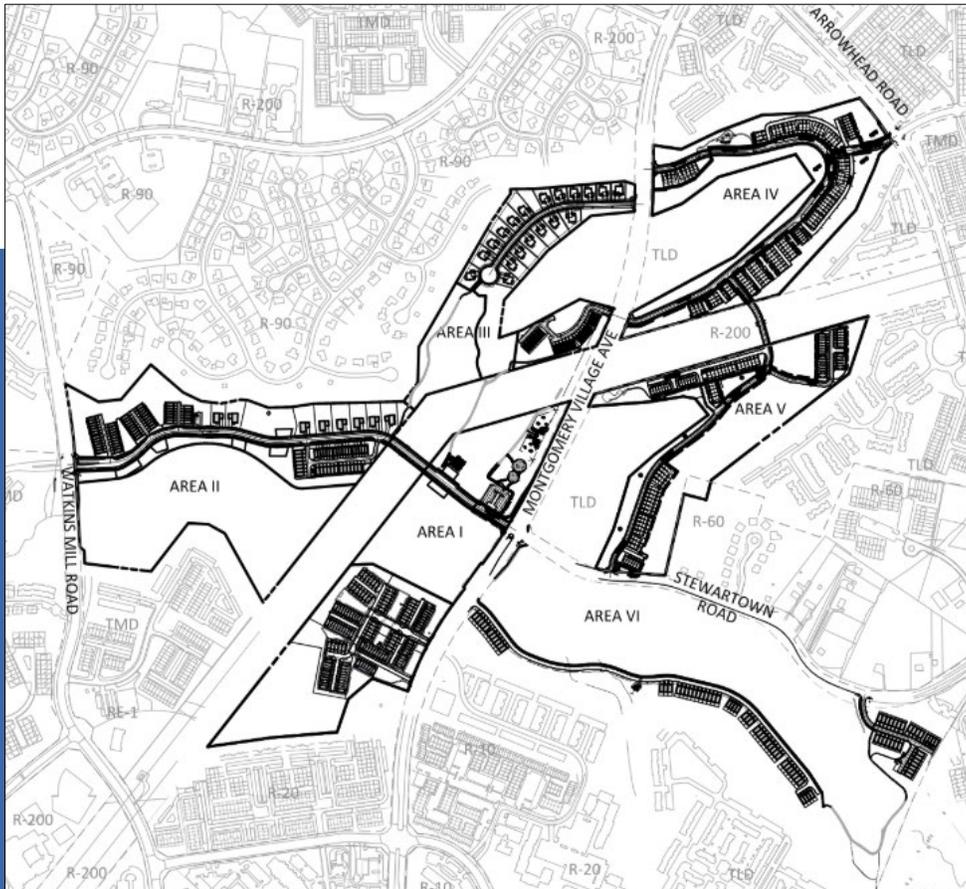


BLOOM MV

SITE PLAN AMENDMENT NO. 82017013F AND

FOREST CONSERVATION PLAN AMENDMENT NO. F20240970



Description

Proposal to update the Area VI shared use path width and construction timing; the timing for completion of the Montgomery Village Park community garden; and the afforestation planting schedule to ensure compliance with pro-rated planting requirements.

COMPLETED: 6/16/2025

PLANNING BOARD HEARING DATE: 6/26/2025

MCPB ITEM NO. 13

Planning Staff



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Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

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

147 acres

APPLICANT

Green Bloom MV Development, LLC

ACCEPTANCE DATE

April 10, 2025

REVIEW BASIS

Chapter 22A, 59

Summary:

- Staff recommends approval with conditions of Site Plan Amendment No. 82017013F and Forest Conservation Plan No. F20240970.
- Bloom MV is a residential project that received initial Site Plan approval (No. 820170130) in 2017. The Site Plan approval, as amended, allows construction of 514 dwelling units on the site of the former Montgomery Village Golf Course.
- Approximately 83% of the units and the majority of the Montgomery Village Foundation Park have been constructed.
- The Applicant requests modification to two Site Plan conditions regarding the community gardens and a walking path between two neighborhoods and an update of the Forest Conservation Plan phased planting requirements.
- Staff has received correspondence about the Site Plan Amendment application as detailed in the report.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN AMENDMENT NO. 82017013F

Staff recommends approval of Site Plan Amendment No. 82017013F to allow flexibility for the width of the Area VI shared use path, the timing of side path construction, and the timing for completion of the Montgomery Village Park community garden. Staff also recommends requiring the Applicant to add walking paths to the Certified Site Plan that were removed during a prior amendment without proper public notice. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report, submitted via ePlans to the M-NCPPC, are required, except as modified by the following conditions.¹ Condition Nos. 7e² and 7g³ are modified from prior approvals, as shown below. Condition Nos. 16x and 26 are new conditions and all other previously approved conditions remain in full force and effect.

Modified Conditions

7e. Prior to the issuance of the building permit for the ~~300th~~ 470th Residential Unit, the Applicant must construct an eight-foot-wide shared use path between Montgomery Village Avenue and ~~Private Road "J" Sol Place~~ Sol Place 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~~ The Shared Use Path must connect Nature Trail to Sol Place across the Cabin Branch Stream by resurfacing an old golf cart path and an existing bridge. The width of the Shared Use Path on the resurfaced golf cart path and existing bridge will have a variable width that may be less than eight feet wide in the stream valley buffer or topographically constrained areas. Both options must be shown on the certified site plan as alternatives.

7g. ~~Prior to issuance of the 54th residential building permit in Area 2, the final inspection of the final dwelling unit in the Project,~~ the community garden in the Montgomery Village Foundation Park must be completed.

Additional 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:

¹ For the purposes 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.

² Site Plan 820170130

³ Site Plan Amendment 82017013B

x. Add all pedestrian trails shown on the Site Plan Amendment No. 82017013D Recreation Facilities Plan (Sheet REC 01).

26. Prior to final inspection of the final dwelling unit in the Project, the Applicant must provide the pedestrian trails in the locations shown on the Recreation Facilities Plan (Sheet REC 01), unless a subsequent Site Plan Amendment approves removal of the path(s).

FOREST CONSERVATION PLAN AMENDMENT NO. F20240970

Staff recommends approval of Forest Conservation Plan Amendment No. F20240970. Condition Nos. 2.e⁴ and 2.f⁵ are modified from prior approvals as shown below and all other previously approved conditions remain in full force and effect.

Modified Conditions

2.e. By December 31, 2025, or before ~~Prior to the issuance of the building permit for the 150th residential unit~~ final inspection of the last residential unit in the Project, whichever comes first, or at the direction of the forest conservation inspector, 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 such as drinking fountains, debris; signs; bollards; buildings; and sand traps.

2.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 Areas 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:~~

Area ————— % of Total Afforestation Requirement

Area 1 ————— 22.5%

Area 2 ————— 21.5%

Area 3 ————— 10.0%

Area 4 ————— 19.0%

Area 5 ————— 17.0%

Area 6 ————— 25.5%

By December 31, 2025, the Applicant must install all required plantings per the sequence of planting shown on the Mitigation/Afforestation Credit table on Final Forest Conservation Plan No. F20240970 to fulfill the total forest mitigation requirement of 26.70 acres.

⁴ Final Forest Conservation Plan 82017013D

⁵ Final Forest Conservation Plan 820170130

SECTION 2: SITE DESCRIPTION

VICINITY

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.

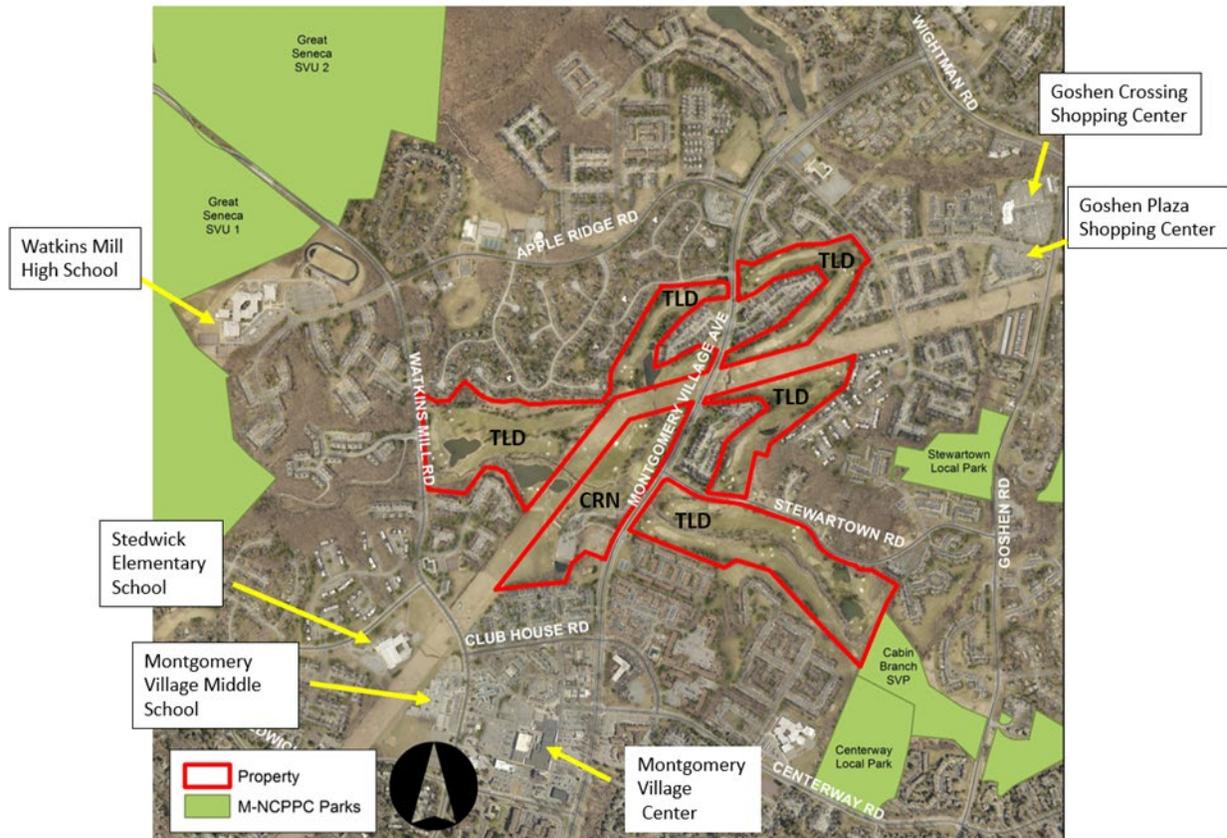


Figure 1 – Vicinity Map (Property outlined in red)

