Bloom Montgomery Village, Site Plan No. 82017013B

Description
Request to make minor revisions to the Montgomery Village Foundation Park; reallocation of units and MPDUs throughout the project; remove a duplex and replace with standard units; removal of units within dam breach limits; and provide Forest Conservation plan revisions, update of utilities, stormwater and grading.

Location: Intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village.
Size: 147 acres.
Zone: TLD and CRN, within the Montgomery Village Overlay Zone.
Applicant: USL2MR Montgomery Village Business Trust LLC, c/o Monument Realty.
Application acceptance date: August 13, 2019.
Review Basis: Chapter 59, Zoning Ordinance.

Summary
• Staff recommends approval with conditions.
• The proposed changes meet all development standards, and do not significantly modify the original findings of the approval.
• Staff has not received community correspondence regarding this amendment.
SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment No. 82017013B, Bloom Montgomery Village, subject to conditions listed below. All site development elements shown on the latest electronic version of the Site Plan Amendment No. 82017013B submitted via ePlans as of the date of this Staff Report are required. All previously approved plans (820170130, 82017013A), findings, and conditions of approvals remain in full force and effect, except as modified herein by the following conditions:

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 August 11, 2020, 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
   d. Prior to issuance of the building permit for the 150th residential unit, all amenities for the Montgomery Village Foundation Park must be completed except for the community garden. This including, but is not limited to, the dog park, tot lots, play area, and trail system.
   g. Prior to issuance of the 54th residential building permit in Area 2, the community garden in the Montgomery Village Foundation Park must be completed.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its amended letter dated September 29, 2017 June 17, 2020, 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.

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:
   g. Correct the Mitigation/Afforestation Table percentages to agree with the minimum required afforestation percentages in Planning Board Resolution No. MCPB 17-111.
   h. Make certain that the acreages stated agree with the minimum afforestation percentages.
   i. Change the last column to show total planting area provided in Amendment A and Amendment concurrently.
   j. Add a note to the FFCP explaining the division of Development Area 6 into two phases, A and B, and noting the percentage of the developable area represented by each phase. Since Development Area VI B is stated to be 27 percent of the total of Development Area VI, Development Area VI should be 63 percent of the total.
   k. Provide updated architecture elevations for Area 6 front load units elevations.
   l. Provide safe and adequate sight distance for the revised parcel E access point on sheet 25.
   m. Ensure all handicap ramps have receiving ramps and are aligned with them.
   n. Provide an updated lighting detail sheet.
18. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way in its letter dated August 11, 2020, 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.

SECTION 2: CONTEXT AND SITE DESCRIPTION

Vicinity

The Subject Property (outlined in red in Figure 1 below) is surrounded by a variety of residential uses, including a mix of single-family detached houses, townhouses and condominiums, in various residential zones. Several shopping centers and an elementary, middle, and high school are also located in the vicinity.

![Figure 1: Vicinity Map](image)

Existing Conditions

The Property is approximately 147 acres and consists of five non-contiguous parcels. The Property is irregularly shaped and located roughly in the center of Montgomery Village, straddling Montgomery...
Village Avenue and extending generally north toward Arrowhead Road and west to Watkins Mill Road. A PEPCO/Exelon transmission line stretches across the Property on both sides of Montgomery Village Avenue (Figure 2). A portion of the Property, 26.7 acres, is in the Commercial Residential Neighborhood, CRN-0.5, C-0.0, R-0.5, H-65 Zone and the remaining 120.3 acres are in the Townhouse Low Density (TLD) Zone.

The Property contains a portion of the Cabin Branch Stream and 70.38 acres of stream buffer, large expanses of floodplain, and steep slopes that come down to meet the stream valley. It currently contains an abandoned golf course with associated fairways, cart paths, and irrigation ponds. Although most of the former golf course improvements remain in place, certain structures associated with the prior use (e.g. the clubhouse and maintenance buildings) have been removed.

