



Black Hill Infrastructure Site Plan Amendment No. 82013025C

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Completed: **06-14-18**

Description

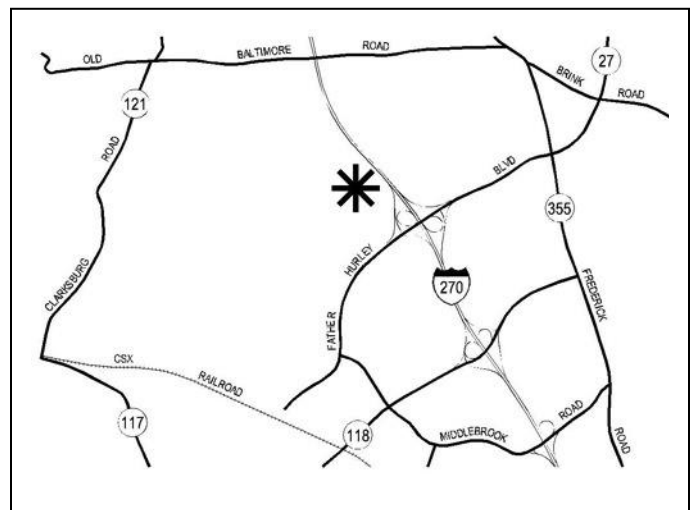
Black Hill Infrastructure Site Plan Amendment No. 82013025C

A request to modify the Final Forest Conservation Plan to reflect the final grading and development plans associated with the Thrive Assisted Living Site Plan No. 820160100. The subject property is located north of Father Hurley Boulevard and west of I-270 along Crystal Rock Drive; 107.70 gross acres; zoned TMX-2; 2009 Germantown Employment Area Sector Plan.

Staff Recommendations: Approval with Conditions

Application Filing Date: March 28, 2016

Applicant: 270 Limited Partnership (Lerner Enterprises)



Summary

- Staff Recommends **Approval** of the Infrastructure Site Plan Amendment No. 82013025C and adoption of the Resolution
- In accordance with exemption section 7.7.1 B.1, this Site Plan Amendment application was reviewed under the Zoning Ordinance in effect on October 29, 2014. The Infrastructure Site Plan was first approved on August 1, 2013.
- This Infrastructure Site Plan Amendment is an amendment to the Final Forest Conservation Plan (FFCP) for purposes of updating the grading, Limits of Disturbance (LOD) and final development plans for the approximately 2.3 acres that is covered by the Thrive Assisted Living, Site Plan No. 820160100. This Staff Report accompanies the resolution for the Infrastructure Site Plan No. 82013025C to discuss the amendments to the FFCP.
- Thrive Assisted Living Site Plan No. 820160100 was heard by the Planning Board on January 19, 2017 and the corresponding resolution was approved February 16, 2017. The resolution to the Infrastructure Site Plan however was never approved.

SECTION 1: SITE LOCATION AND ANALYSIS

Location

The Thrive Assisted Living Facility, Site Plan No. 820160100, approved by corrected resolution MCPB No. 17-002 on February 16, 2017 covered approximately 2.3 acres and is located on Lot 22 of the Black Hill mixed use development in Germantown, MD. Thrive Assisted Living is a 140 bed assisted living facility and is just a small part of a larger mixed use developed called Black Hill. The Black Hill site is approximately 108 acres in size, and is located on the west side of I-270, south of Black Hill Regional Park and north of Father Hurley Boulevard.

Vicinity

The Black Hill property is located in the northern portion of the 2009 Germantown Employment Area Sector Plan ("North End District" as referenced in the Sector Plan), within walking distance of the proposed CCT station and Black Hill Regional Park. In March 1995, the property was developed as Waters Landing Golf Driving Range (Site Plan No. 819950170). However, the driving range was considered an interim use. Since the approval of the Project Plan, Preliminary Plan, and Infrastructure Site Plan, Crystal Rock Drive and Century Boulevard (public roads) have been constructed.



Figure 1 – Aerial Map

Site Analysis

The natural topography generally falls away from I-270 (high point), slopes downward toward the existing townhouses within the Cloverleaf Center, and naturally drains into the Little Seneca Creek (lowest point), which is identified by the Maryland Department of the Environment as a Use I-P stream. A tributary of Little Seneca Creek borders the southwest portion of the site and includes a forested stream buffer between the property and the Cloverleaf Center development. There are no historic features located on-site. Much of Black Hill remains unimproved, but Crystal Rock Drive and Century Boulevard have been built, and grading has started for Black Hill Phase IIA multi-family and for the Thrive Assisted Living facility.

SECTION 2: APPLICATION AND PROPOSAL

History

The Final Forest Conservation Plan (FFCP) for all of Black Hill was originally approved as part of an Infrastructure Site Plan No. 820130250, which also approved the initial utility and public street network. The approved FFCP covered 108.08 acres of land, including 0.38 acres of offsite disturbance, and serves as the overall Forest Conservation Plan for the Black Hill development. The FFCP identified 33.90 acres of forest retention, 31.20 acres of forest clearing, and no forest planting requirement. The FFCP included 9.80 acres of stream buffer, including wetlands and 100-year floodplain. Approximately 0.20 acres of forest within the stream buffer was approved to be removed to allow for the construction of Master Planned road, Crystal Rock Drive. The retained forest and undisturbed environmentally sensitive features are protected in Category I conservation easements.

The Infrastructure Site Plan has been previously amended three times. Amendment No. 82013025B was approved on December 30, 2015 to incorporate the land disturbance for the future Dorsey Mill Road to the FFCP. Amendment No. 82013025A was approved May 3, 2016 to reflect the final grading, LOD and improvements as part of Black Hill Phase IIA multi-family. Amendment No. 82013025D was approved August 1, 2017 to relocate 0.58 acres of Category I Conservation Easement on the FFCP.

In May 2013, the Planning Board approved Project Plan No. 920120040 and Preliminary Plan No. 120120210 for up to 3,284,000 sf. (0.7 FAR) of mixed-use development, including 1,097,800 sf. of office use, 91,400 sf. of hotel use (350-rooms), and 1,618 total residential units (including 190 MPDUs, and 1,078 age-restricted units) on 107.70-acres of land (11 lots) zoned TMX-2. In May 2016, the Planning Board approved amendments to both the Project Plan No. 92012004A and Preliminary Plan No. 12012021A to modify the traffic study, revise the APF, and modify the conditions of approval, with a maximum allowable density of 1,097,800 square feet of office space, 91,400 square feet of retail space, a 350-room hotel, and a total of 1,229 residential units (including 12.5% MPDUs). The age-restriction was eliminated from the multi-family and townhouse residential units, and the townhouse unit types were also eliminated from the Project Plan. The assisted living facility was increased from 102-beds to 140-beds. In February of 2017 Site Plan No. 820160100 for Thrive Assisted Living was approved, allowing construction of a 140-bed assisted living facility on the geography that is subject to amendment with the current Infrastructure Site Plan amendment.

