






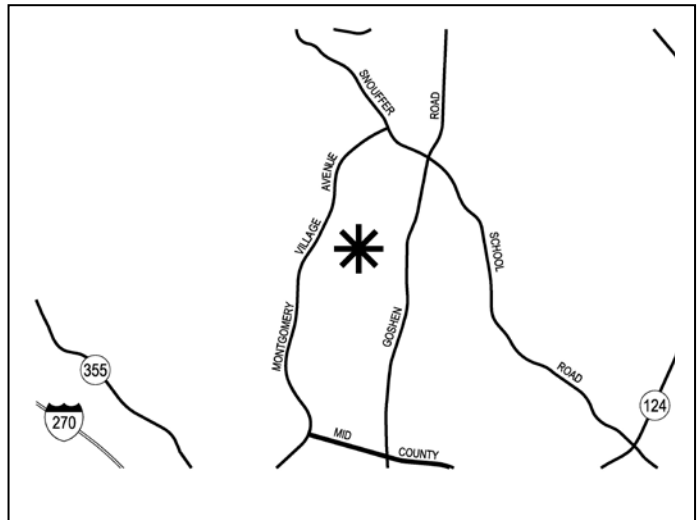
Bloom Montgomery Village: Preliminary Plan No. 120170150 and Site Plan No. 820170130

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Completed: 11/16/17

Description

- Request to subdivide the Subject Property into 494 lots and various stormwater management, common open space, private road, HOA parcels, and parcels for dedication to Montgomery Village Foundation and potential dedication to M-NCPPC Parks;
- Request to construct 494 dwelling units (26 detached houses, 2 duplexes and 466 townhouses) with 68 MPDUs;
- Located at the intersection of Montgomery Village Avenue and Stewartown Road, Montgomery Village;
- 147 acres, zoned TLD and CRN, within the Montgomery Village Overlay Zone;
- 2016 *Montgomery Village Master Plan*;
- Applicant: USL2 MR Montgomery Village Business Trust;
- Preliminary Plan Application accepted: December 29, 2016;
- Site Plan Application accepted: June 19, 2017.



- The Staff recommends **approval with conditions**.
- The Preliminary Plan application has been reviewed under the Subdivision Regulations effective prior to February 13, 2017, and the Site Plan application has been reviewed under the current Zoning Ordinance.
- The Application proposes standard method development in the CRN zone and MPDU optional method development in the TLD zone.
- The Preliminary Plan approval includes approval of the Preliminary Forest Conservation Plan, and the Site Plan approval includes approval of the Final Forest Conservation Plan.
- An overview of the project and a summary of the issues are included on the next page.

OVERVIEW AND ISSUES

The Applicant is proposing to redevelop the former Montgomery Village Golf Course into a residential community with 494 dwelling units. The configuration of the 147-acre Property and environmental constraints limit the amount of developable area. The Property is bisected by a PEPCO/Exelon right-of-way and existing residential development that flanks several of the fairways. The Property includes a segment of the Cabin Branch stream and associated stream valley buffer, large expanses of 100-year floodplain, and steep slopes. The Applicant proposes filling in portions of the floodplain pending approval of a floodplain boundary revision by the Federal Emergency Management Agency (FEMA) and the County Department of Permitting Services (DPS).

The Applicant proposes to dedicate approximately 49 acres to the M-NCPPC Parks Department after the completion of site remediation and stream restoration work per a Parks Facility Agreement (PFA). However, a park dedication is not a requirement of the Preliminary or Site Plan approval. The Applicant plans to contract with a third party to complete the required restoration work. In the meantime, the proposed parkland will be placed in a modified Category 1 Forest Conservation Easement, and afforestation will be required in phases as the Project is constructed.

The 2016 *Montgomery Village Master Plan* recommends two shared use paths, one along Montgomery Village Avenue and another along the existing segment of Stewartown Road, that are not included in the Applicant's plans. Staff recommends conditioning Preliminary and Site Plan approval on construction of the master-planned shared use path on the existing segment of Stewartown Road. For Montgomery Village Avenue, Staff recommends that the shared-use path be installed within the existing 100-foot right-of-way as part of a future comprehensive road construction project.

Staff has received community correspondence about the proposed development concerning the lack of open space, the addition of townhouses in the area, the proposed private road in Area 6, and the safety of developing near a floodplain.

The Applicant has requested ten-year validity periods for the Adequate Public Facilities (APF) determination and the Preliminary Plan. Staff supports the request for a ten-year APF validity period and recommends a nine-year validity period for the Preliminary Plan. The Applicant has also requested a Section 50-38 subdivision waiver for relief of the intersection spacing requirement under Section 50-26(c)(2), and two design exceptions for relief from Montgomery County Department of Transportation (MCDOT) design standards. Staff supports the subdivision waiver request and the two design exceptions.

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ATTACHMENTS

1. Parks Facility Agreement
2. Community Correspondence
3. MCDOT Letter dated September 26, 2017
4. MCDOT Letter dated October 6, 2017
5. MCDPS- Water Resources Section Letter
6. MCDPS- Fire Department Access and Water Supply Letter
7. MCDPS- ROW Letter
8. DHCA Letter
9. Parks Department Correspondence
10. Preliminary Forest Conservation Plan
11. Final Forest Conservation Plan
12. Variance Request

SECTION 1: RECOMMENDATIONS & CONDITIONS

Preliminary Plan No. 120170150

Staff recommends approval of Preliminary Plan No. 120170150, including the Preliminary Forest Conservation Plan (PFCP). All site development elements shown on the latest electronic version 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

1. SUBDIVISION

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

2. PRELIMINARY FOREST CONSERVATION PLAN

- a. Prior to certified Preliminary Plan, the Preliminary Forest Conservation Plan must be amended to:
 - i. Show the Modified Category I Conservation Easement, defined under Condition 2.b., over all areas within the potential park dedication area that lie within approved environmental buffer areas, excluding existing permanent easements for utilities and any remaining ponds;
 - ii. Show the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; signs; bollards; buildings; and sand traps. Any cart paths to remain as part of the trail system must be shown on the Preliminary Forest Conservation Plan.
 - iii. Show any site preparation/remediation for soil compaction caused by removal under 2.a.ii.
 - iv. Remove the deduction for park dedication area and recalculate the new afforestation requirement based on the loss of the deduction for park dedication while providing for all other deductions permitted by law or regulation;
 - v. Show any proposed trails;

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.

- vi. Correct the mitigation requirement for removal of variance trees to 3.77 acres of additional forest planting, using 1.5 to 2-inch caliper planting stock for trees, and including 125 shrubs;
 - vii. Show an additional 14,629 square feet of forest planting to the afforestation requirement to mitigate for the loss of buffer function due to stream buffer encroachment in development Area 1; and
 - viii. Show any other changes required by conditions of approval.
- b. Prior to record plat approval, the Applicant must record a Modified Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Preliminary Forest Conservation Plan. The Modified Category I Conservation Easement will allow restoration work to be completed per the conditions of approval and a Parks Facility Agreement and must be approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.

3. OTHER AGENCIES

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated September 26, 2017, and October 6, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. Except for condition nos. 8c, 9b and 9c in the September 26, 2017 letter, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- b. Prior to record plat approval, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- c. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its stormwater management concept letter dated October 9, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- d. Prior to record plat approval:
 - i. The Applicant must receive approval of the floodplain delineation study from MCDPS.
 - ii. The Applicant must receive an approved Conditional Letter of Map Revision (CLOMR) from FEMA that has been verified by the MCDPS floodplain coordinator.
- e. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 29, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

4. PUBLIC ROAD DEDICATION/IMPROVEMENTS

- a. The Applicant must dedicate and show on the record plat(s) the following dedications, as shown on the certified Preliminary Plan:
 - i. A fifty-six (56) to sixty-four (64)-foot-wide right-of-way for the extension of Stewartown Road, between Montgomery Village Avenue and Watkins Mill Road.
 - ii. Ten (10) additional feet for a total of fifty (50) feet from the existing pavement centerline along the Subject Property's Watkins Mill Road frontage beginning approximately 250 feet south of the intersection of Watkins Mill Road and Stewartown Road for the future construction of a northbound right turn lane.
 - iii. Ten (10) additional feet for a total of Sixty (60) feet from the existing pavement centerline along the Subject Property's Montgomery Village Avenue frontage for the future construction of a separate right turn lane onto Stewartown Road from southbound Montgomery Village Avenue.
 - iv. Ten (10) additional feet for a total of Sixty (60) feet from the existing pavement centerline along the Subject Property's Montgomery Village Avenue frontage for the future construction of a separate right turn lane onto Stewartown Road from northbound Montgomery Village Avenue.
 - v. The amount necessary to construct the master-planned shared use path and four-foot-wide green panel along the Subject Property's frontage along the south side of Stewartown Road, between Montgomery Village Avenue and Private Road J in Area 6.
- b. The Applicant must construct Stewartown Road between Watkins Mill Road and Montgomery Village Avenue in no more than three sections as follows:
 - i. Prior to completion of the Montgomery Village Foundation (MVF) Park, the Applicant must construct the eastern most section of the road, providing access to the (MVF) park;
 - ii. Prior to the final building inspection for any residential unit in the western portion of Area 2, the Applicant must construct the section of Stewartown Road extending from Watkins Mill Road to the eastern boundary of Lot 44; and
 - iii. Prior to the final building inspection for any residential unit east of Lot 44, the Applicant must construct the remaining portion of Stewartown Road.
- c. Prior to the final building inspection for any residential unit east of Lot 44, the Applicant must design and install a left-turn lane onto Stewartown Road from northbound Montgomery Village Avenue.
- d. Prior to the final building inspection for any residential unit in the western portion of Area 2, the Applicant must remove the pedestrian refuge island and construct a separate southbound left turn lane from Watkins Mill Road onto Crested Iris Drive/proposed Stewartown Road, and provide a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- e. The Applicant must construct all road improvements within the rights-of-way shown on the certified Preliminary Plan to the full width mandated by the master plan, as modified by MCDOT.

5. PRIVATE ROADS

The Applicant must provide Private Road(s) A-J and all Alleys including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other

necessary improvements as approved on either the certified Preliminary Plan or the certified Site Plan within the delineated private road areas (collectively, the "Private Roads"), subject to the following conditions:

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

6. RECORD PLATS

- a. The record plats must show necessary easements.
- b. The record plats must reflect common ingress/egress and utility easements over all shared driveways.
- c. The record plats must reflect a common use and access easement for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The easement must be created by a deed approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
- d. The record plats must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- e. The record plats must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
- f. All plats associated with this Preliminary Plan must be recorded within one hundred eight months (nine years) from the date of mailing of the Planning Board Resolution. The recordation of the plats must be phased in the following manner:
 - i. Phase I- Plats for at least 164 lots must be recorded by 36 months from the day the Resolution is mailed.
 - ii. Phase II- Plats for 328 lots (164 lots in Phase I plus an additional 164 lots) must be recorded by 36 months from the expiration of the Phase I validity period.
 - iii. Phase III- all remaining lots must be recorded by 36 months from the expiration of the Phase II validity period (within nine years from the day the resolution is mailed).

