

**Century**  
**20301 Century Boulevard Germantown, MD 20874**  
**Sketch Plan (#32016002A), Preliminary Plan (#12002095C)**  
**& Site Plan (82003007F) Amendments**

**Amended Sketch, Preliminary & Site Plan Statement of Justification**

November 10, 2021

**I. Introduction**

Century Development Services, LLC (the "Applicant") submits this application for amendments to the Sketch Plan (No. 32016002A), Preliminary Plan (No. 12002095C) and Site Plan (No. 82003007F) (each an "Amendment" and together, the "Amendments") for the property located at 20301 Century Boulevard in Germantown, Maryland, more specifically described as Cloverleaf Center Lots 2-4, Block A found on Plat No. 25286 (the "Property"). The Property consists of +/- 15.5 acres of undeveloped land that is contained within a larger 57.7-acre Sketch Plan site area that has already been developed.

The Amendments call for the replacement of approved office buildings (Building C and D) and a hotel (Building E) on the Property with a new office building (Building C1 and C2), two hotel buildings (Buildings D and E), and two new multi-family residential/retail structures (Buildings G and H). In particular, the Sketch, Preliminary and Site Plan Amendments propose two new 6-story residential multi-family/retail buildings combining for 233 units, two 8-story hotels combining for 154 keys, and a new 13-story office building. All buildings will include structured parking. The changes will improve upon the mixed-use, urban-style community that was previously envisioned for the Property.

In the Sketch Plan Amendment, the Applicant proposes to redevelop the +/- 15.5-acre Property with a density of 2,804,400 square feet, increasing the current approved sketch plan density of 2,114,230 square feet, with an additional 690,170 square feet. This brings the ultimate Floor Area Ratio ("FAR") for the larger overall site area to 1.12. This additional square footage is comprised of 339,730 square feet of Commercial / 350,440 square feet of Residential, a 50.63 / 49.37 ratio of commercial and residential uses for the larger site area.

The Preliminary Plan Amendment proposes to resubdivide existing Lots 2, 3, and 4 in the Cloverleaf Center Subdivision, Block A, to create three new Lots 5, 6, and 7, Block A, in which each lot would accommodate the each proposed use. As an interim measure, the Applicant may seek to create ownership units for the multi-family/retail portions of the

Property to enable the separate financing and/or sale of each building prior to the construction of units. This action, if taken, will not affect the new lots being created by the underlying Preliminary Plan Amendment. Lastly, the Amendment will provide additional Adequate Public Facilities (“APF”) capacity to accommodate the proposed phasing in the Site Plan.

The Site Plan Amendment provides a detailed design analysis for the residential and retail components of the above stated Amendments to the Sketch and Preliminary Plan. This Amendment further defines and provides a network of green spaces within the revised Property layout, along with strong connectivity within and among the various use components to the existing portions of the larger property.

The scope of the items listed and described above are detailed on and throughout each submitted Black-Line and Red-line Plan set for the Sketch, Preliminary and Site Plan Amendments. Modifications for each sheet are detailed on each redline plan sheet within section identified as “List of Amendment Items”.

## **II. Property Description**

### **A. Site Location, Characteristics, and Existing Conditions**

The proposed Amendment Property area consists of approximately 15.5 acres of gross tract area along the eastern boarder of the full 51.68-acre site area located to the west of Interstate 270 and to the east of Century Boulevard. The Property that is the subject of the Amendments is immediately adjacent to I-270 on the undeveloped portion of the “Cloverleaf Center” property located on Lots 2, 3, & 4, Block A, owned by the Applicant, found on Record Plat No. 25286. The gross tract area in the Amendments is based upon the original sketch plan calculations, previously approved, as basis for the larger site’s mapped density.

“Cloverleaf Center’s Lot 1, Block B” is located on the northwestern boarder of the Property. This is owned by Nattan, LLC and houses the one-story Thermal Fisher Building, which is approximately 49,501 square feet and is used for medical research. The balance of the larger site area contains mid-rise multi-family to the northwest and a townhouse community to the southwest. These properties have been subdivided into recorded subdivision lots, per the underlying preliminary plan of subdivision “Cloverleaf Center” as shown on recorded Plats 25284, 25285, 25286, 25301, 25302, 25303, 25436, and 25575.

Site access to the Property is from two points along Century Boulevard. There are two driveways off of Century Boulevard, one at Fairchild Drive and one at Dornier Place. The

main entrance is an extension of Cloverleaf Center Drive across Century Boulevard. This connection terminates at Stol Run, a north south interior road that runs along the western boarder of the Property.

The Property will be served by the Corridor Cities Transit-way (“CCT”), which is planned to run along Century Boulevard, with an anticipated stop in front of the multi-family portion of the larger site area. Various easements and utility rights-of-way encumber portions of the Property, primarily in the northeastern section of the site.

