



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Site Plan Amendment 82003003C, Fairfield at Germantown

CONSENT ITEM #: _____

MCPB HEARING

DATE: June 23, 2011

REPORT DATE: June 9, 2011

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JAC*
Area 3

FROM: Sandra Pereira *SP*
Area 3, Lead Reviewer
301.495.2186
sandra.pereira@mncppc-mc.org



APPLICATION

DESCRIPTION: Modification to condition of approval no. 2 in Site Plan 820030030 to limit the density of Phase I to the acreage of Phase I only, and to revise the SWM facility; 62.4 acres in the RMX-2 Zone; located at the intersection of Father Hurley Boulevard and Waterford Hills Boulevard; Germantown Employment Area Sector Plan

APPLICANT: Buchanan Acquisitions, LLC

FILING DATE: May 24, 2011

RECOMMENDATION: Approval of the site plan amendment and adoption of the draft resolution

EXECUTIVE

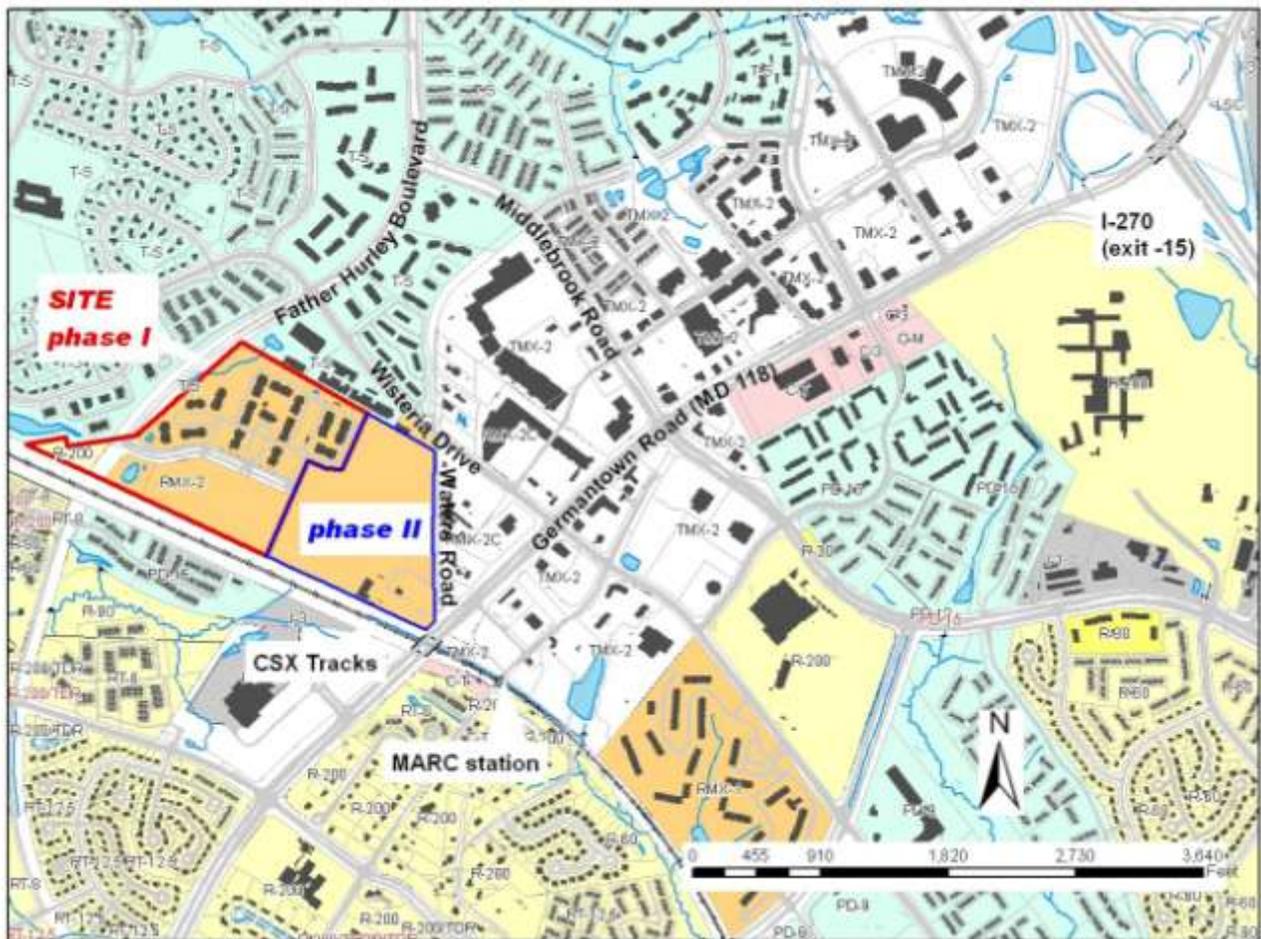
SUMMARY: Modification to condition of approval no. 2 to limit the 604 residential unit development density cap to the acreage of Phase I only, and permit development of Phase II, including improvements to the stormwater management facility. Phase II is the subject of project plan amendment no. 92002002B, which proposes 455 residential units on 26.48 acres.

