

MCPB
Item No.
Date: 9/6/12

Addendum to Staff Report - Shady Grove Station, Preliminary Plan, 120120080

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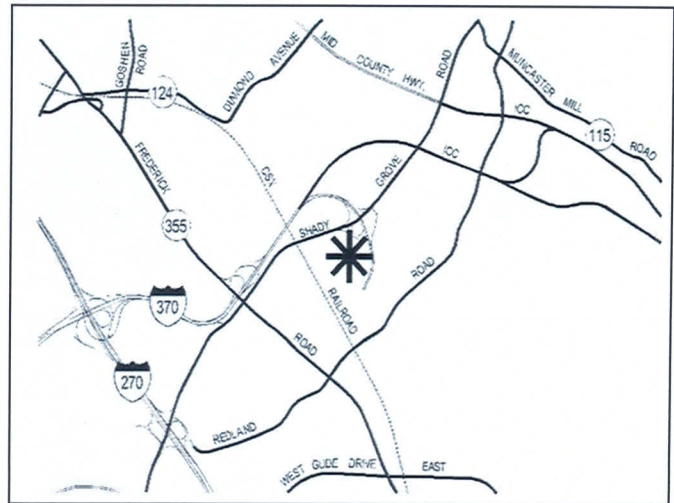
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Completed 8/24/12

Description

This memorandum highlights several changes to conditions of approval for Shady Grove Station (Preliminary Plan No.120120080) since the Staff Report was issued on July 13, 2012. (The hearing scheduled for 7/26/12 was postponed to 9/6/12.) The most substantive changes are transportation related, including a revised approval letter from the Montgomery County Department of Transportation, an extension of Adequate Public Facilities (APF) and other language clarification.



Modified Conditions

New language is indicated in red and underlined, while removed language is indicated with ~~strikeout~~ text.

- Condition No. 1 clarifies the provision of MPDUs and Workforce Housing units. It now reads as follows:

This Preliminary Plan is limited to a maximum of 752 townhouse lots, a maximum of 1,458 multi-family residential units and 41,828 square feet of retail space on up to 6 lots, and a maximum of 131,422 square feet of office development on 1 lot. Ten percent of the total number of residential units excluding MPDUs or resulting MPDU bonus density units must be Workforce Housing units, and 15% of the total number of residential units excluding workforce units must be Moderately Priced Dwelling Units (MPDUs).

The Montgomery County Department of Transportation (MCDOT) has issued a revised letter of approval. This letter amends conditions 8, 15, and 16 in the Department's June 13, 2012 approval letter. The revised MCDOT letter is attached to this memorandum (Attachment 1).

- Condition No. 3 incorporates changes made by the Montgomery County Department of Transportation (MCDOT) in its revised letter of approval and adds new measures that aim to implement the Sector Plan's non-auto-driver mode share goals. The condition states the following:

The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated June 13, 2012 and July 20, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval, except that performance guarantees to ensure that the trip reduction goals under Condition #4 are maintained will be required by subsequent site plans. The Applicant must comply with each of the recommendations set forth in both letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- Condition No. 4 has been modified to remove specific transportation mitigation actions, which will be determined in the Traffic Mitigation Agreement. It now states the following:

The Applicant must satisfy the Shady Grove Sector Plan's traffic mitigation requirements by entering into a Traffic Mitigation Agreement with the Planning Board and MCDOT. In the Agreement, the Applicant must participate in the Greater Shady Grove Traffic Management Organization (TMO) to assist in achieving the non-auto-driver mode share goals of the Sector Plan. As a new development generating 100 or more additional new peak-hour vehicular trips in the Shady Grove Metro Station Policy Area, the non-auto-driver mode share goals are a reduction of 65% of the employees' vehicular trips and 50% of the residential vehicular trips with no deduction of existing trips. ~~Traffic mitigation must include three on-site bike-sharing facilities, shuttle bus operation, and other measures as required by MCDOT.~~ The Agreement must be executed prior to approval of the first certified site plan.

- The APF validity period for the preliminary plan, condition No. 25, will be set for a longer period from eighty-five (85) months to 12 years (144 months) to accommodate the redevelopment schedule of the development as requested by the Applicant. Staff agrees with this change and a phasing plan has been added to condition No. 25 that divides the total development into four distinct phases.

The original condition was: The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eight-five (85) months from the date of mailing of the Planning Board Resolution.

Condition No. 25 now states:

The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for up to 12 years (144 months) from the date of mailing of the Planning Board Resolution, according to the phases outlined below. Because the validity period is longer than the typical seven years, a phasing schedule for the APF and preliminary plan validity period,

in accordance with Sections 50-20(c)(3)(B), 50-34(g), and 50-35(h)(2)(B) of the Subdivision Regulations, is required. Plats must be recorded and building permits issued as follows:

Phase I – 375 residential units, including MPDUs and workforce housing units, within 60 months from the 30th day after the Resolution is mailed;

Phase II – 125 residential units, including MPDUs and workforce housing units, within 36 months of the expiration of the Phase I validity period;

Phase III – 250 residential units, including MPDUs and workforce housing units, 41,828 square feet of retail space, and the library within 36 months of the expiration of the Phase II validity period; and

Phase IV – 1,460 residential units, including MPDUs and workforce housing units, and 133,250 square feet of commercial office space within 12 months of the expiration of the Phase III validity period.

