



Shady Grove Station Phase 1 West (Shady Grove Station, Westside), Site Plan No. 82013022C

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Completed: 5/18/18

**Description**

Request to modify the approved Site Plan to transfer 61 units from Building C to Building D; increase maximum building height to 79 feet; amend architecture elevations and streetscape plans; revise select townhouse party walls; and update plans for final Building A designs.

Location: north of Shady Grove Metro Station, south of Shady Grove Road and west of Crabbs Branch Way;

Master Plan: 2006 *Shady Grove Sector Plan*;

Zone: CRT-1.0 C-0.25 R-0.75 H-90T (TDR 0.89

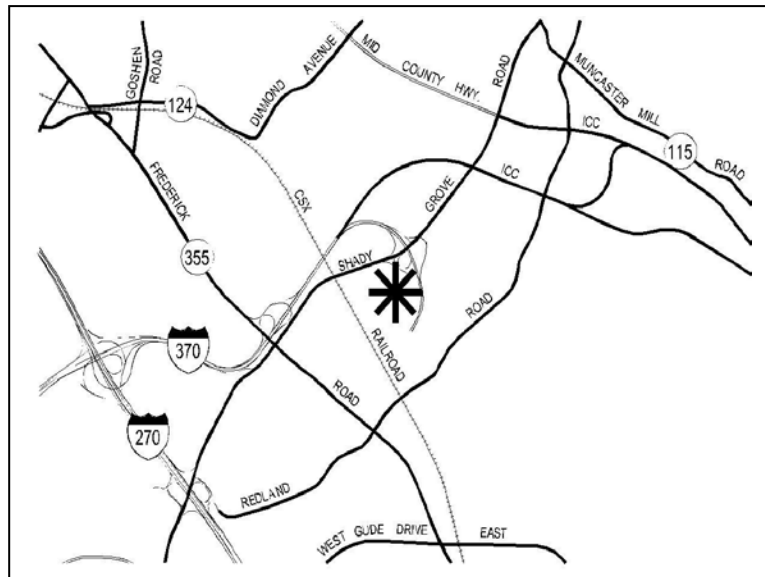
Overlay) Zone;

Size: 41.8 acres;

Acceptance Date: February 9, 2018;

Applicant: EYA/CSP Associates;

Review Basis: Chapter 59, Site Plan.



**Summary**

- Staff recommends approval of the Site Plan Amendment.
- Staff reviewed this amendment under the TOMX-2/TDR Zone pursuant to the Zoning Ordinance in effect on October 29, 2014, pursuant to the grandfathering provisions of Section 7.7.1.B.1 of the current Zoning Ordinance.
- The proposed changes meet all development standards, and do not significantly modify the original findings of the approval.
- Staff has not received community correspondence regarding this amendment.

## RECOMMEDATIONS AND CONDITIONS

Staff recommends approval of Site Plan Amendment No. 82013022C, Shady Grove Station Phase 1 West (Shady Grove Station Westside), subject to conditions listed below. All site development elements shown on the latest electronic version of the Site Plan Amendment No. 82013022C submitted via ePlans as of the date of this Staff Report are required. All previously approved plans (120120080, 12012008A, 12012008B, 12012008C, 820130220, 82013022A, 82013022B), findings, and conditions of approvals remain in full force and effect, except as modified herein by the following conditions:

Condition No. 4.a. of Site Plan No. 820130220 is modified as follows (changes shown with strikeouts and underlining in red font):

4. Transferable Development Rights (TDRs)
  - a. Prior to record plat for each multifamily building, the Applicant must secure TDRs with the following schedule: 19 TDRs for Building A; 18 TDRs for Building B; ~~15~~ 12 TDRs for Building C; and ~~12~~ 15 TDRs for Building D. The Applicant must reflect serialization and liber/folio references for these TDRs on the applicable record plat(s).

New Conditions for Site Plan 82013022C:

1. Compliance with Previous Preliminary Plan Approvals

All previously approved conditions in the Resolutions for Preliminary Plan 120120080 and subsequent Preliminary Plan Amendments remain in full force and effect.
2. Compliance with Previous Site Plan Approvals

All previously approved conditions in the Resolutions for Site Plan 820130220 and subsequent Site Plan Amendments remain in full force and effect except as modified by this Amendment.
3. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS)-Water Resources Section in its revised stormwater management concept letter dated February 20, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
4. Traffic Mitigation Agreement

Prior to issuance of any building permit, the Applicant must update the existing Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT in order to reflect the shift of dwelling units from Building C to Building D.
5. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated September 13, 2018 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated March 23, 2018, and 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.

7. Site Design

- a) The exterior architectural character, proportion, materials, and articulation on Building “D” must be substantially similar to the schematic elevations shown on Sheets 09-BARCH-82013022C-A2d.0.pdf, 09-BARCH-82013022C-A2d.1.pdf, and 09-BARCH-82013022C-A2d.2.pdf of the submitted architectural drawings revised in this amendment, as determined by M-NCPPC Staff.
- b) Prior to the issuance of the Use and Occupancy Permit for the storefronts in Building D, provide Planning Staff with details of the design of the decorative signage and/or exterior retail components in the delineated areas along Crabbs Branch Way and Gramercy Boulevard.

8. 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 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include 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, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the building permit of development and will be tied to the development program.
- c) 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 surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

9. Replatting

Prior to issuance of a building permit for a townhouse on one of the lots listed below, the Applicant must obtain approval of a new record plat:

- a) Plat No 24946, Block E, Lots 1, 2, 22, 23, 24
- b) Plat No 24945, Block J, Lots 14, 15

10. 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, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b. Ensure consistency of all details and layout between site plan and landscape plan.
- c. The Master Plant list on Sheet 08-BLL-82013022C-LP9.pdf must be updated to incorporate all the plantings on the Site.
- d. Add a note to clarify that the square footage approved within Building C is reduced by 64,962 square feet.
- e. Clearly delineate the area of the blank wall on Building D elevations along Crabbs Branch Way and Gramercy Boulevard that will be covered with decorative signage and/or exterior retail components.
- f. Provide detail of the perforated metal panels that will be used to screen Building D along Columbus Avenue, with information regarding the landscape intended to cover these panels.
- g. Provide detail of the screening of the transformers along the Columbus Avenue frontage of Building D, using a design consistent with the air foils being used to screen the garage behind the transformers.
- h. Revise the roof overhangs on Building D to make them deeper.

## SITE DESCRIPTION

### Vicinity

The Shady Grove Station Phase 1 West Property (Property or Subject Property – outlined in red in Figure 1 below) is a portion of a larger redevelopment project, known as Shady Grove Station, on the site of the former Montgomery County Service Park (CSP). Shady Grove Station is located south of Shady Grove Road, north of Redland Road, east of the CSX rail tracks, and west of the Shady Grove Metro Access Road. Crabbs Branch Way runs north-south through Shady Grove Station, dividing the area into two segments.

The Property is located to the west of Crabbs Branch Way, and the Parks Department Maintenance and Training Center and the Montgomery County Public Schools Bus Depot are located in the eastern segment of Shady Grove Station.

Immediately northeast of the intersection of Shady Grove Road and Crabbs Branch Way is the Grove Shopping Center in the CRT Zone, and the David F. Bone Equipment Maintenance and Transit Operations Center (EMTOC) occupies the northwest intersection of Shady Grove Road and Crabbs Branch Way in the EOF zone.