PROPERTY DESCRIPTION

The Subject Property is approximately 147 acres zoned TLD and CRN and within the Montgomery Village Overlay Zone. 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.

Bloom MV is currently under construction pursuant to Site Plan No. 820170130, as amended. Approximately 83% of the homes have been completed, as well as the Montgomery Village Foundation Park (“MVF”)⁶, private streets, and many of the community amenities. The development areas are primarily in the upland areas in the old fairways and greens.

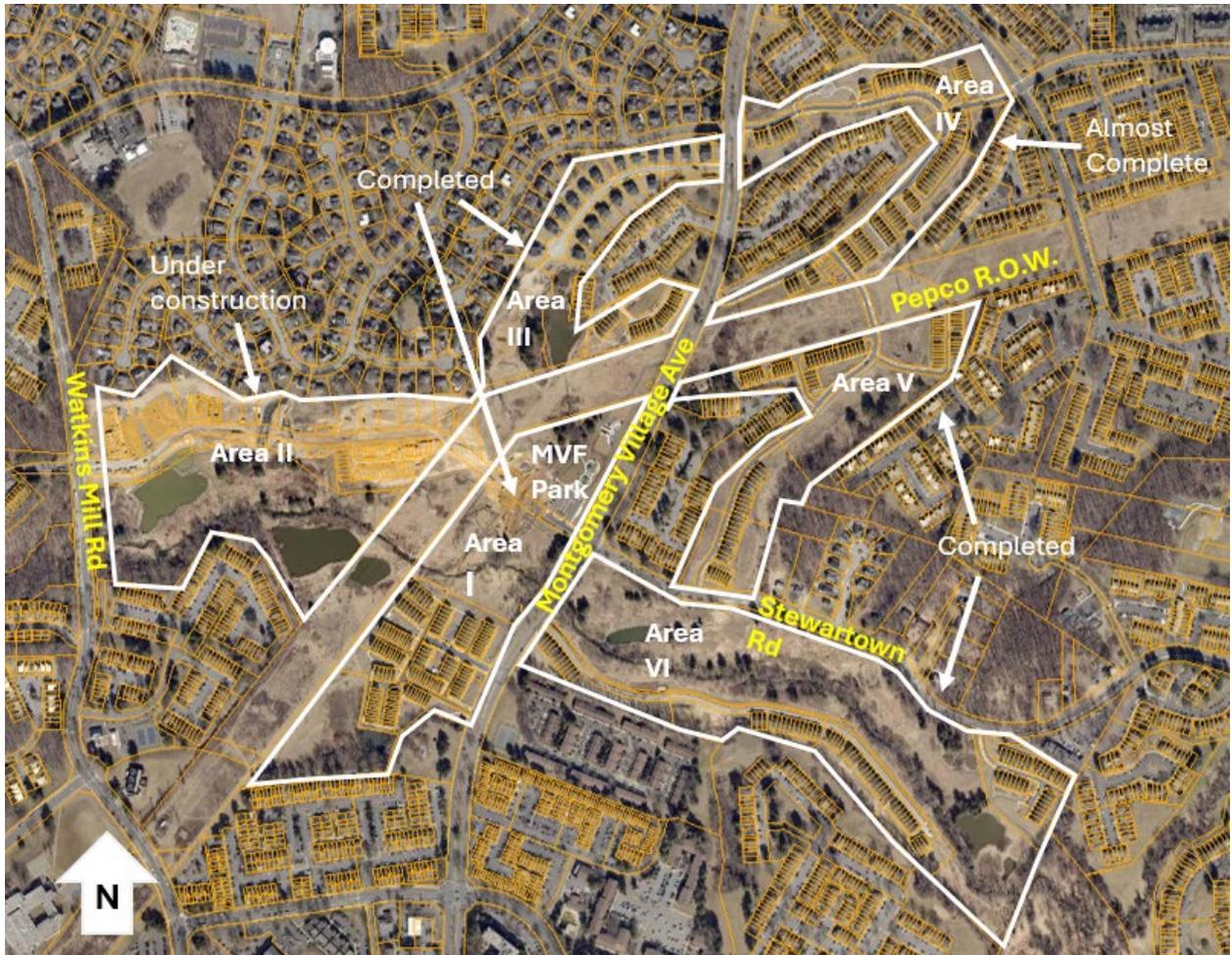


Figure 2 – Property (outlined in white)

⁶ The MVF Park is complete except for the community garden, further discussed in the Proposal section of the report.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS SITE PLAN APPROVALS

The Planning Board approved Preliminary Plan No. 120170150 (Resolution MCPB No. 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, HOA parcels, parcels for dedication to the Montgomery Village Foundation, and a 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 Amendment No. 82017013A (Resolution MCPB No. 19-122) 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%, 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 Amendment 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 Amendment 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.

On April 26, 2022, the Planning Board approved Site Plan Amendment No. 82017013D (Resolution MCPB No. 22-041) 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 within forest conservation easements.

On October 20, 2023, the Planning Director approved Site Plan Amendment No. 82017013E to revise private road alignment to accommodate gas easement constraints; update landscape, hardscape, and civil design per road alignment revision; update Certified Site Plan (CSP) per construction inspections and field adjustments; and revise limits of disturbance in Areas II and VI.

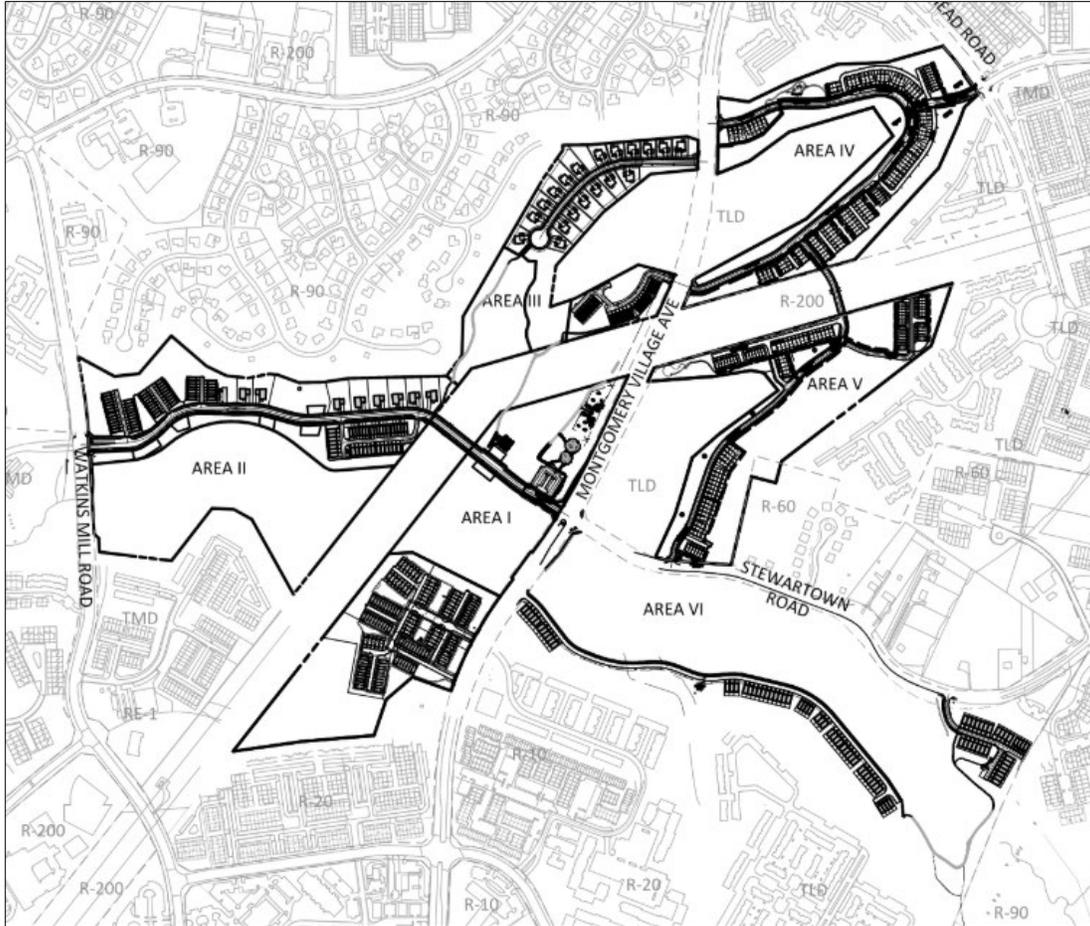


Figure 3: Site Plan Amendment No. 82017013E

PROPOSAL

The Applicant, Green Bloom MV Development, LLC., proposes the following changes to the Site Plan and Forest Conservation Plan:

- Update the timing for completion of the Montgomery Village Park community garden.
- Allow flexibility for the Area VI shared use path width and update the construction timing.
- Update the afforestation planting schedule to ensure compliance with pro-rated planting requirements.

