




MCPB
Item No.:
Date: 6/17/21

Bloom MV, Site Plan Amendment No. 82017013C

 Emily Tettelbaum, Planner Coordinator, Mid-County Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569
 Matthew Folden, Supervisor, Mid-County Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539
 Carrie Sanders, Chief, Mid-County Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

Description

Request to adjust the percentage of MPDUs within Areas I and II to provide 12.5% MPDUs in Area I and 25% MPDUs in Areas II-VI.

Location: Intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village.

Size: 61.31 acres (amendment area).

Zone: TLD and CRN, within the Montgomery Village Overlay Zone.

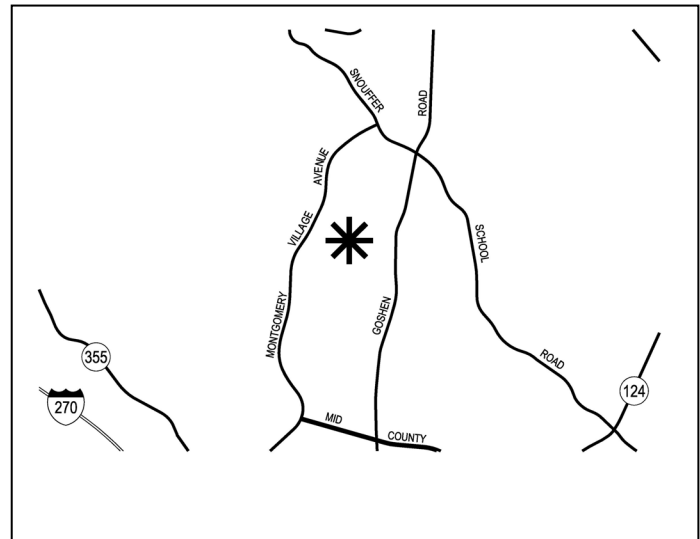
Master Plan: 2016 *Montgomery Village Master Plan*.

Applicant: Green Bloom MV Development, LLC.

Accepted: April 1, 2021.

Review Basis: Chapter 59, Zoning Ordinance.

Staff Report Date: 6/2/21



Summary

- Staff recommends approval with conditions.
- The Project was previously approved with 25% MPDUs to allow an exemption from impact taxes.
- In connection with the 2020-2024 Growth and Infrastructure Policy, the County Council amended the development impact law (County Code Sections 52-41(g)(6) and 52-54(d)(6)) to exempt properties within Opportunity Zones from impact taxes.
- The Project's Area I is located within an Opportunity Zone and the Applicant proposes to reduce the MPDUs to 12.5% within that area.
- The Applicant proposes an increase in MPDUs in Area II so that Areas II-VI will continue to provide 25% MPDUs. The overall Project (Areas I-VI) will provide 22% MPDUs.
- The proposed changes meet all development standards and do not significantly modify the original findings of the approval.
- Staff has received community correspondence related to traffic, safety, and the location of two proposed houses near the proposed park in Area VI. This correspondence does not directly relate to the changes proposed in this amendment.

SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment No. 82017013C, Bloom MV, to adjust the percentage of MPDUs within Areas I and II to provide 12.5% MPDUs in Area I and retain 25% MPDUs in Areas II-VI. All site development elements shown on the latest electronic version of the Site Plan Amendment No. 82017013C submitted via ePlans as of the date of this Staff Report are required. Staff recommends adding condition No. 19 below. All previously approved conditions of approval remain in full force and effect.

19. Certified Site Plan Amendment 82017013C

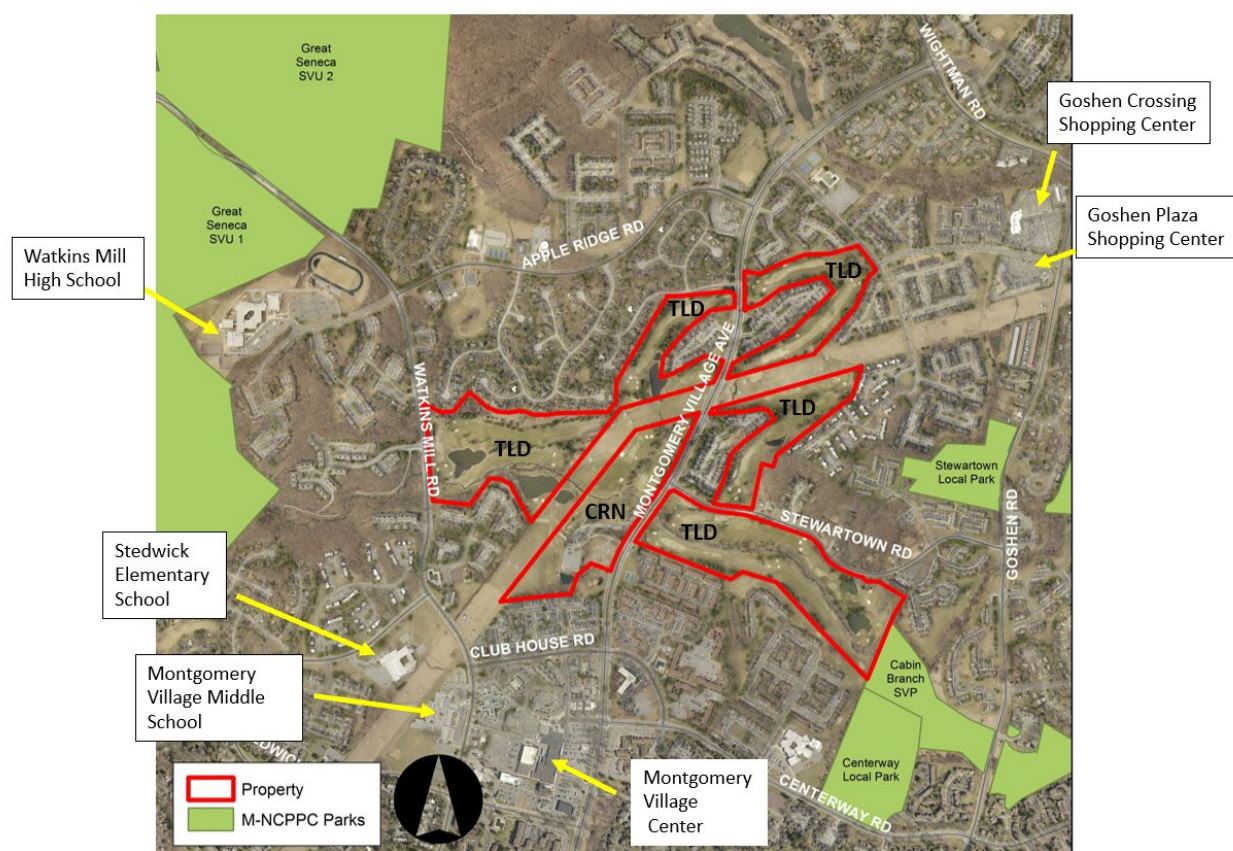
Before approval of Certified Site Plan Amendment No. 82017013C:

- a. The parking count on Sheet SP-01 must be consistent with the parking count shown in the Planning Board Resolution, and an amendment triangle must be added to show that parking calculations have changed.
- b. The MPDU Phasing and Placement table on Sheet No. MPDU-100 must be modified to indicate that 25% MPDUs will be provided in Areas II-VI and 22% MPDUs will be provided for the entire project (Areas I-VI).
- c. Show the limits of the site plan amendment on Sheet No. SP-01.

SECTION 2: VICINITY 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 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.



Existing Conditions

The Subject Amendment addresses a 61.31-acre portion of the 147-acre Property covered by the original Site Plan (no. 820170130). The Property is the former Montgomery Village Golf Course and is 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. 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.

A portion of the Property, 26.7 acres, is in the Commercial Residential Neighborhood Zone, CRN-0.5, C-0.0, R-0.5, H-65, and the remaining 120.3 acres are in the Townhouse Low Density (TLD) Zone. Site Plan Areas IV and V have been subdivided per Approved Preliminary Plan 120170150, and construction has commenced in Area IV (Figure 2).