7. PARKS

Prior to Certified Site Plan, a mutually agreeable Parks Facility Agreement (PFA) between the Applicant and the Department of Parks must be executed and approved by the M-NCPPC Office of General Counsel to facilitate the potential conveyance of land to M-NCPPC as an

addition to the Cabin Branch Stream Valley Park. The PFA must be comparable in form and substance to the draft PFA set forth in Attachment 1.

8. ADEQUATE PUBLIC FACILITIES

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

9. SITE PLAN

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

10. CERTIFIED PRELIMINARY PLAN

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

- a. On page PP01:
 - i. Show cross sections for each type of public and private road and alley, including the corresponding MCDOT cross section reference, modifications, paving detail, and design data.
 - ii. Remove the following note from the private road cross section:
“Sidewalk to be on one or both sides. In constrained areas, road R/W may be reduced to the limits of curbs.”
- b. On sheet PP08, the proposed mid-block pedestrian crossing must be relocated as recommended in the MCDOT letter dated September 26, 2017.
- c. At the easternmost entrance to the MVF Park on proposed Stewartown Road, the driveway apron must function as a channelized one-way westbound-only right-in entrance.
- d. Show the removal of the pedestrian refuge island to accommodate the southbound left turn lane from Watkins Mill Road onto Stewartown Road and a safe pedestrian crossing at Watkins Mill Road as required by MCDOT.
- e. Show dedication of ten (10) additional feet for a total of fifty (50) feet from the existing pavement centerline along the Subject Property’s Watkins Mill Road frontage beginning approximately 250 feet south of the intersection of Watkins Mill Road and Stewartown Road for the future construction of a northbound right turn lane.
- f. Add the master-planned shared use path along the south side of Stewartown Road, separated from the road by a four-foot wide green panel, between Montgomery Village Avenue and Private Road “J” in Area 6. The shared use path should be ten-feet wide where possible, but it must be a minimum of eight-feet wide in environmentally constrained areas.
- g. The label for “Road H” in Area 6, Parcel E must be changed to “Road J.”
- h. Include the stormwater management concept approval letter and Preliminary Plan Resolution in the certified Preliminary Plan set.
- i. Add the following note on the cover sheet:
“Unless specifically noted in this certified Preliminary Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development

standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.”

Site Plan No. 820170130

Staff recommends approval of Site Plan 820170130, including the Final Forest Conservation Plan (FFCP), for a redevelopment of a former golf course into a residential community for a total of 494 units (26 single-family detached units, two duplexes, and 466 townhouses). All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:²

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;

² 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.

- vii. Show an additional 14,629 square feet of forest planting to the afforestation requirement to mitigate for the loss of buffer function due to stream buffer encroachment in development Area 1; and
- viii. Show any other changes required by conditions of approval.
- b. Site inspections by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c. Final Sediment Control Plan must be consistent with the limit of disturbance shown on the Final Forest Conservation Plan.
- d. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the Parks Department construction permit.
- e. Prior to the issuance of the building permit for the 150th residential unit, the Applicant must complete the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; signs; bollards; buildings; and sand traps.
- f. The required afforestation planting must be completed within one year or two growing seasons after the issuance of the final residential building permit for each Area with the minimum percentage of afforestation for each area described below, except that within one year or two growing seasons after the issuance of the 415th residential unit building permit, any remaining afforestation required by the Final Forest Conservation Plan must be planted, with the overall percentage not to exceed 100 percent:

<u>Area</u>	<u>% of Total Afforestation Requirement</u>
Area 1	22.5%
Area 2	21.5%
Area 3	10.0%
Area 4	19.0%
Area 5	17.0%
Area 6	25.5%

- g. Prior to the issuance of the first Sediment Control Permit for each of the six Areas shown on the Site Plan, the Applicant must:
 - i. Obtain Planning Staff approval of a Maintenance and Management agreement for onsite planting for that Area, including a plan for managing invasive species within the proposed planting area during the maintenance period; and
 - ii. Post a performance bond or other approved financial instrument to guarantee the forest conservation plantings for that Area. The bond may be partially released upon completion of afforestation for a given Area.
- h. If dedication of parkland to the M-NCPPC Parks Department occurs, pursuant to the PFA, prior to the completion of the total afforestation requirement, then the afforestation requirement will be adjusted to allow the deduction for parkland dedication, reducing the net tract area by the area accepted in dedication and reducing the planting requirement accordingly.

3. COMMON OPEN SPACE, FACILITIES, AND AMENITIES

- a. The Applicant must provide a minimum of 116,000 square feet of common open space (10% of net lot area in the CRN zone) and 950,000 square feet (20% of net lot area in the TLD zone) on-site.
- b. Prior to the final building inspection for each development Area (Areas 1-6), all common open space areas for the respective development Area must be completed as shown on the Site Plan.

4. M-NCPPC DEPARTMENT OF PARKS

Prior to Certified Site Plan, a mutually agreeable PFA must be executed and approved by the M-NCPPC Office of General Counsel to facilitate the potential conveyance of land to M-NCPPC as an addition to the Cabin Branch Stream Valley Park. The PFA must be comparable in form and substance to the draft PFA set forth in Attachment 1.

5. TRANSPORTATION

The Applicant must construct the private street(s) to applicable Montgomery County structural standards and must construct all required sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide Montgomery County Department of Permitting Services - Zoning and Site Plan Enforcement (MCDPS Z&SPE) Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

6. RIGHT-OF-WAY

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services-Right-of-Way (MCDPS-ROW) in its letter dated September 5, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

7. RECREATION FACILITIES

- a. At Certified Site Plan, the Applicant must meet the size, grading, setbacks, location, accessibility, targeted age groups, and demonstrate to M-NCPPC Staff that each element meets the M-NCPPC 2017 Recreation Guidelines, as shown on the Site Plan.
- b. At Certified Site Plan, the Applicant must provide the calculations for the entire site plan application and meet the adequate amenities requirements. Plans must identify each element of the recreation amenities facilities on the plans for each area.
- c. Prior to the final building inspection for each applicable Area (Areas 1-6), recreation facilities within each respective Area must be completed.
- d. Prior to issuance of the building permit for the 150th residential unit, all amenities for the Montgomery Village Foundation Park must be completed. This includes, but is not limited to, the dog park, tot lots, play area, community garden, and trail system.
- e. Prior to the issuance of the building permit for the 300th residential unit the Applicant must construct the shared-use path on the south side of Stewartown Road between Montgomery Village Avenue and Private Road "J" in Area 6.
- f. The Applicant must provide the following recreation facilities:
 - i. One (1) Pedestrian Connection Trail System
 - ii. One (1) Community Garden
 - iii. One (1) Multi-Age Playground (age 2-12)

- iv. Two (2) Open Grass Areas – Urban (2,000 sf each)
- v. Two (2) Playgrounds (Tot Lots) (age 2-5)
- vi. Two (2) Play Areas (age 5-12)
- vii. Five (5) Open Grass Areas – Small (5,000 sf each)
- viii. Five (5) Open Grass Areas – Large (10,000 sf each)
- ix. One (1) - Public Park
- x. One (1) Dog Park accommodating small dogs and large dogs.

8. FIRE AND RESCUE

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 29, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. MODERATELY PRICED DWELLING UNITS (MPDUs)

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

10. SITE DESIGN

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

11. LANDSCAPING

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

12. LIGHTING

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior lighting must be in accordance with these standards.

- b. All on-site down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. The light pole height must not exceed the height illustrated on the Certified Site Plan.

13. SITE PLAN SURETY AND MAINTENANCE AGREEMENT

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. Cost estimates of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. One cost estimate must address applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, bike racks, benches, trash containers in community spaces, landscape and hardscape features in community spaces, community parking lots, sidewalks, bikeways, paths, etc.
- c. A second cost estimate must be submitted for the private roads/alleys, associated sidewalks, private utilities including community fire suppression infrastructure, storm drain infrastructure, handicap ramps, manholes, commercial and residential driveway aprons, curbs and gutters, cross walks, signage, storm drain inlets, street trees, tree panels, street lights and any other feature necessary to construct the private road/alley.
- d. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The developer must request each inspection.
- e. The financial surety shall be clearly described within each appropriate Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

14. MAINTENANCE OF PUBLIC AMENITIES

The Applicant is responsible for maintaining all publicly accessible amenities as shown on the Site Plan.

15. DEVELOPMENT PROGRAM

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

16. CERTIFIED SITE PLAN

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan resolution and Preliminary Plan resolution in the certified site plan set.
- b. Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site, Landscape and other plans.
- f. Add the master-planned shared-use path along the south side of Stewartown Road, separated from the road by a four-foot wide green panel, between Montgomery Village Avenue and Private Road “J” in Area 6. The shared-use path should be ten feet wide where possible, but it must be a minimum of eight feet wide in environmentally constrained areas.
- 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.