### **B. Zoning and Permitted Uses**

The Property is zoned Commercial/Residential, CR-2.0, C-1.25, R-1.0, H-145 T. Section 3.1.6 of the Montgomery County Zoning Ordinance (“Zoning Ordinance”) permits townhouses, two-unit living, multi-unit living, hotel, office, and retail/service establishment (up to 50,000 square feet) and restaurant uses by right in the Commercial/Residential Zone. As such all proposed use in the Amendments are permitted under the zone.

### **C. Surrounding Land Uses**

The Property is bounded by office uses to the south and a highly secure data center to the north. The Property’s entire eastern boundary line runs parallel to the Dwight D. Eisenhower Highway Interstate 270 and associated access ramp from Father Hurley Boulevard MD-118. The western boundary line contains townhouses, an office/research building and low-rise multi-family uses within the Amendments’ larger site area.

## **III. Proposed Project**

The Applicant proposed to redesign existing Lots 2, 3 and 4 that runs parallel to Interstate 270 into a mixed-use development containing approximately 1,497,870 square feet of residential, office, hotel and retail uses, resulting in a Floor Area Ratio (“FAR”) of 0.97 for the overall Preliminary / Site plan. The Project will include a resubdivision to create three lots that will replace the three existing lots. Proposed Lot 5 will have an office building with structure parking. Lot 6 will contain two hotel buildings with below grade parking and Lot 7 will provide two multi-family buildings with ancillary retail/service uses, along with below grade parking. These four lots will have multiple connection points to the existing portions of the community and ultimately back to Century Boulevard. As discussed below, connectivity within the Property will fully accommodate vehicle and pedestrian experiences.

The Project also proposes surface parking spanning across all 4 lots on the eastern side of the proposed buildings and between the residential/retail buildings, providing

435 spaces. An additional 25 on-street spaces will be provided along Stol Run for the benefit of all the Project's users. As noted above, structured parking is provided at all buildings, with 769 office garage parking spaces, 132 hotel garage parking spaces and 260 multi-family garage parking spaces, totaling 1,161 spaces. The Project provides a total of 1,621 vehicular parking spaces. The overall development parking requirement has been met. The required minimum 2,231 / maximum 3,748, is satisfied with the sites proposed parking with 2,693 spaces including motorcycle spaces.

The Property may be accessed from Stol Run from four vehicular driveways. All improvements proposed for the Amendments are to be private, as the surrounding infrastructure has been constructed as part of the larger site's underlying preliminary & site plan approvals.

#### **A. Office Building – Proposed Lot 5**

This proposed building, identified on the site as buildings "C1 and C2" will consist of 13-stories of office space, structured parking, and designated loading dock on the northeast side of the building. The office portion of the building will total 903,300 gross square feet located above three underground parking levels, a first floor lobby / structure parking level, and 3 levels of above grade parking in the "C2" portion of the building. Proposed building "C1 and C2" will not connect at floors one and two to accommodate a proposed north-south driveway through the building. This driveway will provide access to the structure parking located within the building footprint and the surface parking located to the east of the building. The above grade parking area's exterior walls will be finished with decorative metal panels providing visual interest at those areas.

The massing of proposed building "C1 and C2" is designed to look as though it is two buildings, sisters to each other, connected via a bridged space over the alley. This bridge space will be covered in windows and spandrel glazing. While the massing of the building is very rectilinear allowing for very little jutting in and out, the façade of the building tells a different story.

The base and corners of the building is anchored to the Property using veneers of stone and split face accompanied by brick. These large masses bookend the lighter volumes that consist of curtain wall glazing and spandrel glass. Surrounding the glazing will be a panel system consisting of metal or fiber cement materials. The top two floors of the building will consist of repetitive glazed openings surrounded by metal paneling and topped with continuous horizontal fins providing shade over a portion of the glazed opening. The top of the building will be finished with a flat roof allowing for mechanical system equipment and space for a green roof system.

Where the building meets the ground plane, the Applicant proposes an urban like setting with stamped concrete sidewalks, street shade tree planting pits, ornamental street pole and light fixtures, and stormwater management micro-bio retention facilities. The streetscape will also provide enhanced landscape planting and benches at the building main entrance.

The main vehicular circulation to the office is provided from Stol Run directly to the building and from the proposed private driveway off Stol Run. There are two additional secondary garage entrances, one from the private driveway to the south and another from the eastern parking lot drive aisle.

### **B. Hotel – Proposed Lot 6:**

The proposed hotel buildings are identified on the site as buildings “D and E”. Building “D” is an eight-story hotel with 70 keys for extended stay patrons. The first floor will house guest services, extended stay rooms, amenities, and a lobby. Building “E” is also an eight-story hotel with 84 keys. Its first floor will contain conference facilities and retail spaces. Combined the hotels will contain 154 patron rooms and consist of approximately 199,580 square feet. Both buildings are connected underground by two levels of parking containing 132 spaces and an above ground glazed bridge.

