

Montgomery Planning
BLOOM MV I-IV
PRELIMINARY PLAN AMENDMENT NO. 12017015A
SITE PLAN AMENDMENT NO. 82017013D



Description

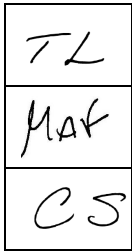
Request to increase the residential dwelling units from 494 to a maximum of 514 units; modify the Stewartown Road alignment through the PEPCO easement and modify the cul-de-sac in Area 6A; change site plan conditions 2e. and 7d; reallocate units and utilities in Area 6A; make minor revisions to landscape, lighting and site details; and finalize planting and conservation easement in Park conveyance areas.

No. 12017015A & 82017013D
Completed: 03-28-2022

MCPB
Item No.
04-07-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

Intersection of Montgomery Village Avenue
and Stewartown Road, Montgomery Village

MASTER PLAN

2016 Montgomery Village Master Plan

ZONE

TLD and CRN, within the Montgomery Village
Overlay Zone

PROPERTY SIZE

61.31 acres

APPLICANT

Green Bloom MV Development, LLC

ACCEPTANCE DATE

August 26, 2021

REVIEW BASIS

Chapter 50 & Chapter 59



Summary:

- Staff recommends approval of Preliminary Plan Amendment No. 12017015A, Site Plan Amendment No. 82017013D, and the Final Forest Conservation Plan, with conditions.
- The increase of units does not affect the validity of the original approval.
- The Amended Final Forest Conservation Plan includes several changes in the layout of the site, including required road realignments, utilities, and an increase in units. These changes alter the FFCP worksheet in Area I. Specifically, changes responding to the Colonial Pipeline and stormwater management requirements result in the loss of 0.43 acres of forest previously retained. The changes increase the Net Tract Area in Area I from 27.62 to 27.98 acres and clears 0.43 acres of forest.
- The Preliminary Plan Amendment and Site Plan Amendment review periods were extended twice in accordance with Section 50.4.1.E of the Subdivision Regulations and Section 59.7.3.4.C of the Zoning Ordinance, respectively. The first extension was granted by the Planning Director on December 21, 2021, extending the review from December 23, 2021 to January 20, 2022. The second extension was granted by the Planning Board on January 20, 2022, extending the review from January 20, 2022 to April 21, 2022.
- Staff has not received any community correspondence regarding the Subject Applications.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 12017015A

Staff recommends approval of Preliminary Plan Amendment No. 12017015A, Bloom MV I-IV, to increase the residential dwelling unit lots from 494 to a maximum of 514 units; and modify the Stewarttown Road alignment through the PEPCO easement and modify the cul-de-sac in Area 6A. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 12017015A submitted via ePlans as of the date of this Staff Report are required. Staff recommends modifying and adding conditions. All other previously approved conditions of approval remain in full force and effect.

Modified Conditions

1. SUBDIVISION

This Preliminary Plan is limited to ~~494~~ 514 lots for ~~26-27~~ detached houses, ~~two duplexes~~, and ~~466-487~~ townhouses with a minimum of ~~68~~ 71 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.

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, October 6, 2017, ~~and February 28, 2022~~, 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.

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 amendment letter dated ~~September 29, 2017~~ March 23, 2022, 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.

SITE PLAN NO. 82017013D

Staff recommends approval of Site Plan Amendment No. 82017013D, Bloom MV I-IV, to increase the residential dwelling units from 494 to a maximum of 514 units; reallocate units and utilities in Area 6A; make minor revisions to landscape, lighting and site details; and finalize planting and conservation easement in Park conveyance areas. All site development elements shown on the latest electronic version of the Site Plan Amendment No. 82017013D submitted via ePlans as of the date of this Staff Report are required. Staff recommends modifying and adding conditions. All other previously approved conditions of approval remain in full force and effect.

Modified Conditions

~~2e. Prior to the issuance of the building permit for 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; sign bollards; and sand traps~~

~~2e. In connection with each phase of development for which a sediment control permit is granted and prior to issuance of any use and occupancy permit for the subject phase, the Applicant must prepare and M-NCPPC Staff must approve a Development Phasing Schedule indicating the timing for the removal of the following above grade items, as applicable: cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system, drinking fountains, debris, signs, bollards; and buildings.~~

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. This includes, but is not limited to, the dog park, tot lots, play area, and trail system.~~

~~d. All Montgomery Village Foundation Park facilities, including but not limited to the dog park, tot lots, play area and trail system, except for the community garden and associated trail access, must be completed in coordination with Montgomery Village Foundation by December 1, 2022; except that plantings must be installed by the end of the next growing season.~~

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~~, February 2, 2022 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.

New Conditions

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:

- t. Correct the Recreational Table and Legend to reflect the original approval
 - u. Prior to Certified Site Plan approval, changes must be made to the Final Forest Conservation Plan to correct tree variance information and the forest conservation worksheet to be consistent with the information in this staff report.
 - v. Prior to Certified Site Plan approval, the afforestation planting schedule must be changed to replace sweet gum (*Liquidambar styraciflua*) with boxelder (*Acer negundo*), replace sweetbay (*Magnolia virginiana*) with gray dogwood (*Cornus racemosa*), and summersweet (*Clethra alnifolia*) with New Jersey tea (*Ceanothus americanus*).
19. The Site Plan is limited to 514 residential units (27 detached houses and 487 townhouses) with a minimum of 25% moderately priced dwelling units in areas zoned TLD and minimum of 12.5% moderately priced dwelling units in areas zoned CRN.
20. A Park Permit is required for any work being done on parkland or future land to be conveyed to the Parks Department.
23. 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.
24. Prior to the issuance of the first Sediment Control Permit for each of the six Areas shown on the Site Plan, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the new forest planting specified in the approved Final Forest Conservation Plan, as well as maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
25. Prior to the issuance of the first Sediment Control Permit for each of the six Areas shown on the Site Plan, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.