Proposal

The Infrastructure Site Plan Amendment No. 82013025C is submitted to amend the FFCP associated with Black Hill to show the final grading, limits of disturbance and development approved with Thrive Assisted Living ("Application" or "Amendment"). The final grading, LOD and development layout were already approved by the Planning Board and this Amendment is limited to the few sheets of the FFCP that cover

the geography of Thrive Assisted Living. Only the drawings of the FFCP needed to be updated as there are no proposed changes to conditions of approval, to the previously approved ultimate limit of disturbance, and no new impacts are proposed to forest, environmentally sensitive areas or conservation easements.

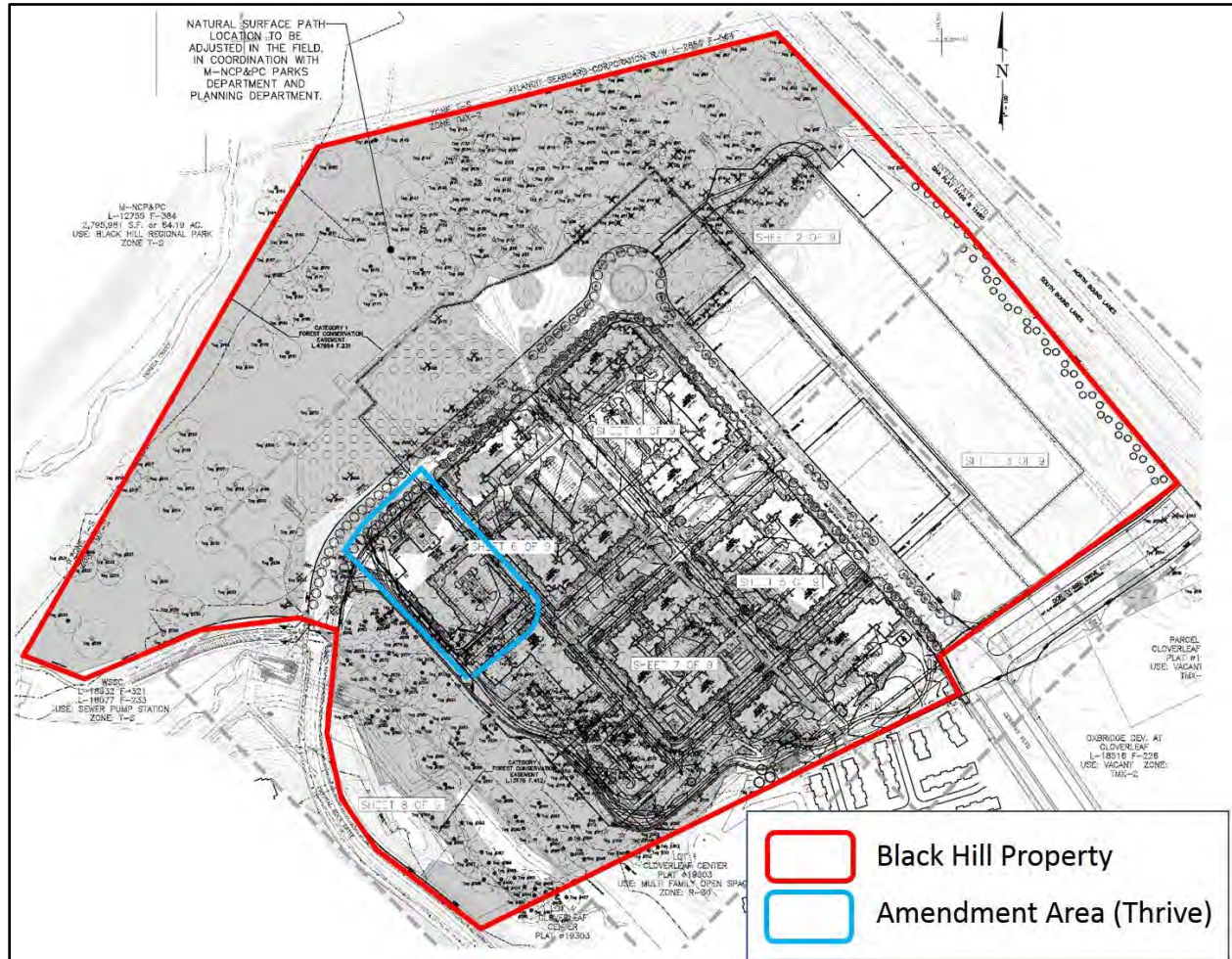


Figure 2 – Area of FFCP Amendment

SECTION 3: ANALYSIS AND FINDINGS

The Infrastructure Site Plan Amendment has been reviewed and Staff confirms that all previous analysis and findings to the Infrastructure Site Plan, as amended, remain in full compliance and effect, except as modified by the following finding below:

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Infrastructure Site Plan Amendment continues to meet all applicable requirements of Chapter 22A regarding Forest Conservation, Chapter 19 regarding water resource protection, and any other applicable laws. The Subject Property had a Final Forest Conservation Plan that was approved in August of 2013 as part of the Site Plan for the Black Hill Infrastructure and Public Roads 820130250 (FFCP). The FFCP included forest clearing and mass grading on the Subject Property, and no additional forest clearing or impacts to environmentally sensitive features including stream buffers and trees subject to the Tree Variance Provision of the forest conservation law are affected by this Application. The FFCP continues to be amended with each associated site plan application. The Application illustrates the final grading and limits of disturbance associated with the Black Hill - Thrive Assisted Living Site Plan No. 820160100. The Application is consistent with the originally approved Final Forest Conservation Plan for the overall Black Hill development, and does not result in any new impacts to existing forest, Category I conservation easements, specimen trees, or other environmental features.

SECTION 4: CITIZEN CORRESPONDENCE

Community Outreach

The Applicant has met all signage, noticing and pre-submission meeting requirements. Notice for the Site Plan application was initially sent out with the notice for Thrive Assisted Living Site Plan on January 14, 2016, and a community meeting was held in the evening on February 2, 2016 at the Up-county Regional Services Center in Germantown, MD. Because of the length of time that has elapsed, an updated notice list was requested by Staff and a follow-up notice was mailed to all parties on June 7, 2018, notifying that the resolution to the Infrastructure Site Plan amendment was still active but soon pending Planning Board approval. As of this report, Staff has not received any community correspondence regarding this amendment.