The building bases are anchored with a stone and split-face veneer accented with brick. The main body of the buildings will be metal, or fiber cement panels accented every third floor with a ribbon panel.

The buildings are finished with a flat roof and parapet walls ranging in different heights. The buildings are located to the southwest of Building “C1 and C2” and at the terminus of Cloverleaf Center Drive. They are surrounded by several different landscaping features including a water feature located at the entrance to the elevation facing Stol Run. This elevation of Building D will serve as a backdrop of the main entrance to the Property. Above the entrance to this building is a tower of glazing that will be visible in the night sky adding a visual interest.

The direct vehicular access to the hotel is taken from the parking lot drive aisle, however there is a designated drop-off at each hotel for patrons to check-in and unload their belongings. At the base of the buildings, the site hardscape provides for stamped concrete sidewalks, street tree pits, and decorative street pole lights, fixtures, and bollards at the main entrance drop-offs.

The hotel provides for foundation plantings with both deciduous and evergreen trees, shrubs, and groundcover. The west plaza also provides shade tree pits within the paved area, accent lighting, pedestrian pole lights and fixtures, benches, tables and chairs, and a designated area for flag poles. The west plaza serves as the Property's main focal point being at the terminus of Cloverleaf Center Drive. Here a multi-tiered water feature has been incorporated, with water spilling over top corten steel into a river stone basin. The feature is integrated into plaza stairs to accommodate the Building D's vertical relationship to existing Stol Run.

A secondary amenity space has been designed at the buildings' south/east façade that has direct connection to the adjacent 'public open space'. This paved area includes shade trees, umbrellas, tables, chairs, lounge area with fire pit, and designated outdoor grilling area.

Along the south face of building E, a pedestrian through block amenity space is provided. The proposed pedestrian sidewalk will be concrete with a brick edge. There is a vertical change in elevation from north to south, where site railing, stairs, and micro-bio-retention facilities are proposed. The pedestrian through-block provides a connection from the surface parking lot to the public open space and exercise nature trail.

### **C. Residential Buildings – Proposed Lot 7**

The proposed buildings identified as buildings "G and H" will act as sister buildings to each other. Both are designed to have the same style of architecture, except building "G" is shorter in length than building "H". Above grade these two buildings will operate as two separate buildings, however, below grade they will be connected with a single-story parking garage to span the length of both buildings and the street between them.

An ownership lot line is proposed on Lot 7, through the below grade parking, separating the building "G" and "H" towers above. Residential building "G" is, a 6-story, 95-unit multi-Family residential building with approximately 145,150 square feet of residential uses and 23,150 square feet of ancillary retail/service uses. Residential Building "H" is a 6-story, 138 multi-family building, with approximately 201,300 square feet of residential uses and 25,400 square feet of ancillary retail/service uses.

Both Buildings "G and H" are designed in the shape of a "U" with the center portion of the "U" being outdoor amenity space serving the residents of the buildings. The first floor of each building will house retail and restaurant spaces with the center portion of the building set aside for leasing operations and clubhouse amenities. These locations

will also be the main entrances for residents and guests. The south wing of building “H” will house a pool to serve both buildings. Floors 2-5 will be residential units with a range of one-bedrooms, averaging 770 square feet, two bedrooms averaging 1,239 square feet and three-bedrooms averaging 1,357 square feet. 20% of the units will be Moderately Priced Dwelling Units (“MPDUs”) evenly distributed throughout floors 2-5. Most of the residential units will have balconies.

The exteriors of the buildings are designed in a Transitional Style of Architecture, bridging traditional and modern, and providing comfortable warm aesthetics. The base of the buildings is anchored with stone materials to be either dressed or rough accented by brick and punctured with store front glazing. Moving up the buildings the design demonstrates a more rhythmic cadence which also moves left to right across each elevation. Minor spaces have been recessed to deemphasize them with major elements moved forward to accentuate the façade. Exterior finishes include brick veneers and metal paneling. The top of the buildings is finished with a flat roof and varying heights of parapet walls, the center of the buildings will have a low slope roof to add a dramatic effect.

As touched on above, proposed buildings “G and H” have private interior courtyard areas. Building “G” provides four areas for gathering: an outdoor grilling area, large seating area with umbrellas, tables, and chairs, a non-programmed open lawn space, and a bifurcated outdoor dining area designated to the restaurant use. Building “H” provides three defined gathering spaces within the courtyard. Separated by the center plaza with raised planter walls, a lounge/ seating area is situated off the main corridor and lobby of the building. The northern portion has defined areas for grilling, additional seating/lounge area, and outdoor game space focused on older residents. The southern portion courtyard has a tot lot space with three play mounds and balance elements, game tables and benches for the benefit of younger residents.

