



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB  
ITEM #  
11/9/06**



## MEMORANDUM

**DATE:** October 27, 2006

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Development Review Division

Catherine Conlon, Supervisor (301-495-4542)  
Development Review Division *CAE*

**FROM:** Richard A. Weaver, Coordinator *RAW*  
Development Review Division

**REVIEW TYPE:** Pre-preliminary Plan of Subdivision (**Advice Only**)

**APPLYING FOR:** Planning Board advice regarding a future plan submissions for residential and commercial development

**PROJECT NAME:** Shady Grove Road

**CASE NO.** 720060110

**REVIEW BASIS:** Pursuant to Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance

**ZONE:** I-3

**LOCATION:** North side of Shady Grove Road, east of the CSX railway on the north and south sides of I-370

**MASTER PLAN:** Shady Grove Sector Plan

**APPLICANT:** EYA, Inc.

**ENGINEER:** VIKA

**ATTORNEY:** Holland and Knight

**FILING DATE:** October 31, 2005  
**HEARING DATE:** November 9, 2006

**Staff Recommendation:** No objection to the submittal of future plans with additional information that will allow for full staff review.

## **SITE DESCRIPTION**

The subject property consists of 42.5 acres of land located on both sides of I-370, immediately east of the CSX railway and north of Shady Grove Road (Attachment A). The property was rezoned as part of a sectional map amendment following adoption of the Shady Grove Sector Plan ("Sector Plan") in January 2006. The property is currently unimproved. The site lies within the Rock Creek watershed, which is classified as Use I-P. One stream and a number of wetlands dissect the property.

Uses surrounding the subject property are mainly transportation related, including the ICC right-of-way, Interstate 370, Crabbs Branch Road, Shady Grove Road and the CSX railroad, all of which immediately abut the subject property. Across Shady Grove Road opposite the site lies the Montgomery County Service Park. Across Crabbs Branch Way is an existing shopping center (The Grove). Industrial uses abut the property to the west on both sides of the CSX railroad. The Casey Property at Mill Creek (Piedmont Crossing), an as yet unbuilt residential community, abuts a portion of the subject property to the north.

## **PROJECT DESCRIPTION**

The subject pre-preliminary plan is being presented to the Planning Board at the request of the applicant to obtain feedback on several issues related to the development of the property under the residential option allowed under the I-3 zone (Attachment B). The property is described as Casey Property Parcel 6, north of I-370 and Parcel 7, south of I-370. The plan proposes 329,300 square feet of commercial uses and 383 residential units, including 185 single-family attached and 200 condominium units. Associated with the commercial uses are 1,072 parking spaces, and 765 spaces are associated with the residential components on the site.

The plan proposes residential uses on the southern parcel, south of I-370, at the intersection of Shady Grove Road and Crabbs Branch Way. The northern parcel also includes residential condominiums south of an environmental area that splits the parcel. North of the environmental area, and abutting the Roberts Oxygen industrial site, the plan proposes the commercial component of the project.

As mentioned, Crabbs Branch Way will traverse the property. Crabbs Branch Way is partially constructed along the eastern border of the site from Shady Grove Road for approximately 900 feet to a termination point at the rear of the adjacent shopping center. As part of the preliminary plan approval for this project, the final alignment and cross section for the extension of Crabbs Branch Way will be determined.

## **RELATIONSHIP TO THE SHADY GROVE SECTOR PLAN (\* Attachment C)**

Both Casey Property Parcels 6 and 7 are in the Upper Mill Creek Area of the Approved and Adopted Shady Grove Sector Plan. The pre-preliminary plan is consistent with the land use recommendations of the Sector Plan that recommends I-3 zoning (Technology and Business Park) for both parcels.

The Sector Plan recognizes that the Casey Parcels 6 and 7 can also be redeveloped with some County Service Park facilities, and that any other uses allowed within the zone should work in concert with the Service Park. The Sector Plan also provides direction for an Inter-County Connector (ICC) Maintenance facility, and suggests that if one of these sites is selected for the maintenance facility it be integrated into the overall Service Park design. The plan recommends acquisition of approximately 6.0 acres of the northernmost portion of the property abutting the Roberts Oxygen site to be used for an active recreation park. The submitted pre-preliminary plan does not illustrate any County Service Park facilities, local park or ICC maintenance facility.

## **DISCUSSION**

The applicant has submitted the subject pre-preliminary plan to obtain feedback from staff and the Planning Board regarding several issues related to the proposed development. The specific issues as described in the attached letter dated October 28, 2005 from Mr. Robert Harris on behalf of the applicant (Attachment D) are: 1) density and MPDU's; 2) setback from Master Plan road rights-of-way; and, 3) stream crossings.