SECTION 2: SITE DESCRIPTION

VICINITY

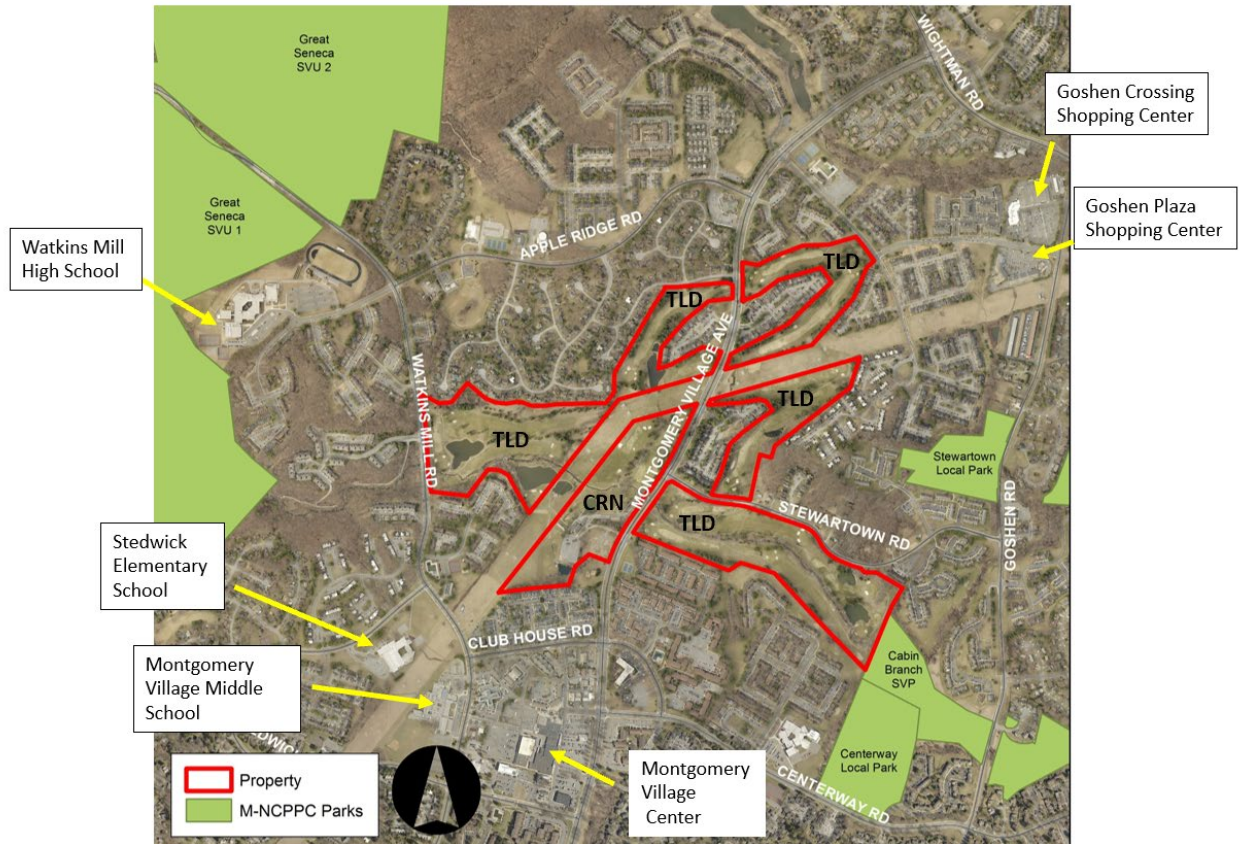


Figure 1 – Vicinity Map

The Subject Property, which is a 147-acre site, (outlined in red in Figure 1) 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.

PROPERTY DESCRIPTION

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.