The changes proposed in this amendment are to all Areas, shown in Figure 2.

![Figure 2: Areas Subject to this Amendment](image)

**SECTION 3: PROJECT DESCRIPTION**

**Previous Approvals**

On November 16, 2017, the Planning Board concurrently approved Preliminary Plan No. 120170150 (Resolution MCPB 17-110) and Site Plan No. 820170130 (Resolution MCPB No. 17-111). The 147-acre site was approved for 494 lots (26 detached houses, 2 duplexes and 466 townhouses) as well as various stormwater management facilities, common open spaces, private roads and HOA parcels, and parcels
for dedication to the Montgomery Village Foundation and potential dedication to M-NCPPC Parks. Sixty-eight of the 494 units were approved as MPDUs.

On October 17, 2019, the Planning Board approved Site Plan No. 820170130A (Resolution MCPB No. 29-122) to make minor modifications to final locations of infrastructure and stormwater management facilities; increase the number of moderately priced dwelling units provided throughout the site plan area to 25 percent, including new MPDU locations in Area V; identify the conservation easement areas in Area VI to meet Phase 1 afforestation requirements; and make minor revisions to proposed landscape elements per updated architecture, permit review, and utility company requirements.

Proposal

The proposed Site Plan Amendment maintains the overall unit count of 464 units; however, the Amendment includes the following changes:

- **Area 1: Minor revisions to the Montgomery Village Foundation park**
  The proposed changes to the Montgomery Village Foundation (“MVF”) park are very minor and for the most part indiscernible. These changes are driven in large measure by the needed adjustments to the stormwater management plan and include a slight reconfiguration of the parking lot, relocation of some plantings and minor adjustments in the placement of light fixtures. In addition, the Applicant has been coordinating the park improvements with the MVF and the revisions reflect several detailed changes requested by the MVF.

- **Community Garden**
  The Applicant is requesting that the delivery of the community garden be postponed from the issuance of the 150th building permit to the issuance of the 180th permit. This will allow the completion of the garden to coincide with the phasing of the road construction and allow construction to commence in Areas 4 and 5 and the park in Area 1. The remaining components of the park including the dog park, tot lots, play area and trail system will be delivered by the issuance of the 150th building permit.

- **Area 1: Reallocation of units**
  The overall number of units in Area 1 is proposed to increase from 111 to 118 units with the number of MPDUs increasing from 28 to 36. Four (4) of the townhouse sticks are proposed to convert from 20-foot-wide units to 16-foot-wide units. Unit counts have been reduced elsewhere to keep the same net total number of units throughout the Project.

- **Areas 1 and 3: Reallocation of MPDUs to meet DHCA requirement**
  The prior amendment increases the MPDUs to 25 percent. Overall, the percentage of MPDUs in Areas 1, 3 and 6 are 30 percent, 23 percent and 15 percent. The MPDU allocations in each area have been approved by DHCA (see Figure 3).
- **Area 3: Remove duplex and replace with standard unit**
  The one duplex in Area 3 is proposed to be replaced with a single-family unit.

- **Areas 1, 3, & 6: Forest Conservation revisions, update of utilities, stormwater and grading**
  The application provides more detailed plans, minor changes to the utilities, stormwater and grading are proposed to provide for a more efficient design of the Project. Also, the Forest Conservation easement and planting area delineations proposes minor revisions to the forest conservation and easement and planting areas to ensure consistency.

- **Area 6: Removal of units within dam breach limits**
  The Department of Permitting Services required the Applicant that as a result of the limits of the dam breach located to the south of Area 6, several the dwelling units in this area would need to be relocated. Seven (7) units from Area 6 are proposed to be relocated to Area 1 and four (4) of the remaining units are proposed to shift to form a new stick containing four (4) townhouses.