The application was reviewed by staff and other public agency and utility company representatives who presented their comments at a Development Review Committee meeting on December 5, 2005. Although general support for the project was expressed, the consensus among reviewers was that additional information is needed to provide specific feedback on the requested issues and details of the proposed development. Chief among the additional information needed is a detailed noise analysis that models the future noise contours generated by the local roads and railways onto the subject property. Other items needed prior to a more detailed review are approval of a stormwater management concept, a revised density calculation conforming to Chapter 25A, and additional information regarding a waiver requests for non-standard roadway design and dedication.

Specific to the three discussion points raised in the applicant's letter, staff offers the following comments.

- 1) Density and MPDU's – The applicant requests Planning Board guidance on the provision of MPDU's as it relates to the allowable density on the site. The Shady Grove Sector

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\* See Attachment C for a complete Sector Plan discussion

Plan recommends a base density of 8 units per acre for the subject property. Section 59-C-5.4392 of the Zoning Ordinance states:

“The base residential density must not exceed eight (8) units per acre for the gross tract area. The base density may be increased to accommodate Moderately Priced Dwelling Units (MPDUs) in accordance with Chapter 25 A of this Code, as amended, .....

The application must provide the minimum number of MPDUs required for this project, at least 12.5%. In their interpretation of this section of the Zoning Ordinance, the applicant contends that the MPDUs provided are in addition to the base density of 8 units per acre, giving a bonus density for the minimum number of required MPDUs. Staff does not support this interpretation. In reading Chapter 25A, an application for greater than 20 units must provide a minimum of 12.5 % of these units as MPDUs. Based on the formula outlined in Chapter 25A, it is only after providing more than the required 12.5% that a bonus density can be achieved. It is staff's opinion that the zoning ordinance language merely anticipates the increase in base density that might occur if more that 12.5% MPDUs are provided and the development achieves such bonus market-rate units. Staff does not support the applicant's suggested method of calculating MPDU's and density and advises that any bonus density must conform to the thresholds specified in the Sector Plan.

- 2) Setback from the Master Plan Right-of-way – (\* Attachment D) The pre-preliminary plan shows the minimum 300-foot wide ICC right-of-way depicted in the Sector Plan. The most recent State Highway Administration plans for the ICC, dated April 2006, show a modified right-of-way in this section of the ICC/I-370 alignment. Staff recommends that all future plans shall depict setbacks from the I-370 right-of-way line shown in the current SHA plans not the minimum 300-feet recommended in the Shady Grove Sector Plan.

Additionally, concerns for noise impacts on the subject property are identified in the Shady Grove Sector Plan and were raised by staff at the time of the Development Review Committee. To date, a detailed noise analysis has not been submitted for staff review. Given the predominance of significant noise-generating transportation facilities bordering the site, the issue of noise impact remains as a great concern to staff. It is possible that setbacks in excess of the minimum established by the Zoning Ordinance or Sector Plan will need to be established to provide satisfactory noise abatement. Therefore, staff is not in a position to provide further guidance on setbacks until a noise study is evaluated.

- 3) Stream Crossing – In their letter, the applicant requests a reduced right-of-way width for the entire length of Crabbs Branch Way from 80 feet, as recommended in the master plan, to 70 feet, in order to minimize environmental impacts to the streams and wetlands. Staff did not support the reduction of the right-of-way and the plan was modified to show a full 80 foot right-of-way for the entire length of Crabbs Branch Way, with a reduction in pavement width for a portion of the road from just north of the underpass to the

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\* See Attachment D for a complete discussion of Transportation issues

connection with Amity Lane on the Piedmont Crossing project. The applicant states that less pavement will reduce impacts to the stream on the northern parcel, and better transition the road into the approved street cross-section for the Piedmont Crossing development. Staff at MCDPWT and MNCPPC will need to evaluate this non-standard cross section as part of a formal waiver request at the time of preliminary plan. No waiver has been reviewed to date; therefore, staff is not able to comment on the proposed cross section.

### ICC Maintenance Facility

In the April 2006 facility document, the SHA continues to express an interest in locating a maintenance yard on the subject property, specifically on Parcel 7. The applicant believes that a better location for a maintenance yard is on Parcel 6, immediately north of the I-370 right-of-way and south of the environmental area crossing Parcel 6. The applicant contends that locating the facility on Parcel 6 would allow high-density residential development on Parcel 7, closer to transit and the shopping center.

The applicant is in discussion with the State about this issue; it appears that the State seeks a higher level of comfort regarding the alignment of Crabbs Branch Way from Shady Grove Road to a point where it passes from under the I-370 overpass in order to progress on the negotiations. The applicant's letter of October 28, 2006 does not request Planning Board guidance on the issue of alignment; however, the applicant only recently inquired as to whether it would be appropriate for the Board to weigh in on the alignment as part of this application.

Staff discussed with the applicant the ability of a pre-application to fix the alignment of a road and deems it inappropriate to set alignments as part of a pre-preliminary plan. Although the underpass is constructed, *final* design of ramp alignments at the ICC/I-370 junction may necessitate slight shifts to the bridge structure. While staff will acknowledge that there is some certainty as to where Crabbs Branch Way is likely to align at the underpass location, the Board should not commit to any firm alignment until final design of this rather complicated section of road.

