



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

MAY 3 2016

MCPB No. 16-024

Project Plan No. 92012004A

Black Hill

Date of Hearing: March 10, 2016

RESOLUTION

WHEREAS, under Section 59-7.7.1.B.1 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board reviewed this application under the procedures and standards of the Zoning Ordinance in effect prior to October 29, 2014, including the zoning then in effect; and

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect prior to October 29, 2014, the Montgomery County Planning Board is authorized to review Project Plan applications; and

WHEREAS, on May 23, 2012, North Village – 270 Ltd. Partnership C/O Lerner Enterprises (“Applicant”) filed an application for approval of a Project Plan for a mixed-use development with a total of 3,284,000 square feet (0.7 FAR), including 1,097,800 square feet of office use, 91,400 square feet of retail use, 243,240 square feet of hotel use, and 1,618 total residential units (including 190 MPDUs) on 107.70 acres of TMX-2 zoned-land, located north of Father Hurley Boulevard/ Ridge Road (MD 27), between Crystal Rock Drive and I-270 (“Subject Property”), in the Germantown West Policy Area and Germantown Employment Area Sector Plan (“Sector Plan”) area; and

WHEREAS, on January 23, 2015, Black Hills Germantown, LLP, C/O Lerner Enterprises (“Applicant”) filed an amendment application to modify the conditions of approval in order to eliminate the age-restriction on the multi-family units, decrease the total number of residential units to 1,229 units (including 136 MPDUs), revise the development phasing, increase the public use space, change the internal circulation, and modify the parking facilities.

WHEREAS, Applicant’s Project Plan Amendment application was designated Project Plan No. 92012004A, Black Hill (“Application” or “Project Plan”); and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the

Approved as to
Legal Sufficiency:

Christina Sorrent 4/6/16

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Planning Board, dated February 29, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 10, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 10, 2016, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Wells-Harley with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Project Plan No. 92012004A to modify the conditions of approval, eliminate the age-restriction from the multi-family units, decrease the total number of residential units to 1,229 units (including 136 MPDUs), revise the development phasing, change the internal circulation and modify the parking facilities on the Subject Property, subject to the following conditions:¹

1. DEVELOPMENT CEILING

The development is limited to a maximum 0.7 FAR on the 107.70 acres, including the following:

- a. Employment uses may not exceed the following:
 1. 0.31 FAR
 2. Office Use: 1,097,800 square feet;
 3. Retail Use: 91,400 square feet; and
 4. Hotel Use: 350 rooms (243,240 square feet).
- b. Residential uses may not to exceed the following:
 1. 0.39 FAR
 2. Senior adult housing: 140 units; and
 3. Non age-restricted multi-family: 1,089 units

2. BUILDING HEIGHTS AND DENSITY

- a. Building heights must not exceed 143 feet for the multi-family, office, retail and hotel uses.
- b. The building heights of the multi-family buildings, directly adjacent to the Cloverleaf community (southeast), must not exceed 50 feet.
- c. The building height of the Senior Adult housing facilities (identified as Building U, Lot 22 on the Project Plan) must not exceed 72 feet.

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.

- d. The building heights on the southern border must be terraced to ensure compatibility with the existing residential developments (e.g. Cloverleaf community).

3. HOUSING

The senior housing and associated facilities, hereinafter referred to as Senior Adult housing, must not be converted into non age-restricted units without first revising the traffic study for the approved Project and Preliminary Plans. Occupancy of the Senior Adult housing is limited to persons 62 years and older as defined in Section 59-A-2.1 of the Zoning Ordinance.

4. MODERATE PRICED DWELLING UNITS (MPDUs)

The development must provide a minimum of 12.5 percent MPDUs onsite, evenly distributed within the multi-family buildings, and consistent with the requirements of Chapter 25A.

- a. Senior Adult housing facilities without a full kitchen do not qualify as a complete dwelling unit; therefore, the Senior Adult housing facility will not include MPDUs.
- b. Prior to the certification of each future Site Plan, the Department of Housing and Community Affairs (DHCA) must review and approve the bedroom distribution of the MPDUs.