SECTION 2: SITE DESCRIPTION AND BACKGROUND

Vicinity

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

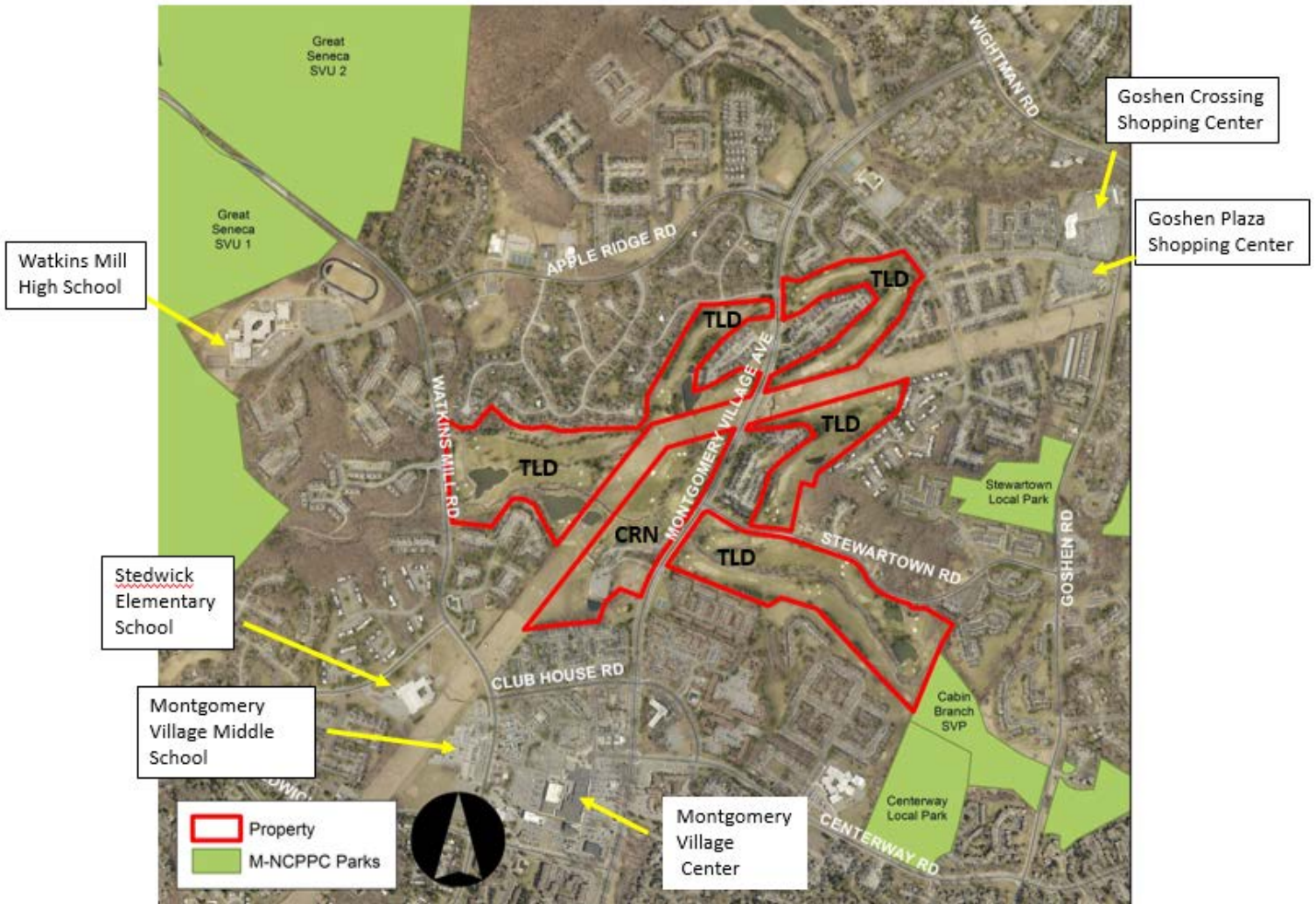


Figure 1: Vicinity Map and Property Zoning

Property Description

The Property is approximately 147 acres consisting of five non-contiguous parcels. The Property is irregularly shaped and located roughly in the center of Montgomery Village, straddling Montgomery Village Avenue and extending generally north toward Arrowhead Road and west to Watkins Mill Road. A PEPCO/Exelon transmission line stretches across the Property on both sides of Montgomery Village Avenue (Figure 2). A portion of the Property, 26.7 acres, is in the Commercial Residential Neighborhood,

CRN-0.5 C-0.0 R-0.5 H-65 Zone and the remaining 120.3 acres are in the Townhouse Low Density (TLD) Zone.

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

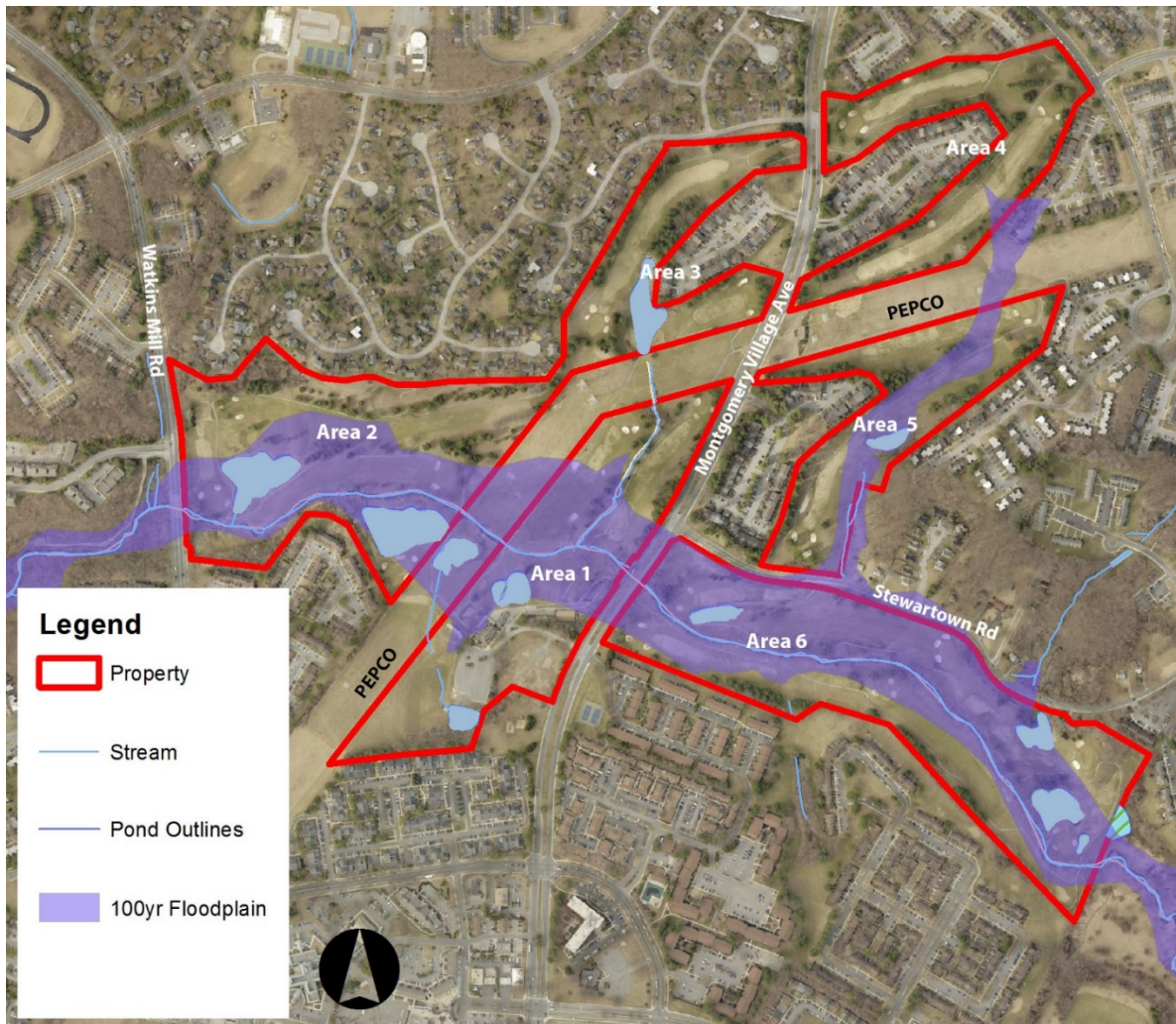


Figure 2: Aerial view of Property and Environmental Features

Background

Montgomery Village was originally approved in 1965 by a Local Map Amendment that implemented the Town Sector (T-S) Zone and an associated Development Plan that showed the planned arrangement of land uses, roads, opens spaces, and infrastructure. Through the years, the Montgomery County Council approved various amendments to allow revisions to the original Development Plan.

On April 23, 2015, the Applicant filed a Development Plan Amendment, DPA 15-01, requesting approval to construct up to 86 townhouses (75 market rate and 11 MPDUs) on a 17.3-acre portion of the former

Golf Course between Montgomery Village Avenue and Arrowhead Road (Area 4 of current application). DPA 15-01 was denied due to inconsistencies with the 1985 *Gaithersburg Vicinity Master Plan*. In addition, the 2016 *Montgomery Village Master Plan* was underway and Staff determined the public interest would be better served if land use decisions were made through the comprehensive master plan process.

In March 2016, the County Council approved the 2016 *Montgomery Village Master Plan*. Sectional Map Amendment H-112 implemented the zoning recommendations of the Master Plan. Throughout the Master Plan area, the T-S Zone was replaced with other zones. With the removal of the T-S Zone, the associated Development Plan is no longer applicable, and the former golf course can develop under the zoning recommended by the *Montgomery Village Master Plan* and implemented by Sectional Map Amendment No. H-112.

The Applicant submitted a Concept Plan (No. 520160090) associated with the current proposal on May 16, 2016, which proposed 426 units (28 single family detached and 398 single family attached units) under the standard method of development.



Figure 3: Concept Plan No. 520160090, Bloom Montgomery Village

SECTION 3: PROPOSED PROJECT

The Applicant based the initial design on many months of community outreach and numerous neighborhood charrettes, as well as conversations with homeowners, which revealed the following priorities: (i) maintain to the extent feasible neighborhood open spaces; (ii) incorporate townhouse mews where possible to retain views through the site; (iii) position new single-family homes between existing homes to preserve views through the site; and (iv) preserve and/or augment landscape buffers.

The Applicant does not intend to develop the Subject Property, but seeks to engage one or more builders to complete the Project. Due to the configuration of the Subject Property, the location of the existing public roads, and the PEPCO/Exelon right-of-way, the proposed residential community has been divided into six general areas, herein referred to as “Areas” (Figures 4 and 5).³

Initial Submission

In December 2016, the Applicant submitted a Preliminary Plan that proposed 488 total units including up to 31 detached houses, 455 townhouses, and two duplexes. The Plan proposed dwelling units in the floodplain in Areas 1 and 2, which Staff found unacceptable because the Subdivision Regulations restrict development on unsafe lands within floodplains. In June 2017, the Applicant submitted a Site Plan with a lot configuration substantially similar to the Preliminary Plan showing dwelling units encroaching into the floodplain.

Staff worked with the Applicant to relocate units and to realign proposed Stewartown Road to reduce the impacts to the floodplain and environmental buffers. Thirteen townhouses in the northeast corner of Area 1 were relocated to Area 2, and the townhouses proposed to the south of Stewartown Road in the center of Area 2 were relocated further east, outside of the environmental buffers. The areas that were changed between the initial Preliminary and Site Plan submissions and the revised plans are circled in red in Figure 4.

³ Areas 1-6 referenced in this report are the same as Areas I-VI shown on the Preliminary and Site Plans.