### Attachments

- Attachment A – Site Vicinity Map
- Attachment B – Pre-preliminary Plan
- Attachment C – Community Based Planning memo
- Attachment D – Transportation Planning memo
- Attachment E - October 28, 2005 Applicant Letter

# SHADY GROVE ROAD, PARCEL 6 & 7 (720060110)



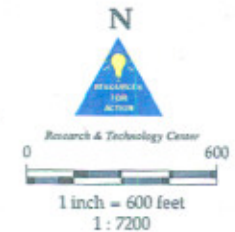
Map compiled on November 28, 2005 at 1:43 PM | Site located on base sheet no - 223NW08

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**PROJECT DATA**

PROJECT NAME: SHADY GROVE ROAD PARCEL 6 AND 7

PROJECT NUMBER: #20060110

DATE: 12/20/09

SCALE: 1" = 40'

PROJECT LOCATION: 5TH DISTRICT, WASHINGTON COUNTY, MISSOURI

PREPARED BY: [Signature]

DATE: 12/20/09

PROJECT NO.: #20060110

SCALE: 1" = 40'

PROJECT LOCATION: 5TH DISTRICT, WASHINGTON COUNTY, MISSOURI

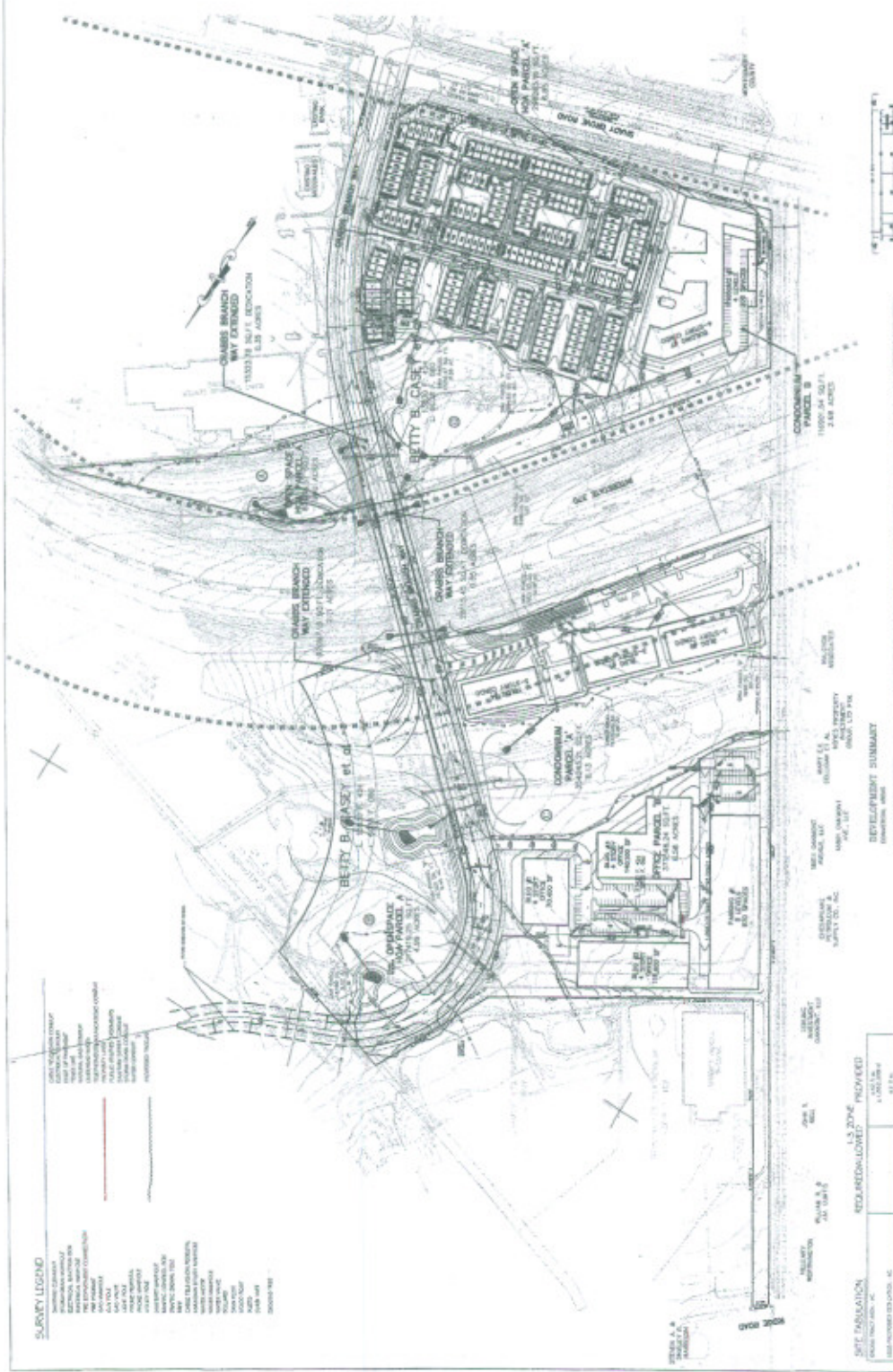


## PRE-PRELIMINARY PLAN

### SHADY GROVE ROAD PARCEL 6 & 7

**GENERAL NOTES:**

- THE INFORMATION AND DATA CONTAINED HEREIN ARE THE PROPERTY OF THE ENGINEER AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
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**DEVELOPMENT SUMMARY**

ITEM	QUANTITY	REMARKS
RESIDENTIAL UNITS	100	50 PER PARCEL 6, 50 PER PARCEL 7
PARKING SPACES	100	50 PER PARCEL 6, 50 PER PARCEL 7
STREET LIGHTS	100	50 PER PARCEL 6, 50 PER PARCEL 7
LANDSCAPING	100	50 PER PARCEL 6, 50 PER PARCEL 7
UTILITIES	100	50 PER PARCEL 6, 50 PER PARCEL 7

**CONDOMINIUM PARCEL 6**

UNIT NO.	AREA (SQ. FT.)	PRICE
101	1,200	\$120,000
102	1,200	\$120,000
103	1,200	\$120,000
104	1,200	\$120,000
105	1,200	\$120,000
106	1,200	\$120,000
107	1,200	\$120,000
108	1,200	\$120,000
109	1,200	\$120,000
110	1,200	\$120,000

**CONDOMINIUM PARCEL 7**

UNIT NO.	AREA (SQ. FT.)	PRICE
201	1,200	\$120,000
202	1,200	\$120,000
203	1,200	\$120,000
204	1,200	\$120,000
205	1,200	\$120,000
206	1,200	\$120,000
207	1,200	\$120,000
208	1,200	\$120,000
209	1,200	\$120,000
210	1,200	\$120,000



Attachment "C"  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING DEPARTMENT

**Memorandum**

**To:** Richard Weaver  
Development Review Division

**Via:** Sue Edwards, I-270 Corridor Team Leader *sue*  
Community-Based Planning Division

**From:** N'kosi Yearwood , Senior Planner  
Community-Based Planning Division

**Re:** Pre-Preliminary Plan, #7-20006-0110, Shady Grove Parcel 6 and 7

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**Background**