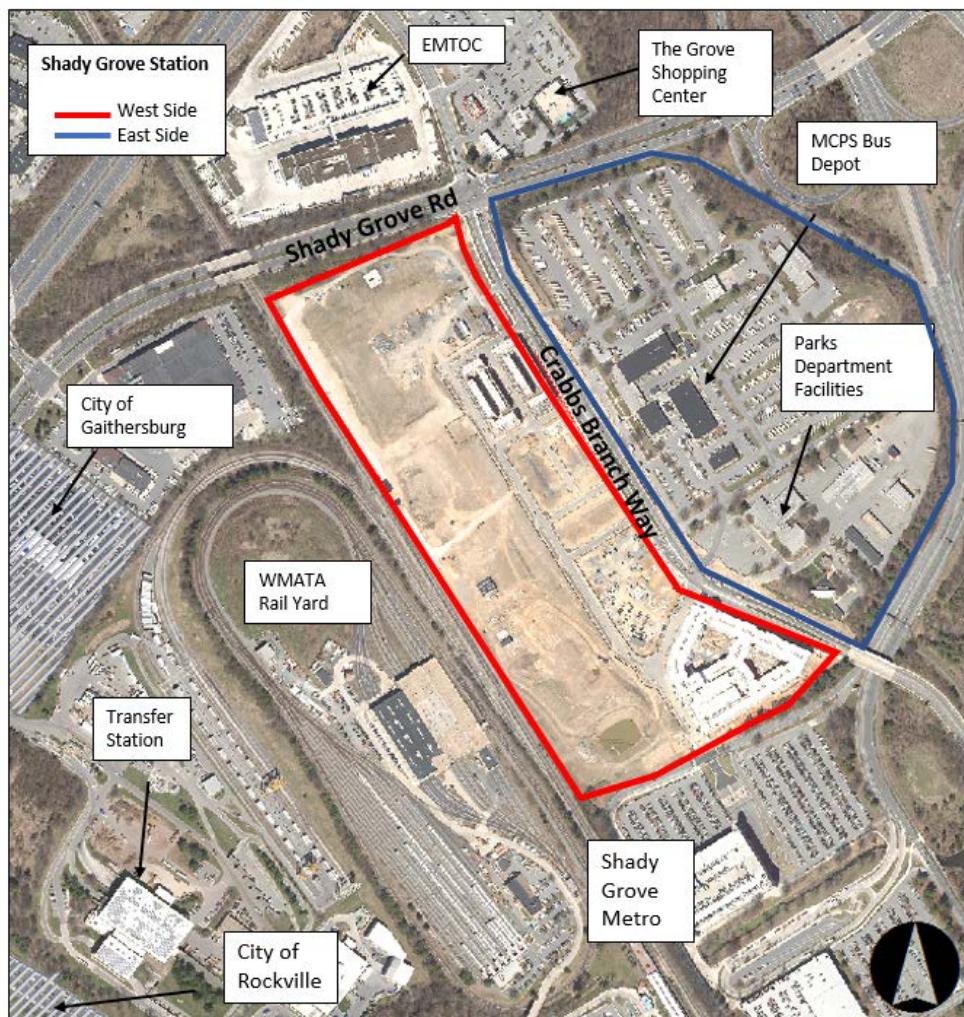
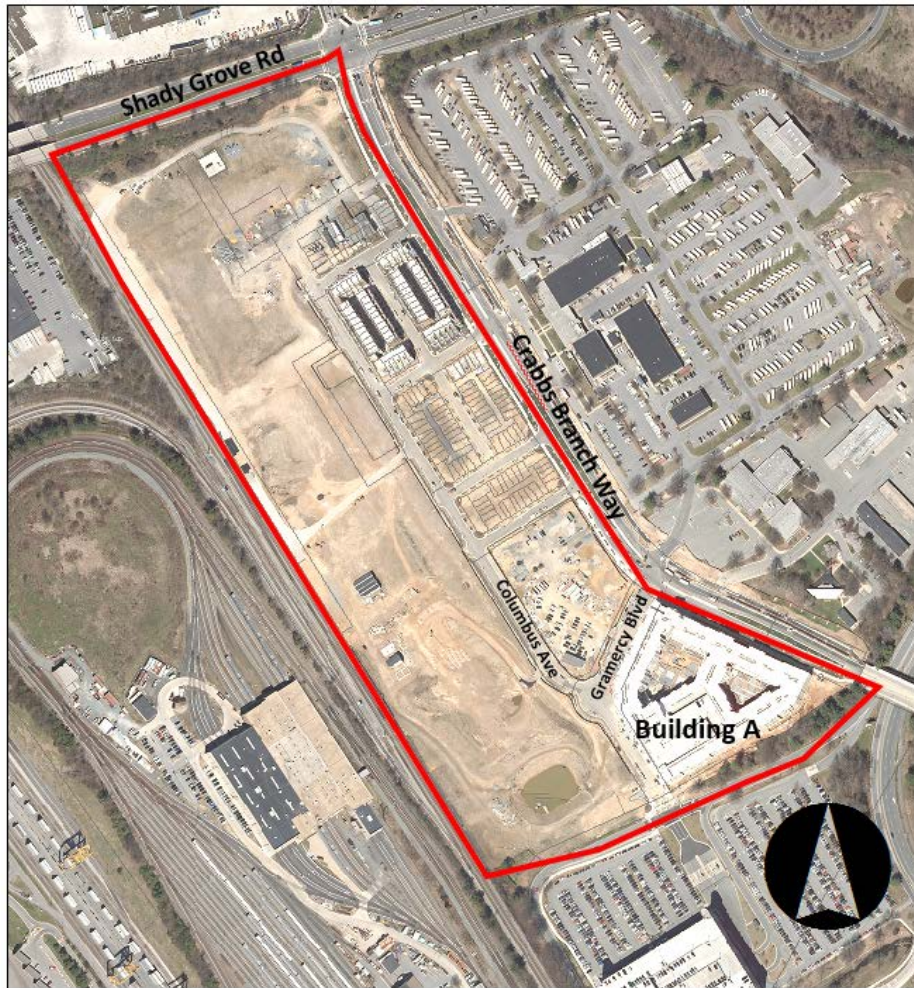


Figure 1: Vicinity (Property outlined in red)

**Site Analysis**

The Site is located at the southwest corner of the intersection of Shady Grove Road and Crabbs Branch Way and is currently zoned CRT-1.0 C-0.25 R-0.75 H-90T (TDR 0.88 Overlay). The redevelopment of the Site is underway; one multi-family building (Building A) and a portion of the townhouse community have been constructed.

The Property lies within the Rock Creek Watershed. There are no known historical or culturally significant resources on the site, and the site is served with public water and sewer.



*Figure 2: Aerial View of Property (Property outlined in red)*

## **PROJECT DESCRIPTION**

### **Previous Approvals**

The Planning Board has approved the following plans and amendments on the Site:

#### Preliminary Plan

- Preliminary Plan No. 120120080, Shady Grove Station, on September 11, 2012 for a maximum of 752 townhouse units on up to 752 lots; a maximum of 1,458 multi-family units on up to 95 lots, including 84 lots for 2-over-2 units and 11 lots for multi-family buildings; 41,828 square feet of retail space on up to 3 lots shared with multi-family units; and a maximum of 131,422 square feet of office development on 1 lot.
- Preliminary Plan Amendment No. 12012008A on April 23, 2014 allowed the execution of the Traffic Mitigation Agreement (TMAG) at building permit and allowed modifications to the cross-section for Roads I and P.
- Preliminary Plan Amendment No. 12012008B on November 3, 2014 to i) modify the alley pavement widths from 20 feet to 18 feet; ii) allow landscaping in alleys and deeper decks for residential units with a deck option; iii) revise lot lines; and iv) modify the location of Moderately Priced Dwelling Units (MPDUs) and Workforce Housing units.
- Preliminary Plan Amendment No. 12012008C on May 7, 2015 which allowed separate TMAGs applicable to the phase covered within a specific site plan for the various phases of the approved Shady Grove Station development.