The courtyards for both residential buildings are separated from the public open space with a decorative post and rail fencing yet are contiguous with the green space and connect the proposed uses. This allows for private activities within the residential courtyards.

The Project proposes to continue the urban community that has been set forth by the previous plan approvals and to conform to the vision of the Germantown Sector Plan. Further detail will be described in the section below regarding conformance to the Sector Plan.

#### **IV. Prior Approvals**

The Planning Board 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.

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.

On January 25, 2010, the Planning Board approved Preliminary Plan No. 12002095A to create one recorded parcel on 51.8 acres of land in the I-3 Zone, limited to 510,072 square feet of general office and 21,000 square feet of space for accessory storage uses.

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 larger site area.

Following the approval of Preliminary Plan No. 12002095A, the larger site area, including the 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 in the Germantown Transit Mixed Use Overlay Zone.

On January 7, 2016, the Planning Board approved Sketch Plan (No. 320160020) for construction of up to 2,114,230 square feet of development including residential, office, hotel, retail, and restaurant uses on the larger site area.

Preliminary Plan Amendment (No. 12002095B) was approved on March 17, 2016 for 160 lots for townhouses, three lots for 28 2-over-2 dwelling units, and one lot for up to 300 multi-family dwelling units including 12.5% MPDUs with a maximum density of 902,530 square feet of residential uses, and up to 437,420 square feet of nonresidential (office and hotel) uses, one outlot for forest conservation/natural area, and one outlot for stormwater management.

On March 16, 2016, the Planning Board approved Site Plan Amendment 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 49,420 square feet of existing office uses, on 57.6 acres.

On October 3, 2017, the Planning Director approved Site Plan No. 82003007C for the retention of nitrogen tanks at their existing location, relocation of a trash enclosure, revisions to the loading dock area, and landscaping on portions of the larger site area.

On April 9, 2018, the Planning Director approved Site Plan No. 82003007D for revisions to stormwater management structures, landscaping, and swimming pool, and relocation of four MDPU's on portions of the larger site area.

On July 11, 2019, the Planning Board approved Site Plan Amendment (No. 82003007E) (MCPB No. 119-078) as a consent item to increase the number of MPDU's to 25% from the previously approved 12.5%.

## **V. Requested Amendments**

### **A. Sketch Plan**

The Sketch Plan Application is submitted in accordance with the optional method of development procedures of Section 59.7.3.3 of the 2014 Zoning Ordinance. The limited purpose of the Sketch Plan is to amend the density, height, use, and incentive density public benefit points for the larger site area to maintain conformance to the regulatory framework of the Zoning Ordinance. The Sketch Plan proposes an increase in the density adding 690,170 square feet of new development with 339,730 commercial square feet and 350,440 residential square feet, dwelling units to be determined at site plan.

As part of the optional method of development under the CR Zone, the Applicant is required to propose public benefit points as part of its application. The previously approved Sketch Plan was required to achieve at least 100 public benefit points from four benefit categories. This Plan complied with the standard by providing a total of 135 public benefit points from five different categories. The proposed Amendment seeks to comply with this standard by providing 140 public benefit points from one category.

The Project's Sketch Plan amendment proposes 20% MPDU's. As stated in the Affordable Housing category of Section 4.5.4.A.2 and Section 4.6.4.A.2 of the Zoning Ordinance, "A project that provides a minimum of 20 percent MPDU's does not have to satisfy any other benefit category under Section 4.5.4.A.2". With the 20% MDPU's provided on the Property, the Project is going above and beyond what is required of the Applicant.

This MPDU commitment will increase the overall MPDU percentage to 23.4% for the entire Sketch Plan area resulting in the following calculation of Public Benefit Points:

$$\text{Calculation of points: } (P - R) * 12 + W * 2 + T * 5; (23.4 - 12.5) * 12 + (0.50 * 2) + (0.18 * 5)$$

### SUMMARY TABLE

Affordable Housing (MDPU's)			
<b>Formula: (P - R)*12 + W*2 + T*5</b>			
<b>P</b>	Percentage MPDUs Provided	23.4%	
<b>R</b>	Percentage MPDUs required	12.5%	
<b>W</b>	Percentage 2 Bedroom MPDUs provided, not otherwise required	50%	
<b>T</b>	Percentage 3 Bedroom MPDUs provided	18%	
<b>Total:</b>		<b>140</b>	
* 2 & 3 Bedroom MPDU Percentage is TBD subject to DHCA Agreement.			
In Germantown area, 15 points are granted for every 1 percent of MPDUs greater than 15 percent.			