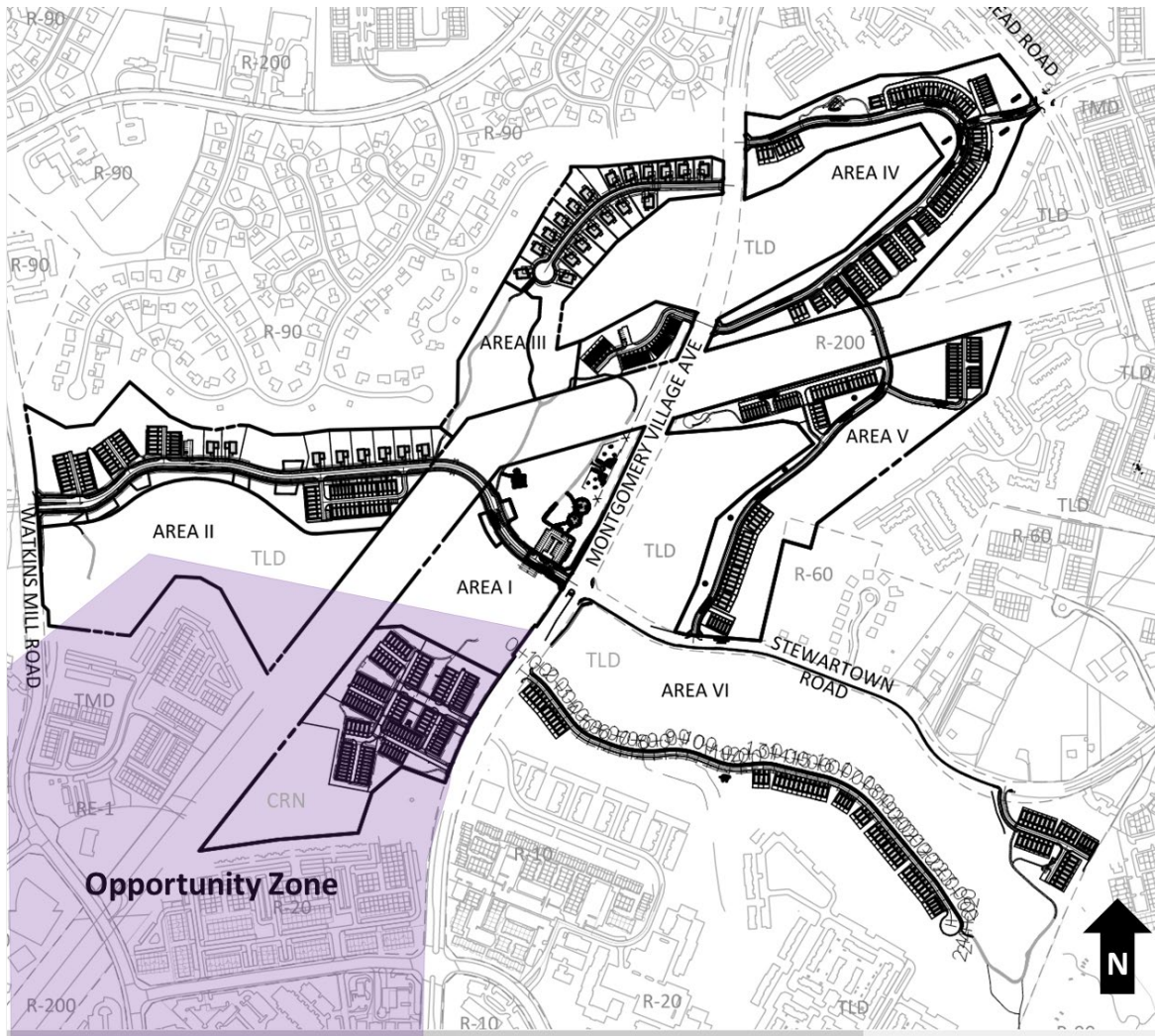


Figure 2 – Overall Development Site

Current Status of the Development

The Bloom project has begun construction with the most advancement in Area 5 where some of the townhouses and private streets are constructed. Areas 1, 3, 4, and 6 have started implementing some of the infrastructure and stream protection/conservation areas, and forest conservation planting. Currently, no stream restoration has started at the time of this report. Below are images of Area 5:



Figure 3 – Current images of Area 5

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

The Planning Board approved Preliminary Plan No. 120170150 (Resolution MCPB 17-110) and Site Plan No. 820170130 (Resolution MCPB No. 17-111) concurrently on November 16, 2017. 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.

On June 24, 2021, the Planning Board approved Site Plan No. 82017013C (Resolution MCPB NO. 21-045) 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.

PROPOSAL

Increase to the overall residential units

The Applicant proposes converting 20 of the proposed townhouses in the Project from 20-foot wide townhouse units to 16-foot wide townhouse units. This proposed conversion to narrower units allows the Project to accommodate 20 more residential units, increasing the overall residential units from 494 to a maximum of 514 units. These changes are proposed for the following areas:

- Area 6 – Increase townhouse units from 72 to 81 (the Subject Amendment adds one additional MPDU)
- Area 3 – Decrease townhouse units from 43 to 41 (the Subject Amendment eliminates two townhouse units and retains all 19 detached units; no change to MPDUs in Area 3)
- Area 2 – Increase townhouse units from 84 to 97 (the Subject Amendment adds 4 additional MPDUs)
- In total, the proposed residential increase results in 5 additional MPDUs for a total of 114 MPDUs across the entire project.

Revise the Stewartown Road alignment through the PEPCO easement

The Applicant was required to realign Stewartown Road as a result of PEPCO's review of the road extension over its power line easement. As indicated on the Area 2 composite plan, the road has been straightened as it extends from Montgomery Village Avenue westward to Watkins Mill Road over the area that crosses the PEPCO easement. The road then angles southward as it aligns with that portion of Stewartown Road in front of the residences. The revision is minor and has no notable effect on the surrounding area. (See Figure 4.)