#### Site Plan

- Site Plan No. 820130220, Shady Grove Station-Westside, on January 23, 2014 for up to 1,521 residential dwelling units, 41,828 square feet of retail, and space for a public library on approximately 41.8 gross acres.
- Site Plan Amendment No. 82013022A, Shady Grove Station-Westside, on October 23, 2014, to modify the approved Site Plan to reduce the residential alley pavement widths from 20 feet to 18 feet, installation of additional landscaping in alleys, minor adjustments to lot lines, and modification to the location of MPDUs and Workforce Housing units layout.
- Site Plan Amendment No. 82013022B, Shady Grove Station-Westside, on February 9, 2017, to modify the approved Site Plan to revise party walls of select townhomes, update the footprint of Building A and interior courtyards, update the location of electric transformers, update materials and design of garage screening, and revise the Final Forest Conservation Plan infrastructure improvements for the trail and WMATA entrance approved under Mandatory Referral MR2014019 and Site Plan 820130220.

### **Proposal**

In this amendment, the Applicant is requesting the following modifications to the approved Site Plan:

- 1) transfer 61 multi-family units from Building C to Building D;
- 2) increase maximum building height to 79 feet, adding one story to parts of Building D;
- 3) amend building architecture elevations;
- 4) amend streetscape plans;
- 5) revise select townhouse party walls; and
- 6) update plans for final Building A designs.

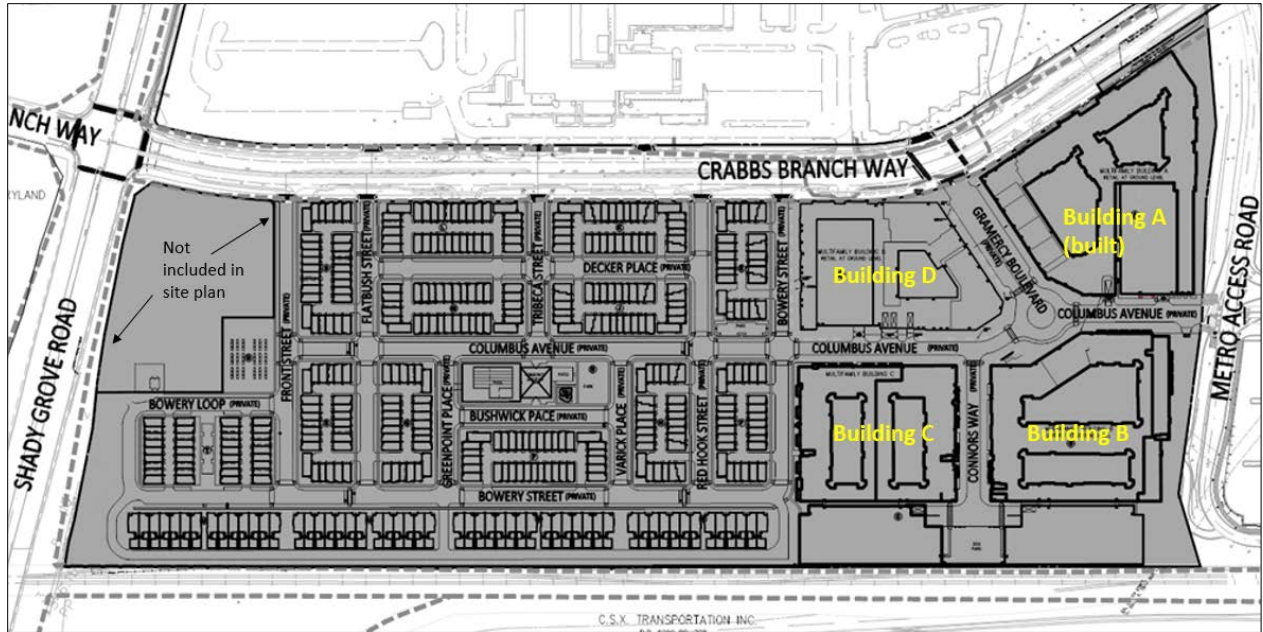


Figure 3: Site Plan

Building A

This amendment updates previous plans to reflect final streetscape and landscape design and corresponding updates to building architecture.

Buildings C and D

The Applicant proposes to shift 61 multi-family units from Building C to Building D while maintaining the overall number of multi-family units, including the mix of MPDUs and Workforce Housing units, approved in the Westside Site Plan. The table below shows the units proposed within each building:

	Phase 1 Building A	Phase 2 Building D	Phase 3 Building C	Phase 4 Building B
Total Units	333	<del>212</del> up to 273	<del>263</del> 202	306
Market Rate	256	<del>163</del> 210	<del>202</del> 155	235
MPDU	50	<del>32</del> 41	<del>39</del> 30	46
Workforce	27	<del>17</del> 22	<del>22</del> 17	25

The Amendment also seeks to increase the maximum building height allowed in the Westside Site Plan from 70 feet to 79 feet to accommodate the additional units in Building D. An extra story is added to some portions of Building D, and it reaches 79 feet at the corner of Gramercy Boulevard and Columbus Avenue, closest to the Metro station. The off-street parking and TDR requirements have also been updated to reflect the units shifted from Building C to Building D.

Additionally, the Applicant proposes moving Building D's main residential entrance from Columbus Avenue to Gramercy Boulevard, which will increase street level activity along the main corridor within the Westside's mixed-use neighborhood. The Amendment includes updates to the building's architectural elevations, and modifications to the streetscape around Building D to replace hardscape with green areas along Gramercy Boulevard and Columbus Avenue, which will provide for additional stormwater collection (Figure 6). Requested changes to Building D are all within the previously approved original building and streetscape footprint.



Building C will be the subject of a future amendment. Prior to Certified Site Plan, the Applicant must add a note to the plans clarifying the reduction in residential square footage approved for Building C.

### Building D Elevations



Figure 4: Approved (top) and Proposed<sup>1</sup> (bottom) Columbus Avenue elevation (facing north)



Figure 5: Approved (top) and Proposed<sup>1</sup> (bottom) Gramercy Boulevard elevation (facing west)

<sup>1</sup> Street trees and landscaping are included on the proposed landscape plans, but they are not shown on the proposed elevations.

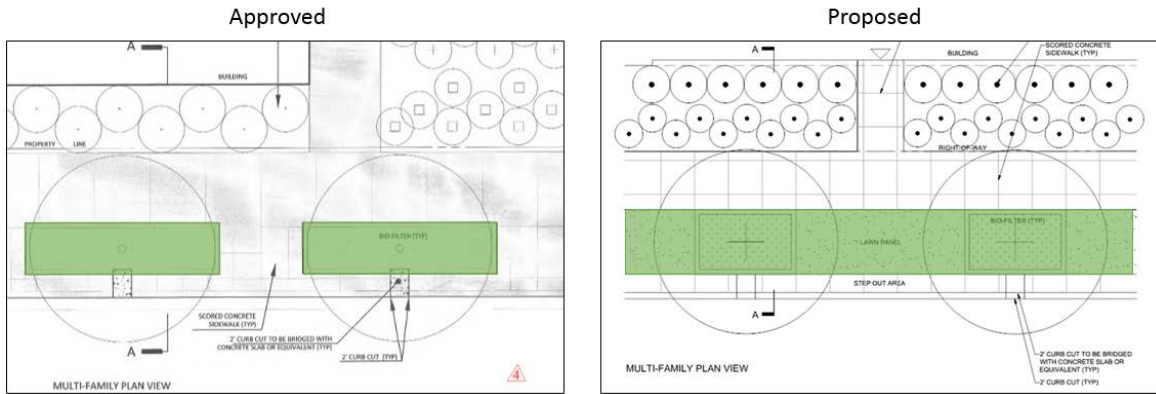


Figure 6: Changes in Multi-Family Streetscape Plan

Townhouses

The Applicant proposes to revise certain townhouse party walls to change the unit type from a straight 18-foot-wide unit to an interlocking unit that provides for three bedrooms on one level in a three-story configuration in order to respond to market demand by providing a product that meets the needs of families at a lower price point.