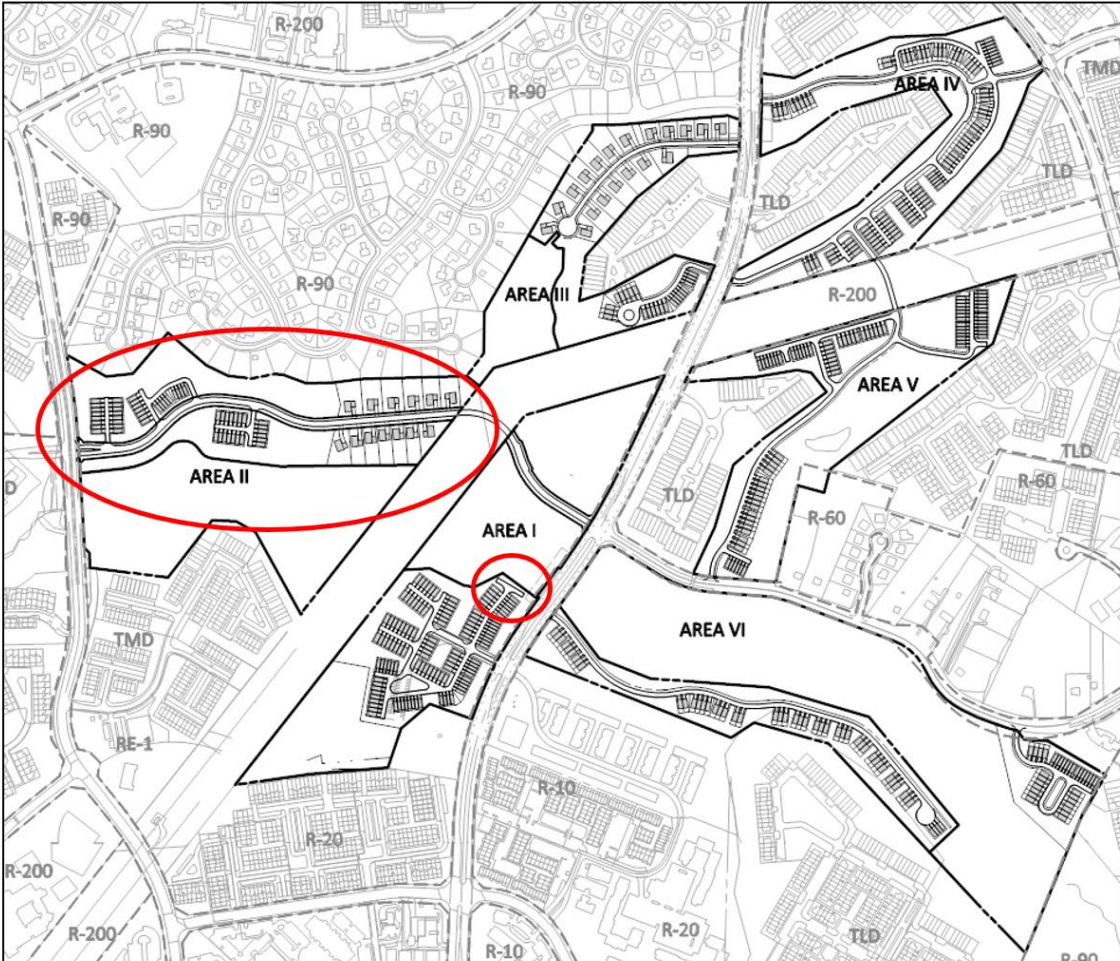


Figure 4: Initial Preliminary Plan Submission

Current Proposal

The revised Preliminary and Site Plans do not have residential units encroaching into the floodplain in Areas 1 and 2, and the Applicant proposes regrading portions of the floodplain pending approval of a floodplain boundary revision by FEMA and DPS. Staff supports the revised configuration of the residential lots because the layout reduces impacts to the stream, floodplain, and associated buffers.

The Applicant’s current proposal includes 494 total units comprising 26 detached houses, 2 duplexes, and 466 townhouses. The TLD zoned portion of the Property will include 383 units, including 54 MPDUs (14.1%), using MPDU Optional Method Development. In the CRN portion of the Property, the Applicant proposes 111 units, including 14 MPDUs (12.5%), using the Standard Method Development. The Applicant plans to dedicate approximately 9 acres to the Montgomery Village Foundation (MVF) for a park and open space, 3.32 acres for public right-of-way for the extension of Stewarttown Road in Areas 1 and 2, and approximately 49 acres to the M-NCPPC Parks Department. The Applicant will be responsible for the completion of site remediation and stream restoration work per a Parks Facilities Agreement prior to dedication of land to the Parks Department.

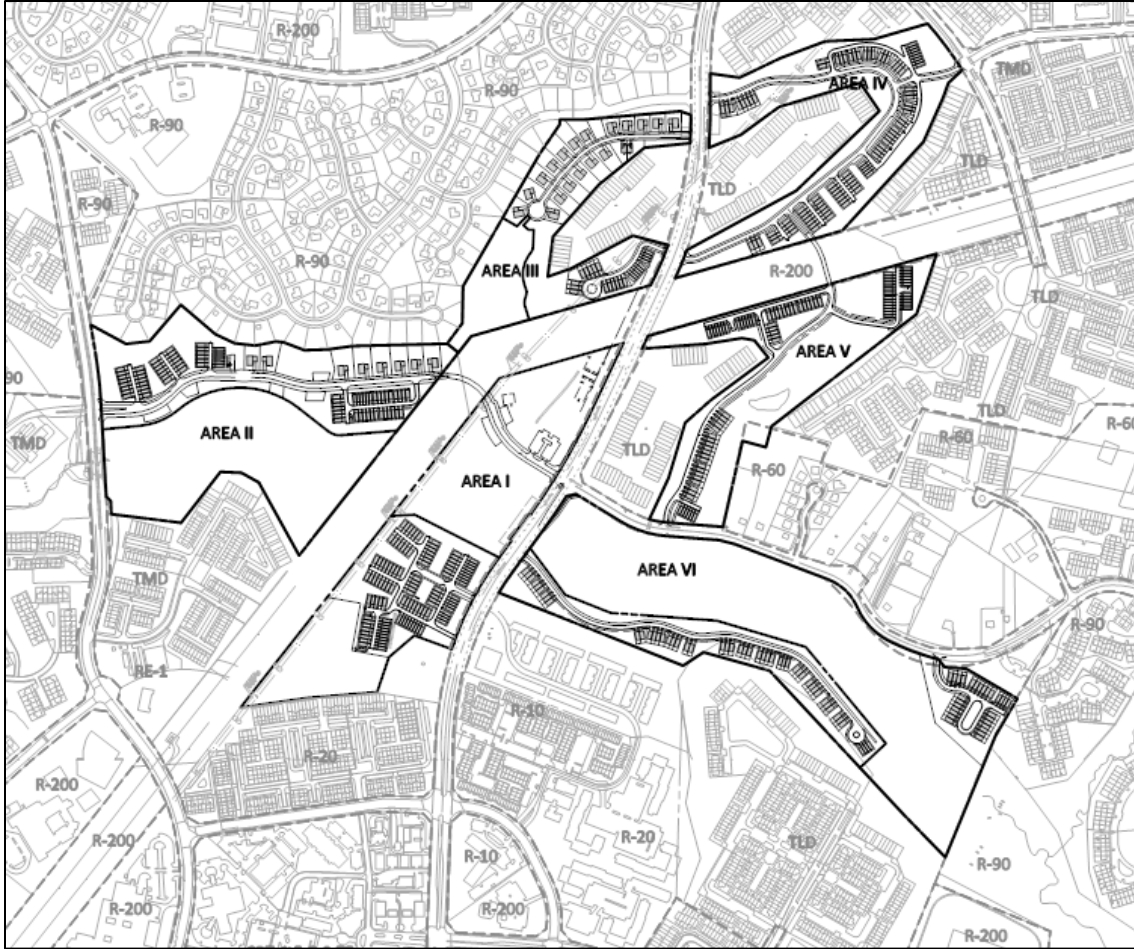


Figure 5: Revised Preliminary Plan Submission

Each of the six proposed development areas is described below:

Area 1: 111 townhouse units, including 14 MPDUs

Area 1 is zoned CRN, with frontage along Montgomery Village Avenue (Figure 6). The Area is bisected by the stream valley which the Applicant plans to dedicate to the Parks Department. The proposed townhouses are located south of the stream valley, and the area north of the stream valley will be dedicated to the MVF for a park (Figure 7). The MVF Park will be comprised of a dog park, community gardens, and a bike share station.

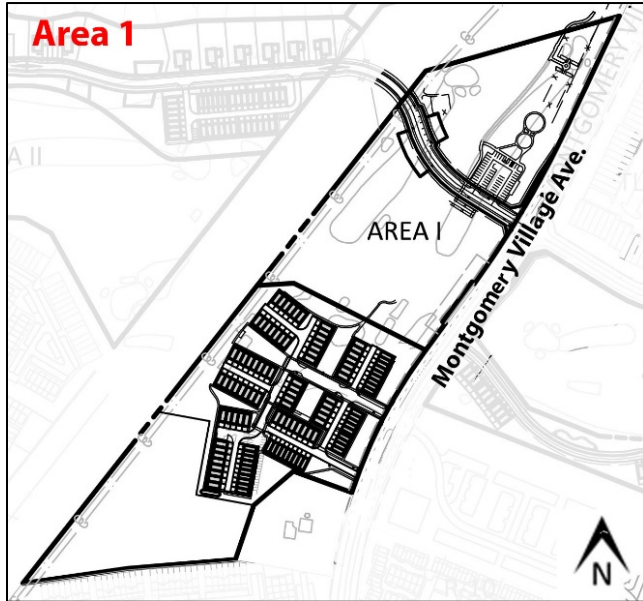


Figure 6: Area 1

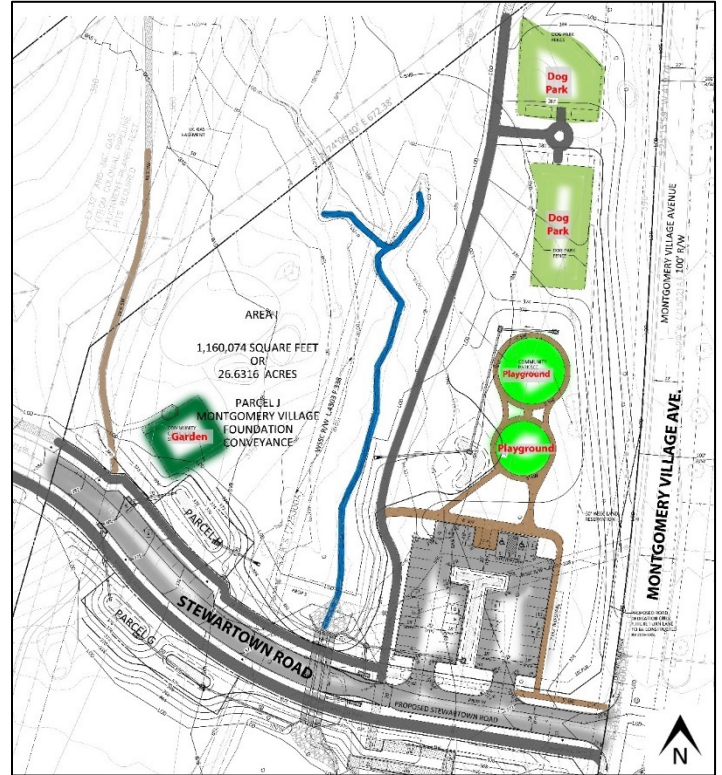


Figure 7: MVF Central Park

Area 2- 84 units (76 Townhouses and 8 Single Family Detached Homes), including 12 MPDUs

Area 2 is zoned TLD and is located on the western portion of the Subject Property (Figure 8). It has frontage on Watkins Mill Road. There will be a new public extension of Stewartown Road that is designed as a residential street with a sidewalk on the north side and a shared-used path on the south side. The extension of Stewartown Road will connect Watkins Mill Road and Montgomery Village Avenue.