In addition, Staff recommends adding a condition to the Site Plan Amendment requiring that the Applicant show on the Certified Site Plan paths that were removed during prior Amendments without the required public notice.

COMMUNITY GARDEN

The Applicant requests a modification to the deadline for completion of the MVF Park community garden in Area II. Rather than requiring completion of the community garden prior to the issuance of the 54th residential building permit in Area II, as required by condition No. 7g, the Applicant proposes to complete the community garden before the Department of Permitting Services conducts the final inspection for the last dwelling unit in the Project.

The Applicant will complete the community garden (future location shown with an asterisk in Figure 4) once the confronting section of proposed Stewartown Road (dashed blue line in Figure 4) is complete, and the associated parking and trail connections can be built. However, this section of proposed Stewartown Road is still undergoing permit approval, causing an unforeseen delay in the construction of the community garden. The permitting and construction of this section of Stewartown Road is complicated by features that the proposed road must cross including two floodplains, a stream (Area C in Figure 4), and a Pepco easement (Area B in Figure 4). To accommodate the construction phasing and ensure safe and accessible pedestrian routes, the community garden, which is dependent on the infrastructure grading, will be completed when this section of Stewartown Road is open and paths are complete.



Figure 4: Future Stewartown Road (Area II)

PATHS

Per condition No. 7e, a shared use path is required to connect Sol Place with Montgomery Village Avenue in Area VI since there is currently no pedestrian or bicycle connectivity between Sol Place and Montgomery Village Avenue/ the Montgomery Village Park to the west. Condition No. 7e allowed two options for this connection. Alternative 1, labeled in Figure 5, shows the connection along Stewartown

Road. However, due to environmental constraints along the south side of Stewarttown Road, the Applicant has chosen to construct Alternative 2. Most of Alternative 2 has been constructed, but the dilapidated golf cart path that connects the two Area VI neighborhoods still needs to be rebuilt to complete the connection.

The Applicant requests a modification of Condition No. 7e to reflect the removal of Alternative 1 along Stewarttown Road, flexibility for the width of Alternative 2 in environmentally sensitive areas along the old golf cart path, and a change in the timing to complete the path. As with Alternative 1, Alternative 2 has a section of the existing cart path that runs through environmentally sensitive areas – forest, stream valley, and floodplain. To support the conservation goals of the Project and the Forest Conservation Plan, the section of trail through these sensitive areas will be built over the existing cart path, which varies in width from 6 to 10 feet. The flexibility in the width of the path will allow the existing path to be smoothed and resurfaced without any disturbance in the area and without increasing impervious area near the stream.

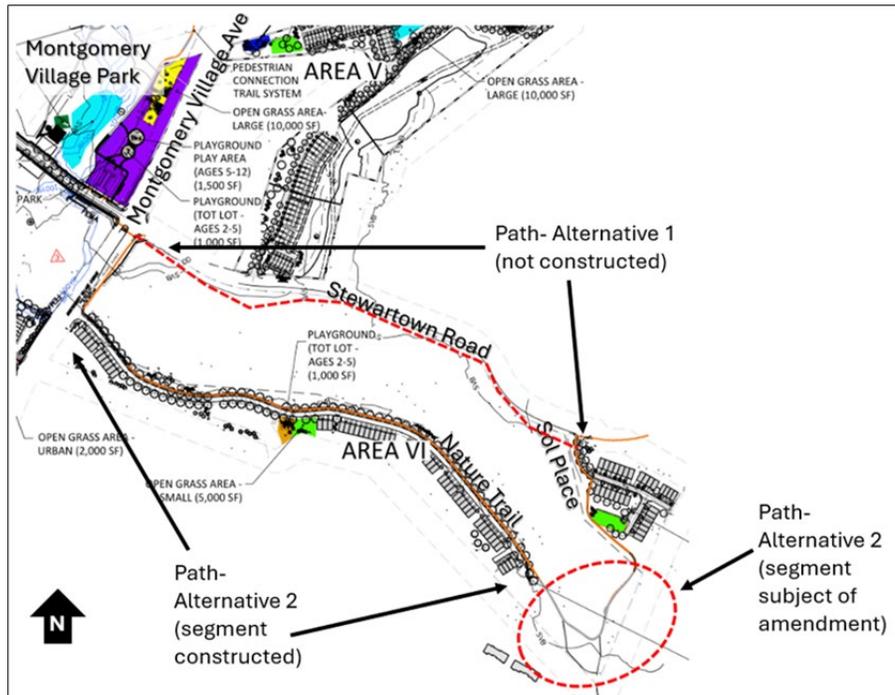


Figure 5: Area VI Path

As conditioned, the Applicant is required to add walking paths to the Certified Site Plan that were removed from prior Site Plan Amendments without proper public notice. Figure 6 (left side) shows the paths that were approved with the original site plan but had been removed by Site Plan Amendment 82017013E (Figure 6, right side) without notice to the Planning Department or the public. Therefore, the Applicant must add the paths back to the Certified Site Plan and provide the paths in the locations

circled in red below, or in an alternate location that provides a similar connection. Aside from the addition of the previously approved paths, there are no other changes to Site Plan Amendment drawings. If construction of one or more of the walking paths is infeasible, the Applicant must amend the Site Plan and send application notice specifying changes to certain walking paths.

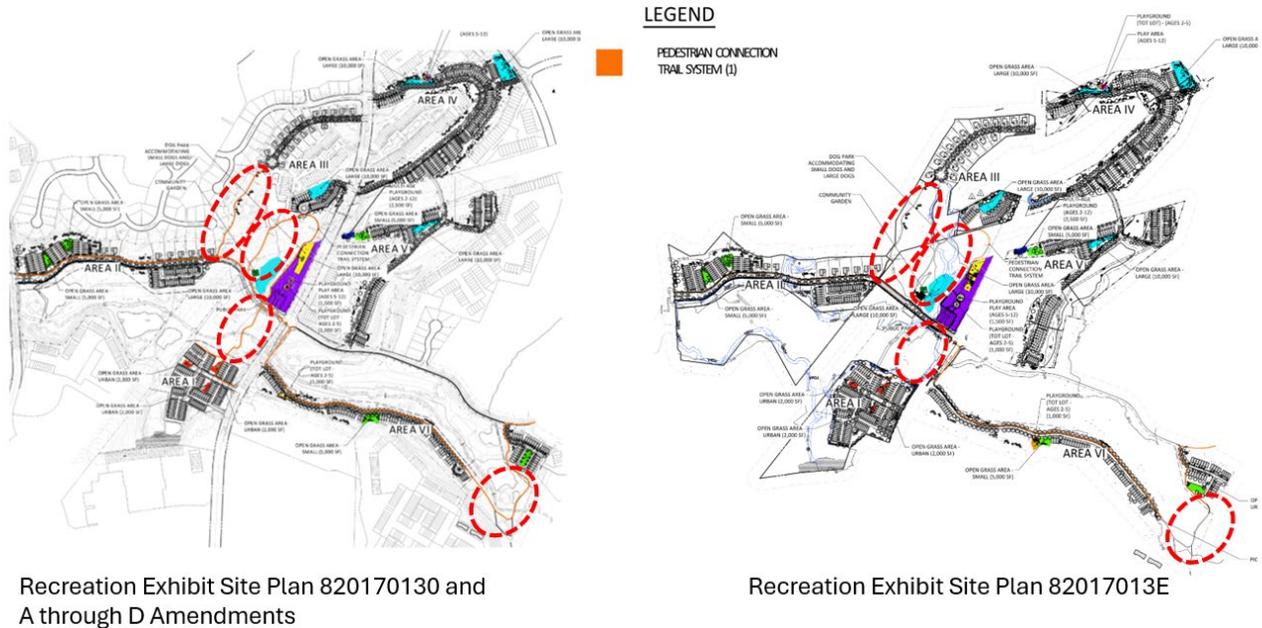


Figure 6: Paths removed from the Recreation Plan

FOREST CONSERVATION

The forest conservation mitigation requirements for the Bloom MV development total 26.70 acres. Implementation of the afforestation requirements has been phased according to a schedule created to provide planting roughly proportionate to each phase of development approved. Forest Conservation Plan No. F20240970 amends the planting sequence to align with changes to the development phases, including expanding the number of building phases to nine to continue to ensure that the amount of forest mitigation provided cumulatively covers the requirements of all building phases that have been completed. The amendment does not propose any changes to the Forest Conservation worksheet and would not change the type and amount of mitigation provided.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting is not required. Staff received a few emails and phone calls from Montgomery Village residents with questions and comments about the Amendment (Attachment C). The comments, with Staff responses, are summarized below.