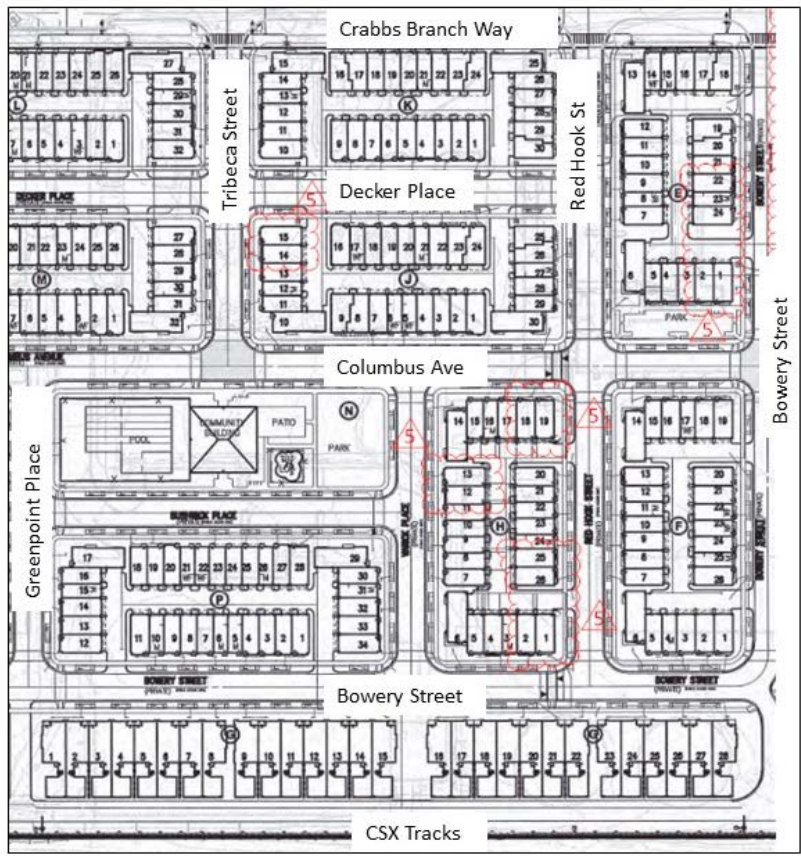
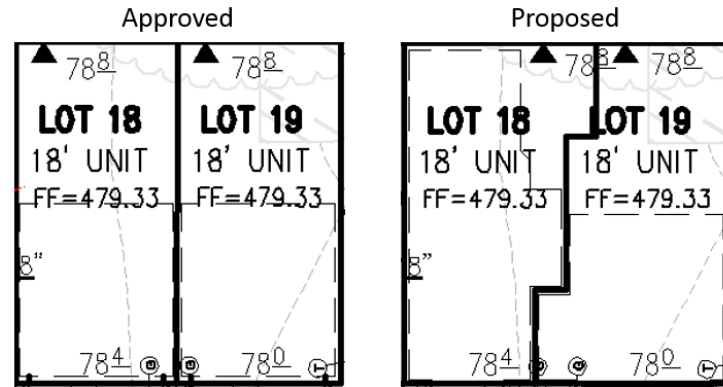


Figure 7: Townhouses with proposed changes to party walls (marked in red)



crab 8: Example of the change to some townhouse party walls

## ANALYSIS

### Sector Plan Recommendations

The Approved and Adopted 2006 *Shady Grove Sector Plan* recommends “limiting building heights to eight stories closest to the Metro and stepping down to four stories along Crabbs Branch Way” for the area where Shady Grove Station-Westside is located (p.45). As proposed, the submitted Site Plan Amendment will increase the southern portion of Building D’s height (closest to the Metro Station) by approximately 8 feet. An additional story is added to other portions of the building as well. The changes to Building D are consistent with the Sector Plan since the largest segment of the increased height is closest to the Metro Station and the mid-rise character along Crabbs Branch Way is retained.

### Community Outreach

The Applicant has met all noticing requirements. As of the posting of this Staff Report, Staff has not received any correspondence about this Amendment.

## FINDINGS

Pursuant to the grandfathering provisions of Section 7.7.1.B.1, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, since the original site plan was approved on November 14, 2013. The proposed modifications do not alter the intent of the original site plan and the subsequent previously approved amendments.

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. As conditioned above, the Site Plan is subject to the binding elements and conditions of the approved Sketch Plan, and all previously approved Preliminary Plans and Site Plans.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

This Amendment does not propose any changes in use, but it does propose an increase in the maximum height allowed for multifamily buildings from 70 feet to 79 feet. The Zoning Code (effective on October 29, 2014) does not have a maximum height limitation for the TOMX/TDR-2 Zone. All other development standards remain unchanged from prior approvals. There is no urban renewal plan associated with this Property.

Development Standards	TOMX/TDR-2 Optional Method	Approved by Site Plan 820130220	Proposed in this Amendment
Maximum Density of Development	2 FAR	1.42 FAR	1.42 FAR
Maximum Building Heights (59-C-13.235)	N/A	50 feet- Townhouses <b>70 feet- Multi-family</b>	50 feet- Townhouses <b>79 feet- Multi-family</b>

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

This Amendment does not propose any changes to the footprints of the multifamily buildings, nor any substantive changes to open spaces, recreation facilities or pedestrian and vehicular circulation systems. The party walls of select townhouses have been modified, but the changes are interior and do not impact the overall footprints of the townhouses. The landscape and streetscape plans have been updated to reflect as-built conditions around Building A and to allow for more stormwater management around Building D. The changes proposed in this Amendment are adequate, safe and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The changes proposed in the Site Plan Amendment are compatible with existing uses regarding height, scale and massing as reflected by the Sector Plan recommendations and the approved Preliminary Plan. The height of Building D is increased to 79 feet closest to the Metro Station, but the Building's mid-rise character along Crabbs Branch Way is retained. Future redevelopment of the eastern portion of Shady Grove Station will provide up to 700 residential units, a four-acre public park, and an elementary school site. A future office building at the intersection of Shady Grove Road and Crabbs Branch Way, although approved as part of the Shady Grove Station Preliminary Plan, is not part of this Site Plan.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

This Amendment does not include changes to the Forest Conservation Plan, and the proposed amendment maintains compliance with Chapter 22A regarding forest conservation. A revised Stormwater Management Concept Plan associated with this Amendment was approved on February 20, 2018.

## **CONCLUSION**

The proposed modifications to the approved Site Plan will not alter the overall character, or significantly impact the development with respect to the original findings and conditions of all previous approvals. The proposed project remains compatible with the existing and proposed development adjacent to the site and with respect to the surrounding neighborhood, in terms of efficiency, adequacy, safety, structures, uses, vehicular and pedestrian circulation, open space, landscaping, and lighting. The proposed amendment remains in conformance with environmental regulations, the development standards of the zone, and the Sector Plan. All previous conditions of approval and Planning Board findings remain in full force and effect. Staff recommends approval of the Site Plan No. 82013022C, Shady Grove Station Phase 1 West, with the conditions listed at the beginning of this report.

## **ATTACHMENTS**

1. Site Plan No. 820130220 Resolution No. 13-190
2. Site Plan Amendment No. 82013022A Resolution No. 14-97
3. Site Plan Amendment No. 82013022B Resolution No. 17-006
4. Agency Approval Letters

# ATTACHMENT 1



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

MCPB No. 13-190  
Site Plan No. 820130220  
Project Name: Shady Grove Station, Westside  
Date of Hearing: January 23, 2014

FEB 3 2014

### RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 9, 2013, EYA/CSP Associates, LLC ("Applicant"), filed an application for approval of a Site Plan for 1,521 residential dwelling units, including 211 Moderately Priced Dwelling Units ("MPDUs") and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, on approximately 41.8 gross acres in the Transit-Oriented Mixed Use/Transferable Development Rights (TOMX-2/TDR) zone, located west of Crabbs Branch Way and south of Shady Grove Road, in the Shady Grove Sector Plan ("Sector Plan") and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820130220, Shady Grove Station, Westside (the "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 January 13, 2014, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on January 23, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves Site Plan No. 820130220 for 1,521 residential dwelling units, including 211 MPDUs and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, 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.

