



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

MCPB No. 17-111
 Site Plan No.820170130
 Bloom Montgomery Village
 Date of Hearing: November 16, 2017

DEC 26 2017

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 June 19, 2017, USL2 MR Montgomery Village Business Trust (“Applicant”) filed an application for approval of a site plan for 494 dwelling units (26 detached houses, 2 duplexes and 466 townhouses) with 68 MPDUs on 147 acres in the Montgomery Village Overlay Zone and the CRN- 0.5 C-0.0 R-0.5 H 65 or TLD zone-land, located at the intersection of Montgomery Village Avenue and Stewartown Road (“Subject Property”), in the 2016 *Montgomery Village Master Plan* area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820170130, Bloom Montgomery Village (“Site Plan” 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 November 6, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 16, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on November 16, 2017 the Planning Board voted to approve the Application subject to conditions, on the motion as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170130 for 494 dwelling units (26 detached houses, 2 duplexes and 466 townhouses) with 68 MPDUs, the Subject Property, subject to the following conditions:¹

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.

Approved as to
 Legal Sufficiency

Christina Sonnet 12/20/17

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1. PRELIMINARY PLAN CONFORMANCE

The development must comply with the conditions of approval for Preliminary Plan No. 120170150.

2. FOREST CONSERVATION

- a. Prior to Certified Site Plan, the Applicant must amend the Final Forest Conservation Plan to:
 - i. Show the Modified Category I Conservation Easement, defined under Condition 2.b. over all areas within the potential future park dedication area that lie within approved environmental buffer areas, excluding existing permanent easements for utilities and any remaining ponds; and
 - ii. Show the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; signs; bollards; buildings; and sand traps. Any cart paths to remain as part of the trail system must be shown on the Final Forest Conservation Plan.
 - iii. Show any site preparation/remediation for soil compaction caused by removal under 2.a.ii.
 - iv. Remove the deduction for park dedication and recalculate the new afforestation requirement based on the loss of the deduction for Park dedication while providing for all other deductions permitted by law or regulation;
 - v. Show any proposed trails;
 - vi. Correct the mitigation requirement for removal of variance trees to 3.77 acres of additional forest planting, using 1.5 to 2-inch caliper planting stock for trees, and including 125 shrubs;
 - vii. Show an additional 14,629 square feet of forest planting to the afforestation requirement to mitigate for the loss of buffer function due to stream buffer encroachment in development Area 1; and
 - viii. Show any other changes required by conditions of approval.
- b. Site inspections by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c. Final Sediment Control Plan must be consistent with the limit of disturbance shown on the Final Forest Conservation Plan.
- d. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the Parks Department construction permit.

- e. Prior to the issuance of the building permit for the 150th residential unit, the Applicant must complete the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; signs; bollards; buildings; and sand traps.
- f. The required afforestation planting must be completed within one year or two growing seasons after the issuance of the final residential building permit for each Area with the minimum percentage of afforestation for each area described below, except that within one year or two growing seasons after the issuance of the 415th residential unit building permit, any remaining afforestation required by the Final Forest Conservation Plan must be planted, with the overall percentage not to exceed 100 percent:

<u>Area</u>	<u>% of Total Afforestation Requirement</u>
Area 1	22.5%
Area 2	21.5%
Area 3	10.0%
Area 4	19.0%
Area 5	17.0%
Area 6	25.5%

- g. Prior to the issuance of the first Sediment Control Permit for each of the six Areas shown on the Site Plan, the Applicant must:
 - i. Must obtain Planning Staff approval of a Maintenance and Management agreement for onsite planting for that Area, including a plan for managing invasive species within the proposed planting area during the maintenance period; and
 - ii. Post a performance bond or other approved financial instrument to guarantee the forest conservation plantings for that Area. The bond may be partially released upon completion of afforestation for a given Area.
- h. If dedication of parkland to the M-NCPPC Parks Department occurs, pursuant to the PFA, prior to the completion of the total afforestation requirement, then the afforestation requirement will be adjusted to allow the deduction for parkland dedication, reducing the net tract area by the area accepted in dedication and reducing the planting requirement accordingly.

