

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 8, 2025

MCPB No. 25-028
Preliminary Plan Amendment No. 12012021D
Black Hill
Date of Hearing: March 20, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 23, 2013, the Planning Board, by Resolution MCPB No. 13-38, mailing date July 8, 2013, approved Preliminary Plan No. 120120210, creating 11 lots for a mixed-use development 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 land in the TMX-2 zone, located west of I-270 along Crystal Rock Drive and Century Boulevard, Germantown (“Subject Property”), in the Germantown West Policy Area and *Germantown Employment Area Sector Plan* (“Sector Plan”) area; and

WHEREAS, on March 10, 2016 the Planning Board approved Preliminary Plan Amendment No. 12012021A (MCPB No. 16-025, mailing date May 3, 2016) to create one (1) additional lot and three (3) parcels for a maximum 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), with no more than 140 of the units dedicated to Senior Adult housing units, modify the traffic study, revise the Adequate Public Facilities (“APF”) determination, and revise the stormwater management concept plan on the Subject Property; and

WHEREAS, on July 19, 2018 the Planning Board approved Preliminary Plan Amendment No. 12012021B (MCPB No. 18-071 mailing date July 25, 2018) to create one (1) additional 5.8-acre lot and one (1) additional private street parcel, for a maximum of 1,097,800 square feet of office space, 91,400 square feet of retail space, a 350-room hotel, and 1,229 residential units with a maximum of 140 assisted living units (including 12.5% MPDUs) and to remove a storm drain easement on the Subject Property.

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Approved as to
Legal Sufficiency: /s/ Matthew Mills
M-NCPPC Legal Department

WHEREAS, on May 24, 2024, the Planning Director approved Preliminary Plan Administrative Amendment No. 12012021C to revise the development phasing schedule to facilitate future project amendments.

WHEREAS, on April 17, 2024, Lerner Enterprises (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan to create one (1) additional 5.74-acre lot for 69 residential townhouse units, add previously dedicated parkland of 64.1869 acres to the tract for a total tract area of 171.89 acres, and abandon an existing storm drain easement on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12012021D, Black Hill (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240570; 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 March 7, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 20, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick and Linden, voting in favor with Commissioner Bartley necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12012021D to to create one (1) additional 5.74-acre lot for 69 residential townhouse units, add previously dedicated parkland of 64.1869 acres to the tract for a total tract area of 171.89 acres, and abandon an existing storm drain easement on the Subject Property by modifying and adding the following conditions:¹

Modified Conditions

1. Approval under this Preliminary Plan is limited to a total of 14 lots and four (4) parcels on 171.89 acres of land as follows:
 - a. Maximum total density of 2,458,055 square feet (0.33 FAR).

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.

- b. Maximum total residential density of 1,025,615 square feet (0.14 FAR), including 649 multi-family dwelling units, 140 assisted living beds, 69 townhouse dwelling units, and a minimum of 12.5 percent Moderately Priced Dwelling Units.
 - c. Maximum total commercial density of 1,432,440 square feet (0.19 FAR).
3. The Preliminary Plan must comply with all conditions of approval for ~~the~~ Project Plan No. 920120040, as amended and as applicable.

New Conditions

Outside Agencies

20. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter February 26, 2025 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
21. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements and abandon the existing storm drain easement.
22. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) Water Resources Section in its stormwater management concept letter dated March 6, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Preliminary Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Transportation

23. The Applicant must provide all land necessary to accommodate fifty (50) feet from the existing pavement centerline along the Subject Property frontage for Crystal Rock Drive.
24. With any future development applications associated with Lot No. 11, the Applicant must provide pedestrian connectivity between Lot No. 23 and Lot No. 24, which may include, but is not limited to, trails access and sidewalks.

Record Plats

25. There shall be no other clearing or grading of the site before recordation of plat(s).
26. The record plat must show necessary easements.

Notes and Labels

27. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 (“Covenant”).
28. The record plat must reference the public access covenant for the natural surface trail as required by the site plan.

Certified Preliminary Plan

29. The certified Preliminary Plan must contain the following notes:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

30. Before submittal of the Certified Preliminary Plan, the Applicant must add approved resolutions and approval letters on the certified set.

