



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

MCPB No. 17-111  
 Site Plan No. 820170130  
 Bloom Montgomery Village  
 Date of Hearing: November 16, 2017

DEC 26 2017

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 19, 2017, USL2 MR Montgomery Village Business Trust (“Applicant”) filed an application for approval of a site plan for 494 dwelling units (26 detached houses, 2 duplexes and 466 townhouses) with 68 MPDUs on 147 acres in the Montgomery Village Overlay Zone and the CRN- 0.5 C-0.0 R-0.5 H 65 or TLD zone-land, located at the intersection of Montgomery Village Avenue and Stewartown Road (“Subject Property”), in the *2016 Montgomery Village Master Plan* area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820170130, Bloom Montgomery Village (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 6, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 16, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170130 for 494 dwelling units (26 detached houses, 2 duplexes and 466 townhouses) with 68 MPDUs, the Subject Property, subject to the following conditions:<sup>1</sup>

<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to  
 Legal Sufficiency

*Christina Sonat* 12/20/17  
 MNCPPC Legal Department  
 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

8787 George Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

1. PRELIMINARY PLAN CONFORMANCE

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

2. FOREST CONSERVATION

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

- e. Prior to the issuance of the building permit for the 150th residential unit, the Applicant must complete the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; signs; bollards; buildings; and sand traps.
- f. The required afforestation planting must be completed within one year or two growing seasons after the issuance of the final residential building permit for each Area with the minimum percentage of afforestation for each area described below, except that within one year or two growing seasons after the issuance of the 415th residential unit building permit, any remaining afforestation required by the Final Forest Conservation Plan must be planted, with the overall percentage not to exceed 100 percent:

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

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

3. COMMON OPEN SPACE, FACILITIES, AND AMENITIES

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

#### 4. M-NCPPC DEPARTMENT OF PARKS

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

#### 5. TRANSPORTATION

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

#### 6. RIGHT-OF-WAY

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

#### 7. RECREATION FACILITIES

- a. At Certified Site Plan, the Applicant must meet the size, grading, setbacks, location, accessibility, targeted age groups, and demonstrate to M-NCPPC Staff that each element meets the M-NCPPC 2017 Recreation Guidelines, as shown on the Site Plan.

- b. At Certified Site Plan, the Applicant must provide the calculations for the entire Site Plan Application and meet the adequate amenities requirements. Plans must identify each element of the recreation amenities facilities on the plans for each area.
- c. Prior to the final building inspection for each applicable Area (Areas 1-6), recreation facilities within each respective Area must be completed.
- d. Prior to issuance of the building permit for the 150th residential unit, all amenities for the Montgomery Village Foundation Park must be completed. This includes, but is not limited to, the dog park, tot lots, play area, community garden, and trail system.
- e. Prior to the issuance of the building permit for the 300th residential unit, the Applicant must construct an eight-foot wide shared use path between Montgomery Village Avenue and Private Road "J" in Area 6, which may be located either along the south side of Stewartown Road or along Private Road "H" in Area 6. If constructed along Stewartown Road, the shared use path may be less than eight feet wide in environmentally or topographically constrained areas. Both options must be shown on the certified site plan as alternatives.
- f. The Applicant must provide the following recreation facilities:
  - i. One (1) Pedestrian Connection Trail System
  - ii. One (1) Community Garden
  - iii. One (1) Multi-Age Playground (age 2-12)
  - iv. Two (2) Open Grass Areas – Urban (2,000 sf each)
  - v. Two (2) Playgrounds (Tot Lots) (age 2-5)
  - vi. Two (2) Play Areas (age 5-12)
  - vii. Five (5) Open Grass Areas – Small (5,000 sf each)
  - viii. Five (5) Open Grass Areas – Large (10,000 sf each)
  - ix. One (1) - Public Park
  - x. One (1) Dog Park accommodating small dogs and large dogs.

## 8. FIRE AND RESCUE

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 29, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the

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

9. MODERATELY PRICED DWELLING UNITS (MPDUs)

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

10. SITE DESIGN

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

11. LANDSCAPING

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

12. LIGHTING

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

development of this type. All on-site exterior lighting must be in accordance with these standards.

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

### 13. SITE PLAN SURETY AND MAINTENANCE AGREEMENT

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

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

- e. The financial surety shall be clearly described within each appropriate Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

#### 14. MAINTENANCE OF PUBLIC AMENITIES

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

#### 15. DEVELOPMENT PROGRAM

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

#### 16. CERTIFIED SITE PLAN

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

- a. Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan Resolution and Preliminary Plan Resolution in the certified site plan set.
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site, Landscape and other plans.
- f. Add the master-planned shared-use path along the south side of Stewartown Road, separated from the road by a green panel or other barrier, between Montgomery Village Avenue and Private Road "J" in Area 6. The shared use path must be eight feet wide; however, it may be less than eight feet wide in environmentally or topographically constrained areas. If this shared use path is built, the Site Plan, Forest Conservation Plan and other applicable plans must be amended administratively. A note reflecting this condition must be included on the Site Plan.