- The Planning Board should not allow the developer to delay anything.
Staff response: Given the complexity of the development, changes to construction phasing are reasonable for a Project of this size.
- The path shown on prior versions of the Site and Preliminary Plan connecting the neighborhood in Area 1 with Stewartown Road/the Montgomery Village Park should be constructed.
Staff response: Approval of the Amendment is conditioned upon adding previously approved paths back to the Site Plan. If the paths cannot be constructed, the Applicant must submit another site plan amendment with the required public notice.
- Bloom MV does not have enough parking.
Staff response: Parking for the Project is outside the scope of this Amendment.

SECTION 5: SITE PLAN 82017013F FINDINGS AND ANALYSIS

Site Plan Amendment No. 82017013F requests to update the Area VI shared use path width and construction timing, and the timing for completion of the Montgomery Village Park community garden. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable.

SECTION 6: FOREST CONSERVATION PLAN F20240970 FINDINGS AND ANALYSIS

FOREST CONSERVATION PLAN

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law,⁷ as conditioned and described further below.

Natural Resource Inventory/Forest Stand Delineation Plan

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420170430) 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, 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 Property (development Area IV) is covered by NRI/FSD No. 420151680, which was approved on April 3, 2015.

The 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 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.

Final Forest Conservation Plan

This Application amends all previous FFCPs for the Bloom MV development, including 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 phases of the Site Plan; Amendment 82017013A, which made minor adjustments to the planting areas, and specifically identified the planting areas used to meet the planting requirements for Areas 4 and 5 of the development; Amendment 82017013B, which made additional adjustments to planting areas, and identified the planting areas to satisfy the forest conservation mitigation requirements for development Area 1, Area 3, and a portion of Area 6; and Amendment D, which made adjustments to planting requirements and forest conservation easements. While the Bloom MV site is largely within a

⁷ Based on the initial acceptance date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect on April 4, 2023.

Priority Urban Forest Area, no forest is being removed in association with this Final Forest Conservation Plan.

The forest conservation mitigation requirements for the Bloom MV development total 26.70 acres, which is unchanged with this amendment. Implementation of the afforestation requirements has been phased according to a schedule created to provide planting roughly proportionate to each phase of development approved. F20240970 amends the planting sequence to align with changes to the development phases, including expanding the number of building phases to nine to continue to ensure that the amount of forest mitigation provided cumulatively covers the requirements of all building phases that have been completed. All other elements of the previously approved Final Forest Conservation Plans remain unchanged, including Variance approvals.

SECTION 7: CONCLUSION

As conditioned, the Site Plan Amendment and Forest Conservation Plan applications each satisfy the applicable requirements of the County Code. Therefore, Staff recommends approval of the Site Plan Amendment and Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Site/FCP Plan

Attachment B: Prior Approvals

Attachment C: Community Correspondence

BLOOM MV AREAS I-VI

SITE PLAN AMENDMENT NO. 82017013F

SITE PLAN

*SP-01	07-85ITE-82017013E-01	COVER SHEET
*SP-01A	07-85ITE-82017013E-01A	DEVELOPMENT PROGRAM
*SP-02	07-SITE-82017013D-02	PLAN APPROVALS
*SP-03	07-SITE-82017013B-03	PLAN APPROVALS
*SP-03A	07-85ITE-82017013B-03A	PLAN APPROVALS
*SP-03B	07-85ITE-82017013B-03B	PLAN APPROVALS
*SP-03C	07-85ITE-82017013E-03C	PLAN APPROVALS
SP-04	07-85ITE-82017013E-04	AREA I
SP-05	07-85ITE-82017013E-05	AREA I
SP-06	07-85ITE-82017013E-06	AREA I
SP-07	07-85ITE-82017013E-07	AREA I
SP-08	07-85ITE-82017013E-08	AREA I
SP-09	07-85ITE-82017013E-09	AREA II
SP-10	07-85ITE-82017013D-10	AREA II
SP-11	07-85ITE-82017013E-11	AREA III
SP-12	07-85ITE-82017013E-12	AREA III
SP-13	07-85ITE-82017013D-13	AREA III
SP-14	07-85ITE-82017013E-14	AREA IV
SP-15	07-85ITE-82017013E-15	AREA IV
SP-16	07-85ITE-82017013D-16	AREA IV
SP-17	07-85ITE-82017013E-17	AREA IV
SP-18	07-85ITE-82017013E-18	AREA V
SP-19	07-85ITE-82017013E-19	AREA V
SP-20	07-85ITE-82017013E-20	AREA V
SP-21	07-85ITE-82017013D-21	AREA V
SP-22	07-85ITE-82017013D-22	AREA VI
SP-23	07-85ITE-82017013D-23	AREA VI
SP-24	07-85ITE-82017013D-24	AREA VI
SP-25	07-85ITE-82017013D-25	AREA VI
SP-26	07-85ITE-82017013D-26	AREA VI
SP-27	07-85ITE-82017013D-27	AREA VI

LANDSCAPE PLAN

LA-01	08-LL-82017013D-LA-01	COVER SHEET
LA-02	08-LL-82017013D-LA-02	DESIGN GOALS & OBJECTIVES
LA-03	08-LL-82017013D-LA-03	PROGRAM & PERFORMANCE
LA-04	08-LL-82017013D-LA-04	QUALITY COMPOSITE
LA-05	08-LL-82017013D-LA-05	AREA I
LA-06	08-LL-82017013D-LA-06	AREA I
LA-07	08-LL-82017013D-LA-07	AREA I
LA-08A	08-LL-82017013B-LA-08A	MVF PARK PLANTING PLAN
LA-08B	08-LL-82017013B-LA-08B	MVF PARK PLANTING PLAN
LA-08C	08-LL-82017013B-LA-08C	MVF PARK PLANTING PLAN
LA-08D	08-LL-82017013B-LA-08D	MVF PARK PLANTING PLAN
LA-08E	08-LL-82017013B-LA-08E	MVF PARK PLANTING PLAN
LA-09	08-LL-82017013D-LA-09	AREA II
LA-10	08-LL-82017013D-LA-10	AREA II
LA-11	08-LL-82017013D-LA-11	AREA II
LA-12	08-LL-82017013E-LA-12	AREA III
LA-13	08-LL-82017013E-LA-13	AREA III
LA-14	08-LL-82017013D-LA-14	AREA III
LA-15	08-LL-82017013D-LA-15	AREA III
LA-16	08-LL-82017013D-LA-16	AREA IV
LA-17	08-LL-82017013D-LA-17	AREA IV
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LA-22	08-LL-82017013D-LA-22	AREA V
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LA-24	08-LL-82017013D-LA-24	AREA VI
LA-25	08-LL-82017013D-LA-25	AREA VI
LA-26	08-LL-82017013D-LA-26	AREA VI
LA-27	08-LL-82017013E-LA-27	MVF PARK DETAIL
LA-28	08-LL-82017013B-LA-28	DETAIL SHEETS
LA-29	08-LL-82017013B-LA-29	DETAIL SHEETS
LA-30	08-LL-82017013B-LA-30	DETAIL SHEETS
LA-31	REMOVED UNDER 82017013B	
LA-32	08-LL-82017013D-LA-32	PLANTING DETAILS & NOTES
LA-33	08-LL-82017013D-LA-33	MVF PARK SITE DETAILS
LA-34	08-LL-82017013D-LA-34	MVF PARK SITE DETAILS
LA-35	08-LL-82017013D-LA-35	MVF PARK SITE DETAILS

HARDSCAPE PLAN

HS-01	08-LL-82017013D-HS-01	AREA I
HS-02	08-LL-82017013D-HS-02	AREA I
HS-03	08-LL-82017013D-HS-03	AREA I
HS-04	08-LL-82017013D-HS-04	AREA I
HS-05	08-LL-82017013D-HS-05	AREA II
HS-06	08-LL-82017013D-HS-06	AREA II
HS-07	08-LL-82017013D-HS-07	AREA II
HS-08	08-LL-82017013D-HS-08	AREA III
HS-09	08-LL-82017013D-HS-09	AREA III
HS-10	08-LL-82017013D-HS-10	AREA III
HS-11	08-LL-82017013D-HS-11	AREA IV
HS-12	08-LL-82017013D-HS-12	AREA IV
HS-13	08-LL-82017013D-HS-13	AREA IV
HS-14	08-LL-82017013D-HS-14	AREA IV
HS-15	08-LL-82017013D-HS-15	AREA V
HS-16	08-LL-82017013D-HS-16	AREA V
HS-17	08-LL-82017013E-HS-17	AREA V
HS-18	08-LL-82017013D-HS-18	AREA V
HS-19	08-LL-82017013D-HS-19	AREA VI
HS-20	08-LL-82017013D-HS-20	AREA VI
HS-21	08-LL-82017013D-HS-21	AREA VI
HS-22	08-LL-82017013D-HS-22	AREA VI