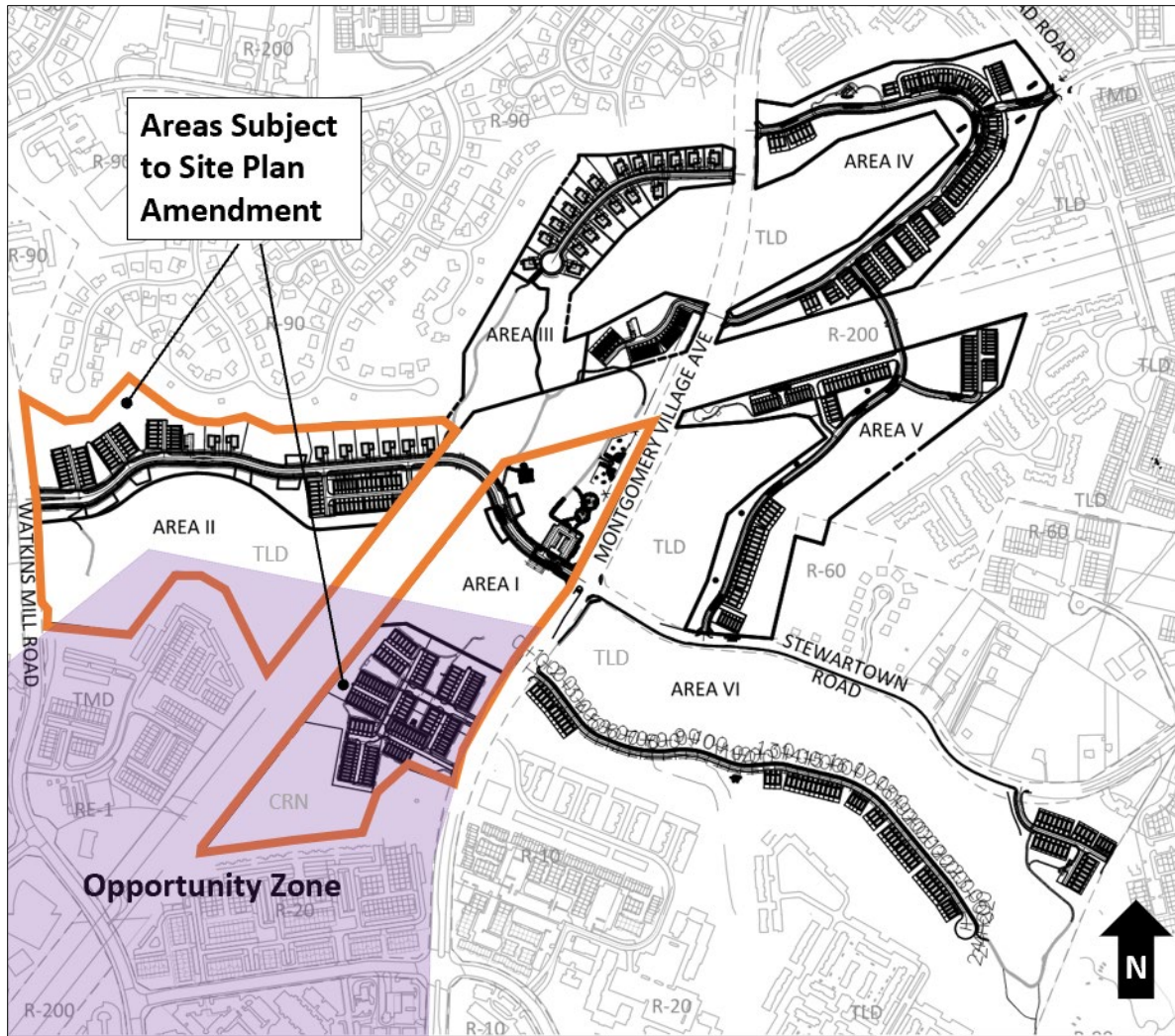


Figure 2: Portion of the Site Plan Subject to this Amendment (Areas I and II)

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. 82017013A (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 I afforestation requirements; and make minor revisions to proposed landscape elements per updated architecture, permit review, and utility company requirements.

On October 1, 2020, the Planning Board approved Site Plan No. 82017013B (Resolution MCPB NO. 20-091) to make minor revisions to the Montgomery Village Foundation Park; reallocate units and MPDUs throughout the project; remove a duplex and replace with standard units; remove units within dam breach limits; provide Forest Conservation plan revisions; and update utilities, stormwater and grading on the Subject Property.

Proposal

The changes proposed in the Amendment are limited to the adjustment of MPDUs in Areas I and II and corresponding updates to parking calculations. As currently approved, 25% MPDUs are provided across the entire Project, exempting the Project from impact tax payments. With this Amendment, the Applicant proposes to provide 12.5% MPDUs in Area I and 25% MPDUs in Areas II-VI while retaining the same overall dwelling unit count of 494 units. The Amendment represents a net loss of 16 MPDUs when compared to the previous amendments, proposing a total of 109 MPDUs across Areas I-VI, but continues to exceed the minimum number of MPDUs required by law. Proposed MPDU locations in Areas I and II are shown in Figure 3.

The proposed changes are prompted by the adoption of the 2020-2024 Growth and Infrastructure Policy and associated legislation (County Code Sections 52-41(g)(6) and 52-54(d)(6)), which exempt development located within a Qualified Opportunity Zone from impact tax payments. A portion of the proposed development, Area I, is within an Opportunity Zone and the Applicant proposes to replace 21 MPDUs with market-rate units. Area I will provide a total of 118 dwelling units, of which 15 units, or 12.5%, will be MPDUs.

The balance of the Project, Areas II-VI, is located outside of the Opportunity Zone and the Applicant will continue to provide an average of 25% MPDUs in those areas. To account for the MPDU changes in Area I, the Subject Application proposes to replace five market-rate units with MPDUs in Area II. Area II will provide a total of 84 units of which 28, or 33.3%, will be MPDUs. Development Areas II through VI will provide a total of 376 units of which 94 units, or 25%, will be MPDUs (Table 1).

Table 1: MPDU Summary

Area	Zoning	Zoning Method	Percent of MPDU's	Number of MPDU's	Number of Market Rate Units	Total Number of Units
Total Area: I	CRN-0.5	Standard	12.7%	15	103	118
II	TLD	Optional	33.3%	28	56	84
III	TLD	Optional	23.3%	10	33	43
IV	TLD	Optional	13.8%	13	81	94
V	TLD	Optional	38.6%	32	51	83
VI	TLD	Optional	15.3%	11	61	72
Total Area: II-VI			25%	94	282	376
Total All Areas:			22%	109	385	494