3. COMMON OPEN SPACE, FACILITIES, AND AMENITIES

- a. The Applicant must provide a minimum of 116,000 square feet of common open space (10% of net lot area in the CRN zone) and 950,000 square feet (20% of net lot area in the TLD zone) on-site.
- b. Prior to the final building inspection for each development Area (Areas 1-6), all common open space areas for the respective development Area must be completed as shown on the Site Plan.

4. M-NCPPC DEPARTMENT OF PARKS

Prior to Certified Site Plan, a mutually agreeable PFA must be executed and approved by the M-NCPPC Office of General Counsel to facilitate the potential conveyance of land to M-NCPPC as an addition to the Cabin Branch Stream Valley Park. The PFA must be comparable in form and substance to the draft PFA set forth in Attachment 1 of the Staff Report.

5. TRANSPORTATION

The Applicant must construct the private street(s) to applicable Montgomery County structural standards and must construct all required sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide Montgomery County Department of Permitting Services - Zoning and Site Plan Enforcement (MCDPS Z&SPE) Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

6. RIGHT-OF-WAY

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services-Right-of-Way (MCDPS-ROW) in its letter dated September 5, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

7. RECREATION FACILITIES

- a. At Certified Site Plan, the Applicant must meet the size, grading, setbacks, location, accessibility, targeted age groups, and demonstrate to M-NCPPC Staff that each element meets the M-NCPPC 2017 Recreation Guidelines, as shown on the Site Plan.

- b. At Certified Site Plan, the Applicant must provide the calculations for the entire Site Plan Application and meet the adequate amenities requirements. Plans must identify each element of the recreation amenities facilities on the plans for each area.
- c. Prior to the final building inspection for each applicable Area (Areas 1-6), recreation facilities within each respective Area must be completed.
- d. Prior to issuance of the building permit for the 150th residential unit, all amenities for the Montgomery Village Foundation Park must be completed. This includes, but is not limited to, the dog park, tot lots, play area, community garden, and trail system.
- e. Prior to the issuance of the building permit for the 300th residential unit, the Applicant must construct an eight-foot wide shared use path between Montgomery Village Avenue and Private Road "J" in Area 6, which may be located either along the south side of Stewartown Road or along Private Road "H" in Area 6. If constructed along Stewartown Road, the shared use path may be less than eight feet wide in environmentally or topographically constrained areas. Both options must be shown on the certified site plan as alternatives.
- f. The Applicant must provide the following recreation facilities:
 - i. One (1) Pedestrian Connection Trail System
 - ii. One (1) Community Garden
 - iii. One (1) Multi-Age Playground (age 2-12)
 - iv. Two (2) Open Grass Areas – Urban (2,000 sf each)
 - v. Two (2) Playgrounds (Tot Lots) (age 2-5)
 - vi. Two (2) Play Areas (age 5-12)
 - vii. Five (5) Open Grass Areas – Small (5,000 sf each)
 - viii. Five (5) Open Grass Areas – Large (10,000 sf each)
 - ix. One (1) - Public Park
 - x. One (1) Dog Park accommodating small dogs and large dogs.

8. FIRE AND RESCUE

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 29, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the

recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. MODERATELY PRICED DWELLING UNITS (MPDUs)

- a. The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated October 17, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. The Applicant must provide 12.5 percent MPDUS on-site in the CRN-zoned portion of the Property, and 14.1 percent MPDUs on-site in the TLD-zoned portion of the Property, consistent with the requirements of Chapter 25A and an agreement with DHCA, which must be executed between the Applicant and DHCA prior to the issuance of any residential building permit.

10. SITE DESIGN

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 09-ARCH-820170130-01 through 09-ARCH-820170130-10 of the submitted architectural drawings, as determined by Staff.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the 16-foot-wide market-rate units.

11. LANDSCAPING

Prior to the end of the first planting season after final building inspection for each of the development Areas (Areas 1-6), all landscape plant materials in the respective Area must be installed.