SITE DESCRIPTION

Vicinity

The subject site is located on the west end of the Germantown Town Center District and southwest of Wisteria Drive between Father Hurley Boulevard to the west and Waters Road to the east. The southern edge of the tract, approximately 2,500 feet in length, is defined by the CSX tracks that serve the MARC station to the east. Portions of the property are within ¼ mile radius of the Germantown MARC station. The property is also located within one mile of the proposed Corridor-Cities Transitway.

The site is split zoned RMX-2 and R-200. Surrounding properties across Waters Road to the east are zoned RMX-2C and are improved with industrial/commercial uses. Across the CSX tracks to the south, properties are zoned PD-15 and I-3, and they are developed with one-family attached houses and industrial uses, respectively. Along MD 118, there are a series of underdeveloped, industrial/commercial properties. The northern boundary adjoins properties zoned RMX-2 and T-S with existing commercial uses that face Wisteria Drive.



Vicinity Map

Site Analysis

The subject site was divided into 2 phases. Phase I of approximately 36.1 acres on the western half of the tract has been improved with more than 600 multi-family dwelling units as part of the original Fairfield at Germantown approval, and subject of the current site plan amendment. Phase II of approximately 26.48 acres on the east side of the larger tract abutting Waters Road is currently unimproved and subject of Project Plan Amendment 92002002B.

There are no known rare, threatened, or endangered species on site. There are no known historic properties or features on site. The property is within the Little Seneca Creek watershed; a Use III-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as fair.



Aerial Photo Looking North

AMENDMENT DESCRIPTION

Conformance to Previous Approvals

This plan is subject to the conditions of **Project Plan No. 920020020**, which was approved for 610 garden apartments (including 92 MPDUs) and 250,000 GSF office/retail on 62.4 acres, on June 13, 2002 (Planning Board Resolution dated June 19, 2002).

This plan is subject to the conditions of **Preliminary Plan No. 120020680**, which was approved for a maximum of 610 multi-family dwelling units and 250,000 GSF office/retail use on 62.4 acres, on June 13, 2002 (Planning Board Resolution dated July 16, 2002).

This plan is subject to the conditions of **Site Plan No. 820030030**, which was approved for 604 housing units, including 91 MPDUs on 62.4 gross acres, on January 16, 2003 (Planning Board Resolution dated January 28, 2003).

This plan is subject to the conditions of Site Plan Amendment No. **82003003A**, which was approved to change the unit type of the 200 residential units south of Waterford Hills Boulevard from multi-family rental apartments to multi-family condominium units, on March 17, 2005, (Planning Board Resolution dated December 16, 2005).

This plan is subject to the conditions of Site Plan Amendment No. **82003003B**, which was approved for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan, on March 13, 2008 (Planning Board Resolution No. 08-63).