5. PUBLIC FACILITIES, AMENITIES, AND OTHER DESIGN FEATURES

- a. The Applicant must provide 51 percent of the net lot area for on-site public use space, as shown on the Project Plan. The final design and details will be determined during the Site Plan review process.
- b. The streetscape design along the private streets must include street trees (at a maximum of 30 feet on-center), street lights (at a maximum of 60 feet on-center), public art, and street furniture.
- c. Appropriate signage must be provided indicating that the public use spaces and the public artworks must be easily and readily accessible for the enjoyment of the general public.
- d. The public use space must include Black Hill Preserve, Preserve Plaza, Village Green North and South, Main Street East and West Park, Main Street Retail Plaza, South Residential Linear Parks, Gateway Plaza, Hiker/Biker Trail, Transit Plaza, neighborhood greens spaces and public artworks.
- e. The final locations for the retail uses must activate the streetscape along Century Blvd, the gateway entrance to the development (at the intersection of Century Blvd and Dorsey Mill Road) and the public use space areas.

6. OTHER DESIGN FEATURES

The Applicant will meet the goals and objectives set forth within the Table 2: Public Facilities, Amenities and Other Design Features (Optional Method development column) of the Staff Report. As required in Section 59D-2.11, the incorporation of other design features will create a sustainable environment capable of supporting the greater densities and intensities requested under the Optional Method of development. The Applicant must submit supporting drawings and documentation addressing the following criteria prior to the Certified Site Plan approval.

- a. Provide pedestrian sidewalks at a minimum width of 10 feet on both sides of public streets, and 5 feet on both sides of the private streets. The sidewalks must be free and clear of all obstructions, including but not limited to stairwells, utility boxes, and tree pits.
- b. Provide a minimum tree canopy coverage of 40 percent of the total net tract area. The tree canopy coverage must include the preservation of existing forest and new tree plantings.
- c. Submit architectural drawings for the parking facilities (Buildings B and D) directly adjacent to I-270, including architectural and design treatment for the northeast and southwest facades.

7. PUBLIC USE SPACE

- a. All record plats that include public use space must include a note that all public use spaces as illustrated on the Certified Site Plan(s) must be maintained in perpetuity by the property owners and access must be provided to the general public.
- b. The Applicant must provide a minimum of 20% of the net lot area as public use space.

8. Building Lot Termination (BLTs) Development Right

- a. The Applicant must provide proof of purchase and/or payment of 14.17 BLTs to the Department of Permitting Services prior to the issuance of building permits for density in excess of the base 0.5 FAR (or 2,345,760 sf.) of combined non-residential and residential square footage.
- b. Prior to the release of each building permit, the Applicant must submit to the Department of Permitting Services a certified running tabulation of the individual building square footage and the cumulative total square footage for this project against the 0.5 FAR.

9. DEVELOPMENT STAGING

The development will be built in the following six phases. With the exception of Phase 1 (already completed), the uses within Phases 2 thru 6 may be constructed in any order. However, the public amenities and facilities associated with the specific uses must be constructed with each phase as shown. The public use

spaces and associated amenities listed below must reference the conditions above. The construction and inspection schedules will be determined at Site Plan.

- a. Phase 1 consists of the pre-construction activities and construction of the public infrastructure, associated SWM facilities, and the realignment of Crystal Rock Drive and Century Blvd.
- b. Phase 2 (a and b) will include the construction of residential units (approximately 53% of the total number), clubhouse, office building (G) with associated retail uses, the 350-room hotel building (C) with associated retail uses, Senior housing facilities (Building U), a portion of the parking facilities (B), associated public amenities (Main Street: east/west parks and retail plaza), neighborhood green spaces, and necessary infrastructure.
- c. Phase 3 will include the construction of the remaining residential units (approximately 47% of the total number), associated public amenities (South Residential Green, natural/hard surface hiker/biker trails, Nature Pavilion and Preserve Plaza), and infrastructure.
- d. Phase 4 consists of office buildings (H) with associated retail uses, the remaining portion of the parking facilities, associated public amenities (natural/hard surface biker/hiker trail and Black Hill Preserve) and infrastructure.
- e. Phase 5 consists of the construction of two office buildings (Buildings I & F) with associated retail uses, remaining portion of the parking garage (Buildings B & D), associated public amenities (Gateway Plaza, and Village Green north/south), and infrastructure.
- f. Phase 6 consists of the construction of office building E, associated public amenities, and infrastructure.

