



MCPB No. 18-051
Site Plan No. 82013025C
Black Hill
Date of Hearing: June 28, 2018

JUL 03 2018

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.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on August 1, 2013, the Planning Board, by Resolution MCPB No. 13-93, approved Site Plan No. 820130250 to construct Crystal Rock Drive and Century Blvd. and public utilities, ahead of the development of buildings and other structures on 108 acres of Transit Mixed Use ("TMX-2") zoned-land, located approximately 1.5 miles north of the Germantown Town Center and 0.6 miles north of the interchange of Ridge Road/Father Hurley Boulevard (MD27) and I-270 ("Subject Property"), in the Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, on December 30, 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013025B (MCPB No. 15-151), to reflect the disturbance for the Dorsey Mill Road interchange where it encroached on the Subject Property; and

WHEREAS, on May 3, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013025A (MCPB No. 16-027), to reflect the grading and construction for the Black Hill Phase IIA development on the Subject Property; and

WHEREAS, on August 1, 2017, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013025D (MCPB 17-076), to relocate 0.58 acres of Category I conservation easement on the Subject Property; and

Approved as to
Legal Sufficiency:


MNCPPC Legal Department

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, on March 28, 2016, Black Hill Germantown LLLP (“Applicant”) filed an application for approval of an amendment to the previously approved site plans to reflect the grading and construction of the Black Hill - Thrive Assisted Living Facility Site Plan 820160100 on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82013025C, Black Hill Public Roads and Infrastructure (“Site Plan,” “Amendment,” 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 June 14, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 28, 2018, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82013025C to include the limits of disturbance, grading and improvements associated with the Thrive Assisted Living Site Plan 820160100 approval.

BE IT FURTHER RESOLVED that all previous site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82013025C, Black Hill Public Roads and Infrastructure, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*

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 Amendment is subject to the forest conservation law and meets all the applicable requirements for forest protection under Chapter 22A. The Subject Property had a Final Forest Conservation Plan that was approved as part of the Site Plan for the Black Hill Infrastructure and Public Roads 820130250. The original Site Plan approval included a Final Forest Conservation Plan covering 108 acres of land that identified forest retention and protection in Category I conservation easements, forest clearing, and no forest planting requirement. The Application shows the final grading and limits of disturbance associated with the Black Hill - Thrive Assisted Living Site Plan. The Application is consistent with the originally approved Final Forest Conservation Plan for the overall Black Hill development, and it does not result in any impact to existing forest, Category I conservation easements, specimen trees, or other environmental features.

The Site Plan is subject to Chapter 19 regarding water resource protection and stormwater management, and a stormwater concept was approved as part of the Site Plan for Black Hill - Thrive Assisted Living 820160100.

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 JUL 03 2018 (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 Cichy, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, June 28, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board