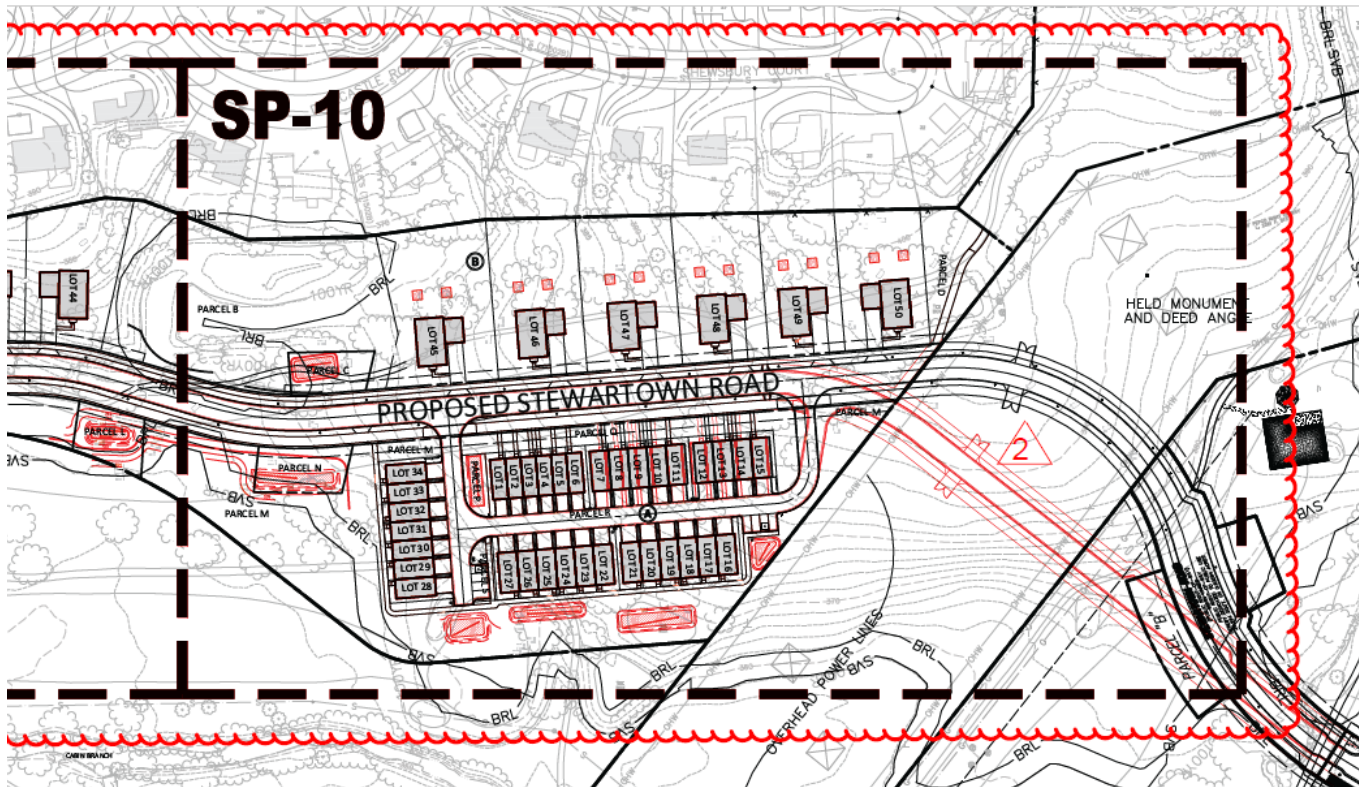


Figure 4 – Redline Stewartown Road

Revise road, units and stormwater layout in Area 3A

The revisions to Area 3A are minor in nature and are prompted by the presence of the Colonial Pipeline. In summary, the Subject Amendments revise the utility layout, which results in the elimination of the round-a-bout to Private Road C. The Private Road C revision also necessitates shifting the storm water management facilities to accommodate the revised road design. The general character of Area 3A does not change. (See Figure 5.)

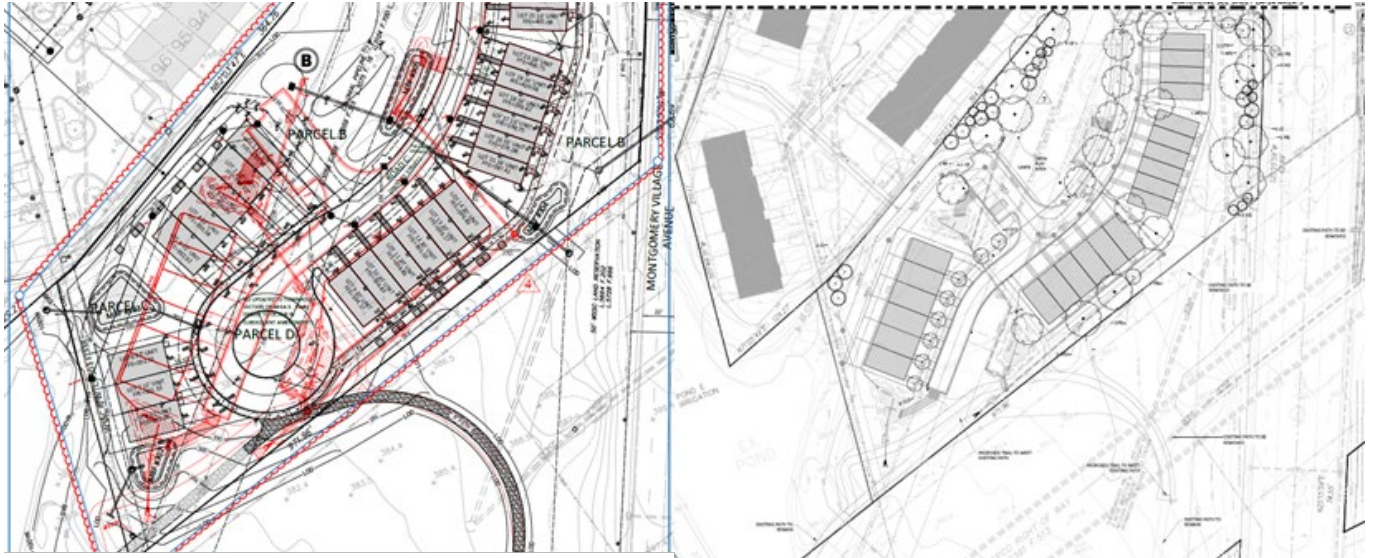


Figure 5 – Redline to Area 3A

Reallocate units and utilities in Area 6A, as a result of the dam breach zone

The Department of Permitting Services (DPS) required the Applicant to reallocate units, within Area 6A, to a higher elevation. This reallocation of units accommodates a potential dam breach zone. The reallocation of units results in no structures being located in the dam breach zone. In addition, the Applicant is required to construct a dam culvert in this area. Minor adjustments to the location and length of various rows of townhouses are proposed to provide DPS with this requested dam breach zone. In order to accommodate the shifting of the units in this Area, Private Road H in Area 6A will be lengthened by approximately 230 feet. (See Figure 6.)