As a result, the Sketch Plan Amendment to provide 140 Public Benefit Points through the larger site’s MPDU percentage of 23.4% exceeds the Public Benefit Point requirement. We note that Project’s Sketch Plan modification will require the decommissioning of the previously approved public art component, approved as part of Sec. 4.7.3.E – Quality of Building and Site Design. To replace the art, the Applicant proposes an equivalent landscape architectural amenity plaza with a central water feature situated at the main entrance of the Property. This water feature is directly responsive to the Germantown Forward Sector Plan vision and will be a focal point for the community.

### B. Preliminary Plan Amendment

The Preliminary Plan amendment proposes a re-design of the “Cloverleaf Center” subdivided lots 2, 3, & 4. The preliminary plan proposes an increase in the density adding 1,109,870 square feet of new development with 763,430 commercial square feet and 346,440 residential square feet consisting of 233 dwelling units. The preliminary subdivision plan proposes to resubdivide the current “Cloverleaf Center” subdivision Lots 2, 3, & 4, Block A. The amended subdivision will replace the original three lots with three newly proposed Lots 5, 6, & 7 as shown on the Preliminary Plan Amendment. The proposed

building heights are equal to, or below, the Zone’s allowable 145 foot limit from each buildings measuring point and building height calculation.

The Transportation Impact Study (TIS) dated October 29, 2021 for the Amendments, prepared by Symmetra Design, indicates that the Project’s change in use and density results in a significant increase of peak hour traffic. The site trip generation was based on trip generation rates from M-NCPPC in the LATR Guidelines for office, multifamily residential, and townhomes and from the ITE Trip Generation Manual, 10th Edition. Residential trips associated with earlier phases of the Century development (Sections A [Multi-family] and F [Townhouses]) were accounted for in existing traffic analysis since they were constructed and occupied when the turning movement counts took place.

**TABLE: Project Trip Generation**

		AM Peak Hour			PM Peak Hour		
		IN	OUT	TOTAL	IN	OUT	TOTAL
Phase I	Residential	17	45	62	52	23	75
Phase II	Hotel	23	21	44	24	26	50
Phase III	Office	793	130	923	154	807	961
	Internal Capture	-102	-37	-139	-30	-93	-123
Total		731	159	890	200	763	963

The transportation mitigation improvements outlined and contained within the (TIS) are based on the anticipated incremental construction of the Amendment’s buildings. The applicant seeks flexibility to construct any of the proposed buildings, in any sequence, to response to the market demand.

With respect to the Montgomery County Public Schools, based on the current student generation rates and GIP Annual School Test Guidelines FY 2022, the table below represents the proposed Project having adequate school capacity with no Utilization Premium Payment required. The development is located within the County’s Turnover Impact Area.

**TABLE – GIP School Impacts**

**Proposed Development**

Site Location		Residential Unit Proposal	
School Impact Area	Turnover Impact Area	Single Family Detached	0 du
ES Service Area	Waters Landing	Single Family Attached	0 du
MS Service Area	Martin Luther King, Jr	Multifamily Low-Rise	0 du
HS Service Area	Seneca Valley	Multifamily High-Rise	233 du
			<b>233 du</b>

**Enrollment Impact Calculation**

Unit Type	# of Units	Turnover Impact Area			Estimated # of Students		
		ES	MS	HS	ES	MS	HS
SFD	0 du	0.198	0.112	0.156	0.000	0.000	0.000
SFA	0 du	0.230	0.120	0.157	0.000	0.000	0.000
MFLR	0 du	0.124	0.063	0.073	0.000	0.000	0.000
MFHR	233 du	0.023	0.013	0.019	5.359	3.029	4.427
<b>TOTAL</b>	<b>233 du</b>				<b>5</b>	<b>3</b>	<b>4</b>

**Service Area Status / Estimated Impact**

Service Area Status	Adequacy Ceiling Until				Estimated Students	
	Tier 1	Tier 2	Tier 3			
ES Service Area	0	217	288	404	ES	5
MS Service Area	0	105	162	299	MS	3
HS Service Area	0	225	556	938	HS	4

**UPP Factor Calculation**

Estimated Students	No UPP	Tier 1	Tier 2	Tier 3	No UPP	Tier 1	Tier 2	Tier 3
ES	5	5	0	0	1.000	0.000	0.000	0.000
MS	3	3	0	0	1.000	0.000	0.000	0.000
HS	4	4	0	0	1.000	0.000	0.000	0.000

\*If multiple applications in the same school service area are reviewed within the same fiscal year, each application is evaluated under the same adequacy status and ceilings. The Utilization Premium Payment factors to be applied may differ between projects if the estimated number of students is different.