12. LIGHTING

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a

development of this type. All on-site exterior lighting must be in accordance with these standards.

- b. All on-site down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. The light pole height must not exceed the height illustrated on the Certified Site Plan.

13. SITE PLAN SURETY AND MAINTENANCE AGREEMENT

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. Cost estimates of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. One cost estimate must address applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, bike racks, benches, trash containers in community spaces, landscape and hardscape features in community spaces, community parking lots, sidewalks, bikeways, paths, etc.
- c. A second cost estimate must be submitted for the private roads/alleys, associated sidewalks, private utilities including community fire suppression infrastructure, storm drain infrastructure, handicap ramps, manholes, commercial and residential driveway aprons, curbs and gutters, cross walks, signage, storm drain inlets, street trees, tree panels, street lights and any other feature necessary to construct the private road/alley.
- d. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The developer must request each inspection.

- e. The financial surety shall be clearly described within each appropriate Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

14. MAINTENANCE OF PUBLIC AMENITIES

The Applicant is responsible for maintaining all publicly accessible amenities as shown on the Site Plan.

15. DEVELOPMENT PROGRAM

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

16. CERTIFIED SITE PLAN

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan Resolution and Preliminary Plan Resolution in the certified site plan set.
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site, Landscape and other plans.
- f. Add the master-planned shared-use path along the south side of Stewartown Road, separated from the road by a green panel or other barrier, between Montgomery Village Avenue and Private Road "J" in Area 6. The shared use path must be eight feet wide; however, it may be less than eight feet wide in environmentally or topographically constrained areas. If this shared use path is built, the Site Plan, Forest Conservation Plan and other applicable plans must be amended administratively. A note reflecting this condition must be included on the Site Plan.

- g. Provide the 10 inverted-U bike racks near the main entrance to the MVF Park on Stewartown Road.
- h. Show the removal of the pedestrian refuge island to accommodate the southbound left turn lane on Watkins Mill Road at Crested Iris Drive and provide a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- i. Provide the correct percentages of MPDUs in Areas 2 through 6 on Exhibit 32-MPDU-820170130.
- j. The Applicant must provide an overall Comprehensive Recreation Plan on one sheet (at a scale of 1" = 200' or scaled to fit), showing graphic scale, grading, and the size of each facility for the entire development. Label each recreation facility corresponding to the Recreation Supply.
- k. Provide the complete Recreation Demand, Supply and Adequacy Report corresponding to the Comprehensive Recreation Plan.
- l. Provide a drawing at a scale of 1" = 30' for each recreational facility that includes a label for the type of facility, the area in square feet, grading, and plantings.
- m. Show conformance with the 2017 Recreation Guidelines specifications; provide details and specifications for recreation equipment, paving, fall zones, mulch areas, fencing, seating, lighting (if applicable), setbacks and all other applicable details.
- n. The label for "Road H" in Area 6, Parcel E must be changed to "Road J."
- o. Show all street lighting, stop signs, pedestrian ramps and any other improvements, which must meet applicable standards as determined by Planning Staff.
- p. Show a trail connection in Area 6 to the existing hard surface trail network in Centerway Local Park.
- q. On sheet PP-08, relocate the proposed mid-block pedestrian crossing as recommended in the MCDOT letter dated September 26, 2017.
- r. The tot lot in Area 6 must be relocated to the south side of Private Road "H" which may require the relocation of a five-foot sidewalk to the south side of Road H. Final detail to be shown on the certified Site Plan, unless technically infeasible and does not result in reduction in units.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Bloom Montgomery Village 820170130, 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 considered the recommendations and findings of its Staff as presented at the hearing and 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:

1. *The development satisfies any previous approval that applies to the site.*

This section is not applicable as the previous approvals no longer apply to the Subject Property.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as the previous Development Plan associated with Montgomery Village is no longer applicable due to the rezoning associated with the Sectional Map Amendment No. H-112.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property’s zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

The single-unit living, two-unit living, and townhouse living uses are permitted within the Optional Method Development of the TLD Zone and the Standard Method Development of the CRN Zone.