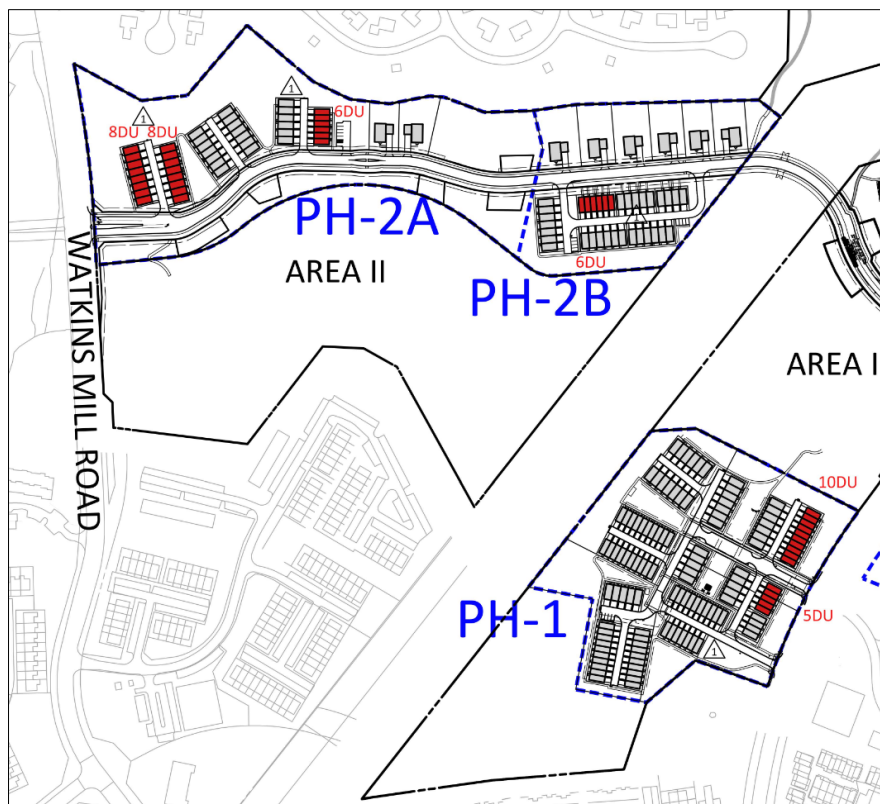
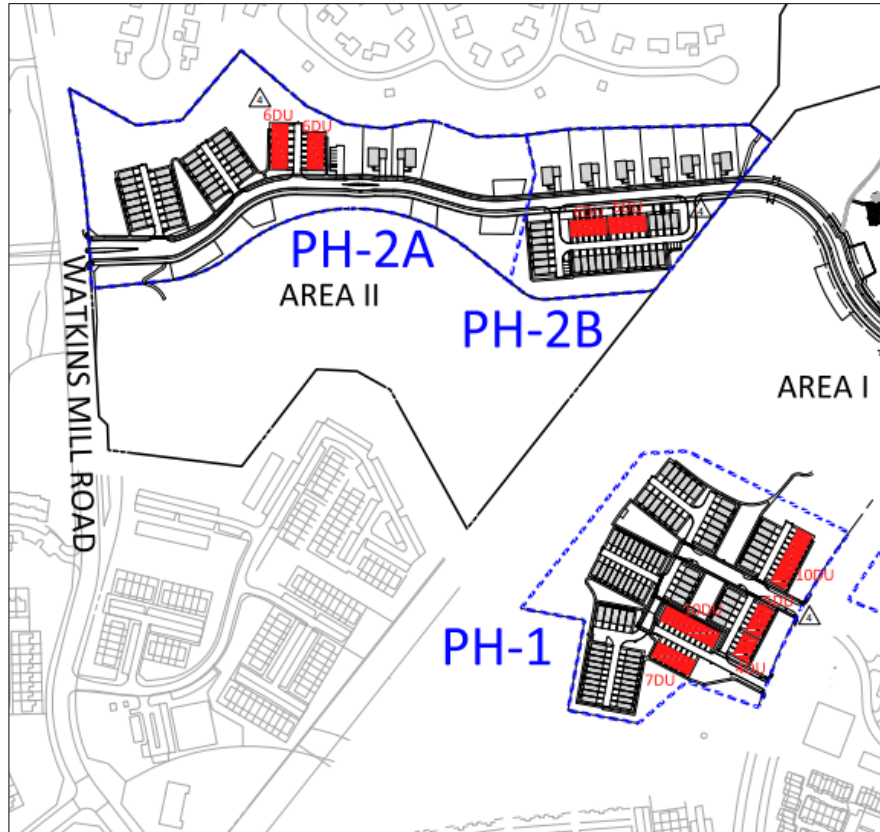


Figure 3: MPDU locations in Areas I and II (figure above previously approved, figure below proposed with this Amendment)

SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage and noticing requirements for the submitted Application. Staff received two emails from neighbors with concerns about an increase in MPDUs, traffic, safety, and the location of two proposed houses near the proposed park in Area VI. As previously discussed, this Amendment will result in a net loss of 16 MPDUs. All other issues raised by the neighbors concern plan elements that have been reviewed and approved by the Planning Board and are outside the scope of this Amendment. All sight distance, traffic studies, and road standards have already been satisfied and approved.

SECTION 5: SITE PLAN ANALYSIS AND FINDINGS

All previous findings remain in full force and effect except as modified below:

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

The Site Plan Amendment modifies the number of MPDUs in Areas I and II and adjusts the parking calculations to account for the replacement of 16 MPDUs with market rate units. MPDU townhouses require one parking space per unit and market-rate townhouses require two per unit, so the Amendment increases the total number of parking spaces from 863 to 879. The development standards table (Table 2) includes the changes proposed by this Amendment.

SECTION 6: CONCLUSION

Site Plan Amendment No. 82017013C will not alter the overall character, or significantly impact the development with respect to the original findings of approval under Site Plan 820170130 as amended. 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 the *Montgomery Village Master Plan*. Therefore, Staff recommends approval of Site Plan Amendment No. 82017013C.

ATTACHMENTS

- A. Previous Approvals
- B. Correspondence

Table 2: Development Standards

	Zoning Ordinance Development Standards			Overall Site Plan			
Development Standards:	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Total</i>
TLD Zone (Areas II-VI) Optional Method							
Density (units per acre)	9.76			3.15			
Units	1163			27	0	349	
MPDUs min.	>12.5%			25.0%			94
Units, Total:				27	0	349	376
Lot area min.	3,000 SF	1,500 SF	800 SF	3,000 SF	1,700 SF	1,000 SF	
Lot width (at front building line) min.	Determined at site plan			40'	22'	16'	
Lot width (at front lot line) min.	15'	15'	14'	15'	15'	16'	
Lot coverage max.	60%	60%	n/a	60%	60%	90%	
CRN 0.5 Zone (Area I) Standard Method							
Units				n/a	n/a	118	
MPDUs min.	12.50%			12.5%			15
Units, Total:				n/a	n/a	118	118
Density (FAR) max.	C-0.0, R-0.5 FAR			0.23			
Lot area min.	1,000 SF	500 SF	800 SF	1,000 SF	500 SF	800 SF	
Lot width (at front building line) min.	25'	12.5'	12'	25'	12.5'	12'	
Lot width (at front lot line) min.	10'	10'	n/a	10'	10'	10'	
Lot coverage max.	90%	90%	n/a	90%	90%	n/a	
Total Units Approved:				27	0	467	494
Building Height:	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	
TLD Zone max.	40'			35'	40'	40'	
CRN 0.5 Zone max.	65'			45'			
Building Setbacks (FT):	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	
TLD Zone - Optional Method							
Front from public street min.	10'			15'			
Front from private street min.	4'			4'			
Side street min.	10'	10'	5'	n/a	10'	5'	
Side or rear min.	Determined at site plan			4'	4'	4'	
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'			15'			
CRN 0.5 Zone - Standard Method							
Front min.	5'			5'			
Side street min.	5'			5'			
Side abutting residential zones min.	6'	6'	4'	10'			
Side end unit min.	n/a	n/a	2'	4'			
Side between lot and site boundary min.	n/a	n/a	4'	4'			
Rear min.	15'	15'	10'	15'			
Rear alley min.	4'			15'			
Rear between lot and site boundary min.	n/a	n/a	5'	n/a			
Build-to Area (max setback & min % of building façade):	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	
CRN 0.5 Zone							
Front setback	n/a	n/a	15'	n/a	n/a	15'	
Building in front street BTA	n/a	n/a	70%	n/a	n/a	70%	
Parking:	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Detached House</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Total</i>
TLD & CRN 0.5 Zone	Baseline Min. 2.00 per unit			54	0	716	770
MPDU	0.5 times baseline / 1.00 per unit					109	109
Total:				54	0	825	879
Open Space:							
TLD Zone min.	20% / 950,315 sf			46.50%	or	2,207,370 sf	
TLD Zone Site Coverage (townhouse only) max.	n/a	n/a	40%	23.05%	or	1,200,000 sf	
CRN 0.5 Zone, as common open space min. (%)	n/a	n/a	10%	n/a		45%	
CRN 0.5 Zone, as common open space min. (sf)	n/a	n/a	116,003 sf	n/a	n/a	527,647 sf	

ATTACHMENT A



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

MCPB No. 17-110
Preliminary Plan No. 120170150
Bloom Montgomery Village
Date of Hearing: November 16, 2017

DEC 26 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on December 29, 2016, USL2 MR Montgomery Village Business Trust ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 494 lots (26 detached houses, 2 duplexes and 466 townhouses) and various stormwater management, common open space, private road and HOA parcels, and parcels for dedication to the Montgomery Village Foundation and potential dedication to M-NCPPC Parks, on 147 acres of land in the Montgomery Village Overlay Zone and the CRN- 0.5 C-0.0 R-0.5 H 65 or TLD zone, located at the intersection of Montgomery Village Avenue and Stewartown Road ("Subject Property"), within the Montgomery Village Master Plan ("Master Plan") area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120170150, Bloom Montgomery Village ("Preliminary Plan" or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on December 29, 2016 and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to
Legal Sufficiency:

Christina Jones 12/20/17

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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 on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170150 to create 494 lots (26 detached houses, 2 duplexes and 466 townhouses) and various stormwater management, common open space, private road and HOA parcels, and parcels for dedication to the Montgomery Village Foundation and potential dedication to M-NCPPC Parks on the Subject Property, subject to the following conditions:¹

1. SUBDIVISION

This Preliminary Plan is limited to 494 lots for 26 detached houses, two duplexes, and 466 townhouses with a minimum of 68 moderately priced dwelling units, two parcels for proposed dedication to the Montgomery Village Foundation, three parcels for potential dedication to M-NCPPC Parks, and associated stormwater management, common open space, private roads, and homeowners association (HOA) parcels.