SECTION 5: CONCLUSION

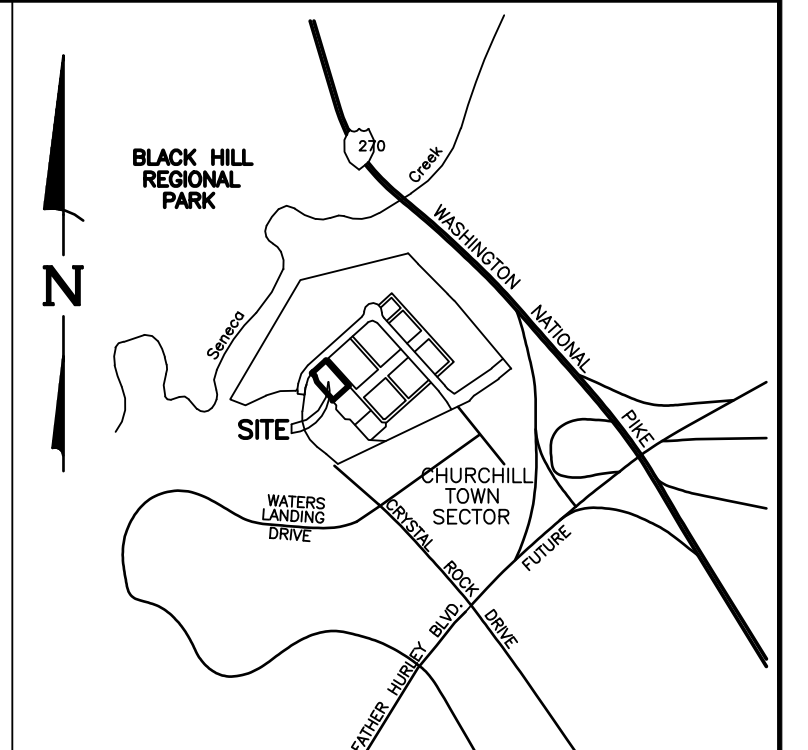
Staff recommends approval of the Infrastructure Site Plan Amendment and adoption of the Resolution. The Amendment has been reviewed and found conforming to all applicable laws and sections of Code and has been recommended for approval by all other County agencies.

Attachments

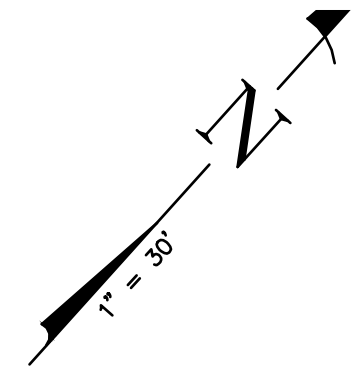
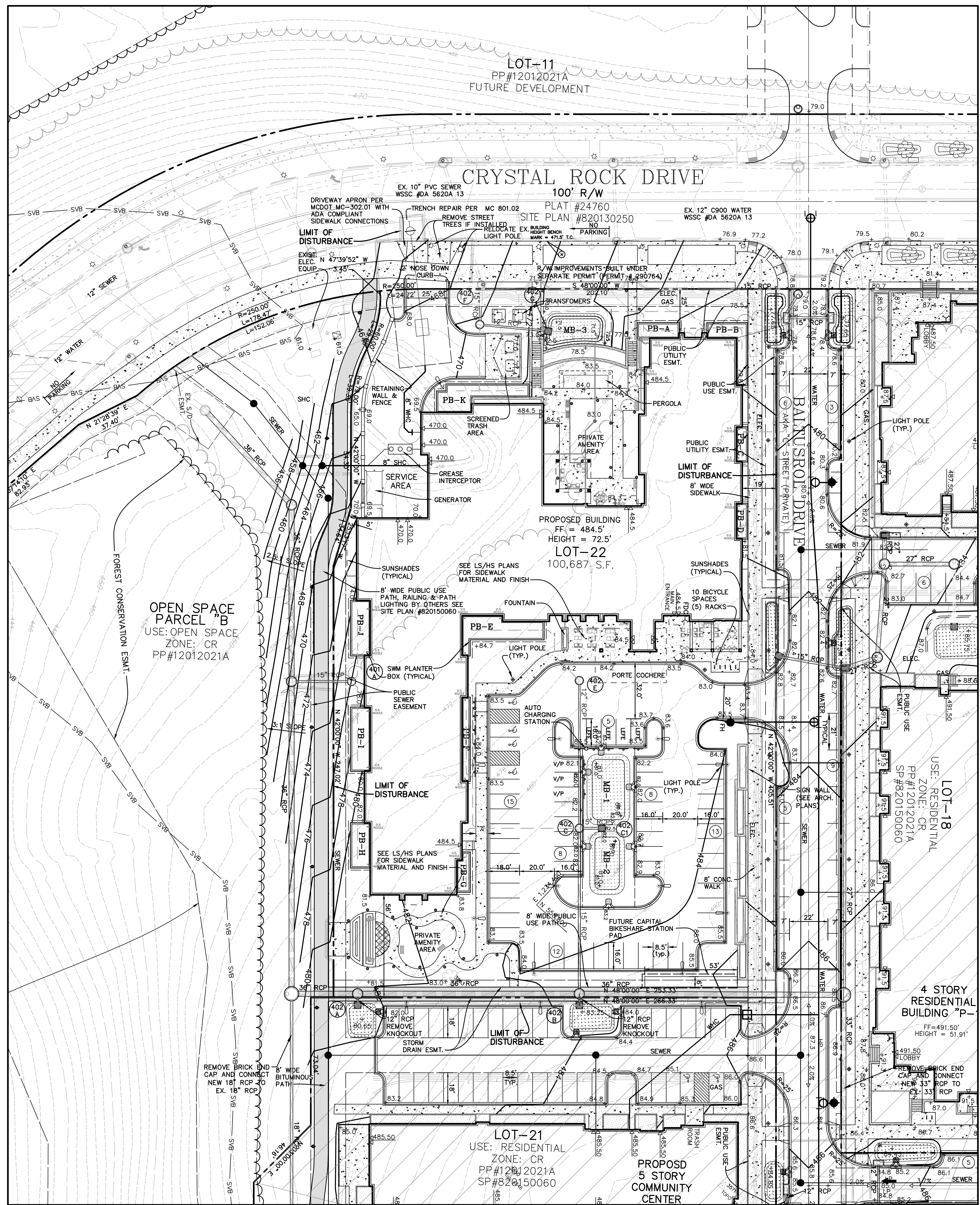
- Attachment A – Thrive Assisted Living Site Plan
- Attachment B – Thrive Assisted Living Resolution
- Attachment C – FFCP for Thrive Assisted Living

Attachment A

MONTGOMERY PLANNING DEPARTMENT
 THE MUNICIPAL CENTER, 100 WEST PLANNING COMPLEX
 Certified Site Plan - 820160100
 APPROVAL
Ronald Williams 06/29/17