This pre-preliminary plan, as submitted in May 2006, depicts a residential scheme for approximately 42.5 acres under the I-3 Zone (optional method) consisting of 383 residential units in townhouse and multi-family configuration with parking areas and 329,000 s.f commercial office and parking. Of the 383 units, 43 are Moderately Priced Dwelling Units (MPDUs). The proposal uses the standard 12.5 percent required MPDUs and does not seek a density bonus for affordable housing.

The submitted pre-preliminary plan is located within the Shady Grove Transit Sector Plan area. The Sector Plan was adopted and approved in January 2006 with adoption of the Sectional Map Amendment (SMA) in October 2006. The SMA changed the property zoning to I-3 as recommended in the Sector Plan.

The vision for the Sector Plan, as written on page 11 of Council Resolution 15-1283, states:

"This Sector Plan envisions Shady Grove as a mixed use community with a new residential focus at the Metro station, one that makes best use of Metro proximity and relocates industrial uses to more efficient sites. Relocation of the County Service Park is a major goal and provides new housing opportunities close to Metro."

For these properties, the Sector Plan recommends two development options: relocation of County Service Park facilities and recreation facilities; or, if the CSP facilities do not move to these properties, housing and recreation facilities.



The potential for an ICC Western Maintenance Facility was introduced during final worksessions with the County Council and reflected in language in the Council resolution (No. 15-1283) approving the Sector Plan.

The submitted pre-preliminary plan does not illustrate any County Service Park facilities, a local park or the ICC facility.

### **Master Plan Recommendations**

In adopting the Shady Grove Sector Plan, the County Council gave specific guidance on future land use for these properties as follows (underlined from Council resolution):

#### Casey 6

This site is currently a vacant, I-1 zoned parcel, approximately 25 acres in size, and land locked by lack of existing road access. The entire site is affected by noise from the CSX line, I-370 and the current industrial use on the Robert's Oxygen property. The Plan provides land use options that help satisfy the community's recreational needs and provide options for office, housing or relocation of County facilities while respecting the environmental constraints. This Plan recommends:

- Considering the portion of land south of the existing stream buffer and adjacent to I-370 as a potential site for relocation of some of the County Service Park facilities.
- Encouraging any ICC maintenance facilities to be located on state-owned land or on property that does not reduce the relocation opportunities for the County Service Park. Casey 6 and 7 are not preferred sites given the possibility that County Services may be relocated to these properties. If Casey 6 or 7 are the only feasible locations for the ICC's maintenance facility, state facilities should be integrated with County facilities to maximize the efficiency of layout and avoid separate and duplicating facilities.
- Acquiring land adjacent to Robert's Oxygen for a local park of approximately 5 acres to meet recreational needs. Achieve park through dedication if Casey 6 is part of a joint development with the County Service Park.
- If the vacant Casey properties 6 and/or 7 are developed with relocated County services, a two-lane industrial street in a 40' right-of-way may be needed to bridge over the CSX tracks and north of I-370, connecting Crabbs Branch Way to Oakmont Avenue to improve local access for industrially zoned properties. In the 'Proposed Roadway Network' figure on page 68 the location of this potential industrial street is illustrative. Also, support an "authorized vehicles only" ramp to and from I-370 to serve public use of adjacent industrially zoned properties.

- To accommodate housing options between Casey 6, Casey 7, Metro North-CSP and Jeremiah Park, allowing up to 130 units on Casey 6. Noise mitigation should be provided. Density cannot be increased for bonus MPDUs due to site constraints. For details, see sections on Potential Joint Development Properties and Staging.
- Extending Crabbs Branch Way to Amity Drive to improve community access to Metro and shopping at the Grove.
- Limiting building heights to four stories to establish compatibility with nearby residential communities.
- Requiring significant landscaping and noise buffers to mitigate development impacts on adjacent residential communities of the Town of Washington Grove and Mill Creek.
- Rezoning from I-1 to the R&D/I-3 zone. Allow up to 0.3 FAR industrial/office uses and support the I-3 optional method with housing under the provisions outlined in Potential Joint Development Properties section.

#### Casey 7

This vacant property along Shady Grove Road is approximately 17 acres in size and located directly across Crabbs Branch Way from The Grove Shopping Center. Its high visibility and access to two roadways make the property a key site for development and may be a potential location for some County Service Park facilities, but must be developed to maximize compatibility with adjacent uses. Alternatively, this site provides options for housing or technology uses if no county facilities are relocated. Noise mitigation should be provided. This Plan recommends:

- Considering the entire property as a potential site for relocation of some of the County Service Park facilities.
- Allowing technology, office and research and development uses if no county facilities are relocated. Alternately, the plan also supports residential development of the site to take advantage of proximity to The Grove Shopping Center and the Metro station.
- Limiting non-residential density to 0.3 FAR to limit employment in the plan area.
- Encouraging any ICC maintenance facilities to be located on state-owned land or on property that does not reduce the relocation opportunities for the County Service Park. See comments under Casey 6.
- If the vacant Casey properties 6 and/or 7 are developed with relocated County services, a two-lane industrial street may be needed to bridge over the CSX tracks. See comments under Casey 6 and in the Transportation chapter.
- To accommodate housing options among Casey 6, Casey 7, Metro North-CSP and Jeremiah Park, this site can accommodate up to approximately 135 base density housing units on Casey 7 under the R&D/I-3 Zone optional method with housing. The site may be suitable for the PD-18

Zoning option, achieving up to approximately 305 base density units. Housing units can be increased for workforce housing, TDRs and MPDU bonus density where applicable, but cannot exceed 340 units maximum due to site constraints. Allow up to 0.3 FAR industrial/office uses. For details, see sections on Potential Joint Development Properties and Staging.

- Rezoning from I-1 to R&D/I-3 zone and support housing options under the I-3 optional method with housing or with PD-18 zoning.
- If the site is developed with relocated County facilities, locating building entrances along Crabbs Branch Way. Parking facilities, storage areas and other industrial activities should be located in the site's interior and screened from roadside views by extensive perimeter landscaping and/or architectural features.
- Industrial buildings seen from surrounding streets must be developed with attractive architectural facades that are compatible with adjacent residential areas.
- Site lighting should not create glare or visually dominate the night view along Shady Grove Road.
- Extending Crabbs Branch Way to Amity Drive to improve community access to Metro and shopping at the Grove.
- Locating housing along an interconnected street system with sufficient building setbacks to accommodate street trees, adequate sidewalks and extensive landscaping to establish a garden character throughout the neighborhood.
- Limiting building heights to five stories to establish a mid rise character along Shady Grove Road. Maintain four stories or less along Crabbs Branch Way.
- Providing extensive landscaping along Shady Grove Road to screen industrial development options, or enhance the compatibility of residential options.

### **Pre-Preliminary Plan Comments**

The submitted pre-preliminary conforms to some, but not all of the Sector Plan recommendations.

For Casey 6, the base density under the I-3 optional method would be 200 units (25 acres x 8 units/acre); however, the Sector Plan establishes a reduced base density of 130 units due to site constraints. The submitted proposal conforms with the Sector Plan housing recommendation limited to 130 units by providing 55 multi-family units in Buildings 4, 5 and 6 which are three stories high. The common open space (HOA Parcel A) which 4.99 acres in size, is used as stream valley protection and to buffer the development impacts to adjacent residential communities of Washington Grove and Mill Creek. HOA Parcel A contains a stormwater facility that appears to encroach in the stream buffer.