2. PRELIMINARY FOREST CONSERVATION PLAN

- a. Prior to certified Preliminary Plan, the Preliminary Forest Conservation Plan must be amended to:
 - i. Show the Modified Category I Conservation Easement, defined under Condition 2.b., over all areas within the potential park dedication area that lie within approved environmental buffer areas, excluding existing permanent easements for utilities and any remaining ponds;
 - 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

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.

of the trail system must be shown on the Preliminary 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 area 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. Prior to record plat approval, the Applicant must record a Modified Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Preliminary Forest Conservation Plan. The Modified Category I Conservation Easement will allow restoration work to be completed and trails constructed per the conditions of approval and a Parks Facility Agreement and must be approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.

3. OTHER AGENCIES

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated September 26, 2017, and October 6, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. Except for condition nos. 8c, 9b and 9c in the September 26, 2017 letter, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- b. Prior to record plat approval, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- c. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its stormwater management concept letter dated October 9, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- d. Prior to record plat approval:
 - i. The Applicant must receive approval of the floodplain delineation study from MCDPS.
 - ii. The Applicant must receive an approved Conditional Letter of Map Revision (CLOMR) from FEMA that has been verified by the MCDPS floodplain coordinator.
- e. 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 Preliminary Plan approval.

4. PUBLIC ROAD DEDICATION/IMPROVEMENTS

- a. The Applicant must dedicate and show on the record plat(s) the following dedications, as shown on the certified Preliminary Plan:
 - i. A fifty-six (56) to sixty-four (64)-foot-wide right-of-way for the extension of Stewartown Road, between Montgomery Village Avenue and Watkins Mill Road.
 - ii. Ten (10) additional feet for a total of fifty (50) feet from the existing pavement centerline along the Subject Property's Watkins Mill Road frontage beginning approximately 250 feet south of the intersection of Watkins Mill Road and Stewartown Road for the future construction of a northbound right turn lane.
 - iii. Ten (10) additional feet for a total of Sixty (60) feet from the existing pavement centerline along the Subject Property's Montgomery Village Avenue frontage for the future construction of a separate

right turn lane onto Stewartown Road from southbound Montgomery Village Avenue.

- iv. Ten (10) additional feet for a total of Sixty (60) feet from the existing pavement centerline along the Subject Property's Montgomery Village Avenue frontage for the future construction of a separate right turn lane onto Stewartown Road from northbound Montgomery Village Avenue.
 - v. If needed, the amount necessary to construct the master-planned shared-use path with a green panel, or other barrier, along the Subject Property's frontage on the south side of Stewartown Road, between Montgomery Village Avenue and Private Road "J" in Area 6.
- b. The Applicant must construct Stewartown Road between Watkins Mill Road and Montgomery Village Avenue in no more than three sections as follows:
- i. Prior to completion of the Montgomery Village Foundation (MVF) Park, the Applicant must construct the eastern most section of the road, providing access to the MVF park;
 - ii. Prior to the final building inspection for any residential unit in the western portion of Area 2, the Applicant must construct the section of Stewartown Road extending from Watkins Mill Road to the eastern boundary of Lot 44; and
 - iii. Prior to the final building inspection for any residential unit east of Lot 44, the Applicant must construct the remaining portion of Stewartown Road.
- c. Prior to the final building inspection for any residential unit east of Lot 44, the Applicant must design and install a left-turn lane onto Stewartown Road from northbound Montgomery Village Avenue.
- d. Prior to the final building inspection for any residential unit in the western portion of Area 2, the Applicant must remove the pedestrian refuge island and construct a separate southbound left turn lane from Watkins Mill Road onto Crested Iris Drive/proposed Stewartown Road, and provide a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- e. The Applicant must construct all road improvements within the rights-of-way shown on the certified Preliminary Plan to the full width mandated by the master plan, as modified by MCDOT.

5. PRIVATE ROADS

The Applicant must provide Private Road(s) A-J and all Alleys including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as approved on either the certified Preliminary Plan or the certified Site Plan within the delineated private road areas (collectively, the "Private Roads"), subject to the following conditions:

- a. The record plat must show the Private Road in separate parcels.
- b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 on Page 338.
- c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Roads have been designed and the applicable permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that each road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

6. RECORD PLATS

- a. The record plats must show necessary easements.
- b. The record plats must reflect common ingress/egress and utility easements over all shared driveways.
- c. The record plats must reflect a common use and access easement for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The easement must be created by a deed approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
- d. The record plats must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.

- e. The record plats must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
- f. All plats associated with this Preliminary Plan must be recorded within one hundred eight months (nine years) from the date of mailing of the Planning Board Resolution. The recordation of the plats must be phased in the following manner:
 - i. Phase I- Plats for at least 164 lots must be recorded by 36 months from the day the Resolution is mailed.
 - ii. Phase II- Plats for 328 lots (164 lots in Phase I plus an additional 164 lots) must be recorded by 36 months from the expiration of the Phase I validity period.
 - iii. Phase III- all remaining lots must be recorded by 36 months from the expiration of the Phase II validity period (within nine years from the day the Resolution is mailed).

7. PARKS

Prior to Certified Site Plan, a mutually agreeable Parks Facility Agreement (PFA) between the Applicant and the Department of Parks 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.

8. ADEQUATE PUBLIC FACILITIES

The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for ten years (120 months) from the date of mailing of this Planning Board Resolution.

9. SITE PLAN

- a. Prior to submission of any plat application, Site Plan No. 820170130 must be certified by M-NCPPC Staff.
- b. No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.

10. CERTIFIED PRELIMINARY PLAN

The following changes must be reflected on the Certified Preliminary Plan:

- a. On page PP01:
 - i. Show cross sections for each type of public and private road and alley, including the corresponding MCDOT cross section reference, modifications, paving detail, and design data.
 - ii. Remove the following note from the private road cross section:

“Sidewalk to be on one or both sides. In constrained areas, road R/W may be reduced to the limits of curbs.”
- b. On sheet PP08, the proposed mid-block pedestrian crossing must be relocated as recommended in the MCDOT letter dated September 26, 2017.
- c. At the easternmost entrance to the MVF Park on proposed Stewartown Road, the driveway apron must function as a channelized one-way westbound-only right-in entrance.
- d. Show the removal of the pedestrian refuge island to accommodate the southbound left turn lane from Watkins Mill Road onto Stewartown Road and a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- e. Show dedication of ten (10) additional feet for a total of fifty (50) feet from the existing pavement centerline along the Subject Property’s Watkins Mill Road frontage beginning approximately 250 feet south of the intersection of Watkins Mill Road and Stewartown Road for the future construction of a northbound right turn lane.
- 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 Preliminary Plan.
- g. The label for “Road H” in Area 6, Parcel E must be changed to “Road J.”
- h. Include the stormwater management concept approval letter and Preliminary Plan Resolution in the certified Preliminary Plan set.
- i. Add the following note on the cover sheet:

“Unless specifically noted in this certified Preliminary Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.”

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 Preliminary Plan substantially conforms to the Master 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).

Master-Planned Roadways, Bikeways, and Intersections

Stewartown Road

Between Watkins Mill Road and Montgomery Village Avenue, the unbuilt segment of Stewartown Road is designated as a two-lane minor arterial road, MA-298, with a Master Plan recommended 56-foot-wide right-of-way. This section of the road will improve local connectivity between the east and west sides of Montgomery Village, as well as provide access to residential lots within the redevelopment of the Property. The recommended 56-foot-wide right-of-way is planned as a two-lane undivided section with on-street parking where feasible. A 10-foot-wide shared-use path, LB-3, is recommended on the south side of Stewartown Road, with a five-foot-wide sidewalk on the north side of the road. The Preliminary Plan provides for the full-width dedication for the extension of Stewartown Road. The right-of-way width varies to accommodate on-street parking and medians at trail crossings. This portion of Stewartown Road will be designed as a residential street and will include a tree-lined sidewalk along the north side, a shared-use path along the south side, and several traffic-calming measures (vertical and horizontal curvature, minimal-width travel lanes, and crosswalks).

