



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

MCPB No. 19-122  
Site Plan No. 82017013A  
**Bloom Montgomery Village**  
Date of Hearing: October 17, 2019

NOV 08 2019

**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 October 17, 2019, the Planning Board, by Resolution MCPB No. 17-111, approved Site Plan No. 820170130, for 494 dwelling units including 68 MPDUs on 147 acres of CRN-0.5, C-0.0, R-0.5, H-65 or TLD zoned-land, located at the intersection of Montgomery Village Avenue and Stewartown Road ("Subject Property"), in the 2016 *Montgomery Village Master Plan* area; and

WHEREAS, on August 13, 2019, USL2MR Montgomery Village Business Trust LLC, c/o Monument Realty ("Applicant") filed a minor amendment, to be approved by the Planning Director, to the previously approved site plan to make infrastructure and stormwater management modifications, identify the conservation easement areas to meet Phase 1 afforestation requirements, make minor architecture and landscape revisions, and increase the percentage of MPDUs provided to 25% on the Subject Property; and


WHEREAS, the application to amend the site plan was designated Site Plan No. 82017013A, Bloom Montgomery Village ("Site Plan," "Amendment," or "Application"); and

WHEREAS, Planning Board staff ("Staff") received community correspondence raising concerns about the number of MPDUs proposed for the property. Thus, Staff elevated the application to require Planning Board action; and

WHEREAS, following review and analysis of the Application by Staff and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 7<sup>th</sup>, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 17, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

Approved as to  
Legal Sufficiency

  
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WHEREAS, Commissioner Anderson moved to sever the item from the consent agenda due to community correspondence objecting to the Amendment; and

WHEREAS, at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application and approved the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017013A for infrastructure and stormwater management modifications, identification of conservation easement areas to meet Phase 1 afforestation requirements, minor architecture and landscape revisions, and increase in the percentage of MPDUs provided to 25%.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Bloom Montgomery Village Site Plan No. 82017013A, 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 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.*

a. *Satisfies any previous approval that applies to the site;*

The Site Plan Amendment conforms to all binding elements of the previously approved Preliminary Plan No. 120170150 and Site Plan No. 820170130.

d. *Satisfies applicable use standards, development standards, and general requirements under this Chapter;*

The Site Plan Amendment includes changes to the number of MPDUs, which also changes the amount of parking provided. The Planning Board approves an increase in MPDUs to 25%, as well as a decrease in parking

from 920 spaces to 863 spaces. Both of these changes continue to satisfy the Zoning Ordinance development standards and requirements.

*e. Satisfies the applicable requirements of:*

*i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

This Amendment includes minor stormwater management changes that do not affect the validity of the original concept approval. The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on October 9, 2017 for the original site plan. Stormwater treatment will continue to be accomplished using micro bioretention, drywells, green roof and structural practices.

*ii. Chapter 22A, Forest Conservation.*

This Application includes amendments to Final Forest Conservation Plan No. 82017013A, which established forest conservation mitigation requirements for the entire Bloom Montgomery Village development, including specific planting requirements associated with development of each of the six phases of the Site Plan. The Amendment makes minor adjustments to the planting areas, and specifically identifies the planting areas that will be used to meet the planting requirements for Areas IV and V of the development.

The total forest conservation mitigation requirements for the Bloom Montgomery Village development total 26.12 acres. Area IV is supposed to provide 19% of the total mitigation requirement, or 4.96 acres. Area V must provide 17% of the total mitigation requirement, or 4.44 acres. The total forest mitigation planting that must be provided for the two areas is 9.40 acres.

The Final Forest Conservation Plan approves the fulfillment of the forest conservation requirement for Areas IV and V by planting the following planting areas:

<u>Planting Area</u>	<u>Acres</u>
5A	0.19
5B	0.19
5C	0.98
5D	0.76

5E	2.33
5F	0.58
6A	4.68
6G	0.23
6H	0.62
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Total	10.56 Acres

This will leave a forest conservation mitigation requirement of 15.56 acres to be fulfilled by subsequent phases of the overall development as shown on the Final Forest Conservation Plan.

As shown in the list of planting areas, the required afforestation for Area IV and Area V development will occur in planting areas in Area V and Area VI. While Area VI is not being developed at this time, it was a priority of the Forest Conservation Plan to get the stream buffers afforested as early as possible in the development process in order to improve the water quality in the Cabin Branch stream. The planting areas in Area V are also in a stream buffer for a tributary of Cabin Branch. There were not similar high priority planting areas identified in Area IV.

The Site Plan Amendment must continue to comply with all prior requirements of the Final Forest Conservation Plan not modified by this Amendment. This includes meeting the minimum afforestation requirements for each Area as they come in for Site Plan approval. The minimum afforestation requirements for each Area, as specified in the Resolution for the original Site Plan approval (MCPB No. 17-111) are:

<u>Area</u>	<u>% of Total Afforestation Requirement</u>
Area I	22.5%
Area II	21.5%
Area III	10.0%
Area IV	19.0%
Area V	17.0%
Area VI	25.5%

The Site Plan Amendment complies with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines*.

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 NOV 08 2019 (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).

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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 Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 17, 2019, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board