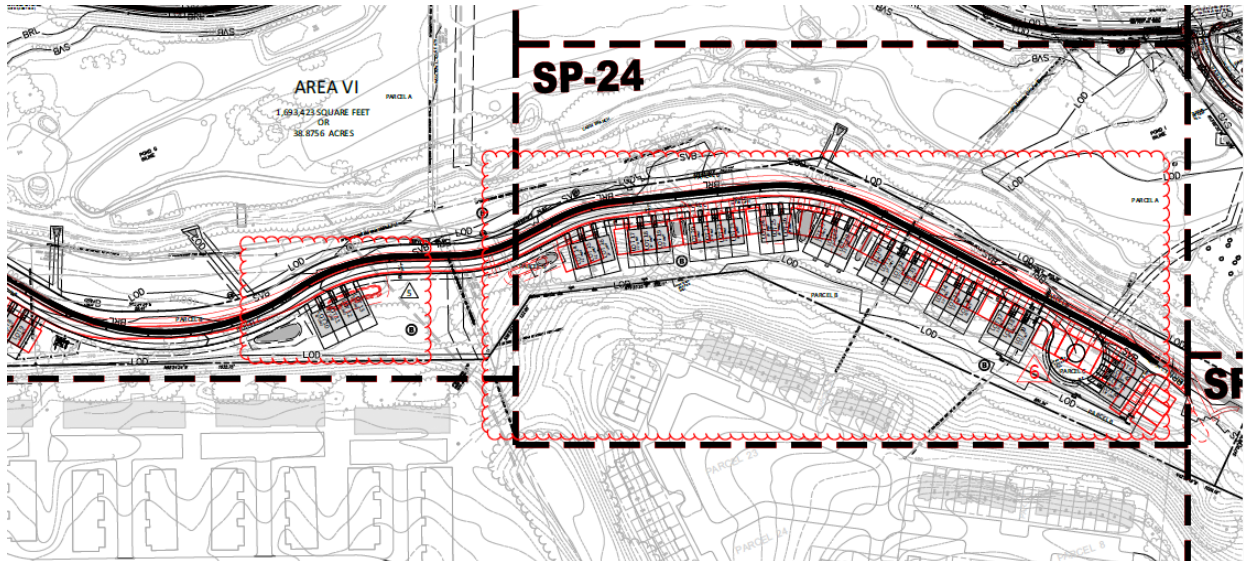


Figure 6 – Redline to Area 6A

Minor revisions to landscape, lighting, and site

Minor relocations of mailboxes, plantings and lighting are reflected in the Site Plan Amendment. In addition, the number of light fixtures in Area 6B is reduced to comply with lighting requirements.

Finalize planting and conservation easement in Park conveyance areas

The Site Plan Amendment reflects the finalized planting areas within the conservation easement areas. Minor adjustments to these areas are needed, in part, to coordinate with the improvements that RES (Resource Environmental Solutions, LLC - the entity responsible for the stream restoration) is making within the stream restoration area.

Conditions Changes 2e. & 7d.

As proposed, revised Conditions 2.e and 7.d. modify the timing of items to be removed and the deliverables of the Montgomery Village Foundation Park because the Project is progressing in a different sequence than what was originally planned. Both Staff and the Montgomery Village Foundation agrees with the revised timing for delivery of the Montgomery Village Foundation Park (Attachment D). The following is the requested conditions:

2e. In connection with each phase of development for which a sediment control permit is granted and prior to issuance of any use and occupancy permit for the subject phase, the Applicant must prepare and M-NCPPC Staff must approve a Development Phasing Schedule indicating the timing for the removal of the following above grade items, as applicable: cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system, drinking fountains, debris, signs, bollards; and buildings.

7d. All Montgomery Village Foundation Park facilities, including but not limited to the dog park, tot lots, play area and trail system, except for the community garden and associated trail access, must be completed in coordination with Montgomery Village Foundation by December 1, 2022; except that plantings must be installed by the end of the next growing season.

All other aspects of the Preliminary Plan and Site Plan approvals will remain unchanged by the proposed Site Plan Amendment.

SECTION 4: PRELIMINARY PLAN NO. 12017015A FINDINGS AND ANALYSIS

The Preliminary Plan would increase the residential lots, from 494 to a maximum of 514 lots. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. All previously approved findings of approval remain in full force and effect, unless modified in the section below.

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

Traffic Signal Warrant Analysis

Consistent with the previous review of the Preliminary Plan, 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 continues to be under review by MCDOT. If the traffic signals are warranted at either or both intersections by MCDOT, the Applicant must install the required traffic signal(s) prior to the opening of Stewartown Road. This condition of approval is addressed in the MCDOT approval letters.