Eight detached houses will be located on the northeast portion of Area 2, directly adjacent to the single-family homes in the existing neighborhood to the north. Clusters of townhouses are located north and south of Stewartown Road. A forested buffer and a significant drop in grade between the western portion of Area 2 and the existing neighborhood to the north will help screen the proposed townhouse units on the north side of Stewartown Road from the existing single-family neighborhood to the north. The southern half of Area 2 is part of the proposed stream valley park and will include walking trails.

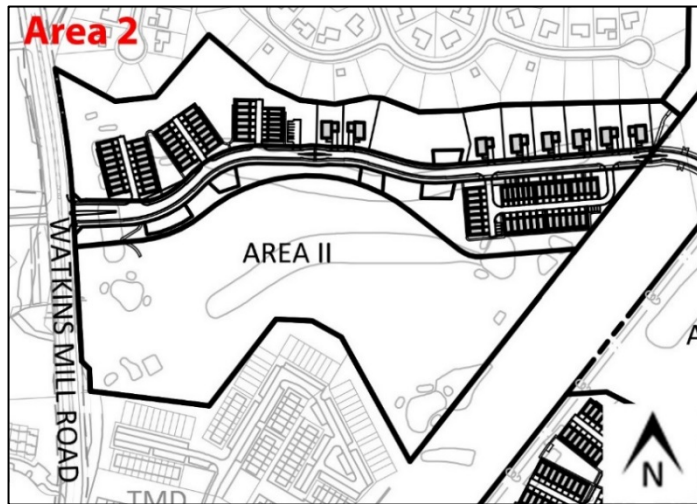


Figure 8: Area 2

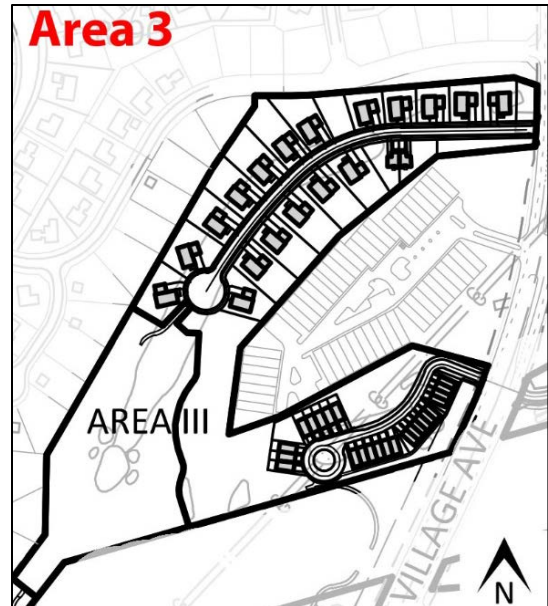


Figure 9: Area 3

Area 3- 44 units (24 Townhouses, 18 Single Family Detached Homes, 2 Duplexes), including 6 MPDUs
 Area 3 is zoned TLD. The northern section of the area is composed of single-family homes that are comparable in size to the Fairidge Neighborhood to the north (Figure 9). The southern portion of Area 3 consists of townhouses that will be located adjacent to an existing townhome community. The western end of this Area will be preserved as open space, including the existing pond, and will be included in the park space dedicated to the MVF. The vehicular access will be provided through two new private streets, which will connect directly to Montgomery Village Avenue.

Area 4- 94 Townhouse units, including 13 MPDUs

Area 4 is zoned TLD and composed of townhomes throughout, which are comparable to the existing townhouse developments that surround this neighborhood on all sides (Figure 10). The new private street will be lined with trees. A tot lot will be on the northern side of the new internal street providing play facilities, seating and lawn area for active play for multiple age groups. These amenities are accessible directly from a sidewalk and crosswalks.

Area 5- 83 Townhouse units, including 12 MPDUs

Area 5 is zoned TLD and predominantly surrounded by townhouse communities, except for a small number of detached houses located to the southeast of the Area that are screened from the proposed townhouses by a forested buffer. A tree-lined street winds through this Area along a Cabin Branch tributary that will be preserved, enhanced, and reforested, providing a vehicular connection between Stewartown Road and Area 5. A multi-aged playground is proposed at the western end of the site where there is ample room for play equipment, shaded benches, and open space (Figure 11).

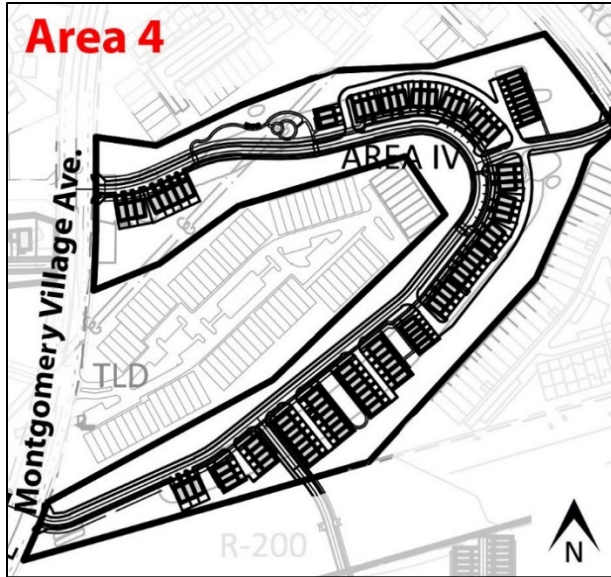


Figure 10: Area 4

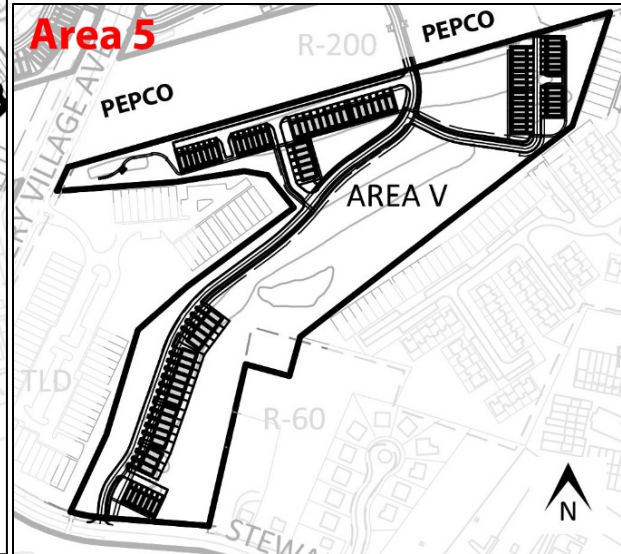


Figure 11: Area 5

Area 6- 78 Townhouse units, including 11 MPDUs

Area 6 is zoned TLD, and the stream valley makes up over two-thirds of the Area (Figure 12). The Area has two separate groupings of townhomes. One group of townhomes fronts on a private road off Montgomery Village Avenue that terminates in a cul-de-sac. The Applicant proposes a shared-use path along this private road in lieu of providing the master-planned shared use path along the south side of existing Stewarttown Road. Another grouping of townhomes is accessed from a private road off Stewarttown Road.

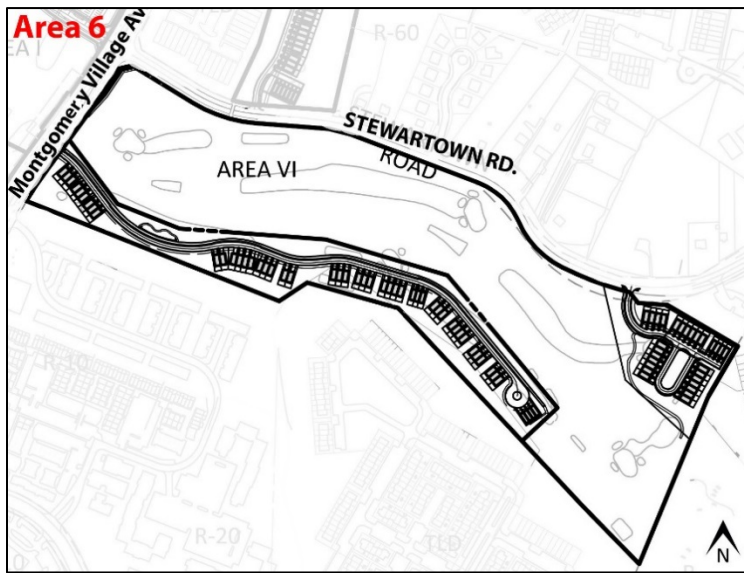


Figure 12: Area 6

Architecture

The proposed detached houses and townhouses will be built in a more traditional residential style of architecture. The building facades will incorporate various elements such as bay windows, balconies, dormers and covered porches. The façade materials will include brick, pre-cast, siding, trim, and metal railings. Also, porches, bay windows, balconies or additional articulation will be used to provide relief along end unit facades that face streets, mews, and other common open space.



