include tree preservation schedule.
2. Submit a phasing plan as follows:
 - a. Phasing for all clearing and grading that will correspond to the construction schedule and reduce soil erosion.
 - b. Phasing of each section of the development.
 - c. Phasing of stormwater management facilities.
3. Submit a tree preservation plan to staff for review and approval prior to approval of the signature set. Tree preservation program shall appear on the tree preservation plan.
4. Tree-save areas and protection devices to be inspected by staff prior to any clearing or grading. The tree-save line must be shown on the approved sediment and erosion control plan.
5. No clearing or grading prior to Planning Department approval of signature set of plans.
6. Applicant to escrow sufficient funds with MCDOT to finance the future installation of sixty street trees approximately forty feet on center along the east side of Crystal Rock Drive for the length of the site plan. Trees to match the size and species of those to be installed by MCDOT on the west side of Crystal Rock Drive opposite the site plan.
7. Applicant to provide a six-foot wide easement along their west property line to accommodate the future construction by others of bikeway in the configuration described in sketch C of the staff report.
8. Applicant to provide Trip Reduction Program in accordance with the attached Transportation Planning Division memo dated December 7, 1992.

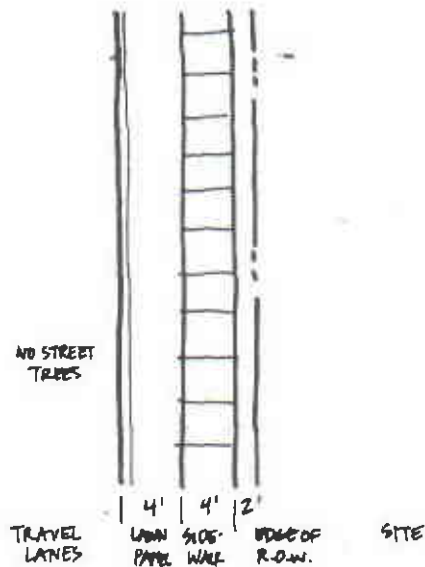
FINDINGS AND PROPOSED REVISIONS

Staff refers the Board to the findings of the original October 7, 1991, staff report. Two modifications are proposed which do not change the findings previously made: one concerning a proposed bikepath on Crystal Rock Drive, and the other concerning trip reduction measures.

1. Bike Path on Crystal Rock Drive

The previous staff report and site plan exhibit that was presented to the Board included a bike path and street trees on the east side of Crystal Rock Drive from the property's southern boundary to Father Hurley Boulevard. The applicant was to provide an easement for the bike path and was to construct the bikepath and plant the street trees. The applicant agrees to the provision of the easement but not the construction of the bikepath.

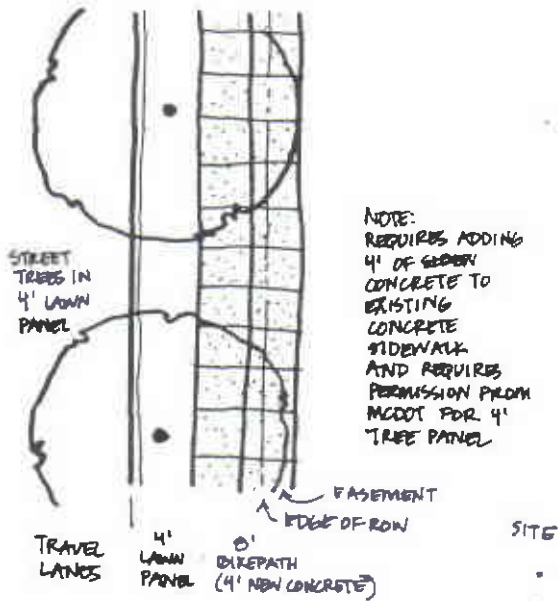
Crystal Rock Drive, a major highway, was built according to an old standard that did not allow for street trees or bikeways in a right-of-way of 120 feet. Staff and MCDOT are now working on amendments to the Road Code to address this problem. The existing four-foot wide sidewalks are four feet from the curb. No street trees have been planted in this portion of Crystal Rock Drive (see sketch A).



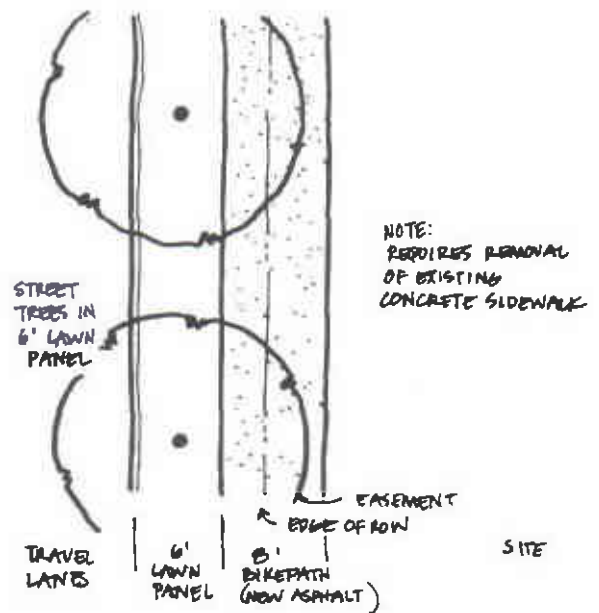
**A. EXISTING CONDITION
CRYSTAL ROCK DRIVE**

Staff recommends provision of street trees between the curb and sidewalk along this section of Crystal Rock. If DOT allows them within the existing four-foot strip, they are to be installed with the construction of the proposal. If DOT requires the trees to be placed in the standard six-foot strip, this will require demolition of the existing sidewalk. In this case staff recommends that the applicant secure funds with DOT for future installation of the street trees at the time of construction of the bikeway.

If MCDOT would allow street trees to be planted in the four-foot lawn panel, provision of an eight-foot bikepath would simply require adding a four-foot strip of concrete next to the existing four-foot sidewalk (see sketch B). If MCDOT does not allow this exception to its standard six-foot lawn panel, then the bikepath will require removal of the existing four-foot sidewalk and construction of a new eight-foot asphalt bikepath, six feet from the curb (see sketch c).



B. BIKE PATH WITH STREET TREES IN 4' LAWN PANEL CRYSTAL ROCK DRIVE



C. BIKE PATH WITH STREET TREES IN 6' LAWN PANEL CRYSTAL ROCK DRIVE

The Associate General Counsel's office, after meeting with the applicant and examining their concern over whether the Board may require them to install the bikepath along Crystal Rock Drive, is persuaded that such requirement, under the particular facts of this case may not be appropriate. Putting aside the issue as to whether the Board currently has the statutory authority to require this construction, legitimate concerns have been raised by applicant over whether the Commission can establish a sufficient nexus to require the installation of this particular bikepath in addition to the other bikepaths that applicant is also required to install. In the absence of the Board's continuing requirement for the construction, by applicant, of several other on-site bikepaths, a strong case could be made to require the disputed path to be installed to comply with routine required site plan findings that the project provide for the safe movement of motorists, pedestrians, and bikers.

2. Trip Reduction Measures

The second proposed revision to the site plan concerns the trip reduction measures in accordance with I-3 zoning. The revision is described in the attached Transportation Planning Division memo dated December 7, 1992 (Attachment #1).

For the remainder of the staff report, please refer to the original staff report (Attachment #2).