Project Plan Amendment No. **92002002A** was originally filed in 2006 to amend Phase II of Fairfield at Germantown by proposing 205,922 square feet of commercial retail development on 26.40 gross acres. This application was withdrawn in April 2007.

Pending Project Plan Amendment No. **92002002B** is on the June 23, 2011 Planning Board's agenda seeking approval of 455 residential dwelling units (including 12.5% MPDUs) and 14,486 SF of retail on 26.48 acres, located on the southwest quadrant of the intersection of Wisteria Drive and Waters Road.

Description of Amendment

The Applicant requests an amendment to condition of approval number 2 contained in the Resolution for Site Plan No. 820030030 dated January 28, 2003 [Appendix A]. Approved condition 2 reads as follows:

2. Future Development

Development density is limited to 604 residential units for the 62.4-acre site: Applicant must file an amended Project Plan and a new Site Plan application for development within the commercial portion of the site, as defined by the approved Project Plan 0-02002, with the exception of the Stormwater Management (SWM) parcel; applicant must file a site plan amendment for changes to the residential portion of the site and/or the SWM facility locations addressed by this site plan.

The amendment seeks to amend the language above in order to limit the 604 residential unit development density cap to the acreage of Phase I only (36 acres), and permit development of Phase II, including improvements to the stormwater management facility. The following language is proposed:

“2. Future Development

Development density is limited to 604 residential units for Phase I (36 acres) of the 62.4-acre site. Development density is limited to an additional 455 residential units for Phase II (26.48 acres). Applicant must file an amended Project Plan and a new Site Plan application for Phase II of development, which also includes improvements to the stormwater management facility.”

The modification proposed will enable residential density in the Phase II portion of the site, which consists of approximately 26.48 acres located on the west side of Waters Road and subject of pending Project Plan Amendment No. 92002002B, Martens Property.

PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on May 26, 2011. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received correspondence from a resident at Fairfield at Germantown inquiring about the content of the proposed amendment [Appendix B]. Staff clarified the minor nature of this amendment and its relationship to the Martens project plan amendment application. The resident had no further questions or comments.

STAFF RECOMMENDATION

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82003003C.

APPENDICES

- A. Approved Resolution for Site Plan 820030030
- B. Community correspondence
- C. Draft Planning Board Resolution for Site Plan Amendment 82003003C

Appendix A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

CORRECTED OPINION

DATE MAILED: January 28, 2003
SITE PLAN REVIEW: #8-03003
PROJECT: Fairfield @ Germantown

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson and Wellington voting for.

The date of this written opinion is January 28, 2003 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 28, 2003. (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On January 16, 2003, Site Plan Review #8-03003 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the zone in which it is located;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-03003 for 604 housing units, including 91 MPDUs on 62.4 gross acres with the following conditions:

1. Public Amenities

Applicant must provide the following funds in an escrow account to be established prior to issuance of any building permit: \$300,000 to the M-NCPPC for use in the Germantown Town Center Park on the former Miller property, to cover costs of park facilities.

2. Future Development

Development density is limited to 604 residential units for the 62.4-acre site. Applicant must file an amended Project Plan and a new Site Plan application for development within the commercial portion of the site, as defined by the approved Project Plan 0-02002, with the exception of the Stormwater Management (SWM) parcel; applicant must file a site plan amendment for changes to the residential portion of the site and/or the SWM facility locations addressed by this site plan.

3. Stormwater Management

Conditions of MCDPS stormwater management concept approval dated May 2, 2002.

4. Transportation Planning

- a. Provide two bus shelters along the internal public street, subject to coordination with M-NCPPC staff, DPS, and DPWT;
- b. Provide a temporary pedestrian connection from the development to Father Hurley Boulevard, subject to Maryland Department of Environment (MDE) approval and the acquisition of an easement from the adjoining property owner. The temporary connection should be provided until the streetscape improvements to Father Hurley Boulevard are complete.