Figure 13: Proposed front elevation of townhouses

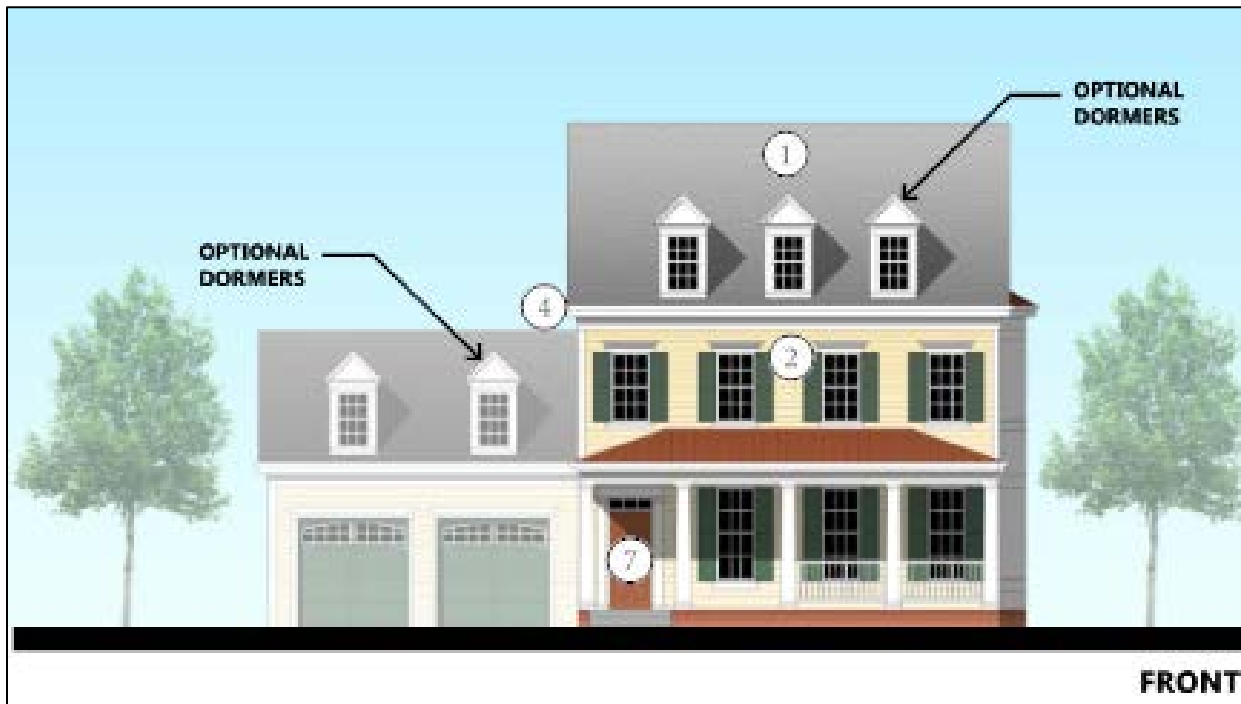


Figure 14: Proposed front elevation of detached houses

SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. The Applicant held a pre-submission meeting for the Preliminary Plan on November 1, 2016, and another for the Site Plan on February 6, 2017.

Since the submittal of the Preliminary Plan and Site Plan, Staff received email correspondence from three residents and one letter from the Patton Ridge Homes Corporation (Attachment 2). The major concerns are as follows:

- The proposed density is too high, especially considering the Applicant's initial proposal that was endorsed by the MVF.
- Flooding on the Property will create safety risks and road maintenance issues for the proposed development.
- There is a lack of recreational spaces in some areas of the proposed development.
- Neighbors have concerns about maintenance of the storm water management systems that serve existing communities.

As outlined in the report, Staff has determined that the proposed development meets the standards of the CRN and TLD zones and adheres to the *Montgomery Village Master Plan* recommendations. The proposed density is significantly below the density allowed by the Zoning Ordinance. The initial Monument Reality proposal endorsed by the MVF was based on private discussions between the Applicant and residents of Montgomery Village prior to the submittal of the Preliminary Plan.

Staff worked with the Applicant to relocate all residential homes and roads outside of the revised floodplain. All the proposed private roads and open spaces will be maintained by future Home Owner's Associations.

SECTION 5: PRELIMINARY PLAN ANALYSIS AND FINDINGS

The Preliminary Plan was reviewed under the Chapter 50 Subdivision Regulations in effect prior to February 13, 2017 because the Application was filed and accepted as complete on December 29, 2016.

MASTER PLAN CONFORMANCE

As conditioned, Staff finds the proposed project is in substantial conformance with the recommendations of the 2016 *Montgomery Village Master Plan* (“Master Plan”). The Master Plan identifies four specific areas as potential redevelopment sites, including the Subject Property (Montgomery Village’s former Golf Course or “Monument Realty Site”, as the Plan refers to it - see Figure 14 on page 55; the former golf course is property #1). The Master Plan provides both site-specific guidance for the Property and general guidance for all development.

The Master Plan supports residential redevelopment of the Property, and states that “repurposing this site for residential uses is compatible with the surrounding neighborhoods and is consistent with the overall character of the Village” (page 63). Redeveloping the Property with residential uses will, “address the demand for new housing, while providing the opportunity to restore environmentally sensitive areas, enhance trail connections and provided publicly accessible open space.” The overall concept of the proposed residential development is consistent with the Master Plan.

The Master Plan’s general vision is organized by four themes, as listed below, and specific recommendations for the Property are discussed within the context of each Master Plan theme:

- Preserve the Village’s Character
- Maintain the Village’s Public Recreation and Open Spaces
- Encourage Reinvestment in the Village
- Enhance the Village’s Connectivity

Preserve the Village’s Character:

The Master Plan provides general guidance to ensure that all new development is “compatible in scale and density to adjacent existing residential communities” (p.51). Specific to the Property, the Master Plan recommends the following:

- “Consider clustered, compact development patterns compatible with adjacent surrounding neighborhoods.” (p.64)
- “Consider view sheds from surrounding communities when locating new development clusters.” (p.64)
- “Provide adequate transitions between new and existing communities.” (p.64)

The project uses several ways to achieve compatibility with the surrounding residential neighborhoods and well-established Montgomery Village character. Strategies such as (1) planted buffers or retention of existing trees between new residential clusters and existing adjacent neighborhoods, (2) clustering new development to create view corridors for existing neighborhoods through new development, (3) locating new development in areas that are lower in elevation than adjacent existing neighborhoods, and (4) providing a mix of unit types (townhomes, duplexes, and single-family homes) and styles that will create a compatible residential context without replicating existing neighborhoods. The Applicant

will also develop architectural guidelines to govern development within each of the clusters, in accordance with the architectural criteria established by the Montgomery Village Foundation.

Maintain the Village's Public Recreation and Open Spaces

The Master Plan generally supports the "preservation of existing community space, to the maximum extent possible" (page 50). For the Property, the Master Plan recommends the following:

- "Protect the Cabin Branch Stream Valley on the former Golf Course site. The protection of this portion of the stream valley can be accomplished either by conservation easements or by adding it to the Montgomery County Parks system." (p. 39)
- "Protect and reforest the large stream buffer area within the former golf course site." (p.41)
- "This plan supports residential development for portions of the site that are developable; the remaining areas are recommended for open space, conservation, or dedication." (p.63)
- Provide open space accessible to both new and existing communities, where feasible." (p.64)

The project provides a substantial amount of open space that will be accessible to the public, with the proposed dedication and development of the MVF Park and the potential dedication of land area to the Parks Department. These open spaces will provide areas for both passive and active recreation, and will provide new amenities to both new and existing residents.

As recommended by the Master Plan, the Applicant plans to dedicate approximately 49 acres to the Parks Department after executing a Parks Facilities Agreement (PFA). The proposed 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 proposes to build and dedicate to the Montgomery Village Foundation, will be an important feature of the project and will be accessible from Montgomery Village Avenue. It will include amenities such as dog parks, picnic shelters, and playgrounds. In addition, the project will preserve several areas as additional open space and environmental buffers that will be owned by the homeowner's associations created for the respective residential clusters.

Encourage Reinvestment in the Village

As an overarching goal for new development, the Master Plan recommends "low density, compatible development in buildable areas adjacent to existing residential clusters." (p.50)

The project constitutes a substantial investment in a vacant property located at an important central location within the Montgomery Village community. The project proposes to 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 proposes 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 proposed shared use path would provide a pedestrian and bicycle connection between Watkins Mill Road and Centerway Park (adjacent to Cabin Branch Park).

Master-Planned Roadways, Bikeways, and Intersections

Stewartown Road

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

Between Montgomery Village Avenue and Goshen Road, existing Stewartown Road is designated as a two-lane minor arterial road with a recommended 70-foot-wide right-of-way. The Master Plan recommends that the existing sidewalk on the south side of this section of Stewartown Road be upgraded to a ten-foot-wide shared-use path as a continuation of the shared-use path along the proposed extension of Stewartown Road between Watkins Mill Road and Montgomery Village Avenue. The Applicant is not proposing any improvements to the existing sidewalk along Stewartown Road. Instead, the Applicant proposes a shared-use path along the new private road in Area 6 to provide the master-planned east-west connection (Figure 15). In Staff's opinion, the Applicant's alternative shared-use path provides less efficient pedestrian and bicycle connectivity. Therefore, Staff is recommending a condition of approval requiring the Applicant to upgrade the existing sidewalk to a 10-foot-wide shared-use path, which may be reduced to a minimum of eight feet in environmentally constrained areas between Montgomery Village Avenue and the eastern end of Area 6. There is not enough right-of-way available between the eastern end of Area 6 and Goshen Road to implement this shared-use path at this time.

Montgomery Village Avenue

Montgomery Village Avenue is designated as a four-lane arterial road, A-295, with a recommended 100-foot-wide right-of-way between Midcounty Highway and Wightman Road. The existing right-of-way is

100 feet wide with sidewalks along both sides. The Master Plan recommends a shared-use path, LB-1, on the east side of Montgomery Village Avenue between Wightman Road and Lost Knife Road to tie into the existing shared-use path built on the east side of the road along Lake Whetstone. The Applicant is not proposing to build this shared-use path because they would have to rely on the adjacent HOAs to provide the extra right-of-way needed to build a continuous path. According to the Applicant, the HOAs are not willing to work with the Applicant to implement this upgrade. Due to the gaps (existing HOA-owned lands) in Property frontage along Montgomery Village Avenue, requiring the Applicant to install a fragmented shared-use path along this portion of Montgomery Village Avenue is not the best option. Lack of needed right-of-way, steep slopes, and other environmental constraints would result in a patchwork of new shared-use path and existing sidewalk. The existing 100-foot right-of-way is wide enough to accommodate a shared use path on each side of the road as a comprehensive redesign of the entire stretch of Montgomery Village Avenue as part of a future CIP project. Therefore, Staff recommends that the shared-use path along Montgomery Village Avenue be installed within the existing 100-foot right-of-way as part of a future comprehensive road construction project.