10. COORDINATION FOR ADDITIONAL APPROVALS REQUIRED PRIOR TO THE SITE PLAN APPROVAL

- a. The Applicant must coordinate with the Division of Transit Services with regard to improvements to Ride-On bus facilities in the local vicinity of this project.
- b. The Applicant must coordinate with Montgomery County Department of Transportation regarding the bike station within the Transit Plaza.

BE IT FURTHER RESOLVED that all elements shown on the latest electronic version, submitted in December 2015 via ePlans to the M-NCPPC, and as of the date of the Staff Report February 29, 2016, 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 Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of

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Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

- (a) *The Application would comply with all of the intents and requirements of the zone.*

The Project Plan Amendment was reviewed under the Zoning Ordinance in effect prior to October 30, 2014. The Property is zoned TMX-2. In accordance with the zone and the Project Plan requirements, this amendment will provide significant public facilities, amenities and other design features that will create an environment capable of supporting the greater densities and intensities.

- (1) *Implement the recommendations of the approved and adopted Sector Plans for Transit Station Development Areas by facilitating mixed-use development with a compatible network of interconnecting streets, open spaces, plazas, and civic and community oriented uses. Providing flexible development standards, and encouraging designs that produce desirable relationships among individual buildings, the circulation system, public spaces, and adjacent areas, and foster use of non-auto forms of transportation, including pedestrian, bicycle, and public transit;*

The Project Plan implements the recommendations of the Sector Plan by providing a mixed-use development within walking distance of the Corridor Cities Transit (CCT) station. In accordance with the original Project Plan approval, the amendment was reviewed as per the following established design criteria:

Public Use Space and Placemaking Features - The public amenities are appropriately scaled based on the neighborhood's hierarchy throughout the mixed-use development. The hierarchy is based on the building heights and the character of the roadways. Open space areas directly adjacent to the public roadways, hiker/bike trails, and the Main Street central green spaces make the grandest gestures as these public facilities are more accessible to the general public (i.e. a larger population). Open space areas directly adjacent to the residential dwelling units and along the private roadways (internal to the site, along 5th Street and Streets B and C) are intentionally more intimate as these public facilities will be more accessible to the local residents (i.e. a smaller population). Other public use spaces, green spaces, on-site recreation facilities, and off-site design features add quality to the neighborhood, establish a way-finding system, and create desirable placemaking characteristics. Onsite public use space equates to 51 percent (2,153,134 sf.) of the net tract area, which exceeds the 20 percent minimum required in the TMX-2 zone. The clubhouse, hiker/biker trail connections,

multi-purpose fields, open lawn areas, and open play areas offer a variety of active and passive activities. The recreational supply and demand values are determined during the Site Plan process. The streetscape design within the public right-of-way provides a pedestrian connection to the CCT station and the trail system.

Linkages and Pedestrian Orientation - The entire mixed-use development is organized around a street grid pattern. Crystal Rock Drive and Century Blvd. are the primary roadways, mainly intended to direct local and regional traffic through the development. The primary roadways will accommodate bicycles, motorcycles, vehicular traffic, and on-street parking during off-peak hours. The amended Project Plan will eliminate 2nd Street; therefore, increasing the block length by ± 220 feet. Blocks K and P are approximately ± 500 feet long by ± 350 feet wide. Although the length of the block has increased, the proposed buildings do not prohibit pedestrians from walking through the surface parking facility to Street B or C. Access to public space is provided through the use of sidewalks and trails. Ground floor retail and public use spaces enhance the streetscape and are conveniently located along the primary roadways in order to attract transit commuters, activate the public use spaces, and calm vehicular traffic. The extension of Dorsey Mill Road was approved with the original Project Plan and Site Plan No. 82013025B. The design and construction of Dorsey Mill Road is subject to change based on the Applicant's coordination with SHA's approval. In the center of the development, the building footprints and frontages along Street B have been modified from the previous approvals to reflect the changes to the parking facilities. Street B is considered a secondary roadway, because it provides a direct connection (mainly utilized by the local residents) from the southeast to the northwest side of the development. Street B also provides access to the surface parking facilities (within the internal blocks). The multi-family residential buildings have been broken up into smaller footprints and are designed to enclose the outer edges of the larger blocks (along Main Street, Street C, 5th Street, Century Blvd. and Crystal Rock Drive).