- **Area 6: Addition of one unit and reconfiguration of plan**
The Applicant proposes a reconfiguration of the residential units and the addition of one unit. The configuration is influenced by stormwater management facilities. The trail connection to the park is enhanced with new seating overlooking the future stream valley park (see Figure 4).

Figure 4: Area 6 Proposed Redline Redesign

- **Stormwater Management Approval**
  This application proposes changes to the placement and treatment of stormwater facilities. The Montgomery County Department of Permitting Services, Stormwater Management division issued their approval letter on October 9, 2017, and none of the stormwater changes proposed affect the validity of that concept approval.
SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has not received correspondence on the proposed development.

SECTION 5: SITE PLAN ANALYSIS AND FINDINGS

The proposed Site Plan Amendment slightly alters the findings of the previous approval as follows:

   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 120170150, Site Plan 820170130 and 82017013A.

   d. *Satisfies applicable use standards, development standards, and general requirements under this Chapter*;
      The Site Plan Amendment includes reconfiguration of number of units to the entire project. These changes are shown in the tables below:
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td>Size</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Units</td>
<td>n/a</td>
<td>n/a</td>
<td>111</td>
<td>n/a</td>
<td>111</td>
</tr>
<tr>
<td>MPDUs</td>
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<td>n/a</td>
<td>14</td>
<td>n/a</td>
<td>14</td>
</tr>
<tr>
<td>Common open space (min)</td>
<td>n/a</td>
<td>n/a</td>
<td>10%</td>
<td>n/a</td>
<td>&gt;10%</td>
</tr>
<tr>
<td>Lot and Density</td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td>Lot area (min)</td>
<td>1000 sf</td>
<td>500 sf</td>
<td>800 sf</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Lot width (at front bldg line, min)</td>
<td>25'</td>
<td>12.5'</td>
<td>12'</td>
<td>n/a</td>
<td>12'</td>
</tr>
<tr>
<td>Lot width (at front lot line, min)</td>
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<td>10'</td>
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<td>n/a</td>
<td>10'</td>
</tr>
<tr>
<td>Lot Coverage (max)</td>
<td>90%</td>
<td>90%</td>
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<td>n/a</td>
<td>&gt;10%</td>
</tr>
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<td>Density Max</td>
<td>0.5 FAR</td>
<td>0.23 FAR</td>
<td>0.23 FAR</td>
<td>0.23 FAR</td>
<td>0.23 FAR</td>
</tr>
<tr>
<td>Placement</td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td>Front (min)</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Side street (min)</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Side abutting res zones (min)</td>
<td>6'</td>
<td>6'</td>
<td>4'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>Side end unit (min)</td>