- b. Development Standards

The Subject Property includes approximately 120.3 acres zoned TLD and approximately 26.7 acres zoned CRN-0.5, C-0.0, R-0.5, H-65. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: Development Standards TLD Optional Method- Section 59-4.4.11.C.

Development Standard	TLD Zone (Areas II-VI) Optional Method	
	Permitted/Required	Approved

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	Detached House	Duplex	Town-house	<i>Detached House</i>	<i>Duplex</i>	<i>Town-house</i>	
1. Site							
Density (units/acre of usable area)	9.76			3.21			
Open Space (min):							
Common open Space (% of usable area)	20%			>20%			
Site Coverage (max)	n/a	n/a	40%	n/a	n/a	<40%	
2. Lot and Density	Detached House	Duplex	Town-house	<i>Detached House</i>	<i>Duplex</i>	<i>Town-house</i>	
Lot area (min)	3,000 SF	1,500 SF	800 SF	3,000 SF	1,700 SF	1,000 SF	
Lot width (at front bldg line, min)	Determined at site plan			40'	22'	16'	
Lot width (at front lot line, min)	15'	15'	14'	15'	15'	16'	
3. Placement	Detached House	Duplex	Town-house	<i>Detached House</i>	<i>Duplex</i>	<i>Town-house</i>	
Front from public street (min)	10'	n/a	n/a	15'	n/a	n/a	
Front from private street (min)	4'	n/a	n/a	n/a	n/a	n/a	
Side street (min)	10'	10'	5'	n/a	10'	5'	
Side or rear (min)	Determined at site plan			4'	n/a	n/a	
Side or rear abutting property not included in application (min)	Equal to detached building type setback in abutting zone under standard method			10' side / 20' rear			
Rear alley (min)	4'	n/a	n/a	15'	n/a	n/a	
4. Height	Detached House	Duplex	Town-house	<i>Detached House</i>	<i>Duplex</i>	<i>Town-house</i>	
	40'	n/a	n/a	35'	40'	40'	

Table 2: Development Standards CRN Zone Standard Method- Section 59-4.5.3.C.

CRN 0.5 Zone (Area D) Standard Method							
Development Standard	Permitted/Required			Approved			
	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	
1. Site							
Common open space (min)	n/a	n/a	10%	n/a	n/a	>10%	
2. Lot and Density							
Lot area (min)	1,000 SF	500 SF	800 SF	n/a	n/a	800 SF	
Lot width (at front bldg line, min)	25'	12.5'	12'	n/a	n/a	12'	
Lot width (at front lot line, min)	10'	10'	n/a	n/a	n/a	10	
Lot coverage (max)	90%	90%	n/a	n/a	n/a	n/a	
Density Max	0.5 FAR			0.23 FAR			
3. Placement							
Front (min)	5'			5'			
Side street (min)	5'			5'			
Side abutting res zones (min)	6'	6'	4'	10'			
Side end unit (min)	n/a	n/a	2'	4'			
Side b/w lot and site boundary (min)	n/a	n/a	4'	4'			
Rear (min)	15'	15'	10'	15'			
Rear alley (min)	n/a	n/a	5	n/a			
Front setback (max)	n/a	n/a	15'	n/a	n/a	15'	
Building in front street BTA (min)	n/a	n/a	70%	n/a	n/a	70%	
4. Height							
	65'			45'			
Parking for the entire site							
	Required			Approved			
Parking	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	Total
Vehicle Spaces for Market Rate Units	Baseline Min. 2.00 per unit			52	4	932	988
Vehicle Spaces for MPDUs	0.5 times baseline / 1.00 per unit			n/a	n/a	68	68
Total Vehicle Parking Spaces				52	4	1000	1056
Inverted Bike Racks	N/A						10

c. General Requirements

ii. Division 6.1. Site Access

The project will provide adequate site access by complying with the conditions of approval including the conditions in the MCDOT letter.

iii. Division 6.2 Parking, Queuing, and Loading

The Project will meet the requirement for parking by using the parking reduction provisions of Section 59-6.2.3 for single-family residential uses, by providing two parking spaces per market rate unit and one space per MPDU. Areas 1, 2, and 4 will have additional parking areas for visitors.