(2) Encourage Land Assembly;

The Property is owned by Lerner Enterprises (the Applicant). The Project Plan Amendment and Preliminary Plan Amendment will reassemble the previously approved 11 lots into 12 lots and 5 parcels. The entire property is 107.70 acres; the net tract area is 96.92 acres (90% of the gross tract area).

(3) Provide a variety of housing opportunities;

The Project Plan amendment is requesting a different housing type mix that reduces the variety of housing opportunities previously approved to include: 1) fee simple townhomes, 2) age-restricted multi-family units, and 3) assisted living. This amendment will modify the housing options to include: 1) non age-restricted multi-family dwelling units, and 2) an assisted living facility on 96.92 acres of land. The Planning Board finds that the amended mix of housing still meets the intent of the Sector Plan to provide a variety within walking distance of the future CCT station. The residential building façade treatments and articulations will express variations through the use of different color palettes.

The Project Plan will provide 8 different building types, façade treatments and a variety of unit types (e.g. 1 bedroom, 2-bedroom, and 3 bedroom units).

(4) Promote the effective use of transit facilities; and

The close proximity of the Property to the future CCT station facilitates the convenient use of public transit. The pedestrian circulation system connects sidewalks and hike/biker trails in order to generate high walking and transit scores within the neighborhood. The Sector Plan recommends that the minimum number of required off-street parking spaces (6,295 spaces) become the maximum allowed onsite.

(5) Provide for Building Lot Terminations (BLTs)

BLTs are required by the TMX-2 Zone to support the Agricultural Land Preservation Fund under Chapter 2B (Section 59-C-14.27). For any building permit to construct floor area above the standard method of development, the Applicant is required to purchase BLTs at a rate of 12.5% of the total density that exceeds 0.5 FAR (2,345,760 sf.). Prior to construction of the remaining 0.2 FAR, the Applicant is required to purchase 14.17 BLTs when the development reaches this threshold. The calculation of BLTs is based on the proportionate mix of residential (56% of the total requested density) and non-residential uses (44% of the requested density).

In accordance with the additional provisions for the optional method of development (Section 59-C-14.25), the density and building height should generally decrease as the distance from a transit facility increases; and lower as the distance to single family homes decreases. Buildings are sited to minimize the impact of shadows on single family neighborhoods outside the TMX zones.

Building heights may be adjusted to avoid or minimize environmental impacts; and the project meets all the standards and requirements of the TMX zone.

(b) The application would be consistent with the applicable Sector Plan

The Board finds that the amended Project Plan application conforms with the recommendations of the Sector Plan and the 2010 Germantown Urban Design Guidelines. The Project Plan proposes a mix of office (1,097,800 sf.), a 350-room hotel (243,240 sf.) and retail uses (91,400 sf.); which provides for approximately 5,106 jobs. The jobs to housing ratio (approximately 4.15) will be more consistent with the recommendations of the Sector Plan, due to the reduction in the total number of residential units (1,229 units). The mix of jobs and housing is consistent with the land use flexibility provided in the Sector Plan (page 18). The proposed mix of retail, office and hotel uses provides significant opportunities for employment with housing in the Germantown Employment Area. The proposed mix of uses are appropriately located away from the concentration of commercial uses in the Town Core. The Sector Plan recommends (on pages 25 and 65) shorter block lengths (250 feet to 350 feet). However, the largest block is 347 ft. wide by 494 ft. long. Although the length of the block has increased, the circulation through the surface parking facility is feasible. Per the Urban Form recommendations of the Sector Plan (pages 10, 20, and 21), high quality landscape designs were encouraged through the design of neighborhood parks, green space areas, and through the activation of the streetscapes. The landscape and streetscape designs enhance the walkability of the site; which is the primary purpose of the zone.

(c) Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to, existing or potential development in the general neighborhood.