Conditions of M-NCPPC Transportation Planning memo dated January 9, 2003, including:

- c. Limit the total development under Project Plan 9-02002 and Site Plan 8-03003 to 604 garden apartments.
- d. Satisfy Local Area Transportation Review requirements conditioned upon approval of the preliminary plan as related to the Phase 1 development:
 - i. Restripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the MD 118/Wisteria Drive intersection and modify the traffic signal phasing/displays as appropriate per DPWT;
 - ii. Construct a second westbound left-turn lane and modify the traffic signal to eliminate eastbound-westbound split phasing at the MD 118/Middlebrook Road intersection; design and construct the removal of the channelized (free flow) island located in the northeast quadrant of the intersection, using monies required to be escrowed pursuant to Site Plan No. 8-84011A (Northlake Commerce Center Condition 2), Site Plan No. 8-98042 (Germantown Town Center Phase I Condition 10), Preliminary Plan No. 1-99020 (North Germantown Condition 1) and Development Plan Amendment

for Euro Motorcars, to participate in the improvement as required by their approval;

- iii. Restripe the eastbound Crystal Rock Drive approach to provide a separate right-turn lane, a shared through and left-turn lane, and a separate left-turn lane at the MD 118/Crystal Rock Drive intersection;
- iv. Construct a westbound left-turn lane on Wisteria Drive, separate left and through lanes on Father Hurley Boulevard, and install a new traffic signal if warranted at the Father Hurley Boulevard/Wisteria Drive intersection;
- v. Construct two lanes of Father Hurley Boulevard from Wisteria Drive southwest to the site entrance, plus the full cross section of Father Hurley Boulevard from Wisteria Drive southwest for a distance of approximately 600 feet, with final scope subject to pending minor realignment of Father Hurley Boulevard by the Department of Public Works and Transportation (DPWT), to include a temporary transition from these five lanes to the two beyond;

5. Environmental

- a. All residential units overlooking Father Hurley Boulevard that will be subject to projected future exterior noise levels equal or exceeding 65 dBA Ldn, must be constructed to meet the 45 dBA Ldn interior noise standard.
- b. Prior to occupancy, the builder must certify that the units are constructed in accordance with the acoustical design specifications identified in a December 12, 2002 letter from Polysonics Corporation. Changes that may negatively affect acoustical performance must be approved by the acoustical engineer in advance of installation.
- c. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).

6. Recreation

- a. Improve and expand the outdoor porch area of each Clubhouse: provide seating and landscaping, and exterior lighting; indicated paving materials and details for furnishings and fixtures;
- b. Indicate hours of operation for recreation facilities provided;
- c. Attach the following note to the plan for each Clubhouse swimming pool: *Residents within each Phase of Fairfield at Germantown are permitted access to the community pool located within that phase only. The capacity of each community pool is posted at the entrance to each pool. Access to each community pool may be limited if the permitted capacity of the pool is reached.*

7. MPDUs

Include as part of the signature drawing set a plan diagram showing location of MPDUs for residential phases 1 and 2; provide a chart with the number of MPDUs per unit type by phase; MPDUs must be evenly distributed throughout the site; unit type allotment should reflect the proportion of unit types provided within the development as a whole.

7. Signature Set

Prior to signature approval of the site/landscape plans the following revisions shall be

made and/or information provided, subject to staff review and approval:

a. Site Plan

- i. Show LODs, ROWs (including the existing ROW on Waters Road), public access easements, conservation easements, HOA or public amenity areas, SWM parcels, and bus stops;
- ii. Provide separate parcel designation for each on-site SWM facility and show maintenance access; applicant must obtain easement(s) for the off-site SWM facility and record the easement, and maintenance access in land records for Montgomery County; applicant must provide liber folio referencing the off-site SWM facility and easement;
- iii. Provide dimensions for building setbacks along all street frontages;
- iv. Provide a public access easement to be placed over pedestrian connections at the site plan boundaries, such as the sidewalk connections at the NE boundary and the sidewalk and pedestrian path connections and sidewalks leading at the storm water management facility located within the commercial development area; provide a public access easement for the terrace pedestrian path along the Father Hurley street frontage;
- v. Provide details and section for all retaining walls and label top and bottom elevations; retaining walls to be constructed of masonry materials;
- vi. Provide details for all railings and/or fixture along pedestrian/bike paths;
- vii. Methods and locations of tree protection;
- viii. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- ix. Provide the development program inspection schedule.