Bikeshare and Bicycle Parking

In coordination with MCDOT, the Applicant proposed two bikeshare stations: one at the MVF park in Area 1, at the corner of the intersection of Montgomery Village Avenue, and Stewartown Road, and one in Area 4. Although MCDOT previously required that the Applicant provide the bikeshare stations in association with Preliminary Plan No. 120170150, the County has moved away from the installation of new Capital Bikeshare stations and has instead opted for the construction of new micro-mobility corrals. As notated within the MCDOT letter dated February 28, 2022, the micro-mobility corrals must include concrete pads measuring a minimum of 54 feet by 7 feet in size, and include amenities such as: bike racks, flex posts, and lighting. The Applicant has been instructed in the placement of the corrals at locations that will be determined by MCDOT.

Local Area Transportation Review (LATR)

The approved Preliminary Plan application was reviewed under the 2012-2016 Subdivision Staging Policy (SSP) because it was filed before January 1, 2017. Due to the Applicant's request, to increase the number of residential dwelling units to a maximum of 514 units, the Applicant was required to submit a new traffic study.

As proposed, the increase in residential dwelling units will generate an increase to the total approved 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 revised traffic study submitted with the subject Preliminary Plan Amendment was reviewed under the 2020-2024 Growth and Infrastructure Policy.

The Subject Amendment will generate a total of 486 AM peak hour person trips and 562 PM peak hour person trips. This revised trip generation represents an increase of 11 AM peak hour person trips and 15 PM peak hour person trips compared to the original approval.

Although the Subject Amendment proposes a net increase of 20 dwelling units, only Areas 1, 2, and 6 feature increases in density, whereas Area 3 residential density is decreased. Given the limited increase in peak hour person trips and the area-specific density increases, the following intersections were studied in the revised traffic study:

- Montgomery Village Avenue / Greenside Terrace
- Montgomery Village Avenue / Stewartown Road
- Montgomery Village Avenue / Brassie Place
- Watkins Mill Road / Crested Iris Drive / Stewartown Road

Traffic counts at the four revised traffic study intersections were collected on Tuesday, December 7, 2021, when Montgomery County Public Schools were in session, from 6:30 to 9:30 AM and from 4:00 to 7:00 PM, in accordance with the 2021 LATR Guidelines. Data for the other 19 previously studied intersections are unchanged as part of this analysis. Based on the revised traffic study results, the study intersections are within the acceptable limits (1,425 CLV) of the Montgomery Village/Airpark Policy Area. As shown in Table 1, all of the previously approved and revised study intersections are within the Montgomery Village/Airpark Policy Area congestion standard.

Table 1. Peak Hour Intersection Critical Lane Volume

Studied Intersection	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
13. Watkins Mill Rd/Crested Iris Dr*	703	675	704	677	777	794
14. Montgomery Village Ave/Meadowcroft Ln	531	482	473	442	515	462
15. Montgomery Village Ave/Greenside Ter*	449	474	448	480	486	495
16. Montgomery Village Ave/Stewartown Rd*	487	696	489	702	592	781
17. Montgomery Village Ave/Brassie Plc*	491	527	493	533	579	628
18. Arrowhead Rd/Rothbury Dr	384	519	384	519	389	547
19. Stewartown Rd/Site Entrance (Area VI)	n/a	n/a	126	140		
20. Stewartown Rd/Site Entrance (Area V)			151	181		
21. Montgomery Village Ave/Site Entrance (Area III)			475	440		
22. Montgomery Village Ave/Site Entrance (Area III)			482	458		
23. Montgomery Village Ave/Site Entrance (Area VI)			544	542		

Vision Zero Statement

The purpose of the Vision Zero Statement is to assess High Injury Network and safety issues, review traffic speeds, describe in detail how safe site access will be provided, and provide potential solutions to mitigate roadway dangers. The Applicant was required to analyze existing traffic safety conditions within 400 feet of the Site frontages within Areas 1, 2, 3, and 6, which includes a review of the High Injury Network, review of historical crash data within the last five (5) years, and analysis of traffic speeds along two (2) segments within the TIS boundary. The Vision Zero statement is limited to Montgomery Village Avenue and Watkins Mill Road due to their proximity to the four development Areas.

Neither Montgomery Village Avenue or Watkins Mill Road are classified as High Injury Network roadway segments within 400 feet of the Site frontages.

The Applicant reviewed crash history within 400 feet of the Site frontages and determined that 16 crashes were recorded between 2017 and 2021. Of the 16 crashes, none involved either bicycles or pedestrians. Out of the 16 total crashes, four occurred at the Montgomery Village Avenue-Stewartown Road intersection and 12 occurred at the Watkins Mill Road-Crested Iris Drive intersection. There were four total crashes resulting in injuries at the Watkins Mill Road-Crested Iris Drive intersection, however none were fatal.

In coordination with Planning staff, the Applicant conducted speed studies at two (2) locations within the TIS boundary:

1. Montgomery Village Avenue between Stewartown Road and Brassie Place
2. Watkins Mill Road between Crested Iris Drive and Cove Ledge Court

The posted speed limits on both Montgomery Village Avenue and Watkins Mill Road within the study area is 35 MPH. The 85th percentile speeds for each segment were calculated based on the recorded observations collected during each respective speed study. All 85th percentile speeds were above the posted speed limits, with an average of 52.1 MPH speeds measured along Montgomery Village Avenue and an average of 46.7 MPH speeds measured along Watkins Mill Road.

Other Public Facilities and Services

Overview and Applicable School Test

Preliminary Plan Amendment No. 12017015A is scheduled to come before the Planning Board in April 2022. Therefore, the FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This Subject Amendment proposes an increase of 20 single-family attached units.