Site Location	Residential Unit Proposal	Impact Tax	UPP by Service Area Tier			Summary per DU	Total
			ES	MS	HS		
School Impact Area	Turnover Impact Area	Single Family Detached	0 du	\$0	\$0	\$0	\$0
ES Service Area	Waters Landing	Single Family Attached	0 du	\$0	\$0	\$0	\$0
MS Service Area	Martin Luther King, Jr	Multifamily Low-Rise	0 du	\$0	\$0	\$0	\$0
HS Service Area	Seneca Valley	Multifamily High-Rise	233 du	\$0	\$0	\$0	\$0
			<b>233 du</b>				<b>\$0</b>

**C. Site Plan Amendment**

As noted, the Site Plan amendment proposes a re-design of the “Cloverleaf Center” subdivided lots 2, 3, & 4. The site plan proposes an increase in the density by adding 763,430 commercial square feet and 233 residential dwelling units.

The Project has been strategically planned to seamlessly tie into the existing portions of the built environment. Each building has been designed with special consideration of the adjacent portions of the development in mind. The Project has been sited so that the massing and use of each proposed building aligns with its neighbor. The Project maintains and enhances the previously approved open space areas with strong connections to the proposed structures and to the existing development. New landscaping has been designed along proposed streets and parking lots to have a variety of specimen trees and an integrated plant hierarchy of groundcover, shrubs, ornamental trees, and specimen trees for each associated space.

#### **D. Summary**

The requested amendments to the plans approved, as part of the Prior Approvals, are summarized below:

- Increase Sketch Plan Density
  - CR=690,170 sf
  - C=339,730 sf
  - R=350,440 sf
  
- Revise the residential vs non-residential land use mix
  - Residential 50.63%
  - Non-Residential 49.37%
  
- Increase Preliminary Plan Density
  - CR=1,109,8700 sf
  - C=763,430 sf
  - R=346,440 sf, or 233 Dwelling Units
  
- Retest Adequate Public Facilities to accommodate increase in density
  
- Update Subdivision Lots(s)
  - Lot 5 – 202,971 sf
  - Lot 6 – 111,863 sf
  - Lot 7 – 364,380 sf, with ‘ownership lot line’
  
- Increase Site Plan Density
  - C=763,430 sf (Office, Hotel, Restaurant, Retail)
  - R=233 Dwelling Units (Multi-Family)
  
- Update Public Open Space
  
- Re-Allocate Incentive Density “Public Benefits”

- o Remove Public Art
- o Provide minimum 20% total residential as MPDUs within amendment area.
- Update Transportation & Circulation
- Update Site Design, Landscape & Lighting
- Update Development Program / Phasing
- Update Parking & Loading
- Forest Conservation Plan submitted, however, there are no planned modifications to the underlying plan approval set forth.

## **VI. Sector Plan Conformance**

The Property is in the Cloverleaf District of 2009 Germantown Forward Sector Plan (the “Sector Plan”) area. The Sector Plan recommends redevelopment, to include, employment, housing, retail, entertainment, and hotel uses for the Property. Notably, the Sector Plan contemplates a CCT station in the Century Boulevard right of way, immediately adjacent to the multi-family portion of the larger site area. The Sector Plan calls for the use of new technology for more sustainable development, as it relates to urban stormwater management practices. Additional features include, green common areas, and a series of urban open spaces. These practices will create a greater visibility and streetscape in accordance with the streetscape plan. Furthermore, a defined environment with extensive landscape planting, is proposed, to create an attractive setting with a central water feature situated at the focal terminus of Cloverleaf Center Drive and north terminus of the large public open space that serves as an integral part of the community.

The specific District recommendations for density and locations of uses are: to cluster density at the transit station with building heights of up to 143 feet; to concentrate retail uses in the vicinity of the transit station; to provide a ratio of land uses that are 50-60% commercial and 40-50% residential; and to focus commercial development along I-270 by providing building heights of up to 125 feet. Additional recommendations for building setbacks from I-270 are to maintain the existing setback of 200’ from the current right-of-way.

The recommendations are accommodated in the proposed Sketch Plan Amendment that provides height, density and uses that align with the Sector Plan. It also adheres to the ratio of residential/commercial uses set forth by the Sector Plan.

The Sketch Plan Amendment depicts dedicated open spaces and urban spaces. The Preliminary and Site Plan Amendment show more detail into sustainable design with stormwater management and landscape design through the entire Project.

The Sketch Plan ratio of land uses proposes 50.63% Residential and 49.37% Non-Residential. This is in alignment with the Sector Plan and the County's newly adopted Growth Infrastructure Policy to facilitate more housing in the region. In addition, the Applicant seeking to provide additional MDPU's to assist with the current lack of affordable housing supply.

The Sketch Plan also provides for building heights up to the allowable 145 feet in alignment with the larger site's zoning height designation (H=145'T), set forth in the 2014 Zoning Ordinance. Consistent with the Sector Plan, the taller building massing is situated along I-270 and in the central part of the site north of Cloverleaf Center Drive, future Fisher Lot.