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120120080, and any associated amendments.

2. Density

This Site Plan is limited to a maximum of 407 residential townhouses, 1,114 multifamily residential units, 41,828 square feet of non-residential (retail) development, and space for a public library.

3. Affordable Housing

- a. The proposed development must provide 167 multifamily residential dwelling units and 44 townhouses as MPDUs in accordance with an Agreement-to-Build with the Department of Housing and Community Affairs ("DHCA").
- b. The proposed development must provide 91 multifamily residential dwelling units and 25 townhouses as Workforce Housing units.
- c. Prior to the release of any building permits, the Applicant shall execute the MPDU and Workforce Housing agreements.
- d. MPDU and Workforce Housing units will be phased with each multifamily building and row of residential townhouses.

4. Transferable Development Rights (TDRs)

- a. Prior to record plat for each multifamily building, the Applicant must secure TDRs with the following schedule: 19 TDRs for Building A; 18 TDRs for Building B; 15 TDRs for Building C; and 12 TDRs for Building D. The Applicant must reflect serialization and liber/folio references for these TDRs on the applicable record plat(s).

5. Transportation

- a. The Applicant must provide 27 inverted-U bike racks, or an alternative as approved by Staff, in the following locations:
  - i. Eight distributed on the east and west sides of the community building, pool and open play area
  - ii. Four in front of the pocket park
  - iii. Two in front of the HOA community garden
  - iv. Thirteen distributed in front of the main entrances of the four multifamily residential buildings in a weather-protected area, where possible.
- b. The Applicant must provide bicycle storage rooms for at least 20 bicycles in the parking garages of the four multifamily buildings, near an elevator in a well-lit area.
- c. The Applicant must provide a bike sharing station/dock in front of proposed Building B.

6. Environment

- a. The Final Forest Conservation Plan, associated variance, and the Shady Grove Station Public Infrastructure Improvements are approved subject to the following conditions:
- i. Prior to any land disturbing activities, other than demolition of the existing buildings by Montgomery County or related site work, the Applicant must provide a Certificate of Compliance for 8.94 acres of off-site forest banking to satisfy planting requirements for Shady Grove Station-Westside.
  - ii. Prior to the release of the first building permit for Phase I, the Applicant must provide a Certificate of Compliance for 1.55 acres of off-site forest banking to satisfy a portion of the planting requirements for the public infrastructure improvements. This may be combined with the 8.94 acres listed in the above condition for a total off-site banking requirement of 10.49 acres.
  - iii. Prior to the release of the first use and occupancy permit for Phase I, the Applicant must provide nine *Acer rubrum* (red maple) trees along the Metro Access Road as shown on Sheet FCP-11 to fulfill the remainder of the planting requirement for the Public Infrastructure Improvements.
  - iv. Prior to the release of the first use and occupancy permit for Phase I, the Applicant must provide three *Quercus phellos* (willow oak) trees as shown on Sheet FCP-12 to mitigate for the removal of Variance tree #T-51. The three replacement trees must be a minimum of 3" caliper each.

7. Noise

- a. For multifamily Buildings B and C and the residential townhouses that are adjacent to the CSX rail tracks, the Applicant must:
- i. Prior to submission of building permits, provide Staff with certification from an engineer specializing in acoustics that the building shells have been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance to be approved by the engineer and the Staff in advance of installation.
  - ii. Prior to issuance of a Use and Occupancy Permit for each building, provide Staff with certification from an engineer specializing in acoustics that the building shell has been built to the designed specifications to attenuate projected exterior noise. For Buildings B



and C, the Applicant must provide one certification per floor, per building along the CSX tracks. For the townhouses along the CSX tracks, the Applicant must provide one certification per string of townhouses.

- iii. Prior to issuance of Use and Occupancy Permits, install a green screen on the noise wall at the following intersections: Parcel G, Parcel H, Parcel J, Parcel L, Parcel C and Road H. The green screen must be a minimum of 20 feet in width and 15 feet in height.

8. Placemaking Plan

The Applicant must provide public use and open space amenities in accordance with the "Placemaking and Amenity Plan-Shady Grove Station" ("Placemaking Plan") under the following stipulations:

- a. The Applicant must provide Staff with post-construction documentation at each Phase, showing compliance with the Placemaking Plan.
- b. If public art is provided, including at the traffic circle (Roads I, K and P), the Public Arts Trust Steering Committee must review the art proposal and the Placemaking Plan must be amended, as needed.
- c. The Applicant must ensure that all installed site amenities and materials must meet the applicable building codes.

9. Recreation Facilities

At a minimum, the Applicant must provide the following recreation facilities to satisfy the Planning Board's Recreation Guidelines (1992):

- a. One tot lot;
- b. Eight picnic/sitting areas;
- c. One open play area;
- d. One pedestrian system;
- e. Five swimming pools;
- f. Five indoor community spaces;
- g. Four indoor fitness facilities; and
- h. One community garden

10. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork on the Subject Property. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

11. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings submitted on September 18, 2013, as determined by Staff.

12. Performance Bond and Agreement

Prior to issuance of the first Core and Shell building permit for each relevant phase of development, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include, as applicable, plant materials, on-site lighting, recreational facilities, site furniture, public art, private roads, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of the General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The bond or surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

13. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Prior to approval of the Certified Site Plan, demolition of existing buildings may commence.
- b. Prior to the release of a Use and Occupancy Certificate for each multifamily building and row of townhouses, street lamps and sidewalks adjacent to that building or row of townhouses must be installed. Street tree planting may wait until the next growing season.
- c. Prior to the release of a Use and Occupancy Certificate for each multifamily building and row of townhouses, on-site amenities adjacent to that building or row of townhouses must be installed, including, but not limited to, recreation amenities and public use space.
- d. Prior to the release of the first townhouse building permit for the final phase of townhouses as indicated in the Applicant's phasing plan, the community building, pool and open play area must be completed.

- e. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to the approval of the Final Forest Conservation Plan, Sediment Control Plan, and Staff inspection and approval of all applicable environmental protection measures and devices.
- f. Phasing for installation of on-site landscaping and lighting.
- g. Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

#### 14. Certified Site Plan

Prior to approval of the Certified Site Plan and subject to Staff review and approval, the Applicant must:

- a. Provide adequate spot elevations along Roads I, P, and K to ensure ADA accessibility.
- b. Provide six additional benches along Road I.
- c. Provide vines, such as Trumpet Creeper, Purple Passionflower or similar type vines for the green screens on the garages and noise wall.
- d. Include the off-site location for recreation calculations.
- e. Specify the type of materials for the following roadway intersections: Roads K and B; Roads H and K; and Roads I, P and K.
- f. Include the proposed dog park on the landscape plan and site plan.
- g. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the cover sheet.
- h. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- i. Make corrections and clarifications to recreation guidelines, labeling, data tables, and schedules.
- j. Ensure consistency of all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements are shown on Shady Grove Station, Westside drawings stamped by the M-NCPPC on September 18, 2013, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an*

*approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the conditions of Preliminary Plan No. 120120080, Shady Grove Station.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets the development standards of the TOMX-2/TDR zone. The development will utilize parking reductions that are allowed in Section 59-E.3.33(a) and Section 59-E-3.32(a) of the Zoning Ordinance for residential and commercial development, respectively, since the property is within 1,600 feet from the Shady Grove Metro Station entrance.

Based on the following data table, which sets forth the development standards approved by the Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the TOMX-2/TDR zone.