The location, size, and intensity of the development are compatible with the existing developments in the general neighborhood. The development will not be detrimental to potential developments and supports future development by having completed the Century Blvd. and Crystal Rock Drive roadways through the site. Adequate access to the development and the proposed CCT station is provided along Crystal Rock Drive, Century Blvd., and Dorsey Mill Road. The urban grid pattern adequately manages the local and regional traffic flow through the development, reduces walking distances, provides alternative internal connections, and establishes the framework for an efficient streetscape design.

(d) The proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter

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42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.

The mixed-use development will not overburden the existing public facilities and services, as the initial stages of construction include major roadway improvements to the existing public facilities. The TMA will all be finalized before the first stage of construction. The Property is located within the Germantown West Policy Area; which does not stipulate any Transportation Policy Area (TPAR) trip mitigation requirements. The Subject Property is within the Seneca Valley High School Cluster area. The 440 high rise multi-family units approved under Resolution MCPB 13-38 are subject to a School Facility Payment at the elementary school level pursuant to the Subdivision Staging Policy in effect for FY 2013. The 649 low rise multi-family units (and 140 senior housing units) approved under this Project Plan are not subject to a School Facility Payment pursuant to the Subdivision Staging Policy in effect for FY 2016. The development phasing currently consists of six stages. The first phase constructed the public roadways and infrastructure improvements that are necessary to ensure safe and adequate circulation on and offsite. The second stage of construction consists of residential, office, some retail, and hotel uses.

(e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.

Requirements of the TMX-2 zone

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the data table and other evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the TMX-2 zone.

	Required/ Allowed by Previous Approvals	Amended Project Plan No. 92012004A
Gross Tract Area	N/A	4,691,520 sf. (107.70 ac.)
Public ROW Dedication	461,593 sf. (10.61 ac.)	469,661 sf. (10.78 ac.)
Net Lot Area	N/A	

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Max. Commercial (gross floor area):		
Office/ Employment	1,500,000 sf.	1,097,800 sf.
Retail	110,000 sf.	91,400 sf.
Hotel (max. 350-rooms)	Hotel	243,240 sf.
Total Commercial	1,610,000 sf.	1,432,440 sf.
Residential Units		
Non Age-restricted Units	440 units	953 units
Age-restricted	1,178 units	140 units
MPDUs (min.)	190 units	136 units
Total Units	1,618 units	1,229 units
Max. FAR		
Commercial Uses	0.31 (1,432,440 sf.)	0.31 (1,432,440 sf.)
Residential Uses	0.39 (1,851,560 sf.)	0.39 (1,851,560 sf.)
Total FAR	0.70 (3,284,000 sf.)	0.70 (3,284,000 sf.)
Min. BLTs (12.5% of Floor Area)		
Residential Uses	7.3	7.29
Non-residential Uses	6.8	6.88
Total BLTs	14.1	14.17
Min. Building Setback (ft.)		
From I-270	200	200
From a residential zone	90	90
From Parkland	170	170
Max. Building Height (ft.)	143	143
Building C (Hotel)	143	143
Building E (Office)	143	143
Building F (Office)	143	143
Building G (Office)	143	143
Building H (Office)	143	143
Building I (Office)	143	143
Building J (Multi-family)	125	125
Building K-1 (Multi-family)	125	125
Building K-2 (Multi-family)	N/A	125
Building K-3 (Multi-family)	N/A	125
Building L (Multi-family)	125	125

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Building M-1 (Multi-family)	125		125
Building M-2 (Multi-family)	N/A		125
Building M-3 (Multi-family)	N/A		125
Building N-1 (Multi-family)	50		50
Building O (Multi-family)	125		125
Building P-1 (Multi-family)	125		125
Building P-2 (Multi-family)	N/A		125
Building P-3 (Multi-family)	N/A		125
Building R-1 (Multi-family)	72		72
Building R-2 (Multi-family)	N/A		72
Building R-3 (Multi-family)	N/A		72
Building S-1 (Multi-family)	50		50
Building T (Multi-family)	72		72
Building U (Assisted Living Facility)	72		72
Building V-1 (Community Center & Multi-family)	72		72
Building W-1 (Multi-family)	72		72
Public Use Space (% of Net Tract Area):			
Onsite Public Use Space	41.24%		51%
Off-street Parking			
Min. Bicycle Spaces	315 spaces		309 spaces
Min. Motorcycle Spaces	100 spaces		120 spaces
Total Spaces	6,295 spaces		6,188 spaces