The Sketch Plan also provides for dedicated open spaces, providing the optional method of development's required 10% site open space, 10% Town House common open space, and 10% public open space. The larger site's approximate 1.2 acre public open space begins at the terminus of Cloverleaf Center Drive, where an amenity water feature is designed into the vertical grade topography, in a prominent location of the site. The public open space extends south +/- 1,000 feet with variable widths, directly adjacent to the podium retail courtyards beneath the multi-family residents overlooking the contiguous open space.

The proposed Project meets all recommendations set by the Sector Plan and continues its overall vision.

## **VII. Zoning Ordinance Conformance**

### **A. Purposes**

As stated in Section 4.5.1 of the Zoning Ordinance, the Commercial/Residential Zones are intended to permit a mixture of residential and nonresidential uses at varying densities and heights, in order to promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. More specifically, for the Commercial/Residential Zones, Section 4.5.1 specifies the following purposes:

- (a) *Implement the recommendations of applicable master plans;*
- (b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;*
- (c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;*
- (d) *Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;*
- (e) *Integrate an appropriate balance of employment and housing opportunities; and*
- (f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

As described above, the Project implements various recommendation of the Sector Plan. The Project also acknowledges the remaining objectives of the Zoning Ordinance and implements the mixed use Project with a balance of opportunities. The Project utilizes the Sketch Plan process established by Zoning Ordinance to allocate height to appropriate, compatible locations within the overall larger site area. Finally, the Project provides significant public benefits in accordance with the requirements in Section 4.5.4.A.2 of the Zoning Ordinance for the optional method of development in contemplation of the full build out of the Sketch Plan. See Section VII-C below.

## **B. Development Standards**

Section 4.5.4.B of the Zoning Ordinance sets forth the development standards applicable to the optional method of development in the CR Zone. As previously described, the Sketch Plan Amendment fully complies with the densities and heights established by the zoning map for the Property. The Sketch Plan Amendment will also provide at least 10 percent of the net site area as on-site public open space during development.



### **C. Public Benefit Points**

As discussed above, the Sketch Plan meets the Public Benefit Points requirement by providing the larger site's MPDU percentage of 23.4% exceeding the zones 12.5% base requirement.

## **VIII. Findings for Approval**

### **A. Sketch Plan #32016002A**

Section 7.3.3.E of the Zoning Ordinance sets forth the findings that the Planning Board must make in order to approve a Sketch Plan application. As described above, the proposed Sketch Plan satisfies each applicable requirement listed in Section 7.3.3.E.

*(1) [The Sketch Plan must] meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan Amendment complies with all specific requirements applicable to development in the Commercial/Residential Zone. The specific requirements – and the Sketch Plan's conformance therewith- are described above.

*(2) [The Sketch Plan must] substantially conform with the recommendations of the applicable master plan;*

The Sketch Plan substantially conforms to the recommendations of the Sector Plan and furthers its goals and objectives. A discussion of the Sketch Plan's compliance with the Sector Plan is set forth above.

*(3) [The Sketch Plan must] satisfy . . . the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This provision does not apply. The Property is not subject to any development plan or schematic development plan.

*(4) [The Sketch Plan must] achieve compatible internal and external relationships between existing and pending nearby development;*

The Sketch Plan has been carefully designed to ensure that it will be physically compatible with, and connected to, existing and future development in vicinity. The scale of the buildings will be appropriate for the location, with heights

that establish a proper relationship with the buildings contemplated in the Sector Plan.

*(5) [The Sketch Plan must] provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking and loading;*

The proposed site circulation will fully accommodate the vehicle, bicyclist, and pedestrian traffic at the Property. The proposed block design and connection points from the Property to the existing community create a stronger connectivity through the entire Sketch Plan area as a whole.

*(6) [The Sketch Plan must] propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

The public benefits proposed to support the incentive density associated with the Sketch Plan are summarized above.

*(7) [The Sketch Plan must] establish a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Sketch Plan was originally proposed to be implemented in two phases. Great planning and thought were invested to ensure that the overall site area could have multiple projects/phases that could stand alone in terms of internal infrastructure and amenities as the site development evolves. Continuing the phase one implementation, and consistent with the previous approval, the Applicant seeks flexibility to construct any of the amended residential, office, or hotel buildings, in any sequence, to response to the market demand.

## **B. Preliminary Plan #12002095C**

As described below, the Project satisfies all of the elements for Preliminary Plan approval.

*(1) Subdivision Regulations Compliance;*

The Preliminary Plan indicates that the size, width, shape and orientation of the proposed lots will be appropriate for the location of the proposed subdivision.

*(2) Sediment Control/ Water Quality;*

Applicable requirements under Chapter 19 are addressed in a Concept Stormwater Management Plan submitted to the Montgomery County Department of Permitting Services ("DPS") for review. This Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to DPS for their approval prior to commencement of construction.