<td>n/a</td>
<td>n/a</td>
<td>2'</td>
<td>4'</td>
<td>4'</td>
</tr>
<tr>
<td>Rear (min)</td>
<td>15'</td>
<td>15'</td>
<td>10'</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>Rear alley (min)</td>
<td>n/a</td>
<td>n/a</td>
<td>5'</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Front setback (max)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Building in front street BTA(min)</td>
<td>n/a</td>
<td>n/a</td>
<td>70%</td>
<td>n/a</td>
<td>70%</td>
</tr>
<tr>
<td>Height</td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td></td>
<td>65'</td>
<td>45'</td>
<td>45'</td>
<td>45'</td>
<td>45'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TLD ZONE (Areas II-VI) Optional Method</th>
<th>Development Standard</th>
<th>Permitted/Required</th>
<th>Previously Approved 820170130</th>
<th>Proposed 82017013A</th>
<th>Proposed 82017013B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td>Density (units/acre of usable area)</td>
<td>9.76</td>
<td>3.21</td>
<td>3.21</td>
<td>3.21</td>
<td>3.21</td>
</tr>
<tr>
<td>Units</td>
<td>26</td>
<td>2</td>
<td>355</td>
<td>26</td>
<td>2</td>
</tr>
<tr>
<td>MPDUs</td>
<td>54</td>
<td>89</td>
<td>89</td>
<td>89</td>
<td>89</td>
</tr>
<tr>
<td>Open Space (min)</td>
<td>20%</td>
<td>&gt;20%</td>
<td>&gt;20%</td>
<td>&gt;20%</td>
<td>&gt;20%</td>
</tr>
<tr>
<td>Site Coverage (max)</td>
<td>n/a</td>
<td>n/a</td>
<td>40%</td>
<td>n/a</td>
<td>&gt;40%</td>
</tr>
<tr>
<td>Lot and Density</td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td>Lot area (min)</td>
<td>3000 sf</td>
<td>1500 sf</td>
<td>800 sf</td>
<td>3000 sf</td>
<td>1700 sf</td>
</tr>
<tr>
<td>Lot width (at front bldg line, min)</td>
<td>Determined at site plan</td>
<td>40'</td>
<td>22'</td>
<td>16'</td>
<td>40'</td>
</tr>
<tr>
<td>Lot width (at front lot line, min)</td>
<td>15'</td>
<td>15'</td>
<td>14'</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>Placement</td>
<td>Detached House</td>
<td>Duplex</td>
<td>Townhouse</td>
<td>Detached House</td>
<td>Duplex</td>
</tr>
<tr>
<td>Front from public street (min)</td>
<td>10'</td>
<td>n/a</td>
<td>15'</td>
<td>n/a</td>
<td>15'</td>
</tr>
<tr>
<td>Front from private street (min)</td>
<td>4'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Side street (min)</td>
<td>10'</td>
<td>10'</td>
<td>5'</td>
<td>n/a</td>
<td>5'</td>
</tr>
<tr>
<td>Side or rear (min)</td>
<td>Determined at site plan</td>
<td>4'</td>
<td>n/a</td>
<td>n/a</td>
<td>4'</td>
</tr>
<tr>
<td>Side or rear abutting property not included in application (min)</td>
<td>Equal to detached building type setback</td>
<td>40' side / 20' rear</td>
<td>40' side / 20' rear</td>
<td>40' side / 20' rear</td>
<td>40' side / 20' rear</td>
</tr>
<tr>
<td>Rear alley (min)</td>
<td>4'</td>
<td>n/a</td>
<td>15'</td>
<td>n/a</td>
<td>15'</td>
</tr>
<tr>
<td>Height</td>
<td>40'</td>
<td>n/a</td>
<td>35'</td>
<td>40'</td>
<td>40'</td>
</tr>
</tbody>
</table>
e. satisfies the applicable requirements of Chapter 22A:

This application includes amendments to FFCP 820170130, which established forest conservation mitigation requirements for the entire Bloom MV development, including specific planting requirements associated with development of each of the six phases of the Site Plan, and Amendment 82017013A, which makes minor adjustments to the planting areas, and specifically identifies the planting areas that will be used to meet the planting requirements for Areas 4 and 5 of the development. This application, FFCP 82017013B, makes additional adjustments to planting areas, and identifies the planting areas to satisfy the forest conservation mitigation requirements for development of Area 1, Area 3, and a portion of Area 6.

The total forest conservation mitigation requirements for the Bloom MV development total 26.12 acres. Development Area 1 is supposed to provide 22.5% of the total mitigation requirement, or 5.88 acres. Development Area 3 must provide 10% of the total mitigation requirement, or 2.61 acres. Development Area 6 is supposed to provide 25.5% of the total mitigation requirement, or 6.66 acres. The Applicant has divided Development Area 6 into two phases: Area 6B is to be developed under this Site Plan Amendment and constitutes 27% of the developable area in Development Area 6. Therefore, the portion of the mitigation requirement that must be provided in this development application is 27% of 6.66 acres, or 1.80 acres. The total forest mitigation planting that must be provided for the three areas is 10.29 acres.

FFCP amendment 82017013B proposes to fulfill the forest conservation requirement for Areas 1, 3, and 6B by planting the following planting areas:

<table>
<thead>
<tr>
<th>Planting Area</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1B</td>
<td>1.367</td>
</tr>
<tr>
<td>1C</td>
<td>0.899</td>
</tr>
<tr>
<td>2B</td>
<td>0.793</td>
</tr>
<tr>
<td>6B</td>
<td>4.491</td>
</tr>
<tr>
<td>6C</td>
<td>1.718</td>
</tr>
<tr>
<td>6D</td>
<td>0.216</td>
</tr>
<tr>
<td>6E</td>
<td>0.449</td>
</tr>
<tr>
<td>6F</td>
<td>0.904</td>
</tr>
<tr>
<td>6J</td>
<td>0.269</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11.11 Acres</strong></td>
</tr>
</tbody>
</table>

The planting requirements for Site Plan Amendment 82017013A previously provided 10.521 acres of the total mitigation requirement of 26.12 acres. With the 11.11 acres of afforestation provided by this Amendment, the Applicant will have provided a total of 21.631 acres of the total requirement of 26.12 acres. This will leave a forest conservation mitigation requirement of 4.489 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 Development Areas 1, 3, and 6 development will occur in Planting Areas 1, 2, and 6. While Area 2 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.
There are some technical corrections that will be made prior to Certified Site Plan to ensure consistency of the mitigation and planting requirements in tables in the Site Plan Amendment. Additional notes will be added to the plan to make certain this information is clearly depicted. These corrections are included in the conditions of approval.

The Site Plan Amendment must continue to comply with all prior requirements of FFCP 820170130 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:

<table>
<thead>
<tr>
<th>Area</th>
<th>% of Total Afforestation Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>22.5%</td>
</tr>
<tr>
<td>Area 2</td>
<td>21.5%</td>
</tr>
<tr>
<td>Area 3</td>
<td>10.0%</td>
</tr>
<tr>
<td>Area 4</td>
<td>19.0%</td>
</tr>
<tr>
<td>Area 5</td>
<td>17.0%</td>
</tr>
<tr>
<td>Area 6</td>
<td>25.5%</td>
</tr>
</tbody>
</table>

While the total of the above minimum afforestation requirement percentages exceeds 100 percent, once the total requirement of 26.12 acres is reached, the mitigation requirement will be fulfilled, and no additional mitigation will be required.

**Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

**Variance Request** - The Applicant submitted a variance request in a letter dated June 19, 2020, amending the original variance request approved with Preliminary Plan 120170150. The Applicant proposes to increase the previously approved Critical Root Zone impacts to three (3) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.
Trees to be removed:

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>Species</th>
<th>DBH Inches</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>979</td>
<td>White oak (Quercus alba)</td>
<td>33”</td>
<td>To be saved. CRZ impact increasing from 6.94% to 10.08%.</td>
</tr>
<tr>
<td>980</td>
<td>White oak (Quercus alba)</td>
<td>33”</td>
<td>To be saved. CRZ impact increasing from 17.82% to 21.33%.</td>
</tr>
<tr>
<td>981</td>
<td>White oak (Quercus alba)</td>
<td>33”</td>
<td>To be saved. CRZ impact increasing from 22.44% to 27.38%.</td>
</tr>
</tbody>
</table>

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, site conditions were discovered that require minor grading changes to accommodate the proposed development and infrastructure. The additional CRZ impacts are minor and should not affect the ability to save the trees. Denying the variance would require significant changes to the site layout, even though no additional trees are being removed. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. **Will not confer on the applicant a special privilege that would be denied to other applicants.**

   Granting the variance will not confer a special privilege on the Applicant as the disturbance of the three trees is due to the location of the trees and necessary grading changes. The Applicant proposes to continue to save the trees. Therefore, granting of this variance is not a special privilege that would be denied to other applicants.

2. **Is not based on conditions or circumstances which are the result of the actions by the applicant.**

   The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The three trees being disturbed will be retained and will continue to provide water quality benefits as before. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

No mitigation is required for trees that are impacted but retained.