The proposal depicts Crabbs Branch Way as a roadway with 80-foot right-of-way extending to Amity Drive as recommended in the Sector Plan.

The submitted proposal also conforms to the Sector Plan's commercial recommendations by providing office development and structured parking within the Sector Plan limits of 0.3 FAR. The proposal utilizes a three building configuration at 0.2 FAR.

The submitted proposal does not conform to the Sector Plan concerning relocation of County Service Park facilities and acquisition of land adjacent to Robert's Oxygen for a local park (ballfields) of less than 5 acres. The designated property does not appear suitable for active recreation and is heavily impacted by wetland and stream buffers.

Residential use on Casey 6 precludes location of the proposed ICC Western Maintenance Facility or a local park. However, the contract purchaser of Casey 6 has illustrated that Casey 6 is the more appropriate location for the ICC facility and would still allow for active recreation on the property as well.

For Casey 7, elements of the pre-preliminary plan conform with the Sector Plan concerning the option of residential development to take advantage of the proximity to The Grove shopping center and the Metro station. The recommended base density for I-3 optional method would be 136 units (17 acres x 8 units/acre). The Sector Plan states a maximum of 340 units. The proposed development plan depicts 145 multi-family units in one 4-story building with structured parking, and 183 townhouses for a total of 328 units. This configuration meets the density range contained in the Sector Plan (ranging from 135 base units under I-3 optional zoning; 305 units under PD-18 Zoning ; and 340 units maximum). This density does not meet the base density calculated under section 59-C-5.4392 (b) (1) (C) as follows:

*"Residential uses, excluding hotels: The base residential density must not exceed eight (8) units per acre for the gross tract area . The base density may be increased to accommodate Moderately Priced Dwelling Units (MPDUs) in accordance with Chapter 25A of this Code, as amended, and to accommodate the provision of Transferable Development Rights (TDRs), provided that the final density does not exceed 12.5 units per acre for the gross tract area and does not exceed the recommended total density in the applicable master plan."*

Computing the gross acreage of the Casey 7 property (17 acres) multiplied by a maximum density of 12.5 units/acre yields 213 units. **The proposal of 328 units on Casey 7 exceeds the base density calculated under section 59-C-5.4392 by 115 units but does not exceed the Sector Plan density maximum of 340 units.**

Use of Casey 7 as an ICC Maintenance Facility precludes either residential or non-residential use of this property. The Sector Plan states that the ICC facilities are best located on state-owned land or on land that does not reduce the relocation opportunities for the County Service Park.

In addition to specific language in the Council resolution addressing Casey 6 and Casey 7, the Sector Plan contains additional guidance on transportation and environment, including noise.

### *Transportation*

The Plan classifies Crabbs Branch Way from Shady Grove Road to approximately 1,000 feet north of I-370 as commercial business street with an 80 feet right-of-way and four lanes. Existing wetlands and environmentally sensitive areas on both properties requires that the roadway pavement should be limited in order the cross these areas

### *Environment*

Forest conservation, water quality and stormwater management, wetlands, noise, and air quality recommendations are provided in the Plan. Existing noise from Shady Grove Road, CSX train tracks, and I-370/ICC are factors regarding this development. Specifically regarding noise the Plan recommends:

- Support noise-compatible site design along Shady Grove Road, MD 355, Metro and CSX rail lines, the Solid Waste Transfer Station and Roberts Oxygen.
- Incorporate noise mitigation strategies along Shady Grove Road and I-370
- Incorporate compliance with the Adopted County Noise Control Ordinance and Planning Board's *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*. (Sector plan p.95 and Resolution No. 15-1283, p.34)

### **Overall Design**

The following are comments on the design and layout of the submitted plan:

- Reconfigure the design layout to increase the amount of usable open space and reoriented units that benefit from the open space.
- Provide 80 feet right-of-way along Casey 6, minimizing grading in environmental sensitive areas, and providing sidewalk, Class I bikelane and lawn panel.
- Provide 80 feet right-of-way for Casey 7 with sidewalk, Class I bikelane, and lawn panel

- Design stormwater management facility that does not reduce overall density. Utilize underground measures for quantity and quality control.
- Noise study and attenuation measures must be considered in residential development of either parcel and may reduce the requested yield.

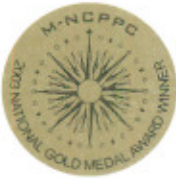
## **Conclusion**

The pre-preliminary plan, as submitted, achieves much of the optional residential vision for these two properties. The pre-preliminary plan seeks Planning Board guidance on (1) Density and MPDUs; (2) Setbacks from Master Plan rights-of-way and (3) Stream Crossing.