Under Zoning Ordinance Section 59-C-6.215(b), a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the Application is proffering the following package of amenities and public facilities:

1. **Black Hill Preserve** – Located north of Crystal Rock Drive, adjacent to Buildings E, J, O, and T.
2. **Gateway Plaza** – Located north of Dorsey Mill Road, directly adjacent to Buildings I and N.
3. **Village Green North** – Located south of I-270 and north of Century Blvd., directly adjacent to Buildings B, F, and G.
4. **Village Green South** – Located south of I-270 and north of Century Blvd., directly adjacent to Buildings D, H, and I.
5. **Main Street - Retail Plaza** – Located south of I-270 and north of Century Blvd., directly adjacent to Buildings C, G, and H.
6. **Main Street - East Park** – Located south of Century Blvd., toward the center of the Property between Buildings L and M.
7. **Main Street - West Park** – Located south of Century Blvd., toward the center of the Property between Buildings Q and R.
8. **Transit Plaza** – Located at the intersection of Street B and Crystal Rock Drive.
9. **Neighborhood Parks** –
 - a. M-1 Retail Plaza – Located near Building M-1 at the intersection of 5th Street and Century Blvd.
 - b. M-3 Community Garden Area – Located near Building M-3 at the intersection of Street B and 5th Street.
 - c. R-3 Bocce Ball Court – Located near Building R-3 at the intersection of Street B and 5th Street.
 - d. R-3 Neighborhood Green – Located near Buildings R-1 and R-3 at the intersection of Street C and 5th Street.
10. **South Residential Green Space (aka "Linear Park")** – Located at the end of Dorsey Mill Road and Street B, between the existing Cloverleaf Center townhouses and the multi-family Buildings S and W.
11. **Walking/Cycling Trail and Public Green Space** – Located south of I-270 and Black Hill Preserve, along the perimeter of the property.
12. **Nature Path and Connection to Black Hill Regional Park** – Located south of I-270 and Black Hill Preserve, near Buildings B and E.
13. **Nature Pavilion** – Located south of I-270 and Black Hill Preserve. Near the traffic circle at the intersection of Century Blvd. and Crystal Rock Drive, between Buildings E and J.
14. **Preserve Plaza** – Located south of I-270 and Black Hill Preserve. Near the traffic circle at the intersection of Century Blvd. and Crystal Rock Drive, between Buildings E and J.
15. **Park Dedication** – Located off-site, north of Black Hill Preserve.
16. **The Community Center** – Located on the first floor of Building V-1.

(f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

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The Project Plan must provide 12.5 percent MPDUs onsite (136 units) as required by Chapter 25A. In accordance with the conditions of approval, MPDUs will be evenly distributed within the multi-family dwelling units. The Applicant and the Department of Housing and Community Affairs (DHCA) will continue to work on a final agreement during the Site Plan review process.

- (g) *The proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The Final Forest Conservation Plan for the Property was originally approved on August 15, 2013 as Site Plan No. 820120250 Crystal Rock – Public Roads Infrastructure Plan and was subsequently updated to include the Dorsey Mill Road intersection #82013025B on December 17, 2015.

- (h) *The proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The Property is not located within a Special Protection Area, and a Water Quality Plan is not required. The original Stormwater Management Concept was approved in November 2012 and uses a variety of stormwater management techniques to meet the ESD requirements. In accordance with the conditions of the original Stormwater Management approval, each respective Site Plan application will require Stormwater Management approval.

- (i) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Project Plan exceeds the 20 percent minimum public use space requirement by providing approximately 51 percent of the net tract area. However, the parkland dedication (1994) and the streetscape (10.78-acres) within the public ROW will provide additional public benefits off-site.

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

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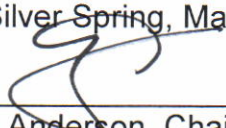
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is ~~MAY 3 2016~~ (which is the date that this Resolution is mailed to all parties of record); and

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 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 Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Anderson and Commissioners Dreyfuss and Presley voting in favor, and Vice Chair Wells-Harley and Commissioner Fani-González absent, at its regular meeting held on Thursday, April 21, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board