



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

DEC 30 2015

MCPB No. 15-151
Site Plan No. 82013025B
Black Hill (formerly Crystal Rock Public Roads Infrastructure Plan)
Date of Hearing: December 17, 2015

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, on August 1, 2013, the Planning Board, by Resolution MCPB No. 13-93, approved Site Plan No. 820130250 for the construction of Crystal Rock Drive and Century Boulevard (public roads) on 6.69 acres of TMX-2 zoned-land, subsequently re-zoned to CR-0.75, 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 (MD 27) and I-270 in the Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, on January 22, 2015, Black Hills Germantown, LLLP (Lerner Enterprises) ("Applicant") filed an application, designated Site Plan No. 82013025A, Black Hills, for approval of an amendment to the Final Forest Conservation Plan ("FFCP") approved with Site Plan No. 820130250 to reflect grading and the construction of a residential development within the previously approved limits of disturbance of the FFCP; Site Plan No. 82013025A is scheduled for Planning Board review in the near future as part of the application package for the Black Hills development; and

WHEREAS, on October 8, 2015, the Applicant filed an application, designated Site Plan No. 82013025B, Black Hill, for approval of an amendment to the Final Forest Conservation Plan ("FFCP") approved with Site Plan No. 820130250 to reflect the grading and construction of Dorsey Mill Road ("Application" or "Amendment"); 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 December 4, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 17, 2015, 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

Approved as to
Legal Sufficiency

 12/30/15

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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. 82013025B to amend the associated Final Forest Conservation Plan ("FFCP") to reflect the grading and construction of the portion of Dorsey Mill Road within the boundaries of the FFCP.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect; 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, and all findings not specifically addressed remain in effect.*
- 2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A, and ensures the protection of environmentally sensitive features.*

The Board finds that as conditioned, the amended FFCP complies with the requirements of the Forest Conservation Law. This Amendment does not affect any existing forest nor does it change the planting/retention requirements for the overall Black Hill FFCP. The only changes to the originally approved FFCP are to include the grading, pavement, and revised limits of disturbance necessary for the construction of Dorsey Mill Road.

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 Amendment shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 DEC 3⁰ 2015 (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 Dreyfuss, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, December 17, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board