**Data Table**

<b>Development Standards</b>	<b>Required for TOMX/TDR-2 Optional Method</b>	<b>Approved &amp; Binding on Applicant</b>
<u>Minimum Net Lot Area</u> (59-C-13.231)	18,000 sq.ft	41.76 acres
<u>Maximum Building Coverage-percent of net lot area</u> (59-C-13.232)	NA	48% (858,184 sq.ft)
<u>Minimum Public Use Space-percent of net lot area</u> (59-C-13.233)	20%	15.64 % <sup>2</sup>
<u>Maximum Density of Development</u>	2 FAR	1.42 FAR
<u>Maximum Building Heights</u> (59-C-13.235)	NA	70 feet – Multi-family Buildings  50 feet – Townhouses

<sup>2</sup> At least 20% of the net lot area of the entire Shady Grove Station site, as delineated in Preliminary Plan No. 120120080, approved by the Planning Board by Resolution MCPB No. 12-89, shall be devoted to public use space, including the proposed public park on the eastern side of the development.

<u>Minimum Setbacks</u> (59-C-13.236)		
<i>From an adjacent commercial or industrial zone</i>	0	130 feet <sup>3</sup> ; 75 feet <sup>4</sup>
<i>From an adjacent single-family residential zone</i>	0	NA
<i>From a public right-of-way</i>	0	4 feet <sup>5</sup>
<u>Parking</u> (59-E-3.7)		
<i>Townhomes</i>	814	732 <sup>6</sup>
<i>Multi-Family Residential</i>	1,387 <sup>7</sup>	1,179 <sup>8</sup>
<i>Non-Residential</i>	207 <sup>9</sup>	181 <sup>10</sup>

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient as envisioned in the Shady Grove Sector Plan. Taller multi-family residential buildings with ground floor retail and the library are located close to the Metro Station. All of the retail development is located along Road "I" in Buildings "A" and "D". Off-street parking for the multifamily residential buildings is provided in four structured parking garages with each multifamily residential building. All of the residential townhouses front onto a street or a public use space. Service to residential townhouses and multifamily buildings is provided throughout the development's street network.

<sup>3</sup> For Multi-family Residential Buildings "B" and "C"

<sup>4</sup> For residential townhouses that are adjacent to the noise wall.

<sup>5</sup> From Crabbs Branch Way.

<sup>6</sup> Includes a reduction in the required parking for townhouses located in a transit station development area, pursuant to Section 59-E-3.33(a).

<sup>7</sup> Although the Staff presentation reflected 1,385 parking spaces required for the multi-family residential portion of the development, the Board finds, consistent with the Staff report, that 1,387 spaces are required absent a reduction pursuant to Section 59-E-3.33(a).

<sup>8</sup> Includes a reduction in the required parking for multi-family units that are located in a transit station development area and within 1,600 feet of a Metro rail entrance, pursuant to Section 59-E-3.33(a).

<sup>9</sup> Although the Staff presentation reflected 205 parking spaces required for the non-residential (retail) portion of the development, the Board finds, consistent with the Staff report, that 207 spaces are required absent a reduction pursuant to Section 59-E-3.32(a).

<sup>10</sup> Includes a reduction in the required parking for retail uses when the entrances to such uses are within 1,600 feet of a Metro rail entrance, pursuant to Section 59-E-3.32(a).

b. Open Spaces

The locations of open spaces are efficient, safe, and adequate for the redevelopment of the County Service Park as envisioned in the Sector Plan. An urban park, community garden, and smaller public open spaces are provided for recreation and social engagement. In addition to the public open spaces, each multifamily residential building has an internal courtyard and a swimming pool for residents.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will ensure that landscaping, lighting, and site amenities will be adequate, safe and efficient for year-round use by employees, visitors, and residents. Site furnishings along Roads "I", "K" and "P," as well as surrounding the urban park and community pool, shade trees, special features, including the community garden and unique design intersections, will be integrated into the site to create a unique place. Street lighting is provided throughout all streets, and lights will be provided on all structures. The Placemaking and Amenity Plan also illustrates that special features, including landscaping and open spaces will be provided.

d. Recreation Facilities

The proposed development exceeds the required supply of recreation facilities based on the calculation methods in the Planning Board's Recreation Guidelines (1992). Through the provision of a tot lot, picnic and sitting areas, an open play area, a pedestrian system, swimming pools, indoor fitness facilities, and a community garden, the proposed development will provide adequate, safe, and efficient facilities for future residents.

Shady Grove Station, Westside will also take advantage of Blueberry Hill Local Park recreational facilities, including:

- 1 Multi-age playground
- 4 Picnic/sitting
- 1 Multi-purpose court
- 1 Tennis court
- 1 Junior soccer field
- 1 pedestrian system

e. Pedestrian and Vehicular Circulation Systems

Several new north-south and east-west private streets (Roads "B", "C", "D", "E", "F", "G", "H", "M", "N", "K", "I", "L", and "P") will provide vehicular and pedestrian

access throughout the development. On-site pedestrian circulation will improve, since all new internal streets will provide sidewalks, some as wide as 11 feet, street furnishings, bike racks, landscaping and on-street parking. Key intersections, such as Roads "I", "P" and "K", are designed with special paving to enhance walking and handicapped access. This network of sidewalks throughout the development will provide adequate, safe, and efficient pedestrian and circulation systems.

Montgomery County is responsible for converting Crabbs Branch Way into an urban boulevard with a landscaped median, on-street parking, sidewalks and shared use paths. The County will also provide off-site pedestrian improvements that link Road "P" to the Shady Grove Metro Station. These improvements are included in the County's Shady Grove Station Public Improvements Infrastructure Plan.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

Shady Grove Station, Westside is compatible with existing uses regarding height, scale, and massing as reflected by the Sector Plan recommendations and the approved Preliminary Plan. Future redevelopment of the eastern portion of Shady Grove Station will provide up to 700 residential units, a four acre public park, and an elementary school site. At the intersection of Shady Grove Road and Crabbs Branch Way, a future office building is proposed. It is not associated with this Plan, but it was approved as part of the Shady Grove Station preliminary plan.

There are no other pending developments in the immediate vicinity.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other law.*

- a. Final Forest Conservation Plan

Minor changes to the development in the site plan phase have reduced the total afforestation and reforestation required for the entire site to 19.37 acres. Of this total, 8.94 acres of afforestation and reforestation are required to be completed for Shady Grove Station, Westside. The planting obligation is to be met with 8.94 acres of forest planting (or 17.88 acres of forest preservation) in an approved off-site forest bank. This leaves an obligation of 10.43 acres remaining for implementation in later phases of the development.

This Final Forest Conservation Plan also incorporates several public infrastructure improvements required to serve the development of Shady Grove

Station, including improvements to Crabbs Branch Way and to the WMATA Metro Station garage entrance, a sewer line extension, and construction of a paved trail around a portion of the Crabbs Branch Regional Stormwater Pond. These Public Infrastructure Improvements, which are covered under Mandatory Referral No. MR2014019, have a net tract area of 4.2 acres not counted in this Site Plan. Impacts from these improvements remove an additional 1.19 acres of forest and result in a mitigation requirement of 1.77 acres of forest planting. The Montgomery County Department of General Services ("DGS") will satisfy the planting requirement with 0.22 acres of landscape credit, to be achieved through the planting of nine *Acer rubrum* (red maple) trees along the Metro garage entrance road, and with 1.55 acres of forest planting (or 3.10 acres of forest preservation) in an approved off-site forest bank. Approval of the Final Forest Conservation Plan for Shady Grove Station, Westside fulfills the Chapter 22A Forest Conservation Law requirements for Mandatory Referral MR No. 2014019.