*(3) Adequate Public Facilities;*

Public facilities are more than adequate to support and service the proposed Project. As noted above, the Property currently has approved traffic capacity for 763,430 square feet of general office, hotel, and retail/service uses and residential density consisting of 300 multifamily apartments, 160 townhouse, and 28 two-over-two condominium units.

The Applicant's transportation consultant has prepared a TIS demonstrating how this capacity may be combined with additional capacity to accommodate the 1,109,870 square feet of development in the Project, including the residential 346,440 square feet or 233 dwelling units. In addition, the FY2022 Annual School Test for the 2022-2024 Growth Infrastructure Policy indicates that there is adequate school capacity in the Seneca Valley Cluster, within which the Property is located.

The Project will be served by public water and sewer systems. Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the Project.

*(4) Relation to Master Plan;*

The Project substantially conforms to the Sector Plan, as addressed above.

*(5) Environmental compliance;*

The Forest Conservation Plan is being amended in conjunction with this Preliminary Plan Amendment, however there are no plan revisions outside the originally approved Limit of Disturbance and no foreseen changes to the underlying easements and mitigation in place.

**C. Site Plan #82003007F**

The purpose of this portion of the statement is to provide justification that the Site Plan Amendment satisfies the applicable provisions of Section 7.3.4 of the Zoning Ordinance, governing the approval of a site plan application. Section 7.3.4.E sets forth the findings that the Planning Board must make to approve a site plan application. As set forth below, the Project satisfies each requirement of Section 7.3.4.E.2:

*(1) When reviewing an application, the findings of approval only apply to the area encompassed by the application;*

This Application is limited to the Property and the proposed Project.

*(2) To approve a Site Plan, the Planning Board must find that the proposed development;*

*a. The proposed development satisfies any previous approval that applies to the site, including any development plan or schematic development plan in effect on October 29, 2014;*

*b. The proposed development satisfies applicable use standards, development standards and general requirements under this Chapter;*

As this Statement demonstrates, the proposed Project complies with the standards and general requirements of the Zoning Ordinance. The compliance of the Project with the development standards of the CR Zone is discussed above.

*c. The proposed development satisfies the applicable requirements of:*

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

*ii. Chapter 22A, Forest Conservation.*

The Property is subject to the Forest Conservation Ordinance. In conjunction with the Preliminary Plan Amendment, the Applicant is amending the current Forest Conservation Plan to facilitate the Project.

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Applicable requirements under Chapter 19 are

addressed in the approved Stormwater Management Concept Plan. A revised Stormwater Management Concept plan will be submitted as part of this Application, and the required Application payment receipt will be provided. In connection with the proposed Project, the Applicant will utilize environmental site design through the use of micro-bio-retention facilities, micro-bio-boxes, silva-cells, green roofs, and bio-swales to the maximum extent practicable toward meeting the required water quality treatment and water quantity control needs. The Property is not located in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to the Montgomery County Department of Permitting Services for their approval prior to commencement of construction.

- d. The proposed development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

As discussed above, the proposed site improvements will enhance the pedestrian environment and provide meaningful public open space. The site has been configured to promote efficiencies in internal vehicular circulation and to also provide for safe and designated pedestrian access within and among each component of the Project.

- e. The proposed development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed above, the Project substantially conforms to the recommendations of the Sector Plan.

- f. The proposed development 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 discussed above, the Project will be properly served by public facilities.

- g. The proposed development on a property in a Rural Residential or Residential zone is compatible with the character of the residential neighborhood.*

This provision is not applicable.

- h. The Proposed development is compatible with existing and approved or pending adjacent development.*

The proposed mixed-use Project is compatible with the surrounding uses. The provision of office and other commercial uses will complement the nearby residential uses by providing potential employee and retail destinations, both of which will limit the number of vehicle trips within the area. The density and heights within the Property are appropriately sited to minimize the impacts on adjacent, low-density development.

- (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.*

This provision is not applicable.

- (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.*

This provision is not applicable.

## **IX. Community Outreach**

In accordance with the Sketch / Preliminary / Site Plan Amendment Checklist, the pre-application community meeting was not required. As part of the Development Review Manual, the community participation will follow the standard notice of Hearing, notice letters to adjacent owners and homeowners' associations will be provided as required.

## **X. Conclusion**

As demonstrated herein, the Sketch, Preliminary and Site Plan Amendments will be an asset to the emerging Cloverleaf District in the Sector Plan. Each Amendment Plan and, in particular, the Project comply with all applicable requirements of the Zoning Ordinance that govern development under the optional method in the CR Zone. Furthermore, the Amendment Plans and the Project substantially conform to the recommendations of the Sector Plan. The Project complies with all of the approval elements associated with previously approved Preliminary and Site Plans. For the reasons expressed throughout this Statement, we respectfully request that the Planning Board approve the Sketch/Preliminary/Site Plan Amendments as proposed.