

NOV 7 2011



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

MCPB No. 11-47
Site Plan No. 82003003C
Project Name: Fairfield at Germantown
Hearing Date: June 23, 2011

CORRECTED RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Project Plan No. 920020020 (Planning Board Resolution dated June 19, 2002) for 610 garden apartments (including 92 MPDUs) and 250,000 GSF office/retail on 62.4 acres;

WHEREAS, on June 13, 2002, the Planning Board approved with conditions Preliminary Plan No. 120020680 (Planning Board Resolution dated July 16, 2002) for a maximum of 610 multi-family dwelling units and 250,000 GSF office/retail use on 62.4 acres;

WHEREAS, on January 16, 2003, the Planning Board approved with conditions Site Plan No. 820030030 (Planning Board Resolution dated January 28, 2003) for 604 housing units, including 91 MPDUs on 62.4 gross acres;

WHEREAS, on March 17, 2005, the Planning Board approved with conditions Site Plan Amendment No. 82003003A (Planning Board Resolution dated December 16, 2005) to change the unit type of the 200 residential units south of Waterford Hills Boulevard from multi-family rental apartments to multi-family condominium units;

WHEREAS, on March 13, 2008, the Planning Board approved with conditions Site Plan Amendment No. 82003003B (MCPB Resolution No. 08-63) for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan;

WHEREAS, Project Plan Amendment No. 92002002A was originally filed in 2006 to amend Phase II of Fairfield at Germantown by proposing 205,922 square feet of commercial retail development on 26.40 gross acres. This application was withdrawn in April 2007; and

Approved as to
Legal Sufficiency:

Christina Sonnet 10/13/11

8787 Georgia Avenue, Suite 200, Spring, Maryland 20910

Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department
www.MCParkandPlanning.org

E-Mail: mcp-chairman@mncppc.org

WHEREAS, on June 23, 2011, the Planning Board approved with conditions Project Plan Amendment No. 92002002B (Resolution pending) for 848,693 gross square feet of mixed-use retail and 455 residential dwelling units (including 12.5% MPDUs) and 14,486 SF of retail on 26.48 acres, located on the southwest quadrant of the intersection of Wisteria Drive and Waters Road.

WHEREAS, on May 24, 2011, Buchanan Acquisitions, LLC ("Applicant"), filed a site plan amendment application for Phase I designated Site Plan No. 82003003C ("Amendment") to enable residential density including improvements to the stormwater management facility in the Phase II portion of the site, which consists of approximately 26.48 acres located on the west side of Waters Road, the subject of pending Project Plan Amendment No. 92002002B, Martens Property; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated June 9, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on June 23, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

WHEREAS, the Planning Board removed the Amendment from the consent agenda and held a public hearing on the Amendment on June 23, 2011 (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 23, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82003003C to revise Condition No. 2 of Site Plan No. 820030030 as follows:

"2. Future Development

Development density is limited to 604 residential units for Phase I (36 acres) of the 62.4-acre site. Development density ~~is limited to an additional 455 residential units~~ for Phase II (26.48 acres) will be determined at the time of Site Plan for

Phase II. Applicant must file an amended Project Plan and a new Site Plan application for Phase II of development, which also includes improvements to the stormwater management facility”; and

BE IT FURTHER RESOLVED, unless specifically amended, all other conditions of approval for Site Plan Nos. 820030030, 82003003A, and 82003003B remain valid and in full force and effect; and

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

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

BE IT FURTHER RESOLVED, that the date of this written resolution is NOV 7 2011 (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 written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).~~

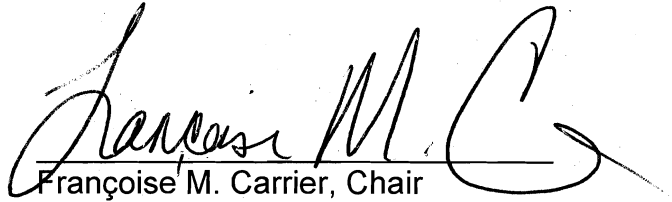
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty day of the date of this Corrected Resolution, 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 Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley

absent, at its regular meeting held on Thursday, October 27, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

NOV 7 2011



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

Agenda Date:
Agenda Item No.

October 13, 2011

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Rollin Stanley, Planning Director *RS*

VIA: John Carter, Chief *AC*
Sandra Pereira, Senior Planner *SMP*
Area 3

Re: Correction on Site Plan Resolution No. 11-47 for Fairfield at
Germantown, SITE PLAN #82003003C

Attached please find a redlined version of the resolution for Site Plan No. 82003003C (Fairfield at Germantown), which corrects certain errors as set forth more fully below. The resolution was mailed out to all parties of record on September 19, 2011.

At the Planning Board Hearing for this site plan, the Planning Board made changes to the language of Condition No. 2. These changes were inadvertently omitted on the adopted resolution. The revised language should read:

“2. Future Development

Development density is limited to 604 residential units for Phase I (36 acres) of the 62.4-acre site. Development density for Phase II (26.48 acres) will be determined at the time of site plan for Phase II. Applicant must file an amended Project Plan and a new Site Plan application for Phase II of development, which also includes improvements to the stormwater management facility.”

Staff is requesting that the Planning Board approve the correction to the resolution so that the corrected resolution can be mailed out to all parties of record.

CC: Christina Sorrento, Associate General Counsel



SEP 19 2011

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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RESOLUTION

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Approved as to
Legal Sufficiency:

Christina Sarnat 9/1/11

8787 Georgia Avenue, N.W., Suite 20910, Washington, D.C. 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

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a new Site Plan application for Phase II of development, which also includes improvements to the stormwater management facility"; and

BE IT FURTHER RESOLVED, unless specifically amended, all other conditions of approval for Site Plan Nos. 820030030, 82003003A, and 82003003B remain valid and in full force and effect; and

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

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

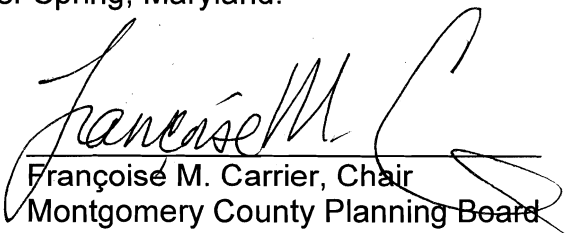
BE IT FURTHER RESOLVED, that the date of this written resolution is SEP 19 2011 (which is the date that this resolution is mailed to all parties of record); and

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 written opinion, 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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, September 8, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board