iv. Division 6.3 Open Space and Recreation

The Project provides new publicly-accessible open spaces for both active and passive recreation throughout the site via a combination of the required Common Open Spaces and the potential dedication of approximately 49 acres to the Parks Department, and approximately nine acres to the Montgomery Village Foundation.

v. Division 6.4 General Landscaping and Outdoor Lighting

The project provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for residents and visitors. The Project will include streetscaping along many new and existing streets, with widened sidewalks, street trees, shared-use paths, and lighting.

As shown in the Development Standards table and findings above, the proposed Site Plan meets all the general requirements and development standards of Divisions 59-4.4 and 59-4.5 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 9, 2017. The Site Plan will

meet stormwater management requirements through the use of micro bioretention, enhancement, and drywells.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. Compliance with the Environmental Guidelines and Forest Conservation Plan are addressed in the Preliminary Plan.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to 99 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The project has attempted to balance all of the competing factors that constrain the site. The Applicant met with Planning Staff and the County Arborist to go over each variance tree impacted. Staff and the County Arborist requested, and the Applicant agreed to, changes in grading and layouts that resulted in the preservation of several trees originally proposed for removal. The Planning Board finds that granting the variance will not confer a special privilege to the Applicant.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The Planning Board concurs that the requested variance is based on the constraints of the site and the intensity of the use, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The Planning Board concurs that the requested variance is a result of the proposed site design and constraints on the Subject Property and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance trees removed will be mitigated with the planting of new canopy trees to replace the lost water quality benefit functions of the trees being removed. These trees will be planted in the stream buffer. The variance trees being preserved will continue to provide water quality benefits as before. Therefore, the Planning Board finds that the project will not violate State water quality standards or cause measurable degradation in water quality.

The removal of the 83 variance trees will result in the loss of 3013 caliper inches of mature trees. Planning Department policy requires replacement of variance trees at a rate of 1" replaced for every 4" removed to replace lost environmental functions performed by the trees removed. Based on this formula, the Applicant is required to plant 754 caliper inches of variance mitigation trees. Ordinarily, the requirement is for variance tree loss is to replant with trees of a minimum 3" caliper. In this case, however, the priority is to restore a forested stream buffer to protect water quality. Therefore, the Planning Board finds that 1.5 to 2-inch caliper trees may be planted, along with the requisite number of shrubs, following the requirements for planting in Forest Conservation Regulation 22A.00.01.08(E)(3)(c). When planting trees of this size, the stocking rate is 100 trees and 33 shrubs per acre. The replacement of 754 caliper-inches of variance trees, divided by 2" per tree yields 376.6 (377) trees. Planting at 100 trees per acre, results in an additional 3.77 acres of forest planting. This would include the planting of 125 shrubs. This additional afforestation will also take place within the approved forest planting areas in the stream buffer.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Subject Project provides adequate, safe, and efficient parking and circulation patterns. Access for bicyclists and pedestrians will be provided by many sidewalks and shared-use paths throughout the development to enhance the pedestrian environment and provide safe, well-integrated circulation for pedestrians. Vehicular access to each Area will be provided by both public and private streets, which meet minimum corresponding public standards. The vehicular circulation patterns and parking are safe and well-integrated.

The building massing of the townhouses and single family detached units are compatible with the existing community, and will not create an adverse effect on the neighboring community due to the lower grading, protections of viewshed, residential style of architecture design, maximum height of 45 feet, which is comparable to the existing community.

Open spaces and site amenities will be located throughout the site in all six Areas (residential developable parcels). The Project's open space areas and amenities are planned to be linked together by a series of trails/paths, and complement the design of the specific Area in which they are located. The Project meets the minimum requirements for Common Open Space in both the TLD Zone (20 percent minimum), and the CRZ Zone (10 percent minimum). All Common Open Spaces will be maintained by Home Owners Associations.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

As conditioned, the Planning Board finds the project is in substantial conformance with the recommendations of the Master Plan. The Master Plan identifies four specific areas as potential redevelopment sites, including the Subject Property (Montgomery Village's former Golf Course or "Monument Realty Site", as the Plan refers to it - see Figure 14 on page 55; the former golf course is property #1). The Master Plan provides both site-specific guidance for the Property and general guidance for all development.