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, however, the shared-use path 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.

Montgomery Village Avenue

Montgomery Village Avenue is designated as a four-lane arterial road, A-295, with a recommended 100-foot-wide right-of-way between Midcounty Highway and Wightman Road. The existing right-of-way is 100-feet-wide with sidewalks along both sides. The Master Plan recommends a shared-use path, LB-1, on the east side of Montgomery Village Avenue between Wightman Road and Lost Knife Road to tie into the existing shared-use path built on the east side of the road along Lake Whetstone. The Planning Board is not requiring the Applicant to build this shared-use path because the adjacent HOAs are not willing to work with the Applicant to implement this upgrade. Due to the gaps (existing HOA-owned lands) in Property frontage along Montgomery Village Avenue, requiring the Applicant to install a fragmented shared-use path along this portion of Montgomery Village Avenue is not the best option. Lack of needed right-of-way, steep slopes, and other environmental constraints would result in a patchwork of new shared-use path and existing sidewalk. The existing 100-foot right-of-way is wide enough to accommodate a shared-use path on each side of the road, or the separated bike lanes being contemplated with the Draft Countywide Bikeway Master Plan. The shared-use paths or the bike lanes should be included in a comprehensive redesign of the entire stretch of Montgomery Village Avenue as part of a future CIP project. Therefore, the Planning Board finds that the shared-use path along Montgomery Village Avenue should be installed within the existing 100-foot right-of-way as part of a future comprehensive road construction project.

Watkins Mill Road

Watkins Mill Road is designated as a four-lane arterial road, A-17, with a recommended 80-foot-wide right-of-way. The existing right of way is 80 feet wide. A shared-use path and signed-shared roadway, DB-27, are recommended between the future Midcounty Highway and Apple Ridge Road. A shared-use path has been constructed along the west side of Watkins Mill Road to the north of Club Lake Road. The rest of this master planned path extends to the north through the traffic circle at Blunt Road all the way to Scenery Drive.

Arrowhead Road

Arrowhead Road, is classified as a two-lane primary residential road, P-19, with a recommended 70-foot-wide right-of-way between Montgomery Village Avenue and Fern Hollow Way. The existing right-of- way is 70 feet wide. There are no master-planned bikeway recommendations for this road.

Intersections

The Master Plan recommends that the intersection of Montgomery Village Avenue and Stewartown Road be reconfigured by the developer to accommodate the construction of Stewartown Road, MA-298 (page 89). At this intersection, the Master Plan Transportation Appendix recommends construction of a northbound left-turn lane and a southbound right-turn lane on Montgomery Village Avenue (page 5). Per MCDOT the Applicant is responsible for:

- Dedicating the right-of-way and granting any necessary easements to implement the future southbound right-turn lane on Montgomery Village Avenue.
- The cost of design and installation of the northbound left-turn lane on Montgomery Village Avenue.

The Master Plan also recommends that the developer reconfigure the intersection of Watkins Mill Road and Crested Iris Drive/future Stewartown Road (page 89). For this intersection, the Master Plan Transportation Appendix recommends that the developer construct left turn lanes on northbound and southbound Watkins Mill Road, and a right-turn lane on northbound Watkins Mill Road (page 5). Per MCDOT, the Applicant is responsible for:

- Dedication of right-of-way and granting the necessary easements to implement the future northbound right-turn lane on Watkins Mill.
- Removing the pedestrian refuge island and constructing a separate southbound left-turn lane on Watkins Mill Road at Crested Iris Drive and providing a safe pedestrian crossing of Watkins Mill Road.
- Restriping the northbound left-turn lane on Watkins Mill Road.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Transportation

Public Transit Service

The nearest bus stops are located along Watkins Mill Road, Montgomery Village Avenue, Club House Road, Apple Ridge Road, Arrowhead Road, Rothbury Drive, Wightman Road, Centerway Road, and Goshen Road. The area is served by Ride On routes 58, 59, 60, 64, and 65. These routes serve the major roads surrounding the development and terminate at the Shady Grove Metro Station. Major origins and destinations near the development for these bus routes include Frederick Road (MD 355), Lakeforest Transit Center, Montgomery Village Center, and the Shady Grove Metro Station.

Route 65 (Montgomery Village Center-Montgomery Village Avenue-Mid-County Highway-Shady Grove Express Road-Shady Grove Metrorail Station) offers the fastest travel time between Montgomery Village Center and Shady Grove Metro Station with 15-minute average headways.

A new Ride On extra service with limited stops (12 stops versus 80 along the route) began in October 2017, and operates between Lakeforest Transit Center and Medical Center Metro. This route offers 10 minute headways during peak hour periods and offers new and different buses with low floor boarding.

Traffic Signal Warrant Analysis

At the time of the Planning Board hearing, the Applicant's revised Traffic Signal Warrant Analysis (dated September 1, 2017) at the two Stewartown Road intersections with Montgomery Village Avenue and Watkins Mill Road was under review by MCDOT. If the traffic signals are warranted at either or both intersection(s) by MCDOT, the Applicant must install either or both of them prior to the opening of Stewartown Road.

Entrance to the MVF Park

On Stewartown Road, the easternmost entrance to the new MVF Park (closest to the intersection of Montgomery Village Avenue) does not meet the sight distance criteria. MCDOT recommends that the Applicant construct a channelized right-turn lane from Stewartown Road into the proposed park, and the Planning Board agrees with this recommendation.

Bikeshare and Bicycle Parking

The Planning Board approved one bikeshare station at the MVF park in Area 1 at the corner of the intersection of Montgomery Village Avenue and Stewartown Road. MCDOT is requiring that the Applicant provide a second bikeshare station in Area 4. The final locations of both bikeshare stations must be shown on the Certified Preliminary and Site Plans, and easements for public access must be provided. Ten inverted-U bike racks must be provided at the proposed MVF Park and shown on the Certified Site Plan.

Design Exception Requests

The Planning Board approves design exceptions to two MCDOT design standards because the Master Plan envisions a reduced right-of-way width for Stewartown Road to balance the desires for vehicular access and pedestrian connections within the environmental and community context (see page 71).

- 1) As shown in the 2016 Montgomery Village Master Plan, Stewartown Road is designated as a two-lane minor arterial road, MA-298, with a recommended reduced 56-foot-wide right-of-way between Watkins Mill Road and Montgomery Village Avenue. A design exception is required because the reduced right-of-way width is a modification of the County's Suburban Minor Arterial Road Standard No. MC-2004.27, which is 70 feet. The proposed 56-foot-wide right of way is wider in some locations, such as where on-street parking is proposed adjacent to MVF Park, and where median islands are proposed at trail crossings. The right-of-way would be approximately 65-feet-wide in these locations. The project includes reduced lane widths of 10' (instead of 12'), and tighter radii and shorter tangent lengths. The Applicant's design exception shows that the modified design is more in keeping with the neighborhood and the desired target speed limit of 25 mph. The reduced standard would limit road paving, reduce the impacts to environmentally sensitive buffers, and improve the pedestrian safety.
- 2) The second design exception concerns the monumental entrance location at the intersection of Watkins Mill Road and Stewartown Road. The MCDOT

Monumental Entrance Standard No. MC-224.01 is for a primary road classification, and the modified monumental entrance standard is designed to narrow the road and still retain the standard cross-section elements. The design is supported by the Master Plan (page 71), and it is supported by MCDOT with two minor revisions as stated in the MCDOT letter dated September 26, 2017.

Local Area Transportation Review (LATR)

The Preliminary Plan application was reviewed under the 2012-2016 Subdivision Staging Policy (SSP) because it was filed before January 1, 2017.

A traffic study was required to satisfy the LATR test because the development will generate more than 30 total peak-hour vehicle trips within the weekday morning and evening peak periods (6:30 to 9:30 AM and 4:00 to 7:00 PM). The development will generate 248 AM peak hour trips, and 418 PM peak hour trips.