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

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.

1. ***The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The Application satisfies all applicable requirements of Chapter 50 (Subdivision Code) for a Preliminary Plan. One (1) 5.74-acre lot (Lot No. 24) is created for all 69 townhouse units because the land will remain under common ownership to facilitate the rental of individual townhouse units. As a result of creating Lot No. 24, Lot No. 11 is reduced to approximately 37.58 acres. The size, width, shape and orientation of the lots are appropriate for the location of the subdivision, in accordance with applicable Sector Plan recommendations, and for the uses and buildings contemplated by the zoning of the Subject Property.

a. The block design is appropriate for the development or use contemplated.

The Application does not propose any new blocks. The lot is within an existing subdivision with an established block design.

b. The lot design is appropriate for the development or use contemplated.

The Application meets all applicable sections of the Subdivision Code, including lot design. The Application creates Lot No. 24 for residential uses and adjusts the size of Lot No. 11. The lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Sector Plan, the existing lot pattern of surrounding properties, and the building types contemplated for the Subject Property.

c. The Preliminary Plan provides for required public sites and adequate open areas.

The Subject Property was reviewed for compliance with Section 50.4.3.D (Public Sites and Adequate Public Facilities) of the Subdivision Code. The Application provides adequate common open space and other open spaces on the site. As shown in the Data Table, the Application provides 22.4 percent of the net lot area for common open space for townhouses, which exceeds the minimum 10 percent required. The common open space is adjoining Black Hill Regional Park and will provide the location of a new natural surface trail entrance into the park. There are no Sector Planned public sites or recreation area associated with the Subject Property.

d. The Lot(s) and Use comply with the basic requirements of Chapter 59.

The Application was reviewed for compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance. The lot meets all the dimensional requirements for area, frontage, and width. A summary of this review is included in the Data Table below:

Data Table

Development Standard	Permitted/Required	Approved Preliminary Plan No. 12012021D²
Gross Tract Area (min)	n/a	171.89 acres
Prior Dedications (min.)	10.78 acres	10.78 acres
Prior Parkland Dedication (min.)	0 acres	64.1869 acres ³
Site (Net) Area	115.36 acres	96.92 acres
Open Space for Tract >10,000 SF (min.)	10%	Determined by Site Plan
Floor Area Ratio (FAR)		
Commercial	3,743,750 SF (0.50)	1,432,440 (0.19)
Residential	3,743,750 (0.50)	1,025,615 (0.14)

² Preliminary Plan Amendment No. 12012021D is reviewed under the current CR-0.75, C-0.5, R-0.5, H-145 T.

³ 64.189 acres was dedicated as parkland but not accounted for in the prior preliminary plan tract area; this amendment incorporates the previously dedicated and recorded parkland (Land Records of Montgomery County Book 12755, Page 0384).

Development Standard	Permitted/Required	Approved Preliminary Plan No. 12012021D²
Total Floor	5,615,625 (0.50)	2,458,055 (0.33)
Lot Area Townhouse (min.), Lot No. 24	800 SF	243,990 SF ⁴ (5.74 acres)
Lot Coverage (max.)	n/a	n/a
Building Setbacks (min.)		
Front	Townhouse: 5 FT All Other: 0 FT	Townhouse: 5 FT All Other: 0 FT
Side street	Townhouse: 5 FT All Other: 0 FT	Townhouse: 5 FT All Other: 0 FT
Side, abutting residential zone	n/a	n/a
Side, abutting non-residential zone	Townhouse: 4 FT All Other: 0 FT	Townhouse: 4 FT All Other: 0 FT
Rear, abutting residential zone	n/a	n/a
Rear, abutting non-residential zone	Townhouse: 10 FT All Other: 0 FT	Townhouse: 10 FT All Other: 0 FT
Parking Setbacks (min.)		
Front	Behind front building line in the BTA	Determined by Site Plan
Side street	Behind front building line in the BTA	Determined by Site Plan
Side	Must accommodate landscaping per 59-6.2.9	Determined by Site Plan
Rear	Must accommodate landscaping per 59-6.2.9	Determined by Site Plan
Build-to Area (BTA) (max., setback and min. % of building façade)		
Front	70%	Determined by Site Plan
Building in front street BTA	35%	Determined by Site Plan
Side street		
Building Height, (max.)	145 FT	145 FT
Building Transparency		
Ground story front	20 to 60%, set by building type	Determined by Site Plan
Ground story side/rear	20 to 60%, set by building type	Determined by Site Plan
Blank wall (max.)	25 to 35 FT, set by building type	Determined by Site Plan
Parking Lot Landscape, Internal (min.)	5%	Determined by Site Plan
Parking Lot Tree Canopy (min.)	25%	Determined by Site Plan
Parking Lot Perimeter Planting Width (min.)	6 FT	Determined by Site Plan
Vehicle Parking (min./max.)	3,385 spaces	Determined by Site Plan