Staff concludes that the density of 328 units proposed for Casey 7 exceeds the zoning density for this property. This density conforms to the maximum number of units (340 units) contained in the Sector Plan.

Community-Based Planning staff comments address the applicant's issues as well as related issues concerning the width and location of Crabbs Branch Way extended and the potential location for an ICC Western Maintenance facility.

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October 26, 2006

## MEMORANDUM

TO: Richard Weaver, Planner/Coordinator  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*  
Transportation Planning

SUBJECT: Pre-Preliminary Plan No. 7-20060110  
Shady Grove Road, Parcels 6 & 7  
Derwood Policy Area & Shady Grove Sector Plan

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This memorandum provides Transportation Planning's comments on two transportation-related topics that the applicant requested Planning Board direction on in his letter dated October 28, 2005. All other topics including the adequate public facilities review will be addressed at the time of preliminary plan.

## RECOMMENDATIONS

Transportation Planning staff recommends the following transportation-related directives associated with the subject pre-preliminary plan as shown on the plan sheet dated May 9, 2006:

1. The applicant shall depict on all submitted plans, setbacks from the I-370 right-of-way line that reflect the rights-of-way shown on the current Maryland State Highway Administration (SHA) plans for the Intercounty Connector (ICC) and not the minimum 300-foot recommended in the *Shady Grove Sector Plan*.
2. The applicant shall identify on the plan, the location for SHA's Western Maintenance Facility as shown on their current ICC plans. The Western Maintenance Facility is directly associated with the ICC and is on a parallel funding and construction schedule.
3. The applicant shall build the Crabbs Branch Way Extended alignment as a standard Commercial Business District Street to serve the Robert Oxygen

property. To the northeast of the proposed driveway, the roadway should transition to the Primary Residential Street called Amity Drive Extended. Because trucks are typically discouraged from using primary residential streets, the roadway design should accommodate a turnaround for trucks at the proposed future access point for Roberts Oxygen. In addition “No Through Traffic” signs should be considered on northbound Crabbs Branch Way at the intersection with Shady Grove Road.

4. The applicant shall maintain an adequate separation between the master-planned shared use path, SP-53, and moving vehicles on the paved travel way for the modified commercial business district street cross-section of Crabbs Branch Way Extended through the stream crossing by reducing the pavement section from 50 feet to 40 feet.

## **DISCUSSION**

### Location of SHA’s Intercounty Connector Western Maintenance Facility

The ICC segment between I-370 and Georgia Avenue (MD 97) (i.e., known as “ICC Contract A”) is anticipated to be funded for construction by SHA in SHA’s FY 2007-2012 Consolidated Transportation Program (CTP) in early 2007. SHA has requested pre-qualified contractors to submit design-build proposals by November 15, 2006, and notice to proceed (NTP) is currently projected to occur in March 2007.

As a separate project but on parallel schedule with the ICC, SHA plans to construct the Western Maintenance Facility on Shady Grove Road Parcel 7 Property on the south side of I-370 between the CSX/Marc railroad tracks and Crabbs Branch Way. The applicant proposes that SHA Western Maintenance Facility be built on Shady Grove Road Parcel 6 Property on the north side of I-370 in order to permit high-density residential development on the south side, Parcel 7.

The Planning Board reviewed the Western Maintenance Facility location during the July, 2006-hearing for the ICC mandatory referral, and Chairman Berlage included the following text in his July 28 transmittal letter to SHA Administrator Neil Pedersen:

“Regarding the Western Maintenance Facility, our strong preference is that the State not site this facility on either the Casey 6 or Casey 7 properties. If the facility must go on one of these properties, the better location would be on the Casey 6 property adjacent to the ICC. If the Western Maintenance Facility is located on Casey 7, it would jeopardize housing options for the Shady Grove Sector Plan, seriously compromising the adopted Shady Grove Sector Plan”.

SHA sent a letter requesting reservation of the right-of-way for SHA’s proposed site of this facility on the Shady Grove Road Parcel 7 property. Staff understands that the SHA, the Maryland Transportation Authority (MdTA), and the applicant are discussing alternative options for the facility location on Shady Grove Road Parcel 6 and Parcel 7.



### Alignment of Crabbs Branch Way Extended

The *Shady Grove Sector Plan* recommends that Crabbs Branch Way Extended be designated as a commercial business district street, B-2, from Shady Grove Road to 1,000 feet north of I-370. The commercial/business district street should be extended northward to the access point from Parcel P743 and P746, Roberts Oxygen. The *Shady Grove Sector Plan* also recommends four lanes, an 80-foot-wide right-of-way, and a shared use path, SP-53, along Crabbs Branch Way Extended.