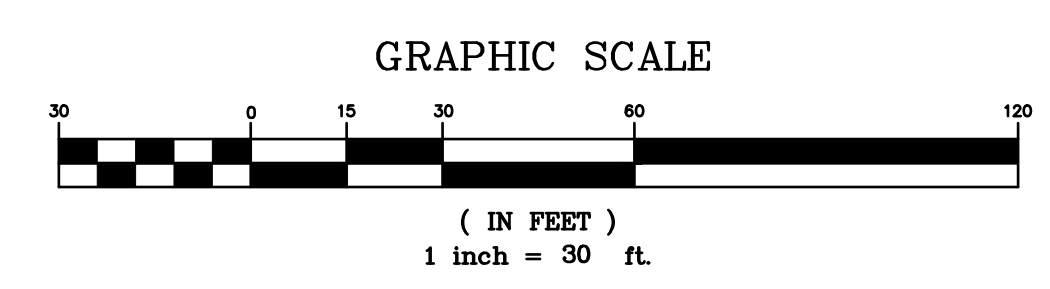
VICINITY MAP
 SCALE 1" = 2,000'



EXISTING		PROPOSED	
	Paving		
	Curb & Gutter		
	Sign		
	Utility Pole		
	Lamp Post		
	Post or Bollard		
	Tree		
	Electric		
	Overhead Wires		
	Sanitary Sewer		
	Storm Drain		
	Water Line		
	Fire Hydrant		
	Gas		
	Telephone		
	Buildings		
	Concrete		
	Spot Elevation		
	Contour		
	Edge of Tree Line		
	Stream Valley Buffer		
	Limit of Disturbance LOD		

PARKING SPACES MARKED V/P ARE FOR VAN POOL VEHICLES
 PARKING SPACES MARKED LELE ARE FOR LOW EMISSION FUEL EFFICIENT VEHICLES

DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Site Plan Approval No. 8-20160100, including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: THRIVE DEVELOPMENT PARTNERS Company
 Contact Person: CHARLIE SABIN
 Address: 117 17TH ST., NW SUITE 1500, ATLANTA, GA 30363
 Phone: 404-834-8527
 Email: charlie.sabin@thrivedp.com
 Signature: _____



REVISIONS		
NO.	DATE	DESCRIPTION

Professional Certification
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland License No. 14076, Expiration Date: 07/02/2018

Macris, Hendricks & Glascock, P.A. Engineers Planners Landscape Architects Surveyors	Proj. Mgr. MDP	Designer MDP
	Date 6-19-17	Scale 1" = 30'
8220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone: 301.670.0840 Fax: 301.948.0693 www.mhga.com	Project No. 10-102-41
3 of 4	Sheet 3 of 4	3 of 4

SITE PLAN
 BLACK HILL
THRIVE ASSISTED LIVING
 LOT 22 CHURCHILL TOWN SECTOR
 2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

SP-3

Attachment B



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

Agenda Date: February 9, 2017
Agenda Item No. #17-002

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Molline Jackson, Senior Planner

VIA: Richard Weaver, Acting Chief of Area 3

DATE: February 6, 2017

Re: Correction to the MCPB Resolution No. 17-002 for Site Plan No. 820160100, Black Hill – Thrive Assisted Living Facility

Attached please find a redlined version of the MCPB Resolution No. 17-002 for Site Plan No. 820160100, Black Hill – Thrive Assisted Living Facility, which corrects one error. The Resolution was mailed out on February 1, 2017.

The attached document reflects the elimination of “bikeshare stations” from Condition 7 on page 3 of 14 within the Resolution. This change was approved by the Planning Board during the public hearing on January 19, 2017. This redlined revision is consistent with a decision made between the Applicant and Montgomery County Department of Transportation (MCDOT) and is further outlined in the context of the signed Transportation Mitigation Agreement. Per this Agreement, the Applicant is now responsible for paying 5-years of the operating costs and providing continued access acceptable to the County to enable maintenance of the station consistent with provisions for the County bikeshare system.



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-002
Site Plan No. 820160100
Black Hill – Thrive Assisted Living Facility
Date of Hearing: January 19, 2017

FEB 16 2017

CORRECTED RESOLUTION

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

WHEREAS, under Section 59-7.7.1. B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on March 28, 2016, Palomino Capital, LLC. d/b/a Thrive Senior Living (“Applicant”) filed an application for approval of a site plan for an assisted living facility (115,000 sf.), parking facilities, amenity areas, lighting, and landscape on 2.31 acres of TMX-2 zoned-land, located 1.5 miles north of Germantown Town Center. 0.6 miles north of the interchange at Ridge Road/Father Hurley Boulevard (MD 27) and I-270, and south east of Crystal Rock Drive (“Subject Property”), in the Germantown West Policy Area and Germantown Employment Area Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820160100, Black Hill – Thrive Assisted Living Facility (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 9, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 19, 2017, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman’s Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions on motion of Commissioner Dreyfuss, seconded by Commissioner Cichy, by a vote of 4-0, Chairman Anderson, Commissioners Dreyfuss, Cichy and Fani-Gonzalez voting in favor, with Vice-Chair Wells-Harley being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160100 for the construction of an Assisted Living Facility with 140 bedrooms, associated surface parking facilities (61 surface parking spaces), amenity areas, lighting, and landscape on the Subject Property (Lot 22, 2.31 acres), subject to the following conditions:¹

Previous Approvals

1. Project Plan Conformance

The development must comply with the conditions of approval for the amended Project Plan No. 92012004A as listed in MCPB Resolution No. 16-024 dated May 3, 2016.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for the amended Preliminary Plan No. 12012021A as listed in MCPB Resolution No. 16-025 dated May 3, 2016.

3. Public Roads Infrastructure Site Plan

The development must comply with the conditions of approval for the amended Site Plan No. 82013025A as listed in MCPB Resolution No. 16-027 dated May 3, 2016.

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated April 20, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

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

Open Space, Facilities and Amenities

5. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 19,200 square feet of public use space (19% of net tract area) on-site.
- b) The Applicant must install streetscape improvements, including the undergrounding of utilities, along the property's frontage along the public and private roadways, consistent with their respective Certified Site Plan.
- c) In accordance with the Certified Site Plan, adequate seating will be provided in patio seating areas within the private amenity areas.
- d) In accordance with the Certified Site Plan, adequate seating will be provided near the main entrance and porte cochere.
- e) Before the issuance of use and occupancy certificates, all associated public use space areas must be completed concurrent with the Development Program, as delineated on the Certified Site Plan.

6. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the pedestrian system (pathways and sidewalks), ~~bikeshare station~~, private amenity areas, parking facilities, trash receptacles, and seating areas.