- Condition No. 28 has been modified to note that the provision of TDRs is associated with multi-family development. The revised condition No. 28 is the following:

TDRs must be secured before each plat is recorded for multi-family development. The record plat must reflect serialization and liber/folio reference for all TDRs utilized by the development.

These changes are included in the draft resolution.

Streets

A map that illustrates public and private streets with special conditions is attached to this memorandum (Attachment 2).

Community Response

The Shady Grove Advisory Committee has submitted a letter supporting the preliminary plan since it implements key recommendations in the Sector Plan. The committee's letter is attached to this memorandum (Attachment 3).

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Attachments

1. Montgomery County Department of Transportation revised letter of approval
2. Proposed public and private streets with special conditions
3. Shady Grove Advisory Committee letter



ATTACHMENT 1

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 20, 2012

Mr. Nkosi Yearwood, Senior Planner
Area Two Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120080
Shady Grove Station

AMENDMENT LETTER

Dear Mr. Yearwood:

This letter is to conditionally amend comments nos. 8, 15, and 16 in our June 13, 2012 preliminary plan review comments letter for this project.

Subsequent to distribution of that letter, the applicants requested the Department of Transportation to reconsider and amend a number of those comments to provide for more flexibility at the Site Plan and permitting stages of this development.

After considering the applicants' explanations and participating in a number of subsequent inter-agency meetings with yourself and the applicants, we agree that those concerns warrant adjustments to our earlier letter.

We recommend approval of the preliminary plan subject to the following comments:

1. Previous review comments in our December 2, 2011 preliminary plan review comments letter remain applicable unless modified below.
2. Comment no. 8: The recommendation to provide a forty (40) foot wide pavement width on the public rights-of-way adjacent to the proposed park and school sites is amended to read: *"We recommend the streets adjacent to the park and school sites be designed and constructed in accordance with the approved and adopted MCDOT context sensitive roadway design standard no. MC-2005.02 ("Business District Street – 2 lanes with parking on both sides"). This design standard will result in a pavement width of thirty eight (38) feet within a seventy (70) foot wide right-of-way."*
3. Comment no. 15 (site design recommendations to promote multi-modal, transit-oriented development) is amended as follows:

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

- The first bullet is amended to read: *“For both residential and commercial space on the West Side, minimum parking requirements should be the maximum allowed (per Transportation Guidelines, Shady Grove Sector Plan, page 122). On-street visitor parking for the community amenities on the East Side should be provided subject to Planning Board review and approval. MCDOT reserves the right to remove on-street parking from the public rights-of-way if necessary to address traffic operations or safety concerns.”*
 - The third bullet (recommendation relocate the office building closer to the Metrorail Station) is hereby deleted. We understand the applicants have explored the feasibility of relocating the office building with M-NPPC staff and have mutually concluded the proposed building location is preferable, subject to Planning Board approval.
4. Comment no. 16 (Traffic Mitigation Agreement):
- The third paragraph on page 8 is amended to read: *“The Traffic Mitigation Agreement **may** include but not be limited to the following elements . . .”*
 - The third black bullet on page 9 is amended to read: *“In addition to the above transportation demand measures, the Traffic Mitigation Agreement (TMAg) **may** include the following . . .”*
 - The applicants have requested the second open bullet on page 9 (requirement for a Security Instrument - to ensure achievement of the Sector Plan trip mitigation goals) be deleted. We agree that “financial security and other performance measures” **may be** element(s) of the future TMAg. However, our discussions to date with the applicants have not convinced us that that recommendation should be removed in its entirety at this time. This detail should be addressed during the future TMAg negotiations.
 - The second sentence in the third open bullet on page 9 is amended to read: *“. . . Monitoring **may** include but not be limited to . . .”*
 - We believe it is important for this project to comply with the trip mitigation requirements in the Approved and Adopted Shady Grove Sector Plan. The Plan was adopted with the clear understanding – supported by traffic modeling – that reflected those trip mitigations in place in order to achieve the balance between transportation and land use. The TMAg is a critical element in that effort. However, a difference in interpretation has surfaced as to the validity of the Sector Plan requirement as opposed to the trip mitigation requirements in Section 42A-25 of the County Code. For that reason, we ask that the Planning Board take specific action in the Conditions of Subdivision approval to resolve the apparent conflict.

Mr. Nkosi Yearwood
Preliminary Plan No. 120120080 AMENDMENT LETTER
July 20, 2012
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Thank you for your cooperation and assistance in this matter. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at 240-777-2197.