The study intersections are in the Montgomery Village/Airpark Policy Area with a Critical Lane Volume (CLV) congestion standard of 1,425 for this policy area. The calculated CLV values do not exceed the congestion standard; therefore, the LATR test is satisfied.

Policy Area Review

Under the 2012-2016 Subdivision Staging Policy, the Preliminary Plan application is subject to the Transportation Policy Area Review (TPAR) mitigation payment. However, since the building permit will be filed after March 1, 2017, under the new 2016-2020 Subdivision Staging Policy, the Applicant will be required to pay the updated General District Transportation Impact Tax. The timing and amount of the payment will be in accordance with that in Chapter 52 of the Montgomery County Code as amended.

Other Public Facilities and APF Validity Period

Parks

The M-NCPPC Parks Department supports the overall concept and potential park dedication along the mainstem of the Cabin Branch Stream. The potential dedication will augment the existing pattern of public parkland ownership along the Cabin Branch Stream, both upstream and downstream of the Subject Property. The potential addition of the parkland adds a direct hydrologic and greenway connection to the Seneca Creek Stream Valley. It is also consistent with the Master Plan recommendation that the Parks Department should seek dedication of this portion of the Property to protect and enhance its natural features and provide a trail connection between Great Seneca Stream Valley Park and Cabin Branch Park.

As the potential dedication area is a large fallow golf course area with an un-forested floodplain and environmental buffer, and an incised perennial stream that requires restoration, the upfront and long-term costs associated with this potential dedication area are significant. The area also contains water hazards, contaminated greens, and

relic infrastructure that need removal. The Parks Department and the Applicant have negotiated the terms of a Parks Facilities Agreement (PFA), which will outline the process for site remediation, stream restoration, and an ultimate park dedication. The Applicant will execute the PFA prior to Certified Site Plan.

The Applicant plans to contract with a third party to carry out stream restoration work and site remediation in the potential park dedication area. Although the Applicant will make a good faith effort to ensure that the restoration is completed to the satisfaction of the Parks Department, the Applicant cannot guarantee a timeframe in which the work might be completed, and the Site and Preliminary Plans are not conditioned on the improvement or dedication of this area for parkland. Therefore, the potential parkland area will be placed in a modified Category I Forest Conservation Easement to ensure protection of the stream and environmental buffers. The Modified Category I Forest Conservation Easement will allow disturbance for trails, stream restoration, etc. Provided the Applicant fulfills its obligations under the PFA, approximately 49 acres will be dedicated to the Parks Department. If the Applicant is unable to complete the restoration work in accordance with the PFA, the parkland will not be dedicated and will remain in a Category I Forest Conservation Easement.

Schools

The 2016-2020 Subdivision Staging Policy school test for FY2018 indicates that there is adequate capacity within the Watkins Mill cluster for the service areas of Whetstone and Stedwick Elementary Schools, Montgomery Village and Neelsville Middle Schools, and Watkins Mill High School. The Applicant will be required to pay the School Impact Tax on all applicable residential units. MCDPS will determine the amount and timing of the payment.

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, and more residents to support upgraded area restaurants and retail establishments.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Planning Board finds the lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the *Montgomery Village Master Plan* and the type of development and use contemplated.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Master Plan. Access and public facilities will be adequate to serve the lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Residential lots will be located outside of the revised 100-year floodplain.

The lots were reviewed for compliance with the dimensional requirements for the CRN and TLD zones as specified in the Zoning Ordinance (Refer to the development standards in Tables 2 and 3 in the Staff Report). The lots will meet all the dimensional requirements for area, frontage, width, and setbacks in the CRN and TLD zones.

Overlength Cul-De-Sac

Per Section 50-26(b), "A cul-de-sac or a street that would end in a turnaround must not be longer than 500 feet, measured on its centerline, unless, because of property shape, size, topography large lot size, or improved street alignment, the Board approves a greater length." In Areas III and VI, there are proposed roads longer than 500 feet which terminate in cul-de-sacs. The Planning Board approved of the greater length, because the Property is constrained by environmentally sensitive areas and by existing development that does not provide for opportunities to interconnect with existing roads.

Preliminary Plan Validity Period

Per Section 50-35(3)(h)(2)(B):

"An approved preliminary plan for a multi-phase project remains valid for the period of time allowed in the phasing schedule approved by the Planning Board. The Planning Board must assign each phase a validity period on a case-by-case basis...after considering such factors as the size, type, and location of the project. The time allocated to any phase must not exceed 36 months after the initiation date for that particular phase for any preliminary plan approved on or after April 1, 2015."

The Applicant requested an extended Preliminary Plan validity period of ten years as permitted by 50-35(h)(2)(B). The Applicant proposed a general phasing schedule by Area, but asked not to be bound by the specific schedule.

Given the complexity of the project, including the construction of the master-planned road and the potential park dedication, the Planning Board approves an extended Preliminary Plan validity period with phasing of plat recordation over a nine-year (108 month) period based on the following simplified schedule:

- Phase I- Plats for at least 164 lots must be recorded by 36 months from the day the Resolution is mailed.
- Phase II- Plats for 328 lots (164 lots in Phase I plus an additional 164 lots) must be recorded by 36 months from the expiration of the Phase I validity period.
- Phase III- all remaining lots must be recorded by 36 months from the expiration of the Phase II validity period (within nine years from the day the resolution is mailed).

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

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

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this property on December 27, 2016. The NRI/FSD documented 6704 linear feet of stream and 70.38 acres of stream buffer on the Property. The stream buffer includes 56.17 acres of 100-year floodplain, 0.29 acres of wetlands, and 0.79 acres of forest. There were no documented occurrences of Rare, Threatened, or Endangered species on the site. A portion of this site (development Area 4) is covered by NRI/FSD No. 420151680, which was approved on April 3, 2015. This NRI shows 0.40 acres of 100-year floodplain delineated on a Federal Emergency Management Agency (FEMA) floodplain map.

A substantial portion of the Property lies within the Cabin Branch stream valley, including large expanses of floodplain, with steep slopes coming down to meet the stream valley. An extension of Stewartown Road, required by the Master Plan to improve circulation, crosses the site from Watkins Mill Road on the west to Montgomery Village Avenue on the east. Portions of this road traverse the edge of areas that are currently within the 100-year floodplain portion of the stream buffer. According to the Guidelines for Management of Development in Montgomery County (the "Environmental Guidelines"), Section V.A.1.(f), "Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to

create the least disturbance to existing vegetation, grade, wetlands, trout spawning areas in Use III watersheds, etc.”

The Planning Board considers this road crossing to be unavoidable because it was deemed necessary in the Master Plan to provide adequate circulation within the Master Plan area. The alignment minimizes disturbance to the stream buffer, including the 100-year floodplain, by following the contour of the slope at the northern edge of the buffer, except on the western side where the alignment shifts south to meet the intersection of Watkins Mill Road and Crested Iris Drive. The reduced road cross-section specified in the Master Plan (56 feet) also helps to minimize impacts.

In some areas where Stewartown Road will be extended, construction of the road will alter the edge of the floodplain. Where the floodplain is altered to construct the road, the stream buffer will also be altered to follow the edge of the new road alignment in places where the floodplain exceeds the base stream buffer width of 100 feet, unless the floodplain boundary is from a Federal Emergency Management Agency (FEMA) floodplain map. The County does not have authorization to change floodplains delineated on FEMA floodplain maps. If proposed floodplain alterations affect boundaries on FEMA maps, the Applicant must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before record plats are approved for those areas.

In Area 1, all or part of seven townhouse units encroach into a delineated stream buffer, though not into 100-year floodplain. Compensation for the loss of buffer function in this area must be provided by enhanced forestation, providing an additional amount of afforestation within the stream valley equivalent to the area of encroachment. This additional afforestation is in addition to the afforestation required under Chapter 22A, Forest Conservation. The area of enhanced forestation is approximately 14,629 square feet.

Per the approved NRI/FSD, the site contains 0.79 acres of forest. Of this amount, 0.36 acres occurs in existing utility easements; this amount of forest, as well as the area of the easement, are deducted from the totals on the Forest Conservation Plan, leaving 0.43 acres of forest proposed for retention in a Category I easement on the Applicant's property.