⁴ All townhomes are on one lot under common ownership and proposed as rental units.

2. *The Preliminary Plan substantially conforms to the master plan.*

The Application continues to substantially conform to the Sector Plan. The Application is located within the North End District of the 2009 *Germantown Employment Area Sector Plan*. The vision for the North End District is an “employment location highlighted by additional residential, retail, and hospitality uses.” Generally, the overarching goal of the Sector Plan is to create transit-served mixed-use neighborhoods, diverse housing types, and high-quality design. Uses in the immediate vicinity are comprised of multi-family apartment buildings, assisted living beds, retail, and offices. With the addition of 69 townhouse units, the Application contributes to the housing diversity within the neighborhood, by providing family-sized units with a minimum of 12.5 percent MPDUs.

The Sector Plan encourages “high quality design that enhances character and identity” to create attractive neighborhoods and urban spaces. The Application provides a strong linear and complementary presence along Crystal Rock Drive with a row of well-designed walk-up townhouses that activate the streetscape. Setbacks accommodate the pedestrian-oriented public realm with a sidewalk, street trees, and front yard landscaping. Accessed from Crystal Rock Drive, the Application provides a centrally located pedestrian promenade that transverses toward the rear of the Site to common open space and beyond to a new natural surface trailhead into Black Hill Regional Park. Additionally, the Site provides 22.4 percent common open space, which is more than double the minimum standard of 10 percent. The common open space is located between the townhouses and Black Hill Regional Park. The space is designed to promote social gathering, active recreation for children, and physical and visual connection to the forested area of the park. As conditioned, the townhouse architecture provides building articulation on all facades. Finish materials include the combined use of brick, metal panels and overhangs, and siding.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

As conditioned, public facilities are adequate to support and service the area of the subdivision. The Subject Property has frontage on Crystal Rock Drive, a public road with two (2) travel lanes in each direction. Crystal Rock Drive has an existing 100-foot right-of-way and is classified as a Town Center Boulevard under the *Master Plan of Highways and Transitways*. The total width of Crystal Rock Drive is approximately 44 feet, which provides for two (2) 11-foot-wide travel lanes in one direction and two (2) 11-foot-wide travel lanes in the other direction. The cross-section configuration of Crystal Rock Drive will change to two (2) 11-foot-wide bidirectional travel lanes and one 11-foot-wide parking lane on each side of the street, except where parking is restricted by MCDOT.

Vehicular and pedestrian access is provided from Crystal Rock Drive. There are no bicycle facilities along Crystal Rock Drive. The existing 10-foot-wide sidewalk along the frontage of the Subject Property accommodates both pedestrians and bicyclists. The 2018 *Bicycle Master Plan* has no master plan recommendations for the portion of Crystal Rock Drive that fronts the Application. The existing 10-foot-wide sidewalk along the frontage of the site is buffered by an existing 13-foot-wide street buffer with trees and a three (3) foot-wide curb and gutter. The

existing pedestrian infrastructure will remain unchanged. The existing pedestrian infrastructure is adequate to fulfill the design parameters requirements for Town Center Boulevards under the *2024 Complete Streets Design Guide*.