8. Transportation

- a) Before the release of any building permit, the Applicant will participate in a Transportation Demand Management (TDM) program that allows Commuter Services to promote and verify that all employees and visitors have access to existing and future transit facilities, available commuter options, and alternatives to single occupancy auto commuting. Prior to the certification of the Site Plan, the Applicant will provide a TMAg.
- b) In accordance with the Certified Site Plan, the Applicant will provide a bikeshare station, along Baltusrol Drive (otherwise known as C Street), between the surface parking facility.
- c) The bikeshare station will accommodate a minimum of 19-dock (approximately 53-feet by 6-feet) plus an additional 6-feet for access.
- d) The final location of the bikeshare station will be approved by MCDOT, based on the requirements of the bikesharing system in a highly visible, convenient and well-lit location on the Subject Property, as indicated on Certified Site Plan.
- e) Prior to the issuance of the building permit, the Applicant will be required to pay the capital cost for the station and five (5) years of associated operating costs.

9. Pedestrian & Bicycle Circulation

- a) The Applicant must provide a minimum of 5 public bicycle parking spaces.
- b) The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide an 8-foot wide public shared use pathway between the community center building (Lot 21) and the surface parking facility on the Subject Property.
- d) The Applicant must provide an 8-foot pedestrian sidewalk along Baltusrol Drive (otherwise known as C Street).
- e) The Applicant must provide a maximum of 61 total parking spaces (including 4 van accessible handicap spaces).
- f) Prior to the certification of the Site Plan, the Applicant must satisfy the conditions of approval as prescribe by the Montgomery County Department of Permitting Services – Right of Way Division (DPS-ROW). DPS-ROW will send confirmation regarding their approval to M-NCPPC.

10. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated August 25, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

11. Building Lot Terminations (BLTs)

- a) Prior to the release of the building permit, the Applicant must submit or show evidence of a certified running tabulation of the individual building square footages and the cumulative total square footage against the 0.5 FAR to DPS.

12. Landscaping

- a) Provide shade trees along the pedestrian pathways. As indicated on the Certified Site Plan and the respective site details that these trees will be professionally pruned so as not to obstruct the views of vehicles, bikes and pedestrians.
- b) Provide a streetscape detail demonstrating an adequate clearing height for shade trees along the pathways.
- c) The streetscape design along Baltusrol Drive (otherwise known as C Street) will include street trees (at a maximum of 30 feet on-center), pedestrian oriented street lights (at a maximum of 60 feet on-center).
- d) The shade trees within the parking facility will be spaced at a maximum of 30 feet on-center.

13. Lighting

- a) Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for mixed-use development.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all fixtures causing potential glare or excess illumination.
- d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties. As indicated on the Certified Site Plan and within the associated lighting details, the maximum height of the light pole must include the mounting base.

14. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must complete a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) Prior to the release of the first building permit, M-NCPPC Staff will review the cost estimate of the materials and facilities to establish the total surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, water features, planter boxes, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, private roads, public artwork(s), pathways and associated improvements within the relevant blocks of development. The surety must be posted before issuance of the any building permit within each relevant block of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each block shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific sheets depicting the limits of each block.

15. Development Program

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

16. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape Plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820160100, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Planning Board finds that this application substantially meets the goals and objectives of the previous approvals. A development plan, diagrammatic plan or a schematic development plan are not required for this development. This Site Plan application conforms to the Amended Project Plan No. 92012004A in terms of the size, uses, and building height. The assisted living facility (115,000 square feet) is consistent with the previous approvals. The residential uses approved for Phase 2A (895,615 square feet) combined with this Site Plan application make up roughly 55% or 0.21 FAR of the total residential uses allowed for the entire Black Hill mixed-use development. Therefore, this application is well within the development ceiling approved for residential uses (1,851,560 square feet). The

remaining residential units (840,945 square feet) will be constructed in future phases.

The building height of the assisted living facility (72-feet) will not exceed the maximum height allowed (143-feet) by the approved Project Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

Under Section 7.7.1.B.1, the application is subject to the zoning code in effect on October 29, 2014. However, because under Section 7.7.1.A.2 a use must have existed on October 29, 2014 to be subject to the old code, the proposed use, must be reviewed under the current zoning code. Under the CRT zone, the proposed use, Residential Care Facility (Over 16 Persons), is limited. Specifically, under Section 3.3.2.E.2.C of the zoning code, “[w]here a Residential Care Facility (Over 16 Persons) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.” The approval of this site plan satisfies the limited use requirement. The Planning Board finds that the Site Plan meets the requirements of the TMX-2 Zone, and that the urban renewal plan is not applicable to this proposal. In anticipation of future development, the Project and Preliminary Plans established the initial parameters for the entire mixed-use development and sustainable green neighborhoods criteria. The residential uses are consistent with the previously approved Project and Preliminary Plans. Combined with the other uses and stages of development, the Black Hill mixed-use development fulfills the purposes of the zone by 1) demonstrating conformance with the Sector Plan, 2) encouraging land assembly, 3) providing a variety of housing opportunities, 4) promoting the effective use of transit facilities, and 5) providing for BLTs. Under the Optional Method of development, greater densities are permitted, but additional public facilities and amenities will be provided by the Applicant. The calculation of required BLTs is referenced in the Project Plan approval. In accordance with the conditions of approval, the Applicant will provide the necessary proof of purchase or show evidence of a certified running tabulation of the individual building square footages over and above the 0.5 FAR threshold prior to the issuance of the first building permit.

Table 1: Project Data Table below compares the previously approved and amended Project Plan and Preliminary Plan to this Site Plan application.

The Site Plan meets the development standards of the TMX-2 Zone. With respect to building height, setbacks, and the density of this development is under all the maximum standards allowed.

Table 1: Site Plan - Data Table for the TMX-2 Zone

	Approved Project Plan No. 92012004A	Amended Preliminary Plan No. 12012021A	Site Plan Application No. 820160100
Gross Tract Area	4,691,520 sf. (107.70 ac.)	4,691,520 sf. (107.70 ac.)	100,687 sf. (2.31 ac.)
Roadway Dedication(s)	469,661 sf. (10.78 ac.)	469,661 sf. (10.78 ac.)	N/A
Net Tract Area	4,221,751 sf. (96.92 ac.)	4,221,751 sf. (96.92 ac.)	100,687 sf. (2.31 ac.)
Uses:			
Assisted Living Units	140 units	140 units	140 units
Density:			
Residential	0.39 (1,851,560 sf.)	0.39 (1,851,560 sf.)	0.02 (115,000 sf.)
Total	0.7 (3,284,000 sf.)	0.7 (3,284,000 sf.)	0.02 (115,000 sf.)
Public Use Space:			
On-site Public Use Space	51% (2,143,100 sf.)	51% (2,143,100 sf.)	19% (19,200 sf.)
Parking Lot Green Area	5%	5%	7%
Building Heights (feet)	35 – 143	35 – 143	72