School Adequacy Test

The Project is served by Whetstone ES, Montgomery Village MS and Watkins Mill HS. Based on the FY22 Annual School Test, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2. Applicable FY2022 School Adequacy

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Whetstone ES	750	757	100.9%	-7	No UPP	78	143	256
Montgomery Village MS	853	792	92.8%	+61	No UPP	187	232	360
Watkins Mill HS	1,947	1,729	88.8%	+218	No UPP	398	608	900

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. **Under the FY22 Annual School Test, Whetstone ES,**

Montgomery Village MS and Watkins Mill HS do not require any UPP as identified in Table 2. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Subject Amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net increase of 20 units that are not age-restricted, the Subject Amendment is estimated to generate the following number of students based on the subject property's location within a Turnover Impact Area:

Table 3. Estimated Student Enrollment Impacts.

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.185	0.000	0.108	0.000	0.154	0.000
SF Attached	20	0.225	4.500	0.123	2.460	0.159	3.180
MF Low-rise	0	0.107	0.000	0.058	0.000	0.070	0.000
MF High-rise	0	0.051	0.000	0.024	0.000	0.030	0.000
TOTALS	20		4		2		3

As shown in Table 3, on average, this project is estimated to generate four elementary school students, two middle school students and three high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 2, therefore no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

Prior to issuance of each building permit for the 20 single-family attached units in this Preliminary Plan Amendment, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

No UPP condition required.

SECTION 5: SITE PLAN NO. 82017013D FINDINGS AND ANALYSIS

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 59, Zoning Ordinance. All previously approved findings of approval remain in full force and effect, unless modifying or adding in the section below.

2.d) satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5.1. & 4.4.11 Zone

Table 4: Bloom MV I-VI Site Plan Amendment Data Table for CRN (Standard Method) & TLD (Optional Method) Zone,
Section 59.4.5. & 59.4.4.

DEVELOPMENT STANDARDS FOR TLD & CRN ZONES

	Zoning Ordinance Development Standards			Overall Site Plan			
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Total
Development Standards:							
TLD Zone (Areas II-VI) Optional Method							
Density (units per acre)	9.76			3.31			
Units	1163			27	0	369	
MPDUs min.	>12.5%				25.0%		99
Units, Total:				27	0	369	396
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	487	514
Building Height:							
TLD Zone max.	40'			35'	40'	40'	
CRN 0.5 Zone max.	65'				45'		
Building Setbacks (FT):							
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):							
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:							
TLD & CRN 0.5 Zone	Baseline Min. 2.00 per unit			54	0	746	800
MPDU	0.5 times baseline / 1.00 per unit				114	114	
Total:				54	0	860	914
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	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	

2.e Satisfies the applicable requirements of:

Environmental Guidelines

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 included 56.17 acres of

100-year floodplain and 0.29 acres of wetlands. 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.

The proposed Bloom MV development occupies the site of the former Montgomery Village Golf Course near Gaithersburg, Maryland. A substantial portion of the site lies within the Cabin Branch stream valley, including large expanses of floodplain, with steep slopes coming down to meet the stream valley. The proposed development areas are primarily in the upland areas in the old fairways and greens. 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.

Site Plan 820170130 approved the encroachment of several road sections into the edges of environmental buffers on the property after determining that these encroachments were necessary and unavoidable, per Section V.A.1.(f) of the *Environmental Guidelines*.

The original Site Plan also approved the encroachment of all or part of seven townhouse units in Area 1 into a delineated stream buffer, though not into 100-year floodplain. Compensation for the loss of buffer function in this area was provided through enhanced forestation totaling approximately 14,629 square feet.

Final site design and grading have created additional encroachments into the environmental buffers in Area 1, bringing the total area of encroachment to 66,831.02 square feet. This is being offset through buffer averaging, which entails expanding the size of the buffer in other areas (see *Environmental Guidelines* Section V.A.1.(e)). The expanded area of environmental buffers totals 70,744.65 square feet, resulting in a net gain of 3,913.63 square feet. (Figure 6)

With the enhanced forestation previously approved, and the buffer averaging applied in this application, the Site Plan Amendment is in conformance with the *Environmental Guidelines*.

previously provided 10.521 acres of the total mitigation requirement of 26.12 acres. Site Plan Amendment 82017013B provided an additional 11.11 acres of afforestation, bringing the total provided to 21.631 acres. This left 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.

This Site Plan Amendment responds to several changes in the layout of the site, including required road realignments, utilities, and an increase in units. Another change is the identification of an existing utility easement covering 0.43 acres of forest previously included in the worksheet, but now subtracted from the net tract area. This change decreases the Net Tract Area in Area I from 27.98 to 27.55 acres. The 0.43 acres of forest in the easement is likewise deducted from the worksheet, although there is no plan to remove the forest. This results in a decrease in mitigation required in Area I from 4.20 acres to 4.13 acres, and a decrease in the overall mitigation total from 26.69 acres to 26.62 acres. The total on-site planting being provided is 26.69 acres.

This staff report reflects work done to identify minor corrections to the submitted variance request and FFCP. The conditions of approval include a requirement to correct the FFCP to agree with the information in this staff report prior to Certified Site Plan approval.

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.

The original variance request submitted with preliminary forest conservation plan 120170150 approved impacts to 98 trees that are considered high priority for retention under section 22a-12(b) (3) of the county forest conservation law (Attachment C). Of the 98 trees impacted, 82 were approved for removal, and 16 were to be saved. The variance was amended with the approval of the final forest conservation plan amendment 82017013b to allow slight increases in the critical root zone impacts to trees 979, 980, and 981, but to continue to save the trees.