Prior to any land disturbing activities, other than demolition of the existing buildings by Montgomery County or related site work, the Applicant must provide a Certificate of Compliance for 8.94 acres of off-site forest banking to satisfy planting requirements for Shady Grove Station, Westside. Additionally, prior to the release of the first building permit for Phase I, the Applicant must provide a Certificate of Compliance for 1.55 acres of off-site forest banking to satisfy a portion of the planting requirements for the public infrastructure improvements. The Applicant may submit separate Certificates of Compliance for the Site Plan and Mandatory Referral portions of the development, or the requirements can be met through one Certificate of Compliance totaling 10.49 acres of forest planting (or 20.98 acres of forest preservation) in an approved forest conservation bank.

No on-site Category I Forest Conservation easements are proposed as part of the Final Forest Conservation Plan.

b. Forest Conservation Variance

The Planning Board approved the original tree variance request submitted with the Preliminary Forest Conservation Plan, which allowed the removal of 18 specimen-size trees in the overall Shady Grove Station development. Ten of the specimen-size trees are to be removed for the development of the Shady Grove Station, Westside. The Public Infrastructure Improvements result in the need to remove one additional specimen tree, number T-51. This tree was not approved for removal in the original variance. The following discussion applies to the new variance request for removal of one tree and impacts to five additional trees not covered by the original variance approval.

Section 22A-12(b)(3) of the 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 24, 2013 for the impacts/removal to trees with the proposed layout. The Applicant proposes to remove one (1) tree that is 30 inches and greater, DBH, and to impact, but not remove, 5 others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

#### **Unwarranted Hardship Basis**

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the TOMX-2/TDR zone, both of which are intended to create higher density uses in the vicinity of the Shady Grove Metro Station. The western portion of the site, called Metro North-CSP in the Sector Plan, lies closest to the Metro station and is recommended for transformation into an urban village. The combination of an urban scale of development, medium-to-high density residential development, and major public facilities and amenities that further constrain the site means that the entire site will be intensely developed to achieve the vision of the Sector Plan for this area.

Variance tree number T-51 now lies near the center of the limit of disturbance for the sewer line extension required to serve the development. Saving this tree would require a realignment of the sewer line further into the road accessing the Metro garage on WMATA property, causing disruption of the access to the Metro garage.

Trees number T-71, T-72, T-73, T-75 and T-76 lie along the southwestern edge of the Metro garage access road and will be minimally impacted by the construction. These trees will be saved.

Not allowing the removal of Variance tree T-51, and the impacts to Variance trees T-71, T-72, T-73, T-75 and T-76 would require major changes to the development design, which is consistent with the Sector Plan. The Applicant has demonstrated a sufficient unwarranted hardship for the Board to consider a variance request.

### **Variance Findings**

The Planning Board makes the following findings necessary to grant the Variance:

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

The proposed design has attempted to balance all of the competing factors that constrain the site. While one variance tree will need to be removed, impacts to the other variance trees have been limited and they will be preserved. Given the intensity of the development, impacts to variance trees are unavoidable. Reasonable steps have been taken to minimize impact to variance trees, and granting the variance will not confer a special privilege on the Applicant.

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

The requested variance is based on the constraints of the site and the proposed development density, public facilities, and amenities as recommended in the Sector Plan, 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.*

The requested variance is a result of the requirements of the development 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 Montgomery County Department of Permitting Service ("DPS") has approved a final stormwater management concept for the proposed project. The final SWM Concept Plan incorporates a combination of on-site structural water quality treatment facilities and Environmental Site Design practices including micro-scale treatment facilities and alternative surfaces. Runoff in excess of the ESD treatment volume will continue to be treated by the Crabbs Branch Regional pond. The addition of on-site ESD practices should improve the water quality of runoff generated by this site. These measures will not violate State water quality standards or cause measurable degradation in water quality.

### **Mitigation for Trees Subject to the Variance Provisions**

One tree is proposed for removal as a result of the proposed development. Existing policy dictates that replacement should occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 34 caliper inches removed, the required mitigation will be 3 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Sheet FCP-12 of the Final Forest Conservation Plan shows the approximate planting locations of the three *Quercus phellos* trees being planted to mitigate the loss of tree #T-51. No mitigation is required for trees impacted but retained.

#### **Stormwater Management**

The final stormwater management concept plan was approved by the DPS on January 8, 2014. The plan proposed to meet stormwater management requirements with Environmental Site Design techniques, including the use of green roofs and micro-bioretenion. This will be supplemented with the use of underground volume based proprietary filters.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 13 2014 (which is the date that this resolution is mailed to all parties of record); and


BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, January 23, 2014, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

## ATTACHMENT 2



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOV 3 2014

MCPB No. 14-97  
Site Plan No. 82013022A  
Shady Grove Station, Westside  
Date of Hearing: October 23, 2014

### RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 3, 2014, by MCPB Resolution No. 13-190 the Planning Board approved Site Plan No. 820130220, Shady Grove Station, Westside for 1,521 residential dwelling units, including 211 moderately priced dwelling units ("MPDUs") and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, on approximately 41.8 gross acres in the Transit-Oriented Mixed Use/Transferable Development Rights (TOMX-2/TDR) Zone, located west of Crabbs Branch Way and south of Shady Grove Road ("Subject Property") in the Shady Grove Sector Plan ("Sector Plan") area; and

WHEREAS, on July 28, 2014, EYA/CSP Associates and Montgomery County ("Applicant") filed a site plan amendment to i) modify the alley pavement widths from 20 feet to 18 feet; ii) permit landscaping in alleys and deeper decks for residential units with a deck option; iii) adjustment to lot lines; and iv) modify the location of MPDUs and Workforce Housing units, all as approved by the previous site plan; and

WHEREAS, Applicant's site plan amendment application was designated Site Plan No.82013022A, Shady Grove Station, Westside ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 9, 2014, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on October 23, 2014, Staff presented the Application to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

APPROVED AS TO LEGAL SUFFICIENCY

A handwritten signature in black ink, appearing to be "C. M. ...", written over a horizontal line.

M-NCPPC Legal Department 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

Date

10/13/14

www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82013022A by modifying the relevant conditions of the previously approved site plan:<sup>1</sup>

1. Site Plan Conformance

The development must comply with the conditions of approval of Site Plan No. 820130220 as listed in the MCPB No. 13-190, except as amended by this Application.

2. Certified Site Plan

Prior to the approval of the Certified Site Plan, and subject to staff review and approval, the Applicant must:

- a. Ensure that the Department of Housing and Community Affairs (DHCA's) agreement-to-build reflects the approved layout changes for MPDUs and Workforce Housing units.
- b. Include all elements of the approved Amendment on the relevant sheets of the Certified Site Plan.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect;

BE IT FURTHER RESOLVED, that all site development elements as shown on the Shady Grove Station drawings submitted to M-NCPPC on October 1, 2014, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

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<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.

MCPB No. 14-97  
Site Plan No. 82013022A  
Shady Grove Station, Westside

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 3 2014 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Anderson, Commissioners Dreyfuss, Presley, and Fani-Gonzalez voting in favor of the motion, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, October 23, 2014, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

# ATTACHMENT 3



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

MCPB No. 17-006  
Site Plan No. 82013022B  
Shady Grove Station, Westside  
Date of Hearing: February 9, 2017

FEB 16 2017

## RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 3, 2014, by MCPB Resolution No. 13-190 the Planning Board approved Site Plan No. 820130220, Shady Grove Station, Westside for 1,521 residential dwelling units, including 211 moderately priced dwelling units ("MPDUs") and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, on approximately 41.8 gross acres in the Transit-Oriented Mixed Use/Transferable Development Rights (TOMX-2/TDR) Zone, located west of Crabbs Branch Way and south of Shady Grove Road ("Subject Property") in the Shady Grove Sector Plan ("Sector Plan") area; and

WHEREAS, on November 3, 2014, by MCPB Resolution No. 14-97 the Planning Board approved Site Plan Amendment No. 82013022A, Shady Grove Station, Westside, to i) modify the alley pavement widths from 20 feet to 18 feet; ii) permit landscaping in alleys and deeper decks for residential units with a deck option; iii) adjust lot lines; and iv) modify the location of MPDUs and Workforce Housing units, all as approved by the previous site plan; and