b. Landscape Plan

Provide matching plant schedules for the site plan area and the SWM facilities;

8. Site Design

- a. Reduce all internal driveways to 22-foot width except for the individual driveways on the west side of the property that are dimensioned at 20 feet.
- b. Replace head-in parking south of Building 12 with parallel parking; increase the width of the green space by 10 feet and provide additional shade trees and ground plantings; provide one additional head-in parking space along the east side of Building 12 and three additional parking spaces on the north side of Building 13 or 14;
- c. Convert standard parking spaces to compact spaces along the curved terrace at the Father Hurley street frontage; shift the terrace curb line a distance of two feet east and provide six additional shade trees;
- d. Convert the head-in parking spaces in front of the Phase I Clubhouse to 10 parallel spaces; move curb inward by 10 feet; relocate shade trees and provide two more shade trees behind curb; provide curb indent for handicap parking space; add one parking space at cross-drive at Building 6 and Building 10 for a total of 3 spaces on each side; coordinate design prior to signature set submission, subject to review and approval by MNCPPC staff, DPS, and DPWT.

9. Landscape Design

- a. Provide additional plantings as follows:
 - i. Include three clusters of trees within the grading easement on the NE site plan boundary near each pedestrian connection;
 - ii. Install additional ground plantings along the pedestrian path leading to the SWM facility within the commercial portion of the site; provide additional six shade trees around the perimeter of the pond, placing trees at street tree spacing near the ROW; provide Willow Oaks near the street;
 - iv. Provide shade trees for the traffic circle;
 - vi. Replace Honeylocust with species providing more shade or greater screening;
 - vii. Provide screening for each trash compactor.
- b. Provide special paving such as brick or brick-colored concrete pavers for the following areas: crosswalks across the public internal street and the traffic circle; align crosswalks at the public street to 90-degree angle;
- c. Provide painted crosswalk at sidewalk connections across internal driveways.

10. Lighting

- a. Provide lighting levels and average max/min ratios of 2-3 in accordance with the Illuminating Engineering Society of North America, *IESNA Recommended Practice*, for public recreation space and sidewalks. Light levels should read zero 0.1 foot-candles at the lot lines for the residential portion of the development;
- b. Provide light fixtures for the pedestrian path along on the terraces along Father Hurley; fixtures may be wall mounted down-lights to illuminate path at regular intervals. Provide light fixtures for the SWM pond within the commercial portion.

11. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iv. Coordination of each section of the development and roads;
 - v. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
 - vi. Site Plan Enforcement Agreement to include recreation facility maintenance.
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

Appendix B

Pereira, Sandra

From: Pereira, Sandra
Sent: Tuesday, May 31, 2011 3:24 PM
To: 'Keith A. Maddock'
Subject: RE: Fairfield at Germantown Site Plan 820030030 and Amended Site Plan 82003003C

Hi Keith,
These are two different applications:

- 1) I assume that you're referring to the Martens property (Project Plan Amendment #92002002B) when you mention "the land just beyond the Fairfield property." This application seeks approval of a mixed-use development including three multi-family buildings with a combined total of 286 dwelling units, 169 townhouses, and 14,486 square feet of retail uses located in the ground floor of Buildings 1 and 2. For more information, including submitted plans and application materials, please see our online [database](#).
- 2) The Amended Site Plan 82003003C, which you originally inquired about, is seeking to revise the language of condition of approval #2 to limit the density of phase I to the acreage of phase I only, and to permit development of Phase II, including improvements to the stormwater management facility. Please see the complete application materials at our [online database](#).