Sincerely,



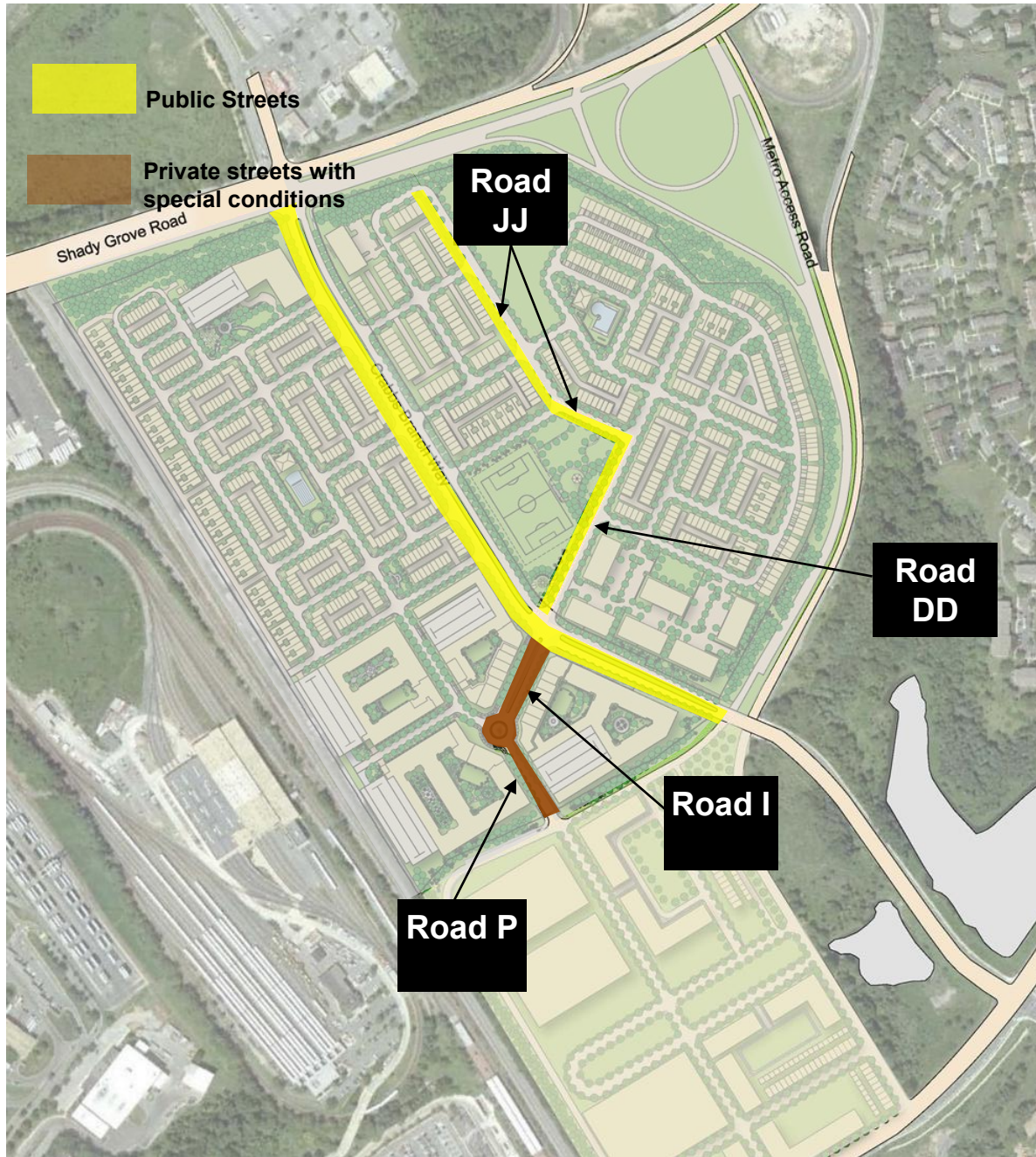
Gregory M. Leck, Manager
Development Review Team

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Preliminary Plan Folder
Preliminary Plan letters notebook

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Fred Lees; MCDOT DTEO
Andrew Bossi; MCDOT DTEO

Attachment-2



Attachment-3

SHADY GROVE ADVISORY COMMITTEE

Pam Lindstrom (Chair), 421 Gaither Street, Gaithersburg, Maryland 20877
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MEMBERS

John Compton
Pat Labuda
Connie McKenna
Michael McInerney
Joe Parello
Brian Pierce

20 July 2012

Ms. Francoise Carrier, Chairman
Montgomery County Planning Board

Dear Ms. Carrier:

The Shady Grove Advisory Committee has met with EYA developers several times to discuss the proposed development plan for the County Service Park. We support the proposed plan. It implements many aspects of the Shady Grove Sector plan: the higher density and tallest buildings are near the railroad tracks and Metro station, with park, and low buildings to the east next to the existing homes.

The developers propose to provide the whole array of public facilities promised in the master plan, including the large park, library and school sites. We especially appreciate the plan to build walking paths through the natural area around the stormwater management pond, turning the area into a real park. Committee members look forward to the opportunity for the community to shape these amenities so they reflect our particular interests.

The developers are commended for proffering the maximum share of MPDUs, and proposing to buy a significant number of TDRs. It is fortunate that this property is to be developed in the TOMX-TDR zone, which gives density bonuses specifically for this housing.

We encourage the Planning Board to approve this plan. It has been a long time, and we are eager to see the sector plan's vision being realized.

Sincerely,

Pamela Lindstrom