WHEREAS, on September 22, 2016, EYA/CSP Associates and Montgomery County ("Applicant") filed a site plan amendment to i) revise party walls of select townhomes; ii) update the footprint of Building A and interior courtyards; iii) update the location of electric transformers; iv) update materials and design of garage screening; and v) revise the Final Forest Conservation Plan infrastructure improvements for the trail and WMATA entrance approved under Mandatory Referral MR2014019 and Site Plan 820130220; and

WHEREAS, the Applicant's site plan amendment application was designated Site Plan No.82013022B, Shady Grove Station, Westside ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 27, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

APPROVED AS TO LEGAL SUFFICIENCY  
*Christina Senechal* 2/23/17  
MNCPPC LEGAL DEPARTMENT



WHEREAS, on February 9, 2017, Staff presented the Application to the Planning Board as a site plan amendment for its review and action, at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82013022B by modifying the relevant conditions of the previously approved site plan:<sup>1</sup>

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120120080 and Preliminary Plans No. 12012008A, No. 12012008B, and No. 12012008C as listed in the Montgomery County Planning Board Resolutions No. 12-89, No. 14-22, No. 14-96, and No. 15-48, respectively.

2. Site Plan Conformance

The development must comply with the conditions of the approval for Site Plan No. 820130220 and Site Plan No. 82013022A as listed in the Montgomery County Planning Board Resolutions No. 13-190 and No. 14-97, respectively.

3. Final Forest Conservation Plan

The Applicant must secure additional required forest banking credits to mitigate for 0.26 acres prior to issuance of the first use and occupancy permit for the Site Plan.

4. Certified Site Plan

Prior to the approval of the Certified Site Plan, the Applicant must include all elements of the approved Amendment on the relevant sheets of the Certified Site Plan. This includes the final design of the proposed garage screening, which is subject to Staff review and approval.

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

BE IT FURTHER RESOLVED, that all site development elements as shown on the Shady Grove Station, Westside drawings submitted to M-NCPPC on December 23, 2016, shall be required, except as modified by the above conditions of approval; and

---

<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.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

1. The Application complies with Montgomery County Code Chapter 22A, the Forest Conservation Law. This Application amends the original Final Forest Conservation Plan because changes required to make the shared use path accessible by emergency vehicles increase the amount of forest removed. In addition, landscape credit planned on site cannot be implemented, and must be replaced by other mitigation. In total, there is now 1.81 acres of mitigation required and 1.81 acres of mitigation provided. The Applicant had previously purchased 1.55 acres of forest mitigation in a forest conservation bank. The remaining mitigation requirement of 0.26 acres (0.22 acres for the loss of landscape credit plus 0.04 acres for additional forest removal) will be satisfied by purchasing additional credits in an approved forest conservation bank. Therefore, the Planning Board finds this Application complies with the Forest Conservation Law.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 16 2017 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

MCPB No. 17-006  
Site Plan No. 82013022B  
Shady Grove Station, Westside  
Date of Hearing: February 9, 2017  
Page 4 of 4

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor, and Commissioner Cichy absent at its regular meeting held on Thursday, February 9, 2017, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board

# ATTACHMENT 4

**Tettelbaum, Emily**

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**From:** Schwartz, Lisa <Lisa.Schwartz@montgomerycountymd.gov>  
**Sent:** Friday, March 23, 2018 2:03 PM  
**To:** Tettelbaum, Emily  
**Subject:** Shady Grove Station Phase 1 West Site Plan Amendment

Emily,

I have completed DHCA's eplans review of the Site Plan Amendment for Shady Grove Station Phase 1 West, as follows:

**#82013022C**

Status: Recommend for Approval

Comments:

1. The distribution of the multi-family MPDUs and Workforce Housing Units (WFH Units) among the four multi-family buildings is acceptable.
2. Although the overall bedroom distribution for the multi-family market rate units, MPDUs and WFH Units is provided on Sheet SP-3, the bedroom distribution is not broken down by building. Please provide this information by certified site plan. The bedroom distribution needs to be proportional within each building.
3. For further information, consult the MPDU Minimum Specifications on DHCA's website at the following link: [http://montgomerycountymd.gov/DHCA/Resources/Files/min\\_specs\\_and\\_standards\\_0217.pdf](http://montgomerycountymd.gov/DHCA/Resources/Files/min_specs_and_standards_0217.pdf).

Lisa

Lisa S. Schwartz  
Senior Planning Specialist  
Montgomery County Department of Housing and Community Affairs  
1401 Rockville Pike, 4th Floor  
Rockville, MD 20852  
(240) 777-3786 - office (240) 777-3691 - fax  
[lisa.schwartz@montgomerycountymd.gov](mailto:lisa.schwartz@montgomerycountymd.gov)  
[www.montgomerycountymd.gov/mpdu](http://www.montgomerycountymd.gov/mpdu)

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**We've moved! Our new location is:  
1401 Rockville Pike, 4<sup>th</sup> Floor; Rockville, Maryland 20852**

**82013022C Shady Grove Station Phase 1 West**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-BSITE-82013022C-SP3.pdf V2”** uploaded on/ dated **“2/7/2018”** and

Since this site plan does not have any impact to the County maintained ROW, we do not have any comment at this point.



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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 18-Sep-13  
**TO:** Michael Goodman  
VIKA, Inc  
**FROM:** Maric LaBaw  
**RE:** Shady Grove Station  
120120080 820130220

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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **18-Sep-13** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* 3/29/2018 Site Plan Amendment C - approval of minor modifications to building footprint, unit layouts, and Building D lobby shift \*\*\***



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

February 20, 2018

Mr. Michael Goodman  
VIKA Maryland, LLC  
20251 Century Blvd., Suite 400  
Germantown, Maryland 20874

Re: **REVISED SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN**  
Request for Shady Grove Station - West  
Project Phase: West Phase  
Preliminary Plan #: 120120080  
SM File #: 240688  
Tract Size/Zone: 44.82 Ac. / TOMX - 2.0/TDR  
Total Concept Area: 44.82 Ac.  
Parcel(s): P495  
Watershed: Upper Rock Creek

Dear Mr. Goodman:

Based on a review by the Department of Permitting Services Review Staff, the revised Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of environmental site design practices such as micro-bioretenion facilities, permeable pavement and a bio-swale. A waiver of the required ESD volume in excess of that which is provided on-site was requested and is hereby granted based on the stormwater management provided by the downstream Crabbs Branch Regional stormwater management pond.

**The revised stormwater management concept specifically addresses the proposed revisions to Building "D" and the associated stormwater management practices provided. This stormwater concept approval constitutes the "site development stormwater management concept" for Shady Grove Station – West as required by the previous stormwater concept approval letter, dated June 12, 2012. This approval applies only to the 44.82 acre portion of the project known as Shady Grove Station – West.**

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Mr. Michael Goodman  
February 20, 2018  
Page 2 of 2

4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

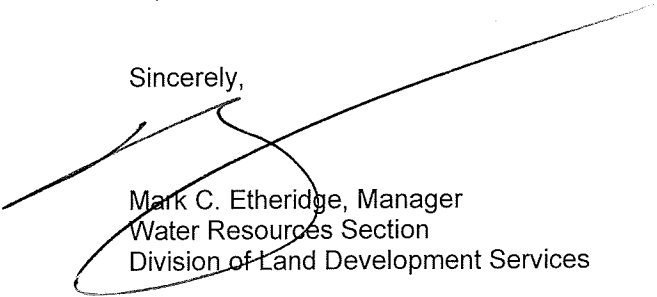
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: CN240688 Rev1 Shady Grove Station West Site Plan.mjg.doc

cc: N. Braunstein  
SM File # 240688

ESD Acres:	44 ac.
STRUCTURAL Acres:	0
WAIVED Acres:	44 ac.