The Preliminary and Final Forest Conservation Plans submitted with this Application were based on a presumption that approximately 50 acres of land within the environmental buffers would be dedicated to the Parks Department. Subsequent to the final plan submission, park dedication has become uncertain. The Applicant must therefore submit a revised Final Forest Conservation Plan prior to Certified Site Plan, with new afforestation requirements calculated with no deduction taken for park dedication. Since the environmental buffers will not be protected as part of the Montgomery County Park system, these areas must be placed in a Category I Conservation Easement. While the afforestation requirement will change, the rest of the

plan as submitted, including limits of disturbance and afforestation planting areas, should remain substantially the same. Afforestation should be implemented within the designated planting areas in the environmental buffers.

Afforestation planting may be phased based on a percentage of the total afforestation required by the Final Forest Conservation Plan with each area developed. The minimum percentage of the total afforestation that must be planted for each area is as follows, 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%

The Applicant still intends to pursue park dedication in the future if the land can be restored to a condition acceptable to the Parks Department, as outlined in the Parks Facilities Agreement. If dedication of parkland to the 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.

In addition, the Applicant will remove 83 specimen trees totaling 3,013 caliper inches of tree loss. The standard mitigation requirement for replacement of variance trees lost is one caliper-inch of replacement for every four inches removed. This would result in a variance tree replacement requirement of 754 caliper-inches. 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 agrees 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.

Forest Conservation Variance

Section 22A-12(b)(3) of the 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 requested a Variance, and the Board agrees 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.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Planning Board finds that all stormwater management requirements will be met as provided in Montgomery County Code Chapter 19. The Montgomery County Department of Permitting Services (DPS) issued a letter accepting the Stormwater Management Concept approval on October 9, 2017. Stormwater treatment will be accomplished through the use of micro bioretention, enhancement, and drywells.

6. *Per Section 50-29(a)(2), all private roads and alleys have attained the status of public roads.*

All of the roads within the project, with the exception of Stewarttown Road extended, will be classified as private. Eight residential lots will front on a public street, while 486 residential lots will front onto a private street or open space. The Planning Board finds that the private streets have acquired the status of public streets. As reflected in other similar cases approved by the Board, this finding is based upon the road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

For this subdivision, the private internal streets and alleys, which provide frontage to 486 residential lots, meet the minimum standards necessary to make the finding that

they have attained the status of a public road. The private roads will be constructed to the minimum public road structural standards, will have a minimum 20-foot pavement width and adequate turning radii where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private roads will be located within separate private road parcels, with a covenant that ensures they are adequately maintained and remain fully accessible to the public.

Private streets are intended to provide necessary flexibility in right-of-way width and road design, that cannot be achieved under Chapter 49, in order to provide enhanced sidewalk, curb and crosswalk design features that promote pedestrian circulation. The establishment of private roads within the development is consistent with the majority of the roads within Montgomery Village. The private streets are modified tertiary residential streets. Most of the private roads will have a 40' right-of-way with five-foot tree panels and five-foot sidewalks on both sides, although due to environmental constraints, some of the private roads will only provide a sidewalk on one side. On-street parking is also proposed on some of the private roads as depicted on the Preliminary Plan. Private alleys are proposed as 20-foot-wide paved alleys with no sidewalks.

- 7. Per Section 50-38(a)(1), the Planning Board may grant a waiver from the requirements of Chapter 50 upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved and that the waiver is 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.*

The Planning Board approves a waiver of Section 50-26(c)(2) which requires that proposed intersections with an arterial road must be spaced no closer than 600 feet. The intersection spacing along Montgomery Village Avenue, an arterial road, ranges from 180 feet to 500 feet. The Planning Board finds that a practical difficulty exists due to environmental constraints, the unusual shape of the Property, and topography that prevents full compliance with the intersection spacing requirement. Fire and Rescue access needs and restrictions to full movements in some access locations further prevent compliance with the intersection spacing requirement. The waiver is the minimum necessary to provide relief for the following reasons:

- The southernmost alley in Area 1 is approximately 230 feet south of Brassie Place, while Private Road "A" is aligned with Brassie Place. The southernmost alley intersection in Area 1 is needed for fire and rescue access and shifting the road is impractical due to the floodplain.
- Private Road "H" in Area 6 is approximately 320 feet north of Private Road "A" in Area 1 and approximately 440 feet south of Stewartown Road. The location of Road "H" is necessary to access the units in Area 6 and the road cannot be moved due to the location of the floodplain to the north.

- Private Road "C" in Area 3 is opposite from the southern access point of Private Road "D" in Area 4. There is a median in Montgomery Village Avenue at this location. The access to Road "C" and Road "D" at this location is a restricted right-turn-in and right-turn-out, approximately 330 feet south of Duffer Way. Slopes within the Pepco right-of-way to the south would inhibit any movement of these access roads.
- Private Road "B" in Area 3 is a restricted right-turn-in and right-turn-out, approximately 180 feet south of Meadowcroft Lane and 295 feet north of Duffer Way. This portion of Area 3's frontage along Montgomery Village Avenue is narrow, and Road "B" is spaced as far as possible from Meadowcroft Lane.
- The northern access point for Private Road "D" in Area 4 is aligned with Meadowcroft Lane and approximately 500 feet north of Duffer Way. Because of its alignment with Meadowcroft Lane, Road "D" is in the best location given the shape of Area 4 and its limited frontage on Montgomery Village Avenue.

Since the project complies with the recommendations of the *Montgomery Village Master Plan*. Therefore, the waiver is not inconsistent with the General Plan.

No other reviewing agency has raised any concerns or objections to granting the waiver. The Planning Board finds that all required findings have been made pursuant to Section 50-38(a)(1) and recommends approval of a waiver of Section 50-26(b), the intersection spacing requirement. Therefore, the waiver is not adverse to the public interest.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for one hundred eight months from its initiation date (as defined in Montgomery County Code Section 50-35(h)) as phased in condition 6f above, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records; 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



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
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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 MDPUS 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.

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

	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 I) 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	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	
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	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	
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	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	
	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



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 7th, 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


Christopher S. Saxe
Montgomery County Planning Board
www.montgomeryplanningboard.org

10/16/19
Phone: 301.495.4605 Fax: 301.495.1320
E-Mail: mcp-chair@mncppc-mc.org

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
<hr/>	
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).

* * * * *

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.



Casey Anderson, Chair
Montgomery County Planning Board



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

MCPB No. 20-091
Site Plan No. 82017013B
Bloom Montgomery Village
Date of Hearing: October 1, 2020

OCT 08 2020

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, 2018, 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 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 November 8, 2019, the Planning Board approved an amendment to the Site Plan No. 820170130A (MCPB No. 19-122) to make changes to the previously approved site plan to the 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, on May 21, 2020, USL2MR Montgomery Village Business Trust LLC, c/o Monument Realty ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) 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 on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82017013B, Bloom Montgomery Village ("Site Plan," "Amendment," 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 August 31, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 1, 2020, 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

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. 820170130B for 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 by *adding and modifying* the following conditions:¹

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 includes, 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.

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.