Min. Building Setbacks (feet):			
From I-270	200	200	830
Adj. to Public ROW	0	0	25
Adj. to Residential Zone	90	90	900
From Parkland	170	170	170
Max. Total Parking (spaces):	6,188	6,188	
On-street Parking	N/A	N/A	11
Off-street Parking	N/A	N/A	61
Handicap Accessible	20	N/A	4
Min. Bicycle Parking (racks)	48	N/A	5

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

Considering the natural topography of the Subject Property and limitations of the building's program, Staff finds that the building location and structures are safe and adequate. Crystal Rock Drive is one of two main entrances into the Black Hill mixed use development. The existing slopes rises to a plateau, which gradually flats out as the roadway curves into the community and connects into Century Blvd. Visitors entering from the Crystal Rock Drive access point will first view the rear façade of the Assisted Living building, located south of Crystal Rock Drive. The rear building's facade is setback approximately 55-feet from Crystal Rock Drive with two wings extending away from the center spine toward the main roadway. The rhythm of building facades along Crystal Rock Drive streetscape is greatly improved with the placement of assisted living facility positioned closer to the street edge. The original Project Plan envisioned a surface parking facility closer to the street edge at the corner intersection of Crystal Rock Drive and Baltusrol Drive. However, the amended Project Plan brought the Assisted Living Facility closer to the street edge.

The building's setback is necessary to accommodate access from the street edge to the first floor of the building. Two lead walls and stairwells are provided to connect the private amenity area to the pedestrian streetscape, plantings, stormwater management facilities, and utilities. The stairwells also signify a significant change in elevation that is necessary to access the first floor of the building. The building extensions and retaining walls provide street frontage along the pedestrian sidewalk. These extensions hug the private amenity area, which is elevated above the street grade along Crystal Rock Drive.

The central spine of the building runs parallel to Crystal Rock Drive and three wings extend outward. The longest wing is aligned parallel to Baltusrol Drive and is setback approximately 188-feet. The longest wing of the building stretches back toward the southern edges of the property, located between the surface parking facility and the stream valley buffer. Upon initial review of the building layout, Staff was concerned about the walkability of the streetscape as it relates to building frontage along Baltusrol Drive. Staff has worked with the Applicant to consider several

different building layouts. As a resolution to this issue, the main entrance to the building is oriented toward Baltusrol Drive. Bike racks (5), signage, and planter boxes have also been added along the streetscape to further activate the streetscape. The current layout optimizes the building's efficiency (i.e. required programming within the building), provides scenic views toward the stream valley buffer, and works with the existing grades with minimal disturbance to the stream valley buffer. Staff finds that that the additional streetscape improvements, considering the limitations of the building's program, are safe and adequate. Therefore, the building layout is efficiently placed on the Subject Property and conforms with the intent of the Sector Plan recommendations.

b. Open Spaces

The Planning Board finds that the open spaces provide safe and adequate gathering space for the residents and employees. The assisted living facility is a special use that requires direct supervision and professional support for the majority of their residents. The Applicant is concerned about adequate monitoring of visitors that occupy the open space areas. Upon initial review of the open space areas, Staff recommended that the Applicant also consider the health and welfare of their most independent residents (i.e. best case scenario), their employees, and family members that live within walking distance of this facility. The Site Plan has since been revised to accommodate an employee open space area (85 feet by 47 feet) at the south toe of the building extension, directly adjacent to the community center, the shared use path, the parking facility, and the 8-foot hiker/biker trail. This open space area is designed to provide adequate movement through the space, shade and seating.

The main entrance is designed to engage the streetscape along Baltusrol Drive and welcome visitor on-site. The covered entry (i.e. porte cochere), sunshades, bicycle racks (5), and water fountain articulate and introduce the hierarchy of the main entrance of the building.

The surface parking facility is adequately screened with the use of planting boxes from the private roadway and the pedestrian sidewalk. The planter boxes provide a buffer (between the parked cars and pedestrians) and seating along the sidewalk.

c. Landscaping and Lighting

Staff finds that the landscape and lighting features are safe and adequate. The entrance to the Black Hill development begins with Lot 22 and sets

the tone for the character of the overall community. The hierarchy of the main roadway (I.e. Crystal Rock Drive) is emphasized by the width of the street, building orientation, planted retaining walls, shade trees, and the 10-foot pedestrian sidewalk along the streetscape. These elements protect the pedestrian realm, softens hard edges, and instinctively provide a sense of arrival for visitors.

Staff was initially concerned about the placement of the service driveway and dumpsters along the main roadway. However, considering the limitations of the existing slope, building program requirements, and the building orientation, the Applicant is providing adequate screening of “back of house” activities with evergreen plantings, fencing, retaining walls, and trash enclosures. The public use space (19%) provided along Baltusrol Drive and between parking facilities is proposed in addition to the 51% of public use space approved for the entire Black Hill development. Large canopy trees are also located along the streetscape and understory planting help to soften hard edges (i.e. retaining walls and the building) and provide shade and comfort along the pedestrian streetscape.

Shade trees, understory plantings, ornamental trees, and groundcovers will also be installed along the hiker/biker trail (Figure 14 below), at the base of the building, the entrance, and within the surface parking facility. The proposed lighting at the entrances of the building, along the sidewalks, and hiker/biker trail provide clear visibility without creating light pollution or glare along the public roadways or adjacent to residential uses.

Staff has worked closely with the Applicant to encourage activation of the streetscape using planter boxes and shade trees to enhance walkability around the Subject Property. Staff finds that the Applicant has adequately addressed the initial concerns, while maintaining the integrity of the building’s program.

d. Recreation Facilities

The 8-foot hiker/biker trail is located adjacent to the south-western boundary of the Subject Property (near the stream valley buffer). In accordance with the conditions of approval, the Applicant and the Master Developer of the larger mixed use development will coordinate the construction of the public use spaces, the public share use pathway (on-site) and the hiker/biker trail (off-site) to ensure safe, adequate, and efficient community connections throughout the development. These

recreation amenities are available to the public, adequately lite, and properly maintained by the respective property owners.

e. Vehicular and Pedestrian Circulation

The vehicular, pedestrian and bicycle circulation systems (Figure 15 below) are fully integrated throughout the Subject Property and connected into the larger mixed use development. Internal pedestrian sidewalks connect into the adjacent public right of way, private roadways, and the hiker/biker trail. The streetscape and the community culture are enhanced by overlapping circulation systems. Due to the low volume and low speeds anticipated on Balthusrol Drive (also known as Street C), it is assumed that bicyclists will be able to share the lane with vehicles. No special bicycle signage is needed on Balthusrol Drive.