LIGHTING PLAN

PM-100	08-BLL-82017013E-PM100	PHOTOMETRIC PLAN - COMPOSITE
PM-200	08-BLL-82017013E-PM200	PHOTOMETRIC PLAN - AREA I
PM-201	08-BLL-82017013D-PM201	PHOTOMETRIC PLAN - AREA II
PM-202	08-BLL-82017013E-PM202	PHOTOMETRIC PLAN - AREA III
PM-203	08-BLL-82017013E-PM203	PHOTOMETRIC PLAN - AREA IV
PM-204	08-BLL-82017013E-PM204	PHOTOMETRIC PLAN - AREA V
PM-205	08-BLL-82017013D-PM205	PHOTOMETRIC PLAN - AREA VI
PM-206	08-BLL-82017013D-PM206	PHOTOMETRIC PLAN - AREA VI
PM-300	08-BLL-82017013D-PM300	LIGHTING DETAILS

FINAL FOREST CONSERVATION PLAN

FFCP-100	10-BFCP-82017013E-100	FCP COVER SHEET
FFCP-200	10-FCP-82017013D-200	FCP SHEET INDEX
FFCP-300	10-FCP-82017013B-300	COMPOSITE FCP
FFCP-301	10-BFCP-82017013E-301	FOREST CONSERVATION ESMTS.
FFCP-302	10-BFCP-82017013E-302	AFORRESTATION
FFCP-303	10-FCP-82017013B-303	GOLF COURSE REMEDIATION
FFCP-304	10-FCP-82017013D-304	GOLF COURSE REMEDIATION
FFCP-310	10-BFCP-82017013B-310	AREA I DETAILED FCP
FFCP-311	10-BFCP-82017013B-311	AREA I DETAILED FCP
FFCP-312	10-BFCP-82017013E-312	AREA I DETAILED FCP
FFCP-313	10-BFCP-82017013E-313	AREA I DETAILED FCP
FFCP-320	10-BFCP-82017013E-320	AREA II DETAILED FCP
FFCP-321	10-BFCP-82017013D-321	AREA II DETAILED FCP
FFCP-322	10-BFCP-82017013D-322	AREA II DETAILED FCP
FFCP-323	10-BFCP-82017013E-323	AREA II DETAILED FCP
FFCP-330	10-BFCP-82017013E-330	AREA III DETAILED FCP
FFCP-331	10-BFCP-82017013D-331	AREA III DETAILED FCP
FFCP-332	10-BFCP-82017013E-332	AREA III DETAILED FCP
FFCP-340	10-BFCP-82017013A-340	AREA IV DETAILED FCP
FFCP-341	10-BFCP-82017013A-341	AREA IV DETAILED FCP
FFCP-342	10-BFCP-82017013A-342	AREA IV DETAILED FCP
FFCP-343	10-BFCP-82017013A-343	AREA IV DETAILED FCP
FFCP-350	10-BFCP-82017013A-350	AREA V DETAILED FCP
FFCP-351	10-BFCP-82017013E-351	AREA V DETAILED FCP
FFCP-352	10-BFCP-82017013A-352	AREA V DETAILED FCP
FFCP-360	10-BFCP-82017013D-360	AREA VI DETAILED FCP
FFCP-361	10-BFCP-82017013D-361	AREA VI DETAILED FCP
FFCP-362	10-BFCP-82017013D-362	AREA VI DETAILED FCP
FFCP-363	10-BFCP-82017013D-363	AREA VI DETAILED FCP
FFCP-364	10-BFCP-82017013D-364	AREA VI DETAILED FCP
FFCP-365	10-BFCP-82017013D-365	AREA VI DETAILED FCP
FFCP-366	10-BFCP-82017013D-366	AREA VI DETAILED FCP
FFCP-400	10-FCP-82017013E-400	FCP FREE INVENTORY
FFCP-401	10-FCP-82017013E-401	FCP FREE INVENTORY
FFCP-410	10-FCP-82017013D-410	FCP NOTES
FFCP-500	10-FCP-82017013D-500	FCP DETAILS

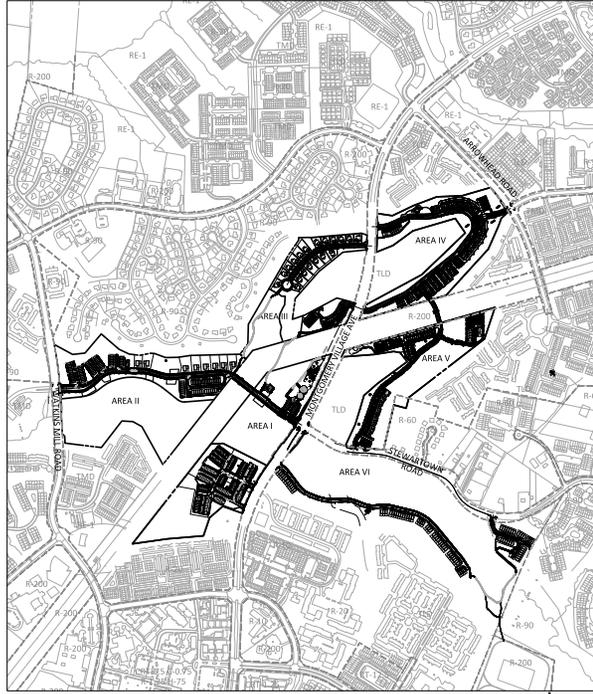
ARCHITECTURE PLAN

I	09-ARCH-82017013D-01	16' TOWNHOUSE ELEVATION
2	09-ARCH-82017013D-02	16' TOWNHOUSE ELEVATION
3A	09-BARCH-82017013B-03	18' TOWNHOUSE ELEVATION
3B	09-BARCH-82017013B-03	18' TOWNHOUSE ELEVATION
4	09-ARCH-82017013D-04	20' TOWNHOUSE ELEVATION
5	09-ARCH-82017013D-05	20' TOWNHOUSE ELEVATION
6A	09-BARCH-82017013B-06	22' TOWNHOUSE ELEVATION
6B	09-BARCH-82017013B-06	22' TOWNHOUSE ELEVATION
6C	09-ARCH-82017013B-06	22' TOWNHOUSE ELEVATION
7	09-BARCH-82017013B-06	22' TOWNHOUSE ELEVATION
8	09-BARCH-82017013E-07	TOWNHOUSE END ELEVATIONS
9	09-ARCH-82017013D-09	SINGLE FAMILY ELEVATIONS
10	09-ARCH-82017013D-10	DUPLEX

SUPPORTING PLANS

MPDU 100	32-BMPDU-82017013C	MPDU LOCATION EXHIBIT (1)
REC 01	32-REC-82017013E-01	RECREATION PLAN COMPOSITE
REC 02	32-REC-82017013D-02	AREA 1
REC 03	32-REC-82017013D-03	AREA 2
REC 04	32-REC-82017013E-04	AREA 3
REC 05	32-REC-82017013D-05	AREA 4
REC 06	32-REC-82017013D-06	AREA 5
REC 07	32-REC-82017013D-07	AREA 6
REC 08	32-REC-82017013D-08	AREA 6
PR 01	32-SECTIONS-82017013D-01	PRIVATE ROAD SECTIONS
PR 02	32-SECTIONS-82017013D-02	PRIVATE ROAD SECTIONS
OPEN 0	32-OPEN-82017013D-00	OPEN SPACE PLAN
OPEN 1	32-OPEN-82017013D-01	OPEN SPACE PLAN
OPEN 2	32-OPEN-82017013D-02	OPEN SPACE PLAN
OPEN 3	32-OPEN-82017013D-03	OPEN SPACE PLAN
OPEN 4	32-OPEN-82017013D-04	OPEN SPACE PLAN
OPEN 5	32-OPEN-82017013D-05	OPEN SPACE PLAN
OPEN 6A	32-OPEN-82017013D-06A	OPEN SPACE PLAN
OPEN 6B	32-OPEN-82017013D-06B	OPEN SPACE PLAN
FAP-01	13-FDA-82017013D-01	FIRE ACCESS PLAN
FAP-02	13-BFDA-82017013D-02	FIRE ACCESS PLAN
FAP-03	13-BFDA-82017013E-03	FIRE ACCESS PLAN
FAP-04	13-FDA-82017013D-04	FIRE ACCESS PLAN
FAP-05	13-FDA-82017013D-05	FIRE ACCESS PLAN
FAP-06	13-BFDA-82017013D-06A	FIRE ACCESS PLAN
FAP-07	13-BFDA-82017013B-06B	FIRE ACCESS PLAN