Alternative alignments of Crabbs Branch Way Extended from its northern terminus to I-370 are limited because any proposed alignment has to connect with the established underpass under I-370. The alignment between I-370 and Amity Drive Extended (i.e., designated in the *Sector Plan* as P-6) must minimize the roadway impact on environmentally sensitive areas. Traffic calming measures are needed at the transition from Crabbs Branch Way Extended, a commercial business district street, and Amity Drive Extended, a primary residential street. Amity Drive Extended was included as part of the approved Preliminary Plan No. 1-02022, Casey at Mill Creek or Piedmont Crossing.

### Modified Cross-Section of Crabbs Branch Way Extended

On the plan sheet dated May 9, 2006, the applicant proposes to modify the cross-section of Montgomery County Road Code Standard MC-214.01, commercial business district road, for Crabbs Branch Way Extended through the environmentally sensitive stream crossing to reduce the paved section from 50 feet to 40 feet. This modified cross-section on the applicant's latest plan sheet differed from the proposal to reduce the right-of-way from 80 to 70 feet wide in the applicant's letter dated October 28, 2005.

EA:DH:LC:ft

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VIA HAND DELIVERY

Mr. Derick Berlage, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Pre-Application Submission

Dear Mr. Berlage:

The accompanying Pre-Application Submission requests the Planning Board's direction on certain issues associated with the potential development of the "Casey 6 and 7" parcels within the Shady Grove Sector Plan (the "Property").

As the Planning Board is aware, the draft Sector Plan recommends that the parcels be re-zoned to the I-3 Zone by Sectional Map Amendment with the potential for residential use under the I-3 Optional Method of Development. A possible PD designation for Casey 7 is also recommended, via Local Map Amendment. The applicant, RST Development, LP, therefore submits this Pre-Application utilizing the standards of the I-3 Zone. At the time the zone is officially mapped by the District Council, the applicant will file a Preliminary Plan of Subdivision consistent with the Planning Board's opinion in this action.

Currently, there is some uncertainty concerning the ultimate development of these parcels, because of their potential involvement in the redevelopment of the County Service Park as contemplated by the Draft Sector Plan. If the properties are not involved in the relocation of the County Service Park, the Sector Plan indicates a desire for residential development on the Property. The applicant wishes to establish, by this plan and subsequent Preliminary Plan, its ultimate plan for the property in the event the County Service Park is not relocated within the time specified in the Sector Plan. In the event the applicant wishes to pursue a zoning action for the PD designation in the future, it is understood that additional action will be required. Similarly, if the County Service Park is relocated as recommended in the draft Sector Plan, an amendment will be required.

This Pre-Application proposes a total of 383 units (229 multi-family and 154 townhouse) and 329,300 square feet of office use, pursuant the Optional Method of Development for the I-3 Zone (Section 59-C-5.439). Although not prepared under the PD Zone alternative suggested in the draft Sector Plan, the proposed development comports with the recommendations of the Sector

Plan should the County Service Park not be relocated to either of these sites. Most importantly, the plan provides a variety of housing types in close proximity to the Metro.

The matters in which the applicant is requesting Planning Board direction are described below:

Density and MPDUs. Section 59-C-5.4392(b)(1)(C) of the Zoning Ordinance permits residential uses in the I-3 Zone under the Optional Method of Development. The specific language of the section also permits the inclusion of MPDUs in excess of the zone's base density (eight dwelling units per acre): "The base density may be increased to accommodate Moderately Priced Dwelling Units in accordance with Chapter 25A of this Code . . ." Therefore, the proposal includes 383 dwelling units: 340 based on the standard of eight units per acre, plus 43 MPDUs at 12.5% of the base density. (We also note that the overall density is within the framework set forth in the draft Sector Plan.)

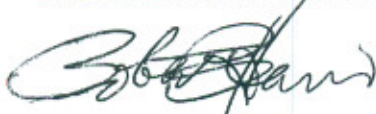
Setbacks from Master Plan rights-of-way. The proposed plan establishes its parking restriction line, on the northernmost parcel in particular, based on the master planned right-of-way for I-370 (300 feet). For the length of the property, the actual right-of-way exceeds the 300 foot width, but varies in both size and shape, thereby creating an awkward building envelope between the right-of-way and the stream buffer to the north (labeled "HOA Parcel E"). As a result, in order to efficiently locate the residential buildings and required parking, the plan measures the required parking setback from the Master Plan right-of-way boundary.

Stream Crossing. As stated above, a stream largely bisects the northernmost parcel from east to west. The Sector Plan calls for the extension of Crabbs Branch Way to cross this stream to access to the planned commercial development. In order to minimize the impact of the crossing, this Plan proposes a 70 foot road right of way width, less than the full 80 feet traditionally required, as well as limiting sidewalks and PUEs to only one side of the roadway. Such a configuration will require an environmental waiver at the time of Preliminary Plan.

Thank you for your consideration of this matter.

Sincerely yours,

HOLLAND & KNIGHT LLP



Robert R. Harris



Erica A. Leatham

cc: Mr. Robert Youngentob  
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