This site plan amendment application includes an amended variance request to increase Critical Root Zone (CRZ) impacts to ten trees previously approved for impact in previous variance requests. Eight of these trees are to be preserved; the status of the other two is being changed from “preserve” to “remove.” One additional tree has been newly identified as a variance tree. Permission is sought for its removal. Five trees are newly impacted by changes to the plans. These three trees are to be preserved.

Table 5– Previously Approved Variance Trees – Increased Critical Root Zone impacts

Tree Number	Species	DBH (Inches)	Previous CRZ Impacts (%)	New CRZ Impacts (%)	Status
710	Eastern white pine (<i>Pinus strobus</i>)	31.4”	6.17%	21.84%	Preserve
711	Eastern white pine (<i>Pinus strobus</i>)	32”	3.22%	24.91%	Preserve
928	Eastern white pine (<i>Pinus strobus</i>)	32”	28.38%	28.49%	Preserve
635	Eastern cottonwood (<i>Populus deltoides</i>)	39”	2.03%	3.90%	Preserve
973	Red maple (<i>Acer rubrum</i>)	30”	2.44%	20.32%	Preserve
979	White oak (<i>Quercus alba</i>)	33”	6.94%	20.45%	Preserve
981	White oak (<i>Quercus alba</i>)	33”	22.44%	27.38%	Preserve
734	Eastern white pine (<i>Pinus strobus</i>)	31”	18.09%	37.18%	Change from preserve to remove
980	White oak (<i>Quercus alba</i>)	33”	17.82%	25.77%	Change from preserve to remove
692	Eastern white pine (<i>Pinus strobus</i>)	33.4”	100%	100%	Remove – Not previously identified as variance tree

Table 6 – Newly Impacted Variance Trees

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
607	White ash (<i>Fraxinus americana</i>)	48"	13.75%	Preserve
608	Silver maple (<i>Acer saccharinum</i>)	43"	0.07%	Preserve
649	Eastern white pine (<i>Pinus strobus</i>)	30"	5.61%	Preserve
648	Silver maple (<i>Acer saccharinum</i>)	33"	0.1%	Preserve
975	Red maple (<i>Acer rubrum</i>)	30"	11.32%	Preserve

Table 7 – Justification for Variance Tree Disturbance

Trees already granted variance approval, but impacts are increasing requiring a new variance approval. Impacts increased but continue to preserve the tree.	
Tree Number	Justification
710	Increased impacts from grading to tie in path, respond to realignment of Stewartown Road
711	Increased impacts from grading to tie in path, respond to realignment of Stewartown Road
928	Impacts from connection to the existing sewer line
635	Increased impact from stormwater management connection
973	Increased impact from stormwater management facility
979	More accurate surveying places tree CRZ within the Limits of Disturbance
981	More accurate surveying places tree CRZ within the Limits of Disturbance
Trees already granted variance approval, but impacts are increasing requiring a new variance approval. Status of tree changing from preserve to remove.	
Tree Number	Justification
734	Impacts from grading required for necessary drainage improvements
980	More accurate surveying places tree CRZ within the Limits of Disturbance
692	This tree was listed as 29" on initial PFCP, but is 31". Now included on variance for removal
Trees newly impacted, not on previous variance request. Tree to be preserved.	
Tree Number	Justification
607	New impact from stormwater management connection
608	New impact from stormwater management connection
649	New impact from stormwater management connection
648	New impact from water line connection
975	New impact from stormwater management facility

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. The disturbances to the trees are caused by requirements to provide stormwater management and safe and efficient circulation, as well as grading required to provide positive drainage. Justification for disturbing each tree is detailed in Table 7. Denying the variance would prohibit the Applicant from providing required infrastructure and grading necessary for the development. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

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

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

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

Granting the variance will not confer a special privilege on the Applicant. The disturbances are due to requirements to provide adequate stormwater management and safe and efficient circulation, as well as necessary grading for drainage. Therefore, Staff believes that the 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 variance trees being removed will be mitigated by an additional 0.08 acres of afforestation within the stream buffer (see explanation of the mitigation formula, below). As these trees grow, they will replace the lost water quality function of the trees that were removed. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

Removal of the additional variance trees will result in the loss of 64 diameter 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 16 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, staff 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 16 caliper-inches of variance trees, divided by 2" per tree yields an additional .08 acres of planting. This acreage has been added to the previous forest conservation mitigation requirements, increasing the additional area for variance tree mitigation from 3.77 acres to 3.85 acres. These trees and shrubs will be planted within the approved forest planting areas in the stream buffer.

Variance Recommendation - Staff recommends approval of the variance request.

Staff concludes that Site Plan Amendment 82017013D continues to be in compliance with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines*.

SECTION 6: COMMUNITY OUTREACH

The Applicant has met noticing requirements related to the Preliminary and Site Plan Amendment. As of the date of this report, Staff has received one letter expressing concerns about environmental impacts. The Project continues to meet the requirements for Chapter 22A and the project continues to restore the former golf course to a natural stream for future park dedication.

SECTION 7: CONCLUSION

The proposed Preliminary and Site Plan Amendments comply with the standards and requirements for approval. The proposed Preliminary and Site Plan Amendments are consistent with the goals and recommendations of the 2016 *Montgomery Village Master Plan*. Staff recommends approval of the Bloom MV I-IV, Preliminary Plan Amendment No. 12017015A & Site Plan Amendment No. 82017013D with the proposed conditions of approval.

ATTACHMENTS

Attachment A: Preliminary Plan Amendment

Attachment B: Site Plan Amendment

Attachment C: Amended Final Forest Conservation Plan & Amended Variance Request

Attachment D: Agency Letters

Attachment E: Community Letter