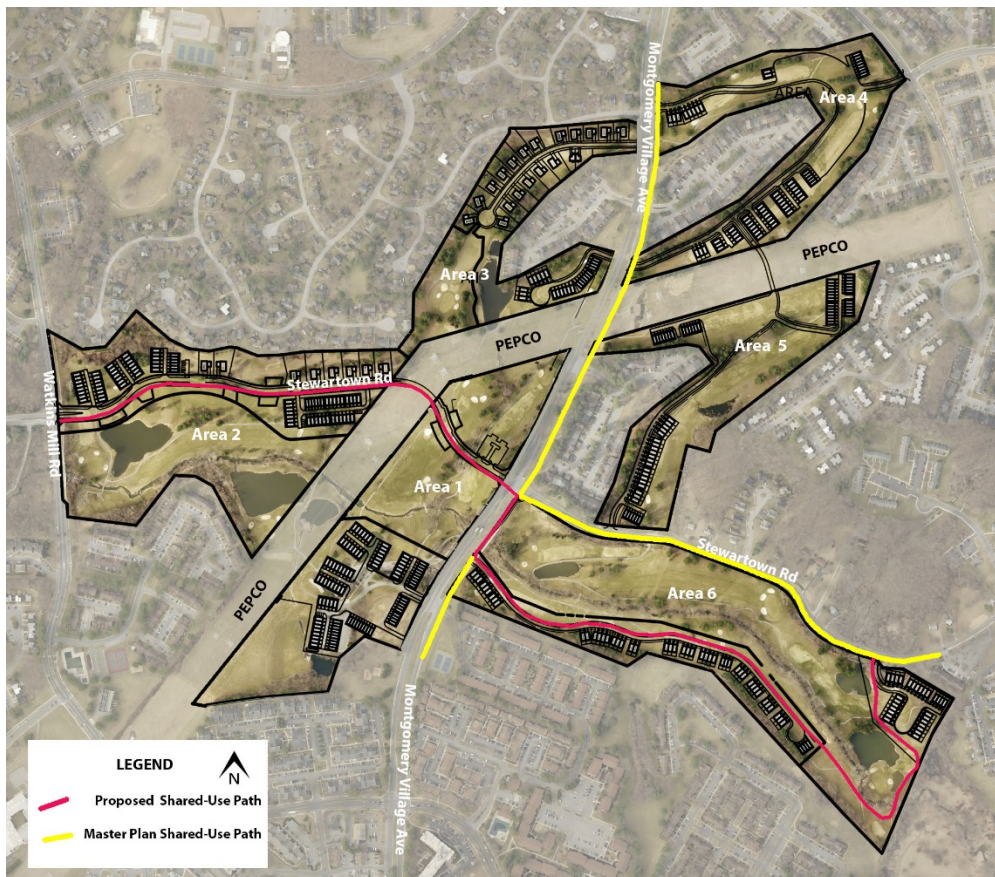


Figure 15: Proposed and Master Planned Shared-Use Paths on Montgomery Village Avenue and Stewarttown Road

Watkins Mill Road

Watkins Mill Road is designated as a four-lane arterial road, A-17, with a recommended 80-foot-wide right-of-way. The existing right of way is 80-foot-wide. A shared use path and signed-shared roadway, DB-27, are recommended between the future Midcounty Highway and Apple Ridge Road. A shared-use path has been constructed along the west side of Watkins Mill Road to the north of Club Lake Road. The

rest of this master planned path extends to the north through the traffic circle at Blunt Road all the way to Scenery Drive.

Arrowhead Road

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

Intersections

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

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

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

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

PUBLIC FACILITIES

Staff finds that, as conditioned, public facilities will be adequate to support and service the proposed subdivision.

Transportation

Master-planned roads, bikeways and intersections are discussed in the Master Plan section of this report.

Public Transit Service

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

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

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

Traffic Signal Warrant Analysis

At the time of this review, the Applicant's revised Traffic Signal Warrant Analysis (dated September 1, 2017) at the two Stewartown Road intersections with Montgomery Village Avenue and Watkins Mill Road is under review by MCDOT. If the traffic signals are warranted at either or both intersection(s) by MCDOT, the Applicant must install either or both of them prior to the opening of Stewartown Road, which is addressed in the MCDOT approval letters (Attachments 3 and 4).

Entrance to the MVF Park

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

Bikeshare and Bicycle Parking

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

Design Exception Requests

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

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

- 2) The second design exception request was submitted for the monumental entrance location at the intersection of Watkins Mill Road and Stewartown Road. The MCDOT Monumental Entrance Standard No. MC-224.01 is for a primary road classification, and the Applicant proposes a modified monumental entrance standard that is designed to narrow the road and still retain the standard cross-section elements. This proposed design is supported by the Master Plan (page 71), and it is supported by MCDOT with two minor revisions as stated in the MCDOT letter dated September 26, 2017.

Local Area Transportation Review (LATR)

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

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

Based on the traffic study results, the table below shows the Critical Lane Volume (CLV) values at the studied intersections for the following traffic conditions:

1. Existing: The traffic condition as it currently exists.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments and the diverted traffic due to I-270/Watkins Mill Road interchange that is fully-funded for construction (i.e. without M-83 Midcounty Highway, which is not funded for construction).
3. Total: The background condition plus the additional site-generated trips.

For the Local Area Transportation Review (LATR) test, Table 1 below shows peak hour critical lane volumes (CLV) at studied intersections and new access points.

Table 1. Peak Hour Intersection Critical Lane Volume

Studied Intersecti	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
1. Watkins Mill Road/Apple Ridge Road	878	1006	937	973	914	972
2. Watkins Mill Road/Stedwick Road (north)	809	775	923	864	967	884
3. Watkins Mill Road/Club House Road	662	890	860	1000	876	1024
4. Montgomery Village Avenue/Wightman Road	1093	939	1139	968	1145	987
5. Montgomery Village Avenue/Arrowhead Road	708	773	710	778	712	786
6. Montgomery Village Avenue/Apple Ridge Road	937	728	986	772	976	775
7. Montgomery Village Avenue/Club House Road	912	759	822	688	861	789
8. Montgomery Village Avenue/Centerway Road	748	960	650	899	707	983
9. Goshen Road/Snouffer School Road	1003	1138	1041	1170	1046	1182
10. Goshen Road/Rothbury Drive	706	734	706	734	718	777
11. Goshen Road/Stewartown Road	728	808	728	808	764	860
12. Centerway Road/Goshen Road	1047	1182	1131	1290	1155	1320
13. Watkins Mill Road/Crested Iris Drive	659	791	773	880	817	979
14. Montgomery Village Avenue/Meadowcroft Lane	531	482	473	442	515	462
15. Montgomery Village Avenue/Greenside Terrace	536	517	478	477	514	491
16. Montgomery Village Avenue/Stewartown Road	618	640	560	599	664	679
17. Montgomery Village Avenue/Brassie Place	575	522	517	482	582	574
18. Arrowhead Road/Rothbury Drive	384	519	384	519	389	547
19. Stewartown Road/Site Entrance (Area VI)	n/a		n/a		126	140
20. Stewartown Road/Site Entrance (Area V)					151	181
21. Montgomery Village Avenue/Site Entrance (Area III)					475	440
22. Montgomery Village Avenue/Site Entrance (Area III)					482	458
23. Montgomery Village Avenue/Site Entrance (Area VI)					544	542

The study intersections are in the Montgomery Village/Airpark Policy Area with a CLV congestion standard of 1,425 for this policy area. As shown in the table above, all of the calculated CLV values do not exceed the congestion standard; therefore the LATR test is satisfied.

Policy Area Review

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

Other Public Facilities and APF Validity Period

Parks

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

As the potential dedication area is a large fallow golf course area with an un-forested floodplain and environmental buffer, and an incised perennial stream that requires restoration, the upfront and long-term costs associated with this potential dedication area are significant. The area also contains water hazards, contaminated greens, and relic infrastructure that need removal. The Parks Department and the Applicant have negotiated the terms of a Parks Facilities Agreement (PFA), which will outline the process for site remediation, stream restoration, and an ultimate park dedication (Attachment 1). The Applicant will execute the PFA prior to Certified Site Plan.

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

Schools

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

Other Public Facilities

The proposed 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

Pursuant to Section 50-20(c)(3)(A)(iv) of the Subdivision Regulations, the Planning Board can make an APF determination for "no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after August 1, 2007, and before April 1, 2009, or on or after April 1, 2015."

Due to the scope and complexity of the proposed project, the Applicant has requested an extended (Adequate Public Facilities) APF validity period of ten years based on the following development schedule, with each phase taking between 18 months and two years to complete:

- Pre-Development Phase (one to two years) Complete Entitlements
- Phase 1: Area 1, up to 111 units
- Phase 2: Area 3, up to 44 units
- Phase 3: Area 4, up to 94 units

- Phase 4: Areas 5 and 6C (northeast corner of Area 6), up to 107 units
- Phase 5: Areas 2, up to 84 units
- Phase 6A (south side of Area 6), up to 48 units

Section 50-20(c)(3)(B) states that to allow an APF validity period longer than the 5-year minimum, "the Board must find that the extended validity period would promote the public interest".

The extended validity period is common and typical of a larger subdivision to allow for construction phasing and financing, and is consistent with the Subdivision Regulations. Staff agrees with the Applicant's statement 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.

COMPLIANCE WITH SUBDIVISION REGULATIONS

Staff finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the *Montgomery Village Master Plan* and the type of development and use contemplated.

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

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

Private Roads

The Applicant proposes that all of the proposed roads within the project, with the exception of Stewartown Road extended, be classified as private. Section 50-29(a)(2) of the Subdivision Regulations requires that "[e]xcept as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road." Eight residential lots will front on a public street, while 486 residential lots will front onto a private street or open space. Therefore, if the Planning Board approves the Preliminary Plan, it must also find that the proposed private streets have acquired the status of public streets. As reflected in other similar cases approved by the Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

For this subdivision, the proposed private internal streets and alleys, which provide frontage to 486 residential lots, meet the minimum standards necessary to make the finding that they have attained the status of a public road. The private roads will be constructed to the minimum public road structural standards, will have a minimum 20-foot pavement width and adequate turning radii where needed for

emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private roads will be located within separate private road parcels, with a covenant and easement that ensures they are adequately maintained and remain fully accessible to the public.

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

Overlength Cul-De-Sac

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

Section 50-38 Subdivision Regulation Waiver Request

The Planning Board has the authority to grant waiver of any requirement of Chapter 50 pursuant to Section 50-38(a)(1) of the Subdivision Regulations provided certain findings can be made. The section states:

"The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved and that the waiver is 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest."