The Master Plan supports residential redevelopment of the Property, and states that "repurposing this site for residential uses is compatible with the surrounding neighborhoods and is consistent with the overall character of the Village" (page 63). Redeveloping the Property with residential uses will, "address the demand for new housing, while providing the opportunity to

restore environmentally sensitive areas, enhance trail connections and provided publicly accessible open space.” The overall concept of the residential development is consistent with the Master Plan.

The Master Plan’s general vision is organized by four themes, as listed below, and specific recommendations for the Property are discussed within the context of each Master Plan theme:

- Preserve the Village’s Character
- Maintain the Village’s Public Recreation and Open Spaces
- Encourage Reinvestment in the Village
- Enhance the Village’s Connectivity

Preserve the Village’s Character:

The Master Plan provides general guidance to ensure that all new development is “compatible in scale and density to adjacent existing residential communities” (p.51). Specific to the Property, the Master Plan recommends the following:

- “Consider clustered, compact development patterns compatible with adjacent surrounding neighborhoods.” (p.64)
- “Consider view sheds from surrounding communities when locating new development clusters.” (p.64)
- “Provide adequate transitions between new and existing communities.” (p.64)

The project uses several ways to achieve compatibility with the surrounding residential neighborhoods and well-established Montgomery Village character. Strategies such as (1) planted buffers or retention of existing trees between new residential clusters and existing adjacent neighborhoods, (2) clustering new development to create view corridors for existing neighborhoods through new development, (3) locating new development in areas that are lower in elevation than adjacent existing neighborhoods, and (4) providing a mix of unit types (townhomes, duplexes, and single-family homes) and styles that will create a compatible residential context without replicating existing neighborhoods. The Applicant will also develop architectural guidelines to govern development within each of the clusters, in accordance with the architectural criteria established by the Montgomery Village Foundation.

Maintain the Village’s Public Recreation and Open Spaces

The Master Plan generally supports the “preservation of existing community space, to the maximum extent possible” (page 50). For the Property, the Master Plan recommends the following:

- “Protect the Cabin Branch Stream Valley on the former Golf Course site. The protection of this portion of the stream valley can be accomplished either by conservation easements or by adding it to the Montgomery County Parks system.” (p. 39)
- “Protect and reforest the large stream buffer area within the former golf course site.” (p.41)
- “This plan supports residential development for portions of the site that are developable; the remaining areas are recommended for open space, conservation, or dedication.” (p.63)
- Provide open space accessible to both new and existing communities, where feasible.” (p.64)

The project provides a substantial amount of open space that will be accessible to the public, with the proposed dedication and development of the MVF Park and the potential dedication of land area to the Parks Department. These open spaces will provide areas for both passive and active recreation, and will provide new amenities to both new and existing residents.

As recommended by the Master Plan, the Applicant plans to dedicate approximately 49 acres to the Parks Department after executing a Parks Facilities Agreement (PFA). The potential M-NCPPC park will provide publicly accessible and usable open space, and will incorporate walking trails connecting to the MVF Central Park provided by this project, to existing Montgomery Village pedestrian network, and to the County’s regional trail system. This project will also deliver the Master Plan recommended connection between the Great Seneca Stream Valley Park and the Cabin Branch Stream Valley Park. Further, the Forest Conservation requirements and the planned stream restoration will help accomplish the Master Plan’s environmental goals to reforest the stream buffer area, enhance water quality protection, and improve wildlife habitat.

The project’s MVF Park, which the Applicant will build and dedicate to the Montgomery Village Foundation, will be an important feature of the project and will be accessible from Montgomery Village Avenue. It will include amenities such as dog parks, picnic shelters, and playgrounds. In addition, the project will preserve several areas as additional open space and environmental buffers that will be owned by the homeowner’s associations created for the respective residential clusters.