[1] TO BE UPDATED AS NEEDED PER DISCUSSIONS WITH DNCA. SHEETS UPDATED UNDER THIS AMENDMENT



DEVELOPMENT STANDARDS FOR TLD & CRN ZONES

Development Standards	Zone Ordinance Development Standards		Overall Site Plan	
	Detached House	Duplex	Detached House	Duplex
Density (units per acre)	1.75	1.75	27	3.31
Units	1	1	27	309
MFLU ratio	-12.5%	-12.5%	27	309
Units, Total			27	309
Lot area min.	3,000 SF	1,500 SF	3,000 SF	1,000 SF
Lot width (at front building line) min.	30'	40'	40'	15'
Lot width (at front lot line) min.	15'	14'	15'	15'
Lot coverage max.	90%	90%	90%	90%
Total Units Approved			27	487
CRN 0.5 Zone (Area 1) Standard Method			n/a	n/a
Units, Total			n/a	118
Density (units per acre)	0.0, 0.5, 5.0	n/a	n/a	12
Units	1,000 SF	500 SF	1,000 SF	500 SF
Lot width (at front building line) min.	20'	12'	20'	12'
Lot width (at front lot line) min.	10'	10'	10'	10'
Lot coverage max.	90%	90%	90%	90%
Total Units Approved			27	487
Building Height				
TLD Zone max.	40'	35'	40'	40'
CRN 0.5 Zone max.	60'	45'	40'	40'
Building Setbacks (F.T.)				
Front from public street min.	10'	10'	10'	10'
Side or rear min.	5'	5'	5'	5'
Side setback min.	10'	10'	10'	10'
Side setback min. at site boundary min.	5'	5'	5'	5'
Side or rear building property not included in application min.	Equal to detached building type setback including zone under standard method	10' side / 20' rear		
Rear alley min.	5'	5'	5'	5'
CRN 0.5 Zone - Standard Method				
Front min.	5'	5'	5'	5'
Side setback min.	5'	5'	5'	5'
Side setback residential zones min.	5'	5'	5'	5'
Side setback min. at site boundary min.	n/a	n/a	n/a	n/a
Rear min.	15'	10'	15'	10'
Rear alley min.	5'	5'	5'	5'
Rear between lot and site boundary min.	n/a	n/a	n/a	n/a
Build-to Area (max setback & min % of building facade)				
Front setback	n/a	n/a	15'	15'
Building in front street offset	n/a	n/a	70%	70%
Fronting				
TLD & CRN 0.5 Zone	Baseline Min. 5.00 per unit	54	0	745
MPDU	0.5 times base rate / 1.00 per unit	54	0	114
Total		54	0	859
Open Space				
TLD Zone min.	20% / 160,315 sq ft	40.50%	or	2,207,370 sq ft
CRN 0.5 Zone min.	20% / 160,315 sq ft	40.50%	or	1,200

ATTACHMENT B



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

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1. PRELIMINARY PLAN CONFORMANCE

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

2. FOREST CONSERVATION

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

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- 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

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- 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.

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- 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

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

9. MODERATELY PRICED DWELLING UNITS (MPDUs)

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

10. SITE DESIGN

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

11. LANDSCAPING

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

12. LIGHTING

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

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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.

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- 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.

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- 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

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the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

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

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

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

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

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

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

- a. Use Standards

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

- b. Development Standards

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

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

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

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

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

CRN 0.5 Zone (Area D) Standard Method							
Development Standard	Permitted/Required			Approved			
	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	
1. Site							
Common open space (min)	n/a	n/a	10%	n/a	n/a	>10%	
2. Lot and Density							
Lot area (min)	1,000 SF	500 SF	800 SF	n/a	n/a	800 SF	
Lot width (at front bldg line, min)	25'	12.5'	12'	n/a	n/a	12'	
Lot width (at front lot line, min)	10'	10'	n/a	n/a	n/a	10	
Lot coverage (max)	90%	90%	n/a	n/a	n/a	n/a	
Density Max	0.5 FAR			0.23 FAR			
3. Placement							
Front (min)	5'			5'			
Side street (min)	5'			5'			
Side abutting res zones (min)	6'	6'	4'	10'			
Side end unit (min)	n/a	n/a	2'	4'			
Side b/w lot and site boundary (min)	n/a	n/a	4'	4'			
Rear (min)	15'	15'	10'	15'			
Rear alley (min)	n/a	n/a	5	n/a			
Front setback (max)	n/a	n/a	15'	n/a	n/a	15'	
Building in front street BTA (min)	n/a	n/a	70%	n/a	n/a	70%	
4. Height							
	65'			45'			
Parking for the entire site							
	Required			Approved			
	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

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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

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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.

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- 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.

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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

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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:

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- “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

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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

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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

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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



ATTACHMENT B

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

2425 Reedie Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605 Fax: 301.495.1320
Approved as to  www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org
Legal Sufficiency: _____
M-NCPPC Legal Department

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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.

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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

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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:

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CRN 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	111 118
MPDUs				n/a	n/a	14	n/a	n/a	28	n/a	n/a	28 36
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%	90%	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 27	2 0	355 376
MPDUs						54			89			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'

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Site Plan No. 82017013B
Bloom Montgomery Village
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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

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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%

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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

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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.*

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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

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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

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

MCPB No. 21-045
Site Plan No. 82017013C
Bloom MV
Date of Hearing: June 17, 2021

JUN 24 2021

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 December 26, 2017¹, 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 November 8, 2019, the Planning Board approved an amendment to Site Plan No. 82017013A (MCPB No. 19-122) to make changes 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, on October 8, 2020, the Planning Board approved an amendment to Site Plan No. 82017013B (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; and provide Forest Conservation Plan revisions, update of utilities, stormwater and grading on the Subject Property; and

WHEREAS, on April 1, 2021 Green Bloom MV Development, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plan(s) to adjust the percentage of MPDUs within Areas I and II to provide a minimum of 12.5% MPDUs in Area I and 25% MPDUs in Areas II-VI on the Subject Property; and

¹ This date was incorrect in Resolutions MCPB No. 19-122 and MCPB No. 20-091.

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MCPB No. 21-045
Site Plan No. 82017013C
Bloom MV
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WHEREAS, the application to amend the site plan was designated Site Plan No. 82017013C, Bloom MV (“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 June 2, 2021 setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 17, 2021 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. 82017013C 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 by adding the following condition:²

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.

BE IT FURTHER RESOLVED that all other Site Plan conditions of approval for this Project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Bloom MV 82017013C submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above condition of approval.; and

² 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.

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Site Plan No. 82017013C
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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:

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.

- 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 data table includes the changes proposed by this Amendment.

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Data Table

	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			3.15			
Units	1163			27	0	349	
MPDUs min.	> 12.5%			25.0%			
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%			
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:							
TLD Zone max.	40'			35'	40'	40'	
CRN 0.5 Zone max.	65'						
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							
MPDU	Baseline Min. 2.00 per unit			54	0	716	770
	0.5 times baseline / 1.00 per unit					109	109
Total:				54	0	826	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	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	

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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 JUN 24 2021 (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 Patterson, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, June 17, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT B

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-041
Site Plan No. 82017013D
BLOOM MV I-IV
Date of Hearing: April 7, 2022

APR 26 2022

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 December 26, 2017¹, 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 and Townhouse Low Density (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 Site Plan No. 82017013A (MCPB No. 19-122) to make changes 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, on October 8, 2020, the Planning Board approved an amendment to Site Plan No. 82017013B (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; and provide Forest Conservation Plan revisions, update of utilities, stormwater and grading on the Subject Property; and

WHEREAS, on June 24, 2021, the Planning Board approved an amendment to Site Plan No. 82017013C (MCPB No. 21-045) to adjust the percentage of MPDUs within Areas

¹ This date was incorrect in Resolutions MCPB No. 19-122 and MCPB No. 20-091.

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www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

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Site Plan No. 82017013D
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I and II to provide a minimum of 12.5% MPDUs in Area I and 25% MPDUs in Areas II-VI on the Subject Property; and

WHEREAS, on August 26, 2021, Green Bloom MV Development, LLC (“Applicant”) filed an application for approval of an amendment 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 the Park conveyance areas on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82017013D, BLOOM MV I-IV (“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 March 28, 2022 , setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 07, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017013D 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 the Park conveyance areas by adding and modifying the following condition:²

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~~

² 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.

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MCPB No. 22-041
Site Plan No. 82017013D
BLOOM MV I-IV
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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 the 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.

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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.

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 BLOOM MV I-IV, Site Plan Amendment 82017013D, 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 of its Staff as presented at the hearing and/or 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:

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.

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

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i. Division 4.5.3. & 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

Development Standards:	Zoning Ordinance Development Standards			Overall Site Plan			
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Total
TLD Zone (Area 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:	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	
TLD Zone max.	40'			35'	40'	40'	
CRN 0.5 Zone max.	65'			45'			
Building Setbacks (FT):	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	
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 0.6 Zone - Standard Method							
Front min.	5'			5'			
Side street min.	5'			5'			
Side abutting residential zones min.	6'	6'	4'	10'			
Side and 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):	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	
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:	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Total
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	118,003 sf	n/a	n/a	527,647 sf	

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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*.

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Figure 7. Environmental Buffer Encroachments and Expanded Buffer Areas

Chapter 22A, Forest Conservation.

This application includes amendments to FFCP 820170130, which established forest conservation mitigation requirements for the entire Bloom MV development. This includes specific planting requirements associated with development of each of the six phases of the Site Plan.

Amendment 82017013A made minor adjustments to the planting areas, and specifically identifies the planting areas used to meet the planting requirements for Areas 4 and 5 of the development. Amendment 82017013B made additional adjustments to planting areas and identified the planting areas to satisfy the forest conservation mitigation requirements for development of Area 1, Area 3, and a portion of Area 6.

The forest conservation mitigation requirements for the Bloom MV development totaled 26.12 acres in the original Final Forest Conservation Plan (No. 820170130).

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Implementation of the afforestation requirements has been phased according to a schedule created to provide planting roughly proportionate to each phase of development approved. The planting requirements for Site Plan Amendment 82017013A 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.

The 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 the 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

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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

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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

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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, the Planning Board finds 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. Planning Board has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings – the Planning Board 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, Planning Board 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.

