



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:¹

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

¹ 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


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

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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.



Casey Anderson, Chair
Montgomery County Planning Board