I hope this clarifies about the two applications currently under review. Feel free to call or email if you have further questions.

Thanks
Sandra

Sandra Pereira, RLA
Senior Planner, Area 3

M-NCPPC Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@mncppc-mc.org

From: Keith A. Maddock [mailto:keith.a.maddock@gmail.com]
Sent: Friday, May 13, 2011 1:49 PM
To: Pereira, Sandra
Subject: Re: Fairfield at Germantown Site Plan 820030030 and Amended Site Plan 82003003C

Hi Sandra,

Thank you for the information. The site plan would be the complexes I would be referring to! I was trying to find info on the Martens Project Plan, but seem to have only found a few short clipping of the plan (I think I have the jist of it though). If you could touch base with me again when you have reviewed the application that would be appreciated. I just moved to the complex and am curious what is in store for the land just beyond the Fairfield property.

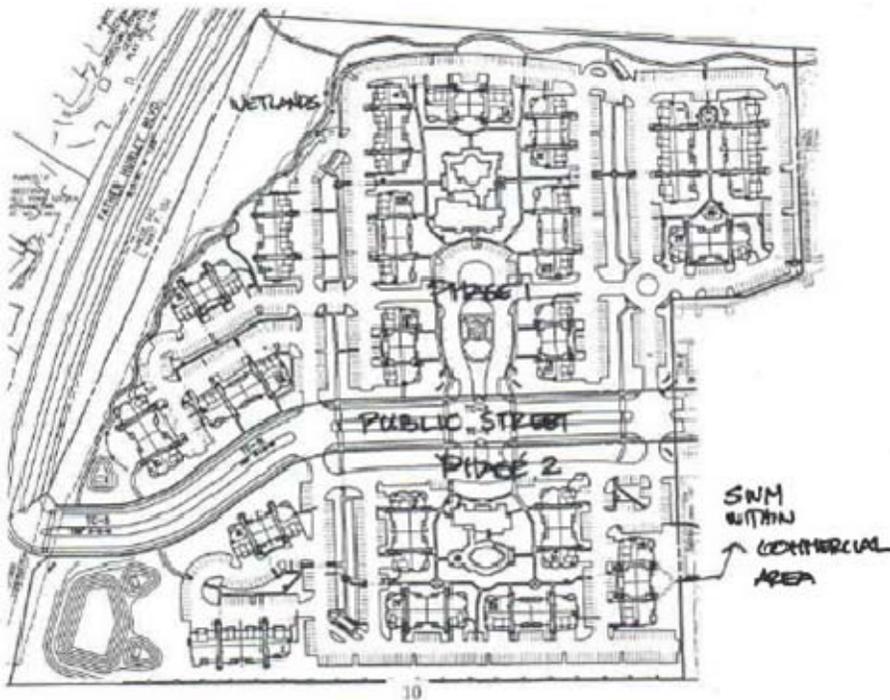
Thanks and have a good weekend
Keith

On Thu, May 12, 2011 at 5:11 PM, Pereira, Sandra <Sandra.Pereira@mncppc-mc.org> wrote:

Hi Keith,

This amendment has been recently submitted, and it's still being processed by our intake team. Although I haven't received the file yet for review, I am aware that the amendment is closely related to the Martens Project Plan (#92002002B) located immediately to the east of Fairfield at Germantown. I'll be happy to touch base again once I receive the application.

The site plan Fairfield at Germantown refers to the area shown below, east of Father Hurley Blvd and on both sides of Waterford Hills Blvd. I'm not sure about the names of the existing complexes.



Thanks

Sandra

Sandra Pereira, RLA
Senior Planner, Area 3

M-NCPPC Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@mncppc-mc.org

From: Keith A. Maddock [mailto:keith.a.maddock@gmail.com]

Sent: Wednesday, May 11, 2011 4:03 PM

To: Pereira, Sandra

Subject: Fairfield at Germantown Site Plan 820030030 and Amended Site Plan 82003003C

Hello Sandra,

I came across your name while trying to look up information regarding Amended Site Plan 82003003C. Do you have information regarding this Amended Site Plan? I saw signs posted in my complex yesterday and came across your name while search through the Planning Board website.