The pedestrian and vehicular circulation are safe, adequate, and efficient. Crystal Rock Drive provides the Subject Property with motor vehicle, pedestrian, and bicycle access. As part of this Application, two (2) access points will be constructed from Crystal Rock Drive. Two (2) private driveways will be constructed at grade with the sidewalk, dropping down to street level between the sidewalk and roadway, and will connect to a 22-foot-wide private alley that will provide motor vehicle access to all front and backloaded units in the Subject Property (Figure 2). Internal circulation through the 22-foot-wide private alley is provided in a two-way configuration, consisting of two (2) 11-foot-wide bidirectional travel lanes.

Local Area Transportation Review (LATR)

The Subject Property is located in the Germantown Town Center Policy Area, which is classified as an Orange Policy Area under the 2024-2028 *Growth and Infrastructure Policy*. The Applicant's Transportation Exemption Statement ("TES"), dated January 11, 2024, stated that the Application will not generate a net increase in person trips with the proposal to replace the previously approved 440 multi-family dwelling units with 69 townhouse units. Instead, a net reduction in the peak hour trips is projected. In the morning peak hour, the change in use and density results in 106 fewer person trips in the morning peak hour and 105 fewer person trips in the evening peak hour. As the estimated change in trips does not generate 50 or more peak hour person trips, a new or updated transportation impact study is not required.

Schools

The site is located within the Germantown Town Center Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy. Based on the School Impact Area classification and net residential units, this project is estimated to generate a net addition of zero elementary school, middle school, and high school students to the previous approval.

Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates) Table

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Detached	0	0.206	0.000	0.103	0.000	0.156	0.000
SF Attached	69	0.176	12.144	0.095	6.555	0.133	9.177
MF Low-rise	0	0.073	0.000	0.033	0.000	0.049	0.000
MF High-rise	-440	0.041	-18.040	0.017	-7.480	0.019	-8.360
TOTALS	-371		0		0		0

The updated fiscal year 2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025, is applicable. The project is served by Waters Landing Elementary School, Dr. Martin Luther King, Jr. Middle School, and Seneca Valley High School. The student enrollment and capacity projections of these schools in the updated fiscal year 2025 Annual School Test, which evaluates adequacy for the 2028-2029 school year are shown in the Updated FY2025 Annual School Test Projections Table below.

Updated FY2025 Annual School Test Projections (2028-2029 School Year) Table

School	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Waters Landing ES	745	721	96.8%	+24
Dr. Martin Luther King, Jr. MS	914	888	97.2%	+26
Seneca Valley HS ⁵	2,537	2,429	95.7%	+108

Under the Updated fiscal year 2025 Annual School Test results, Waters Landing Elementary School, Dr. Martin Luther King, Jr. Middle School, and Seneca Valley High School are not placed in Utilization Premium Payment (UPP) tiers. In addition, the estimated number of students generated do not exceed the adequacy ceilings identified, therefore no higher payment tiers are triggered.

⁵ Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes can be implemented in phases.

Updated FY2025 Annual School Test Results Table

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Waters Landing ES	No UPP	98	173	285
Dr. Martin Luther King, Jr. MS	No UPP	146	209	346
Seneca Valley HS	No UPP	268	616	996

The Application does not require a Utilization Premium Payment for schools.

Other Public Facilities

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP currently in effect.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Subject Property is subject to Chapter 22A of the County Code. As conditioned, the accompanying Final Forest Conservation Plan Amendment No. F20240570 complies with the requirements of the Forest Conservation Law, as discussed more fully below. The Subject Property has retained an appropriate amount of existing forest and as a result does not have an afforestation/reforestation requirement. All retained forest has previously been placed into Category I Conservation Easements.

The Application satisfies the applicable requirements of Chapter 19. MCDPS approved a Site Development Stormwater Management Concept Plan on March 6, 2025. The concept plan proposes to meet required stormwater management goals via micro-bioretenion and biofiltration areas.

5. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

The Applicant has no actual notice or constructive notice of a burial site, and the Subject Property is not included in the Montgomery County Cemetery Inventory.

6. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

There are no other applicable provisions that are specific to the Subject Property or necessary for approval of the subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

April 8, 2025

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions..

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining at its regular meeting held on Thursday, April 3, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board