



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

NOV 3 2014

MCPB No. 14-96  
 Preliminary Plan No. 12012008B  
 Shady Grove Station  
 Date of Hearing: October 23, 2014

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 11, 2012, by MCPB Resolution No. 12-89, the Planning Board approved Preliminary Plan No. 120120080, for a maximum of 752 residential townhouse units; a maximum of 1,458 multi-family residential units; 41,828 square feet of retail; and a maximum of 131,422 square feet of office development on approximately 90.34 acres in the TOMX-2/TDR Zone, located along Crabbs Branch Way, south of Shady Grove Road, ("Property"), in the Shady Grove Sector Plan ("Sector Plan") area; and

WHEREAS, on April 23, 2014, by MCPB Resolution No. 14-22, the Planning Board approved Preliminary Plan No. 12012008A, which permitted execution of the required Traffic Mitigation Agreement at building permit and allowed modifications to the cross-sections of certain roads as part of development of the Property; and

WHEREAS, on July 28, 2014, EYA/CSP Associates and Montgomery County ("Applicant") filed a preliminary 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) revise lot lines; and iv) modify the location of moderately priced housing units ("MPDUs") and workforce housing units.

WHEREAS, Applicant's application to amend the previously approved preliminary plans was designated Preliminary Plan No. 12012008B, Shady Grove Station ("Preliminary 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

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

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Date 10/13/14

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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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and approves Preliminary Plan No. 12012008B by modifying the following conditions of the previously approved preliminary plans<sup>1</sup>:

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120120080 as listed in MCPB No. 12-89 as amended by Preliminary Plan No. 12012008A as listed in MCPB No. 14-22, except as amended by this Application.

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 all other conditions of approval for Preliminary Plan No. 120120080 as amended by Preliminary Plan No. 12012008A remain valid, unchanged and in full force and effect.

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 Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as amended, and all findings not specifically addressed remain in effect, and with the conditions of approval, that:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*

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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.

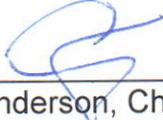
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 3<sup>rd</sup> 2014 (which is the date that this resolution is mailed to all parties of record); and

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.

  
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Casey Anderson, Chair  
Montgomery County Planning Board