Encourage Reinvestment in the Village

As an overarching goal for new development, the Master Plan recommends “low density, compatible development in buildable areas adjacent to existing residential clusters.” (p.50)

The project constitutes a substantial investment in a vacant property located at an important central location within the Montgomery Village community. The Applicant will develop a total of 494 residential units in a mix of unit types, including MPDU’s, that have been distributed throughout the property to complement existing surrounding development. The Applicant plans significant improvements to the environmental features on the Property, that would result in additional amenities accessible to the public.

Enhance the Village’s Connectivity

The Master Plan recommends the following for the redevelopment of the Property:

- “Where feasible, enhance connectivity between new development and existing communities.” (p.64)
- “Provide a trail connection between Great Seneca Stream Valley Park and Cabin Branch Park.” (p.64)

The project promotes pedestrian activity by designing most of the units to face the public realm, which will include wide, tree-lined sidewalks along streets. Trails will also be incorporated into the proposed stream valley park that will integrate the Property into the larger Montgomery Village trail system. Safe and efficient vehicular access will be provided via a network of streets connecting all development Areas of the project and the rest of the Montgomery Village community. A shared use path will provide a pedestrian and bicycle connection between Watkins Mill Road and Centerway Park (adjacent to Cabin Branch Park).

Between Montgomery Village Avenue and Goshen Road, existing Stewartown Road is designated as a two-lane minor arterial road with a recommended 70-foot-wide right-of-way. The Master Plan recommends that the existing sidewalk on the south side of this section of Stewartown Road be upgraded to a ten-foot-wide shared-use path as a continuation of the shared-use path along the extension of Stewartown Road between Watkins Mill Road and Montgomery Village Avenue. The Applicant did not propose any improvements to the existing sidewalk along Stewartown Road between Montgomery Village Avenue and the eastern end of Area 6. Instead, the project includes a shared-use path along the private road “H” in Area 6 to provide the master-planned east-west connection. The Planning Board decided to allow the Applicant flexibility in the final alignment of the east-west shared-use path, so it can be built along the private road in Area 6 or along Stewartown Road. If the shared

use path is built along Stewartown Road, it must be eight feet wide with a green panel (variable width) or other barrier, but it may be less than eight feet wide in environmentally or topographically constrained areas. To ensure that the master-planned east-west connection is built in a timely fashion, the Applicant must construct the path, either along the south side of Stewartown Road or along private road "H" in Area 6, prior to the issuance of the 300th residential building permit.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate.

Adequate Public Facilities (APF) Validity

The Planning Board approves an extended Adequate Public Facilities (APF) validity period of ten years for this project. The Board finds that the extended validity period is in the public interest because the project will provide needed single-family housing, including the provision of 68 MPDUs, land dedicated to MVF and developed with a park, and the potential park dedication of approximately 49 acres to the Parks Department. Further, the full buildout will benefit the larger community by providing new, improved housing stock, more residents to support upgraded area restaurants and retail establishments.

9. *The development is compatible with the character of the residential neighborhood.*

The Subject Property is compatible with the existing residential communities surrounding the Subject Property. The residential units have been placed in a way that similar building types are adjacent to one another in relation to the existing development. In addition to the natural grade changes, substantial landscaped buffers and view corridors help minimize the visual impact of the proposed development and ensure the Project's compatibility with the surrounding communities.

The natural areas and the proposed open spaces create a network of green spaces between the existing community and the proposed development. The

connection of the Cabin Branch Stream Park to Centerway Park will protect the waterways and be surrounded by publicly accessible amenities.

10. *The development is compatible with existing and approved or pending adjacent development.*

Area 1 is in the CRN Zone and surrounded by existing townhouse and condominium communities. It will be developed with townhouse units that will be compatible with and complement the pattern of the existing townhouses and condominiums in the area. Area 1 will also contain the MVF Park which will serve as a central feature for the entire project and the nearby existing neighborhoods.

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 § 59-7.3.4.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 26 2017 (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 Fani-González, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 21, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board