**County Arborist’s Recommendation on the Variance** - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on July 1, 2020. A response has not been received.

**Variance Recommendation** - Staff recommends approval of the variance request.

Therefore, the Site Plan Amendment continues to be in compliance with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines*.

**All Other Findings**
All other findings remain in full force and effect.

**CONCLUSION**

Site Plan Amendment No. 82017013B will not alter the overall character, or significantly impact the development with respect to the original findings of approval under Site Plan 820170130 and 82017013A, and all other findings remain in full force and effect. The proposed project remains compatible with the existing and proposed development adjacent to the site and with respect to the surrounding neighborhood, in terms of efficiency, adequacy, safety, structures, uses, vehicular and pedestrian circulation, open space, landscaping and lighting. The proposed amendment remains in conformance with environmental regulations, the development standards of the zone and Master Plan. Therefore, Staff recommends approval with the modifications stated within this Staff Report.

**ATTACHMENTS:**
1. Approval letters
2. Site Plan
June 30, 2020

Casey Anderson, Chair
Montgomery County Planning Board Members
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Anderson and Members of the Planning Board,

On behalf of the Montgomery Village Foundation and its elected Board of Directors, I am writing to share with you our support of the Limited Major Site Plan Amendment to the Bloom Montgomery Village Site Plan, number 82017013B.

We received and have reviewed the notification regarding the Limited Major Site Plan Amendment, and we have no concerns. Specifically, we are pleased with the updates being made to the MVF park and are comfortable with the community gardens being built by the issuance of the 180th building permit rather than the 150th as previously stipulated.

We greatly appreciate Monument Realty’s collaborative approach to developing and amending the site plan. We believe this development will enhance our community in many ways, and we are looking forward to their continued partnership throughout the development process. Should you have any questions or need any additional information, please don’t hesitate to reach out to me at 240-243-2322 or dhumpton@mvf.org.

Sincerely,

David B. Humpton
Executive Vice President
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, MD 20886

cc: Montgomery Village Foundation Board of Directors
F. Russell Hines, President, Monument Realty
Pam Frentzel-Beyme, Vice President, Monument Realty
82017013B Bloom MV
Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:


The followings need to be addressed prior to the certification of site plan:

1. Provide safe and adequate sight distance for the revised parcel E access point on sheet 25.
2. Ensure all handicap ramps have receiving ramps and are aligned with them.
3. This site plan amendment is subject to comments (if any) from ROW permit review that is done concurrently.
DATE:  29-Sep-17
TO:    Jeff Amateau
       VIKI, Inc
FROM:  Marie LaBaw
RE:    Bloom Montgomery Village
       120170150 820170130

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 29-Sep-17. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** See statement of performance based design ***
BLOOM MV AREAS I-VI
SITE PLAN AMENDMENT NO. 82017013B

GENERAL NOTES:

1. All Site Plan Amendment Plans are subject to final Optional Review prior to Plan Approval by the Planning Commission. The Planning Commission is a governing body and is responsible for the final decision on the site plan.

2. The site plan is subject to final approval by the Planning Commission and the City of Washington, D.C.

3. The site plan is subject to final approval by the Planning Commission and the City of Washington, D.C.

4. The site plan is subject to final approval by the Planning Commission and the City of Washington, D.C.

5. The site plan is subject to final approval by the Planning Commission and the City of Washington, D.C.

USEABLE AREA CALCULATIONS:

ENVIRONMENTAL BURDENS PER AREA

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TOTAL USEABLE AREA: 1,662,377 SF

AREA AMENDMENTS

1. AREA I: REALLOCATION OF UNITS WITHIN TOWNHOUSE

2. AREA I: UPDATE MVF PARK PER FOUNDATION

3. AREA I-VI

4. AREA I-VI

5. AREA I-VI

6. AREA I-VI

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