The vehicular circulation design directs traffic around and through the Subject Property with minimal impacts to pedestrian circulation. In accordance with the previously approved Preliminary Plan, the revisions to the traffic study and analysis were approved and certified on December 2016. As compare to the original approvals, the total number of bedrooms increased by 38 bedrooms. However, this increase in bedrooms within the assisted living facility do not result in any changes to the recommended roadway improvements. Therefore, vehicular, pedestrian and bicycle circulation systems also efficiently and adequately provide a safe atmosphere for end-users.

The Fire and Rescue Services also stated that the Applicant is required to provide 20-foot wide travel lanes to accommodate fire access and still create an environment that was hospitable to pedestrians and bicyclists. However, some of the surface parking spaces have been reduced to 16-feet by 8.5-feet to minimize the amount of impervious surface in close proximity to the stream valley buffer.

Per the conditions of approval, the Applicant is also working closely with the Montgomery County Department of Transportation (MCDOT) to encourage alternative means of transportation for visitors and employees via the Capital Bikeshare program. The Applicant is required to complete a TMAg, which includes the positioning of a bikeshare station (19-dock minimum; approximately 53-feet by 6-feet). The bikeshare station will be located directly adjacent to the public shared use path and between the parking facility.

MCDOT has reviewed and approved the turning movements from the service driveway onto Crystal Rock Drive. Staff finds that the service driveway and the access from the surface parking facility are safe, adequate and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

Staff finds that the age-restricted residential use is compatible with the surrounding uses. The assisted living facility is an important and critical residential resource that provides an alternative housing opportunity. In accordance with the recommendations of the Sector Plan, this application will accommodate an increasing demand for senior housing within walking distance of the CCT station (page 29 of the Sector Plan). The new construction of senior housing within this mixed-use development affords the aging population the ability to age in place. These uses are also consistent with the previous approval and adds more diversity to housing types within the Black Hill development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Final Forest Conservation Plan (FFCP) for the development was originally approved on August 15, 2013 as No. 820120250 Crystal Rock – Public Roads Infrastructure Plan and was subsequently updated to include the Dorsey Mill Road interchange (Site Plan Amendment No. 82013025B) on December 17, 2015. The FFCP (Amendment A) was modified to reflect the changes to the Dorsey Mill Road alignment and the associated SWM facilities. The SWM concept plan was approved for Site Plan No. 820160100 on April 20, 2016 with conditions, as prescribed in the approval letter.

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

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

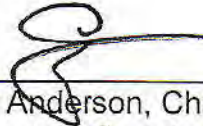
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 16 2017 (which is the date that this resolution is mailed to all parties of record); and