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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, the Planning Board finds 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, 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 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.

The Planning Board approves the variance request.

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

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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 ~~APR 26 2022~~ (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 Rubin, seconded by Vice Chair Verma, with Commissioners Patterson, Rubin, Cichy, and Chair Anderson voting in favor at its regular meeting held on Thursday, April 21, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT B

OCT 23 2023

Montgomery Planning

BLOOM MV I-VI SITE PLAN AMENDMENT NO. 82017013E

Description

Request to amend Site Plan 82017013D to revise private road alignment to accommodate gas easement constraints; update landscape, hardscape, and civil design per road alignment revision; update Certified Site Plan per construction inspections and field adjustments; and revise limits of disturbance in Areas II and VI.

Completed: 10-18-2023

Administrative Approval

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Montgomeryplanning.org

ATTACHMENT B

ET

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SUMMARY

LOCATION

Intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village

MASTER PLAN & ZONE

2016 *Montgomery Village Master Plan*; TLD and CRN, within the Montgomery Village Overlay Zone

PROPERTY SIZE

61.31 acres

APPLICANT

Green Bloom MV Development, LLC

ACCEPTANCE DATE

May 22, 2023

REVIEW BASIS

Chapter 59

- The proposed Amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments.
- The Amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the original site plan.
- Staff has received community correspondence concerning the Montgomery Village Bloom development, but it is not relevant to this Amendment Application.

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Under Section 59.7.3.4.J.2, the Planning Director may approve in writing, without a public hearing if no relevant objection to the application is received within 15 days after the application notice is sent, certain applications for minor amendments to a Certified Site Plan. Such minor amendments include any change to a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. A minor amendment does not include any change that increases density or height or prevents circulation on any street or path.

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the Intake and Regulatory Coordination (IRC) Division is required. However, submittal of the application to IRC is required. In addition, applicants must provide public notice under Division 7.5.

On May 22, 2023, Green Bloom MV Development, LLC (“Applicant”) filed a site plan amendment application designated Site Plan Amendment No. 82017013E (“Amendment”) for approval of the following modifications:

1. revise private road alignment to accommodate gas easement constraints;
2. update landscape, hardscape, and civil design per road alignment revision;
3. update complete Certified Site Plan (CSP) per construction inspections and field adjustments;
and
4. revise limits of disturbance in Areas II and VI.

SITE DESCRIPTION

The Subject Property is approximately 61.31 acres in size, and zoned TLD and CRN, and within the Montgomery Village Overlay Zone. 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. The Project approved by prior regulatory actions is currently under construction, and portions of the development have been completed.

ATTACHMENT B

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. 19-122) 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.

On April 26, 2022, the Planning Board approved Site Plan No. 82017013D 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; and provide Forest Conservation Plan revisions, update of utilities, storm water and grading.

PROPOSAL

Following the approvals described above, the Applicant is now seeking a Site Plan amendment to revise private road alignment to accommodate gas easement constraints in Area III; update landscape, hardscape, and civil design per road alignment revision; update complete CSP per construction inspections and field adjustments; and revise the limits of disturbance in Areas II and VI.

ATTACHMENT B

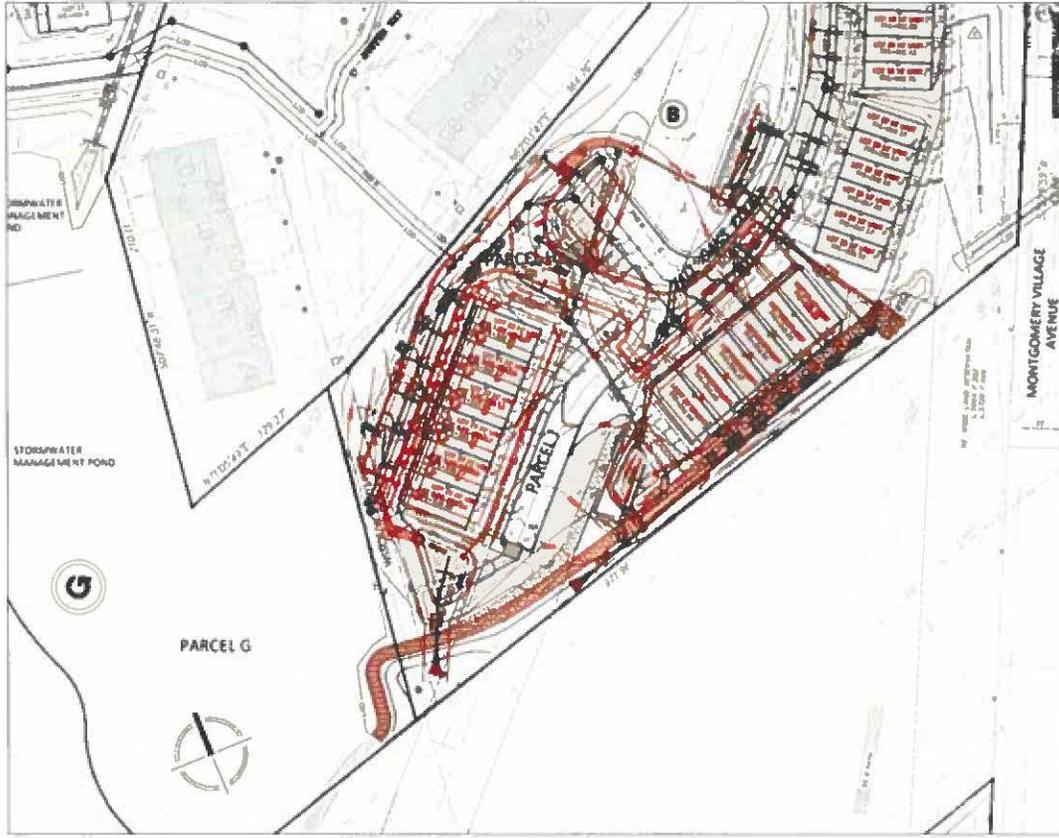


Figure 1: Proposed Redline of Site Plan showing the private road realignment to accommodate the Colonial Pipeline Company easement in Area III

FINDINGS

The Applicant has communicated with the Montgomery County Department of Permitting Services (MCDPS) and Fire and Rescue to ensure that the proposed amendment does not affect previous approvals. All Agencies completed a review of this Application and concur with Staff's recommended approval of this Amendment.

An initial notice of the Amendment application was sent to all required parties by the Applicant on May 26, 2023, but the notice erroneously indicated that the Amendment would be reviewed at a Planning Board hearing. A corrected notice was sent on September 22, 2023 indicating that the Amendment would be considered by the Planning Director. The corrected notice gave interested parties 15 days to review and comment on the contents of the Amendment. Staff received correspondence from community members concerned with elements of the Montgomery Village Bloom development, but the correspondence is not relevant to the Subject Amendment application (Attachment A). Most of the correspondence refers to a proposal to replace six approved, but unbuilt, detached homes with 36 townhomes in one area of the development. However, the Subject Amendment does not increase density or change any unit type. Correspondence was also received

ATTACHMENT C

From: [Edwin Lyons](#)
To: [Tettelbaum, Emily](#)
Subject: Re: MV Bloom Amendment No. 82017013F
Date: Thursday, April 24, 2025 8:54:44 PM

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

Hello Emily,

Thank you for your detailed email. I want to be informed of the hearing date. I also have an additional question regarding Tall Oaks Road in Bloom Village that we talked about last year, but I will forward you a diagram to make sure that I am communicating my concerns effectively. I will send it by next Monday.

-Ed

On Apr 24, 2025, at 3:30 PM, Tettelbaum, Emily
<Emily.Tettelbaum@montgomeryplanning.org> wrote:

Good afternoon Mr. Lyons,

I received your voicemail yesterday inquiring about Site Plan Amendment No. 82017013F. [Here](#) is a link to the application documents. The amendment proposes changes to three conditions of site plan approval, as described in the [statement of justification](#) (SOJ). The SOJ is a bit challenging to understand, and I have asked the applicant to provide additional information to help explain the changes. Two of the proposed changes relate to construction phasing of Stewartown Rd and the community gardens. I still need to review the application in more detail to understand the implications of the proposed changes to construction phasing. The third proposed change would allow a path, circled in red in the plan below, to be less than 8 feet in environmentally sensitive areas, and to clarify the timing of path construction.

Because the applicant is proposing changes to conditions of approval, this application has to be reviewed by the Planning Board at a public hearing. The hearing date has not yet been established, but hearing notices will be mailed out 10 days prior to the hearing. If you are interested, I can let you know once the hearing date has been finalized. I hope this answers your questions. If you have further questions about this application, I would be happy to talk to you next week, after I have had a chance to review the application in more detail.

Best Regards,
Emily

<image006.png>

Emily Tettelbaum
Planner III, Midcounty Planning Division

ATTACHMENT C

<image001.png>

Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#) [<image005.png>](#)

ATTACHMENT C

From: laura.gates
To: Tettelbaum, Emily
Cc: [MCP-Chair](#)
Subject: RE: Bloom MV Site Plan Question
Date: Friday, May 23, 2025 6:43:39 PM
Attachments: [image002.png](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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

Thanks Emily,

It also doesn't have to be exactly in the same spot either. The current area of disturbance for WSSC work is higher ground. There is also another golf card bridge about 100 feet from there too that tolerated the flood stage of the creek last summer/fall when hurricane remnants came through.