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 A should be 73 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.~~

BE IT FURTHER RESOLVED that all other 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 820170130B and Bloom Montgomery Village, submitted via

ePlans to the M-NCPPC as of the date of the Staff Report August 31, 2020, 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 as revised by previous amendments, 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 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:

MCPB No. 20-091
 Site Plan No. 82017013B
 Bloom Montgomery Village
 Page 5

ERN ZONE (Area I) Standard Method												
Development Standard	Permitted/Required			Previously Approved 820170130			Proposed 82017013A			Proposed 82017013B		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Site												
Units				n/a	n/a	111	n/a	n/a	111	n/a	n/a	111
MPDUs				n/a	n/a	14	n/a	n/a	28	n/a	n/a	28
Common open space (min)	n/a	n/a	10%	n/a	n/a	>10%	n/a	n/a	>10%	n/a	n/a	>10%
Lot and Density	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Lot area (min)	1000 sf	500 sf	800 sf	n/a	n/a	800 sf	n/a	n/a	800 sf	n/a	n/a	800 sf
Lot width (at front bldg line, min)	25'	12.5'	12'	n/a	n/a	12'	n/a	n/a	12'	n/a	n/a	12'
Lot width (at front lot line, min)	10'	10'	n/a	n/a	n/a	10'	n/a	n/a	10'	n/a	n/a	10'
Lot Coverage (max)		90%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Density Max	0.5 FAR			0.23 FAR			0.23 FAR			0.23 FAR		
Placement	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Front (min)		5'			5'			5'			5'	
Side street (min)		5'			5'			5'			5'	
Side abutting res zones (min)	6'	6'	4'		10'			10'			10'	
Side end unit (min)	n/a	n/a	2'		4'			4'			4'	
Side b/w lot and site boundary (min)	n/a	n/a	4'		4'			4'			4'	
Rear (min)	15'	15'	10'		15'			15'			15'	
Rear alley (min)	n/a	n/a	5'		n/a			n/a			n/a	
Front setback (max)	n/a	n/a	15'	n/a	n/a	15'	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%	n/a	n/a	70%	n/a	n/a	70%
Height	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
		65'			45'			45'			45'	

TLD ZONE (Areas II-VI) Optional Method												
Development Standard	Permitted/Required			Previously Approved 820170130			Proposed 82017013A			Proposed 82017013B		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Site												
Density (units/acre of usable area)		9.76			3.21			3.21			3.21	
Units				26	2	355	26	2	349	26	2	349
MPDUs						54			89			89
Open Space (min)												
Common Open Space (% of usable area)		20%			>20%			>20%			>20%	
Site Coverage (max)	n/a	n/a	40%	n/a	n/a	<40%	n/a	n/a	<40%	n/a	n/a	<40%
Lot and Density	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Lot area (min)	3000 sf	1500 sf	800 sf	3000 sf	1700 sf	1000 sf	3000 sf	1700 sf	1000 sf	3000 sf	1700 sf	1000 sf
Lot width (at front bldg line, min)	Determined at site plan			40'	22'	16'	40'	22'	16'	40'	22'	16'
Lot width (at front lot line, min)	15'	15'	14'	15'	15'	16'	15'	15'	16'	15'	15'	16'
Placement	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Front from public street (min)	10'	n/a	n/a	15'	n/a	n/a	15'	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	n/a	n/a	n/a	n/a	n/a	n/a
Side street (min)	10'	10'	5'	n/a	10'	5'	n/a	10'	5'	n/a	10'	5'
Side or rear (min)	Determined at site plan			4'	n/a	n/a	4'	n/a	n/a	4'	n/a	n/a
Side or rear abutting property not included in application (min)	Equal to detached building type setback			10' side / 20' rear			10' side / 20' rear			10' side / 20' rear		
Rear alley (min)	4'	n/a	n/a	15'	n/a	n/a	15'	n/a	n/a	15'	n/a	n/a
Height	40'	n/a	n/a	35'	40'	40'	35'	40'	40'	35'	40'	40'

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:

<u>Planting Area</u>	<u>Acres</u>
1B	1.367
1C	0.899
2B	0.793
6B	4.491
6C	1.718
6D	0.216
6E	0.449
6F	0.904
6J	0.269

Total 11.11 Acres

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:

<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%

While the total of the above minimum afforestation requirement percentages exceed 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:

Tree Number	Species	DBH Inches	Status
979	White oak (<i>Quercus alba</i>)	33"	To be saved. CRZ impact increasing from 6.94% to 10.08%.
980	White oak (<i>Quercus alba</i>)	33"	To be saved. CRZ impact increasing from 17.82% to 21.33%.
981	White oak (<i>Quercus alba</i>)	33"	To be saved. CRZ impact increasing from 22.44% to 27.38%.

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, 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. The following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - 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 – The Planning Board approves 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.

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 OCT 08 2020 (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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 1, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT B

Tettelbaum, Emily

From: Karen Patrias <patriask@gmail.com>
Sent: Wednesday, April 21, 2021 4:59 PM
To: Tettelbaum, Emily
Subject: Comments on Amendment to Plan 82017013C

Follow Up Flag: Follow up
Flag Status: Completed

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thank you for the opportunity to comment on the proposed amendment to the BloomMV plan. Many of us currently living in the areas affected by the plan are extremely concerned about the safety and traffic issues that are being raised by these changes. The addition of these property units and roads will only aggravate those problems that arose with the original plans. These problems include the planned increase to the number of roads that would merge with Montgomery Village Avenue, an already busy thoroughfare; the planned addition of houses whose hundreds of occupants would add to existing traffic congestion; and the resulting loss of safety for the many pedestrians who walk or jog in the area. For example, it currently can take waiting through three cycles of traffic lights to cross the intersection of Montgomery Village Avenue and Route 355. The already planned redesign of the Lakeforest property with its many proposed housing units will certainly add even more to congestion.

Mrs, Anne Twist has shared the comments sent to you on this proposed amendment and I concur with her position.

Many of us existing residents have attended the meetings that were initiated by Monument for the Bloom project and have raised our concerns with both the Montgomery Village Foundation board and the Patton Ridge board. We hope that the Montgomery County Planning Board will give us serious consideration.

Karen Patrias
9535 Duffer Way
301-926-3391

Tettelbaum, Emily

From: atwist54@verizon.net
Sent: Sunday, April 18, 2021 11:44 PM
To: Tettelbaum, Emily
Cc: atwist54@verizon.net
Subject: Amendment to Site Plan #82017013C

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Emily Tettlebaum-

I am responding to the Notice of Application for Amendment to Plan #82017013C in Montgomery Village, MD that I received earlier this month. I understand that you are the Lead Reviewer and the person I was directed to contact.

I am a resident of Montgomery Village and live near Area IV. I have expressed concerns about the Montgomery Village development plan to the County, the developer, and the Montgomery Village Foundation. I believe there are some serious issues around safety, density, aesthetics, traffic, etc.

First, I don't understand why Monument is adding more MPDU units to Area IV. According to a recent article on the Montgomery Village website, Monument reported that they will apply for an amendment to Area 1 to take advantage of the recently adopted Opportunity Zone legislation. Since Area 1 (old clubhouse area) is entirely within the Opportunity Zone, they are entitled to impact tax exemption without the 25% MPDU requirement. Thus, they are reducing the MPDUs back down to 12.5%. The balance of the site will still achieve the 25% MPDU requirement as required by law.

Second, with the latest amended plan allowing for more MPDU units (i.e. higher density) I am concerned about traffic and I am especially concerned about the safety of the park on the north side of Area IV. There are two houses that are planned to be built adjacent to the park. I do not think that these houses should be built for several reasons:

- they obstruct the view of the park for residents
- they prevent line of sight view of the park for safety reasons – strangers can hide by the side of the houses and not be visible to security, law enforcement, or park users until too late
- they pose a hazard to the houses themselves due to the proximity to the park
- they reduce privacy to residents of those two houses due to proximity to the park
- park activity could create noise problems for those residents
- the space is needed for car parking spots and a bike rack for park visitors (if residents on the south side of Area IV drive to the park there is no place to park their car)
- the two houses are on the border of the Colonial Pipeline easement which could pose a safety issue for the residents of those two houses
- a natural berm or shrubbery there would make the park more aesthetically pleasing and be compatible with the planned neighborhood

Third, I believe that the new Tall Oaks Road has some inherent safety issues since its multiple access points allow it to become a cut through between Rothbury Drive and Montgomery Village Ave in order to avoid the traffic lights at Arrowhead and Apple Ridge Roads. There are currently no speed bumps, stop signs, or environmental buffers planned along the road on either side to discourage this traffic and reduce speeds. In addition, there is currently no traffic light planned at the intersection of Tall Oaks Road and Montgomery Village Ave, which could create another traffic and safety issue.

I ask that you please consider amending the site plan for Area IV and recommend that the developer NOT build these two houses right next to the park and seriously consider the traffic and safety issues I have raised. I am a long term resident of Montgomery Village and grew up in Montgomery County. I want my community and county to thrive and be a place that is aesthetically pleasing and safe to live.

I would be happy to discuss this further with you if you would like. Please feel free to contact me via email (atwist54@verizon.net) or by phone (301-648-1968).

Thank you for your time and attention to my concerns.

Anne Twist

You can view "07-BSITE-82017013B-01.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:df1cc5aa-192c-4cab-8cc7-3f08af6aaa2f>

Sent with Adobe Document Cloud. Click on the link above to access the file online. No sign up or installation of Acrobat is required to access.