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 the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, 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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor, and Commissioner Cichy absent at its regular meeting held on Thursday, February 9, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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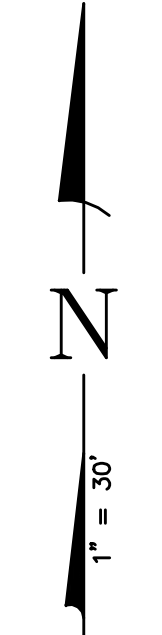
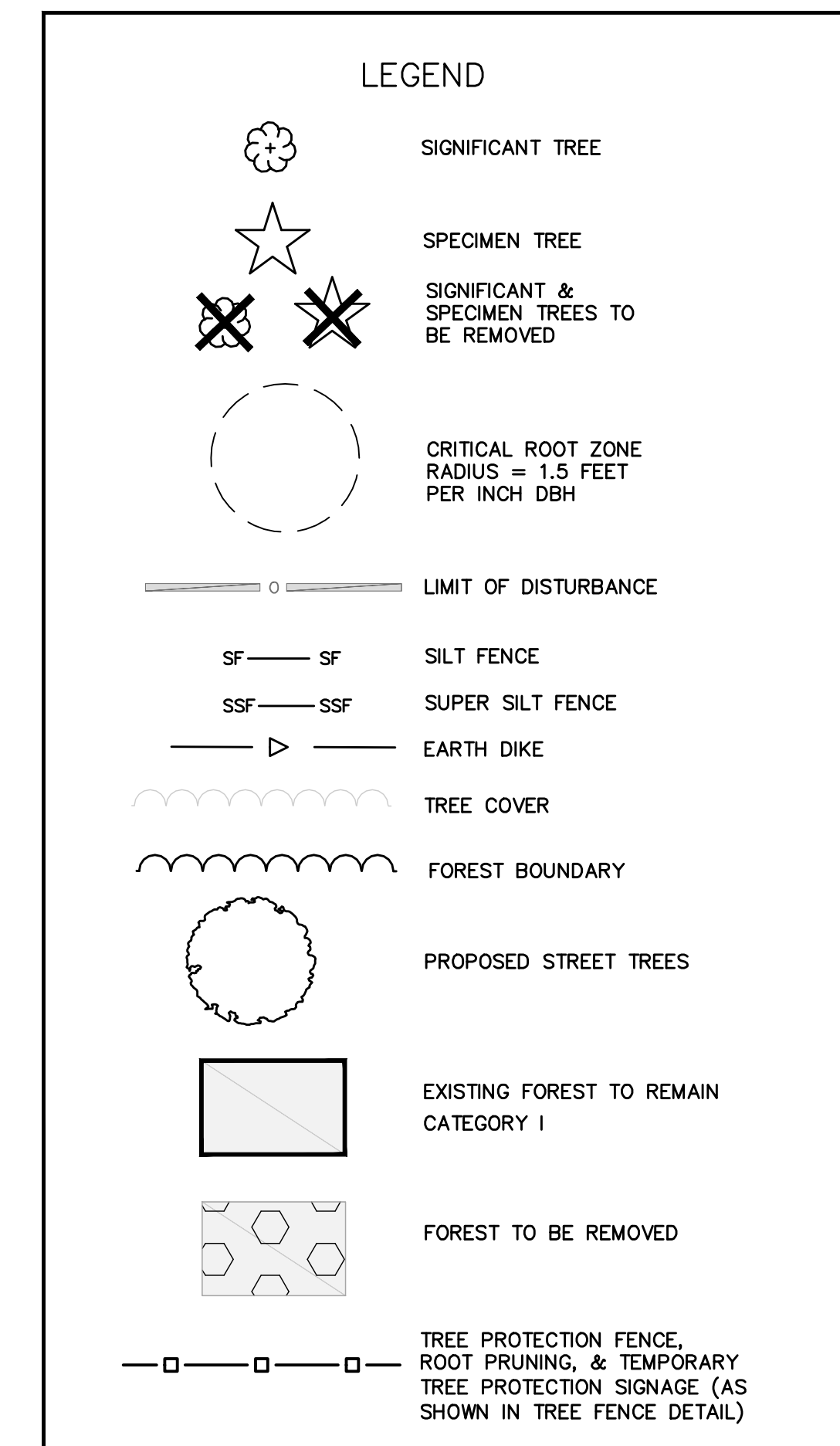
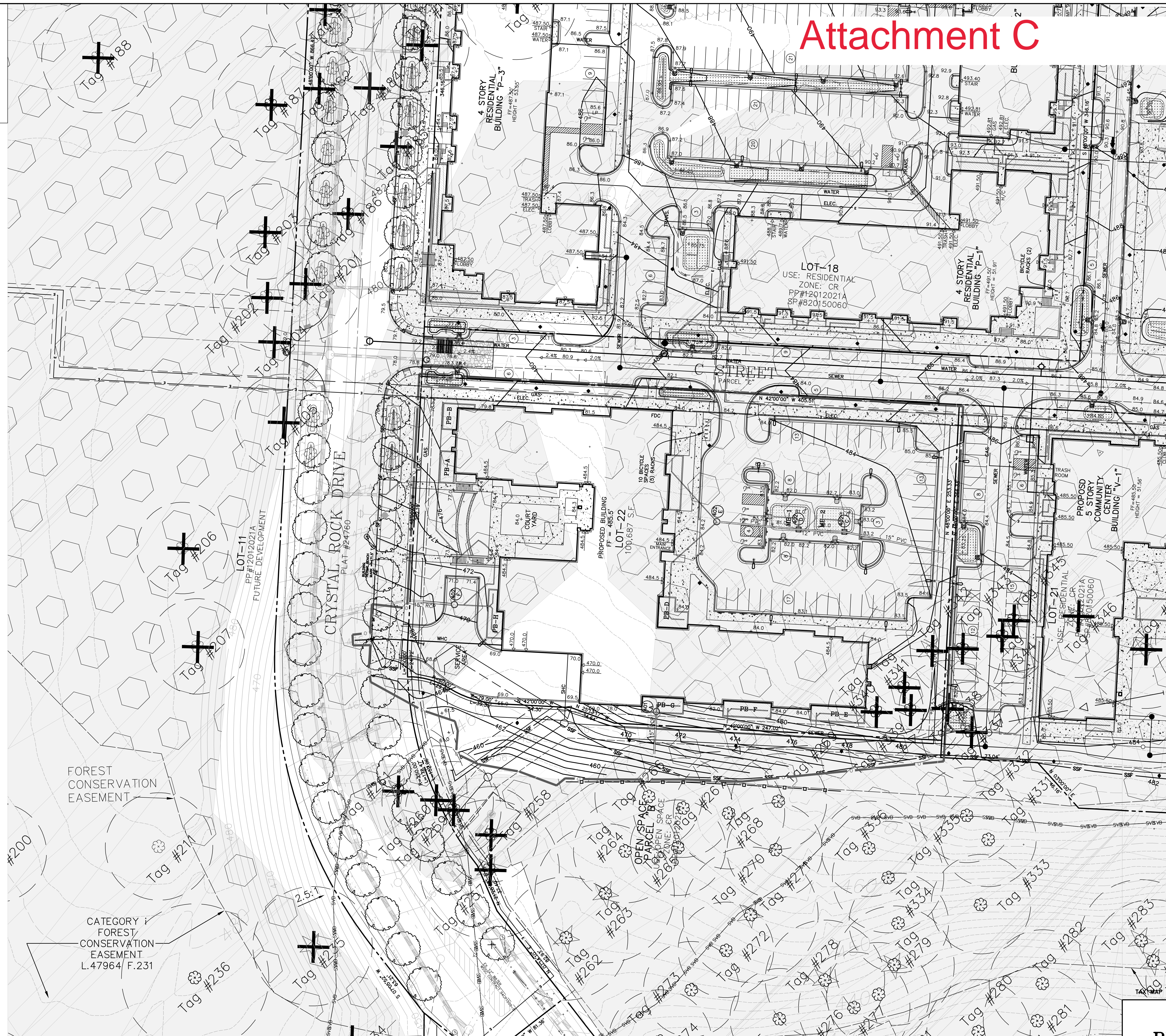
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Shipley & Horne, P.A.
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Largo, MD 20774

Charlie Sabin
171 17th Street, NW
Suite 1500
Atlanta, GA 30363

Attachment C



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 82013025C including, financial bonding, forest planning, maintenance, and all other applicable agreements.

Developer's Name: Black Hill Germantown, LLLP
 Printed Company Name

Contact Person or Owner: Jim Policaro
 Printed Name

Address: 2000 Tower Oaks Blvd., 8th Floor
Rockville, MD 20852

Phone and Email: 301-284-6000 jpolicaro@erner.com

Signature: _____

OWNER/DEVELOPER
 BLACK HILL GERMANTOWN, LLLP
 C/O LERNER ENTERPRISES
 2000 TOWER OAKS BLVD., 8TH FL.
 ROCKVILLE, MD 20852
 PHONE: 301-284-6000

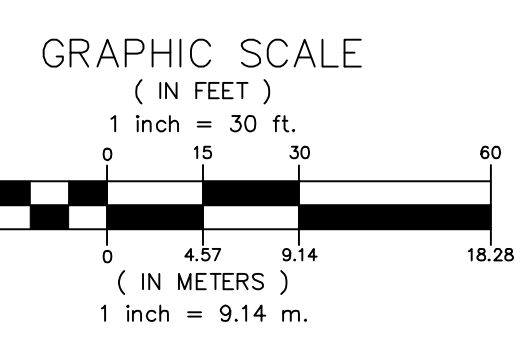
QUALIFIED PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.

DATE _____ FRANK C. JOHNSON
 RECOGNIZED AS QUALIFIED PROFESSIONAL
 BY MD. DEPT. OF NATURAL RESOURCES
 COMAR 08.19.06.01

FOREST CONSERVATION EASEMENT

CATEGORY I FOREST CONSERVATION EASEMENT
 L.47964/ F.231



REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	12/11/14	Amendment to FCP 820130250	FCJ
2	2/12/16	Amendment to FCP 820130250	FCJ

MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors

9220 Wightman Road, Suite 120
 Montgomery Village, Maryland
 20886-1279

Phone 301.670.0840
 Fax 301.948.0693
 www.mhgpa.com

Proj. Mgr. MGP	Designer FCJ
Date 6-12-13	Scale 1" = 30'
Project No. 10.102.41	Sheet 6 of 9

AMENDED FINAL FOREST CONSERVATION PLAN
 LOT 22 - ASSISTED LIVING FACILITY
BLACK HILL GERMANTOWN
 CHURCHILL TOWN SECTOR GERMANTOWN
 2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

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