Thanks again for all of your help with this!

Sent from [Proton Mail](#) for iOS

On Fri, May 23, 2025 at 5:26 PM, Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org> wrote:

Hello Ms. Gates,

Thank you so much for providing this additional information. I am working with our environmental staff and the applicant team to figure out the feasibility for a new path in this location. In the meantime, the applicant team may add this path back onto the site plan so they can move forward with the other amendment items. In that case, they will not send out a revised application notice, but the path would need to be constructed, or the site plan would need to be amended again in the future, with application notice listing the proposed removal of the path.

I recognize that this explanation is confusing, and I am happy to discuss next week if that would be helpful.

Best Regards,

Emily

Emily Tettelbaum

Planner III, Midcounty Planning Division

Montgomery County Planning Department

ATTACHMENT C



ATTACHMENT C



2425 Reedie Drive, Floor 14, Wheaton, MD 20902

emily.tettelbaum@montgomeryplanning.org

o: 301-495-4569



From: laura.gates <laura.gates@pm.me>
Sent: Tuesday, May 20, 2025 1:50 PM
To: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Cc: MCP-Chair <mcp-chair@mncppc-mc.org>
Subject: RE: Bloom MV Site Plan Question

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

Hi Emily,

Thanks so much for this information. I greatly appreciate you getting back with me. Even though written communication was previously sent out for the next round of amendments, since the path removal was not included in that communication will resent to applicable residents and stakeholders?

My written testimony is below, I will also add mcp-chair@mncppc-mc.org to the CC line:

I very much would like to see this path happen as it is one of the reasons why I purchased in the "Hawthorne" area of the infill MV community. I grew up in the area and graduated from Watkins Mill High School. After moving back to the area during the pandemic, I wanted to make sure my home had access to walking trails without having to get in the car and drive somewhere.

Reviewing the Ryan Home site plan (see attached) and seeing the connections not only to the park but along the Stewartown Road extension at my time of purchase along with the entire development plans available at the time, made me decide on Bloom compared to other communities in within the County.

The sidewalk along Montgomery Village Ave is too narrow for a person with a stroller, wheelchair, or walking a dog to safely pass another pedestrian without having to walk in the street. I've also provided written testimony to <https://www.montgomerycountymd.gov/DOT-PedSafety/PRSA/MontgomeryVillageAve.html> about this.

ATTACHMENT C

Even though it is a flood zone where this path is due to go, it's possible to build a pedestrian bridge that is flood tolerant, like the bridges on the Greenway Trail between Watkins Mill Road and 355. Even if the path itself is crushed gravel instead of a paved surface. Surely there can be a compromise to be found here. Many people still use the old golf course trails and bridges throughout the Montgomery Village community.

Thanks Kindly,

Laura Gates

19718 Preservation Mews

20886

Sent with [Proton Mail](#) secure email.

On Tuesday, May 20th, 2025 at 1:01 PM, Tettelbaum, Emily
<Emily.Tettelbaum@montgomeryplanning.org> wrote:

Good morning Ms. Gates,

My apologies for delayed response, but I finally have an answer to your question. The path referenced in your email was removed from the Site Plan, but it was not highlighted as a change during prior amendments and the path removal was not reviewed by the Planning Department or the Planning Board. As such, the path removal has been added to the site plan amendment currently under review. The applicant team has provided the following relevant information about this path in the latest Statement of Justification (also see attached):

As noted in the introduction, an existing pathway between Area I and the new portion of Stewartown Road by the recently built MVF Park that was originally to remain, was damaged by flooding and there is no longer a stream crossing nor much of the path left. Because there is a sidewalk nearby connecting Area I with the Park and the area is subject to flooding and damage, this path was deemed redundant and dangerous. The area in question will be part of the forest conservation planting and subject to future stream restoration. (page 5)

This amendment will be reviewed by the Planning Board in June or July, and you are welcome to submit testimony. [Here](#) is information about testifying in front of the Planning Board and submitting written testimony. If you prefer, you can also email written testimony directly to me. Feel free to contact me if you have any further questions and thank you for bringing this change to our attention.

ATTACHMENT C

Best Regards,

Emily



Emily Tettelbaum

Planner III, Midcounty Planning Division

Montgomery County Planning Department

2425 Reedie Drive, Floor 14, Wheaton, MD 20902

emily.tettelbaum@montgomeryplanning.org

o: 301-495-4569



From: laura.gates <laura.gates@pm.me>

Sent: Tuesday, April 22, 2025 9:40 AM

To: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>

Subject: Bloom MV Site Plan Question

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

Hi Emily,

I have a quick question for you about the remaining Bloom MV construction notices that went out to residents in the area.

Going back to 2018 plans, there was always a 10' shared use path going over Cabin Branch through area 1 (1B and 1C) to the Humphrey Park connecting the new Bloom neighborhood to the park without having to walk on MV Ave.

https://eplans.montgomeryplanning.org/UFS/5419/26554/07-PREL-120170150-PP07.pdf/07-PREL-120170150-PP07.pdf_V4/07-PREL-120170150-PP07.pdf

Now when looking at <https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?>

ATTACHMENT C

[apno=82017013F&projname=Bloom%20MV](#) , I don't see the path anymore.

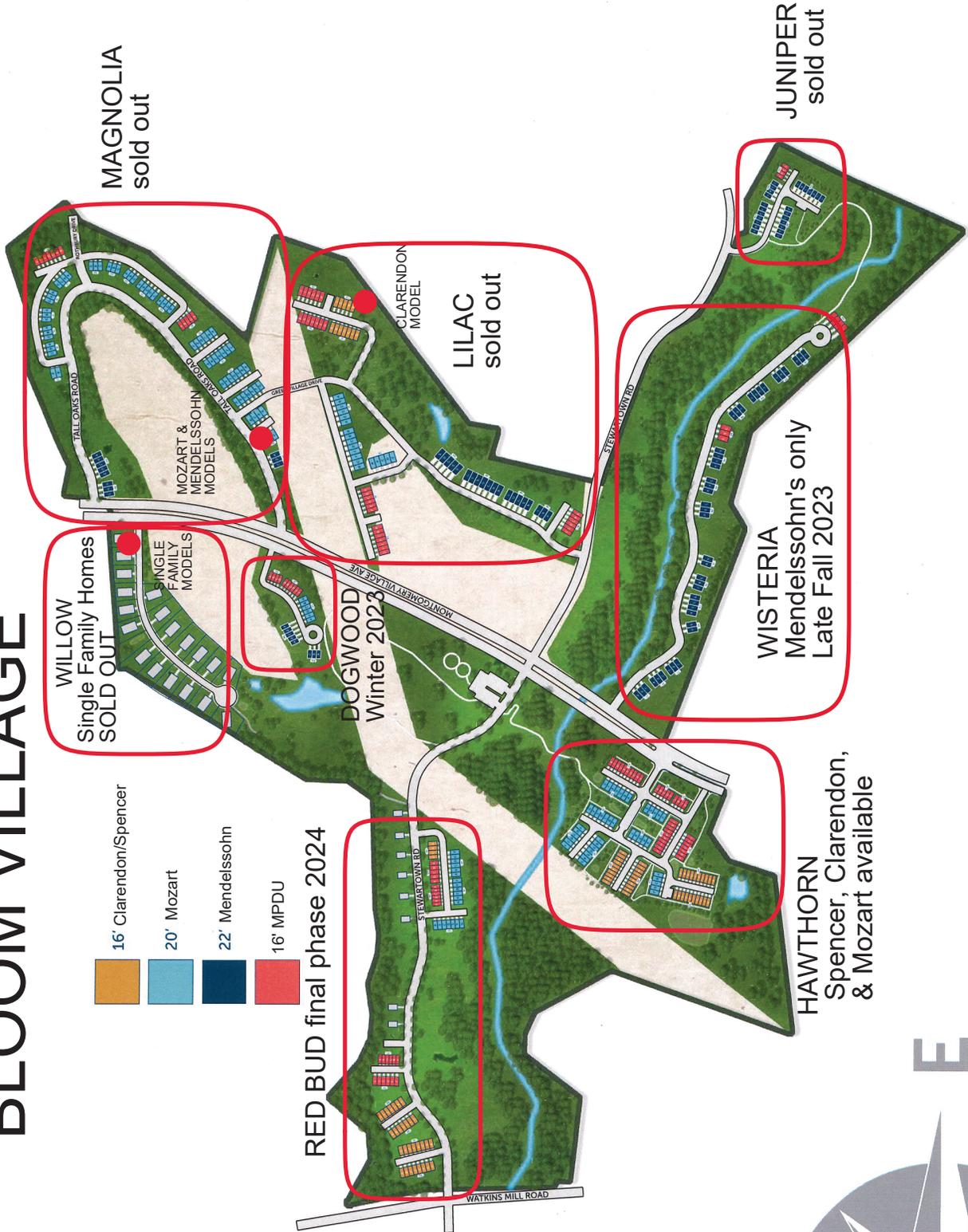
Did this shared use path get removed at some point from the plan?

Thanks Kindly,

Laura Gates

Sent with [Proton Mail](#) secure email.

BLOOM VILLAGE





Bloom Village

HAWTHORN