Also, does Fairfield at Germantown refer to both the Buckingham Station and Ashmore at Germantown complexes on Waterford Hills Boulevard?

If you are not the correct person to speak with, could you please point me in the right direction?

Thank you,

--

Keith A. Maddock

Ph: [\(845\) 656-5933](tel:8456565933)

keith.a.maddock@gmail.com

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Keith A. Maddock

Ph: (845) 656-5933

keith.a.maddock@gmail.com

Appendix C



DRAFT RESOLUTION NOT ADOPTED
MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-47
 Site Plan No. 82003003C
 Project Name: Fairfield at Germantown
 Hearing Date: June 23, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Project Plan No. 920020020 (Planning Board Resolution dated June 19, 2002) for 610 garden apartments (including 92 MPDUs) and 250,000 GSF office/retail on 62.4 acres;

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Preliminary Plan No. 120020680 (Planning Board Resolution dated July 16, 2002) for a maximum of 610 multi-family dwelling units and 250,000 GSF office/retail use on 62.4 acres;

WHEREAS, on January 16, 2003, the Planning Board approved with conditions Site Plan No. 820030030 (Planning Board Resolution dated January 28, 2003) for 604 housing units, including 91 MPDUs on 62.4 gross acres;

WHEREAS, on March 17, 2005, the Planning Board approved with conditions Site Plan Amendment No. 82003003A (Planning Board Resolution dated December 16, 2005) to change the unit type of the 200 residential units south of Waterford Hills Boulevard from multi-family rental apartments to multi-family condominium units;

WHEREAS, on March 13, 2008, the Planning Board approved with conditions Site Plan Amendment No. 82003003B (MCPB Resolution No. 08-63) for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan;

WHEREAS, Project Plan Amendment No. 92002002A was originally filed in 2006 to amend Phase II of Fairfield at Germantown by proposing 205,922 square feet of commercial retail development on 26.40 gross acres. This application was withdrawn in April 2007; and

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, N.C. 20910, Legal Department, Page 17, Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, pending Project Plan Amendment No. 92002002B is on the June 23, 2011 Planning Board's agenda seeking approval of 848,693 gross square feet of mixed-use retail and 455 residential dwelling units (including 12.5% MPDUs) and 14,486 SF of retail on 26.48 acres, located on the southwest quadrant of the intersection of Wisteria Drive and Waters Road.

WHEREAS, on May 24, 2011, Buchanan Acquisitions, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82003003C ("Amendment") to enable residential density including improvements to the stormwater management facility in the Phase II portion of the site, which consists of approximately 26.48 acres located on the west side of Waters Road, the subject of pending Project Plan Amendment No. 92002002B, Martens Property; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated June 9, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on June 23, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82003003C to revise Condition No. 2 of Site Plan No. 820030030 as follows:

"2. Future Development

Development density is limited to 604 residential units for Phase I (36 acres) of the 62.4-acre site. Development density is limited to an additional 455 residential units for Phase II (26.48 acres). Applicant must file an amended Project Plan and a new Site Plan application for Phase II of development, which also includes improvements to the stormwater management facility"; and

BE IT FURTHER RESOLVED, unless specifically amended, all other conditions of approval for Site Plan Nos. 820030030, 82003003A, and 82003003B remain valid and in full force and effect; and

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

DRAFT RESOLUTION NOT ADOPTED

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (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 within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 _____, seconded by Commissioner _____, with Commissioners _____ (list) voting in favor of the motion, with Commissioner(s) _____ (list) dissenting, Commissioner(s) _____ (list) abstaining, Commissioner(s) _____ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, _____, 200.., in Silver Spring, Maryland.