

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 8, 2025

MCPB No. 25-031
Project Plan Amendment No 92012004C
Black Hill
Date of Hearing: March 20, 2025

RESOLUTION

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

WHEREAS, under Section 59-7.7.1.B.3 of the current Zoning Ordinance, the Planning Board reviewed this application 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 14, 2013, the Planning Board, by Resolution MCPB No. 13-37, approved Project Plan No. 920120040 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 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

On March 10, 2016, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan Amendment No. 92012004A (MCPB No. 16-024 mailing date May 3, 2016), 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 July 19, 2018, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan Amendment No. 92012004B (MCPB No. 18-073) mailing date July 25, 2018), to amend public use space amenities, required retail locations, and the phasing of public amenities on the site, and to require a project plan amendment if there is a material reduction in the size of non-residential uses within the site.

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

WHEREAS, on April 17, 2024, Lerner Enterprises (“Applicant”) filed an application for approval of an amendment to the previously approved project plan(s) to remove 54.12 acres of undeveloped land from the Project Plan Area on the Subject Property; and

WHEREAS, Applicant’s application to amend the project plan was designated Project Plan No. 92012004C, Black Hill (“Project 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 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 Project Plan No. 92012004C to remove 54.12 acres of undeveloped land from the project plan area of the Subject Property, subject to the following conditions:¹

Revised And Deleted Conditions

1. Development Ceiling

The development is limited to a maximum total of 0.50 FAR on 53.58 acres of land, including the following:

- a. Non-Residential Uses: 137,325 square feet
 - i. Office use: 130,000 square feet
 - ii. Retail use: 7,325 square feet
- b. Residential Uses: 1,010,615 square feet, including 140 Assisted Living beds

5. Public Facilities, Amenities, and Other Design Features

- a. The Applicant must provide a minimum of 49.9 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.
- e. The Public Use Space must include, Main Street East and West Park, South Residential Green, Gateway Plaza and Linear Park, Hiker/Biker Trail, neighborhood green spaces and public artworks

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.

- f. The final locations for the retail uses must activate the streetscape along Century Boulevard

8. [Deleted]

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

BE IT FURTHER RESOLVED that all elements shown on the latest electronic version of Black Hill Project Plan No. 92012004C, 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 given full consideration to the recommendations of its Staff as presented at the hearing and/or set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved project plan, and that all findings remain in effect; and

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site, as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *The application would comply with all of the intents and requirements of the zone*

The Project Plan complies with the intents and requirements of the zone. The Project Plan amendment area continues to provide a compatible network of interconnecting streets, open spaces, plazas, and civic and community-oriented uses. There are no developments or changes to approved development with the Project Plan Amendment. To date, significant public facilities and amenities have been constructed by the Applicant. These include the construction of Crystal Rock Drive and Century Boulevard, funding of the design of the Dorsey Mill Road overpass, other nearby transportation improvements, corner neighborhood parks, residential green spaces, an interconnected walking/cycling trail, and parkland dedication.

Presently there is an interconnected circulation system which fosters the use of non-auto transportation, including sidewalks and a pedestrian/cycling trail system that links commercial uses with residential uses within the Project Plan amendment area and with adjoining residential communities.

With the removal of undeveloped land from the Project Plan site, certain previously approved amenities are no longer be applicable because the location of those amenities would no longer be part of the Project Plan Amendment Area. The land remaining within

the Project Plan amendment area continues to provide compatible, adequate, safe and efficient public open spaces and amenities. Public open spaces and amenities on the undeveloped land removed from the Project Plan site are in accordance with future phases of development under the CR zoning standards.

Data Table

| Development Standard (59-5.3.5) | Permitted/Required | Project Plan No. 92012004B | Approved Project Plan No. 92012004C |
|--|------------------------------------|--|--|
| Gross Tract Area (min) | n/a | 107.70 acres | 53.58 acres |
| Prior Dedications (min.) | n/a | 7.66 acres | 7.66 acres |
| Net Area (min.) | 18,000 SF | 115.36 acres | 45.92 acres |
| Commercial Floor Area Ratio (FAR) | Set by Project Plan | 1,432,440 SF (0.61) | 137,325 SF (0.06) |
| Office SF (max.) | Set by Project Plan | 1,097,800 SF | 130,000 SF |
| Retail SF (max.) | Set by Project Plan | 91,400 SF | 7,325 SF |
| Hotel SF (max.) | Set by Project Plan | 243,240 SF | 0 SF |
| Residential Floor Area Ratio (FAR) | Set by Project Plan | 1,851,560 SF (0.79) | 1,010,615 SF (0.43) |
| Multi-family units | Set by Project Plan | 1,089 | 646 |
| Senior/assisted living units | Set by Project Plan | 140 | 140 |
| Total Floor Area Ratio (FAR) | 9,383,040 SF (2.0) | 3,284,000 SF (0.70) | 1,147,940 (0.50) |
| Building Coverage (max.) ² | Set by Project Plan | 35% | 35% |
| Public Use Space (min.) ³ | 20% | 51% (2,143,100 SF) | 49.9% (998,360 SF) |
| Building Height (max.) | Set by Project Plan | 35 to 143 FT | 35 to 143 FT |
| Setbacks | | | |
| Adjacent single-family residential zone (min.) | 25 FT | 147 FT | 147 FT |
| I-270 setback (min.) | 200 FT | 200 FT | 200 FT |
| BLT Requirement (min.) | 12.5% of any density above 0.5 FAR | 14.17 (7.29 residential uses) (6.88 commercial uses) | n/a |
| Vehicle Parking (min.) | 1,063 spaces | 6,188 spaces | 1,259 spaces ⁴ |

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

² Minimum building coverage is established by the Project Plan for the overall development.

³ Minimum public use space is established by the Project Plan for the overall development.

⁴ Final number of parking spaces are determined by a subsequent Site Plan.

The location, size, intensity, design, operational characteristics and staging are compatible with and not detrimental to existing and potential development in the general neighborhood. Limited in scope, the Project Plan Amendment removes 54.12 acres of undeveloped land from the existing 107.7 gross acres, resulting in 53.58-acres of developed land in the Project Plan amendment area. There is no additional development approved in the Project Plan amendment area.

The Project Plan reduces the approved but unbuilt office, retail, and residential density, and eliminates hotel density. The land area is reduced by about 48%, leading to a similar reduction in previously approved density. Key density changes include:

- Multi-family units: from 1,089 to 646
- Office space: from 1,097,800 sq. ft. to 130,000 sq. ft.
- Retail space: from 91,400 sq. ft. to 7,325 sq. ft.
- Hotel space: from 243,240 sq. ft. to zero sq. ft.
- Open space: from 2,143,100 sq. ft. of the Overall Area to 998,360 sq. ft. of the reduced Project Plan amendment area

Additionally, the requirement to purchase Building Lot Termination (BLT) easements, pursuant to the *Germantown Employment Area Sector Plan* and the Germantown Transit Mixed Use Overlay Zone, is no longer applicable as the FAR does not exceed 0.5.

In its approval of Project Plan No. 920120040, as amended, the Planning Board found that the approved residential and commercial uses are compatible with the general neighborhood. With the reduced land area and the reduced density, the intensity, design and operational characteristics continue to be compatible with existing and future development because there is a) no development approved, and b) all densities are reduced, thereby inherently reducing potential impacts to the neighborhood. As such, the design, orientation and operational characteristics of the existing mixed- use development in the Project Plan amendment area continue to provide a desirable and compatible transition to the existing townhouse communities to the south/southwest.

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board and that 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