The Applicant has requested a 50-38 waiver of Section 50-26(c)(2) which requires that proposed intersections with an arterial road must be spaced no closer than 600 feet. The Applicant's proposed intersection spacing along Montgomery Village Avenue, an arterial road, ranges from 180 feet to 500 feet. Staff finds that a practical difficulty exists due to environmental constraints, the unusual shape of the Property, and topography that prevents full compliance with the intersection spacing requirement. Fire and rescue access needs and restrictions to full movements in some access locations further prevent compliance with the intersection spacing requirement. The waiver is the minimum necessary to provide relief for the following reasons:

- The southernmost proposed alley in Area 1 is approximately 230 feet south of Brassie Place, while proposed Private Road "A" is aligned with Brassie Place. The southernmost alley intersection in Area 1 is needed for fire and rescue access and shifting the road is impractical due to the floodplain.

- Proposed Private Road “H” in Area 6 is approximately 320 feet north of proposed Private Road “A” in Area 1 and approximately 440 feet south of Stewartown Road. The location of Road “H” is necessary to access the units in Area 6 and the road cannot be moved due to the location of the floodplain to the north.
- Proposed Private Road “C” in Area 3 is opposite from the southern access point of proposed Private Road “D” in Area 4. There is a median in Montgomery Village Avenue at this location. The access to Road “C” and Road “D” at this location is a restricted right-turn-in and right-turn-out, approximately 330 feet south of Duffer Way. Slopes within the Pepco right-of-way to the south would inhibit any movement of these access roads.
- Proposed Private Road “B” in Area 3 is a restricted right-turn-in and right-turn-out, approximately 180 feet south of Meadowcroft Lane and 295 feet north of Duffer Way. This portion of Area 3’s frontage along Montgomery Village Avenue is narrow, and Road “B” is spaced as far as possible from Meadowcroft Lane.
- The northern access point for proposed Private Road “D” in Area 4 is aligned with Meadowcroft Lane and approximately 500 feet north of Duffer Way. Because of its alignment with Meadowcroft Lane, Road “D” is in the best location given the shape of Area 4 and its limited frontage on Montgomery Village Avenue.

As described in the Master Plan section of the report, the proposed project complies with the recommendations of the *Montgomery Village Master Plan*. Therefore, the waiver is not inconsistent with the General Plan.

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

Preliminary Plan Validity Period

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

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

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

Given the complexity of the proposed project, including the construction of the master-planned road and the proposed park dedication, Staff supports an extended Preliminary Plan validity period, but recommends phasing of plat recordation over a nine-year (108 month) period based on the following simplified schedule:

- Phase I- Plats for at least 164 lots must be recorded by 36 months from the day the Resolution is mailed.

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

ENVIRONMENT

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

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this property on December 27, 2016. The NRI/FSD documented 6704 linear feet of stream and 70.38 acres of stream buffer on the property. The stream buffer 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 this site (development Area 4) is covered by NRI/FSD No. 420151680, which was approved on April 3, 2015. This NRI shows 0.40 acres of 100-year floodplain delineated on a Federal Emergency Management Agency (FEMA) floodplain map.

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.

Portions of this road traverse the edge of areas that are currently within the 100-year floodplain portion of the stream buffer. According to the *Guidelines for Management of Development in Montgomery County (the "Environmental Guidelines")*, Section V.A.1.(f), "Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to create the least disturbance to existing vegetation, grade, wetlands, trout spawning areas in Use III watersheds, etc."

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

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

In Area 1, all or part of seven townhouse units encroach into a delineated stream buffer, though not into 100-year floodplain. Compensation for the loss of buffer function in this area should be provided

enhanced forestation, providing an additional amount of afforestation within the stream valley equivalent to the area of encroachment. This additional afforestation is in addition to the afforestation required under Chapter 22A, Forest Conservation. The area of enhanced forestation is approximately 14,629 square feet.

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

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

Afforestation planting may be phased based on a percentage of the total afforestation required by the Final Forest Conservation Plan with each area developed. The minimum percentage of the total afforestation that must be planted for each area is as follows, with the overall percentage not to exceed 100 percent:

<u>Area</u>	<u>% of Total Afforestation Requirement</u>
Area 1	22.5%
Area 2	21.5%
Area 3	10.0%
Area 4	19.0%
Area 5	17.0%
Area 6	25.5%

The Applicant still intends to pursue park dedication in the future if the land can be restored to a condition acceptable to the Parks Department, as outlined in the Parks Facilities Agreement referenced elsewhere in this staff report. If dedication of parkland to the Parks Department occurs, pursuant to the PFA, prior to the completion of the total afforestation requirement, then the afforestation requirement will be adjusted to allow the deduction for parkland dedication, reducing the net tract area by the area accepted in dedication and reducing the planting requirement accordingly.

In addition, the proposed development proposes to remove 83 specimen trees totaling 3,013 caliper inches of tree loss. The standard mitigation requirement for replacement of variance trees lost is one caliper-inch of replacement for every four inches removed. This would result in a variance tree replacement requirement of 754 caliper-inches. Ordinarily, the requirement is for variance tree loss is to replant with trees of a minimum 3” caliper. In this case, however, the priority is to restore a forested stream buffer to protect water quality. Therefore, Staff agrees that 1.5 to 2-inch caliper trees may be planted, along with the requisite number of shrubs, following the requirements for planting in Forest

Conservation Regulation 22A.00.01.08(E)(3)(c). When planting trees of this size, the stocking rate is 100 trees and 33 shrubs per acre. The replacement of 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.

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 a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; 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 applicant submitted a variance request on September 29, 2017 to impact 99 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law (Attachment X). Of the 99 trees impacted, 83 are to be removed, and 16 are to be saved.

Unwarranted Hardship

Trees were planted throughout the golf course when the course was constructed. While there is abundant open area in the former greens and fairways, the layout of the fairways, greens and holes results in long, narrow corridors bracketed by trees that have grown large over time. In addition, the site is severely constrained by undevelopable areas containing streams, stream buffers, and floodplains which occupy approximately 70 acres of the Subject Property. Development of the Subject Property also requires construction of infrastructure including roadways, sidewalks and pathways, stormwater management facilities, sewer and water lines, etc. Preserving all of the large trees would preclude most development on the site. Staff finds that this would constitute an unwarranted hardship to the Applicant. This finding must be made in order to consider the 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.

Variance Findings

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

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

As noted above, the proposed design 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. It is staff's opinion that granting the variance will not confer a special privilege to the Applicant.

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

Staff 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. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Staff 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. 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, staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

As stated above, 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, staff agrees that 1.5 to 2-inch caliper trees may be planted, along with the requisite number of shrubs, following the requirements for planting in Forest Conservation Regulation 22A.00.01.08(E)(3)(c). When planting trees of this size, the stocking rate is 100 trees and 33 shrubs per acre. The replacement of 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.

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 September 29, 2017.

Stormwater Management

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

SECTION 6: SITE PLAN ANALYSIS AND FINDINGS

Per Section 7.3.4 of the Zoning Ordinance,

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *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.

- b. *satisfies under Section 7.7.1.B.5 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.

- c. *satisfies under Section 7.7.1.B.5 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.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
 - i. *Division 4.5 Commercial/Residential Zones and Division 4.4 Residential Zones*

Use Standards

The proposed 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.

Development Standards

The Subject Property is approximately 147 acres, with approximately 120.3 acres zoned TLD and approximately 26.7 acres zoned CRN-0.5, C-0.0, R-0.5, H-65. The following data tables show the Application's conformance to the development standards of the TLD and CRN zones.

Table 2: Development Standards TLD Optional Method- Section 59-4.4.11.C.

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

Additionally, per the requirements of section 4.9.10, the common open space provided on the Subject Property will be recorded within a separate parcel with a protective easement or covenant in the land records.

Table 3: Development Standards CRN Zone Standard Method- Section 59-4.5.3.C.

CRN 0.5 Zone (Area I) Standard Method							
Development Standard	Permitted/Required			Proposed			
	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			Proposed			
Parking	Detached House	Duplex	Town-house	Detached House	Duplex	Town-house	Total
Vehicle Spaces for Market Rate Units	Baseline Min. 2.00 per unit			52	4	932	988
Vehicle Spaces for MPDUs	0.5 times baseline / 1.00 per unit			n/a	n/a	68	68
Total Vehicle Parking Spaces				52	4	1000	1056
Inverted Bike Racks	n/a						10

Section 59- 4.9.10.C. Development Standards (Montgomery Village Overlay Zone)
The proposed development complies with the standards of the Montgomery Village Overlay Zone by providing the Common Open Space within a separate parcel with a protective easement or covenant in the land records.

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.

e. satisfies the applicable requirements of:

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

The MCDPS Stormwater Management Section issued a letter dated October 9, 2017, accepting the stormwater management concept approval. According to the approval letter, stormwater treatment will be accomplished using micro bioretention, enhancement, and drywells.

ii. Chapter 22A, Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. Compliance with the Environmental Guidelines and Forest Conservation Plan are addressed above in the Preliminary Plan findings section of this report.

- f. *Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The 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 proposed 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 proposed 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 are proposed 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 Owner's Associations.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan substantially conforms with the recommendations of the 2016 *Montgomery Village Master Plan*, as described above in the Preliminary Plan section of this report.

- h. *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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

There are adequate public facilities to serve the proposed development, as described above in the Preliminary Plan section of this report.

- i. *on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The proposed Project is compatible with the existing residential communities surrounding the Subject Property. The residential units have been placed in a way that similar building types are adjacent to one another in relation to the existing development. In addition to the natural grade changes, substantial landscaped buffers and view corridors help minimize the visual impact of the proposed development and ensure the Project's compatibility with the surrounding communities.

The natural areas and the proposed open spaces create a network of green spaces between the existing community and the proposed development. The connection of the Cabin Branch Stream Park to Centerway Park will protect the waterways and be surrounded by publicly accessible amenities.

The residential development consists largely of townhouses with a few single-family detached houses. The proposed project is not maximizing the development potential and will be dedicating developable areas for the MVF Park and additional open space.

The proposed project is compatible with the character of the residential neighborhood in a residential zone.

- j. on a property in all other zones, 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.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

SECTION 7: CONCLUSION

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. It meets all the applicable requirements of Chapter 22A, forest conservation law. Access and public facilities will be adequate to serve the proposed lots and, as conditioned, the proposed project conforms with the Master Plan and the general requirements of Chapter 59. The Applications have been reviewed by other applicable County agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan and Site Plan, with the conditions listed at the beginning of the Staff Report.