



Shady Grove Station Preliminary Plan No. 12012008E & Shady Grove Station Phase 1 West Site Plan No. 82013022E



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Completed: 1/7/2019

Description

Request to replace a multi-family building (202 units) and 69 townhouse units, with 55 townhouses and 100 two-over-two townhouse units, which requires the subdivision of the multi-family lot and several other lot, block and road adjustments. The amendment results in one (1) fewer market rate unit, but the Applicant is still proposing to provide 211 Moderately Priced Dwelling Units (MPDUs) and 167 Work Force Housing Units (WFHUs).

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*;

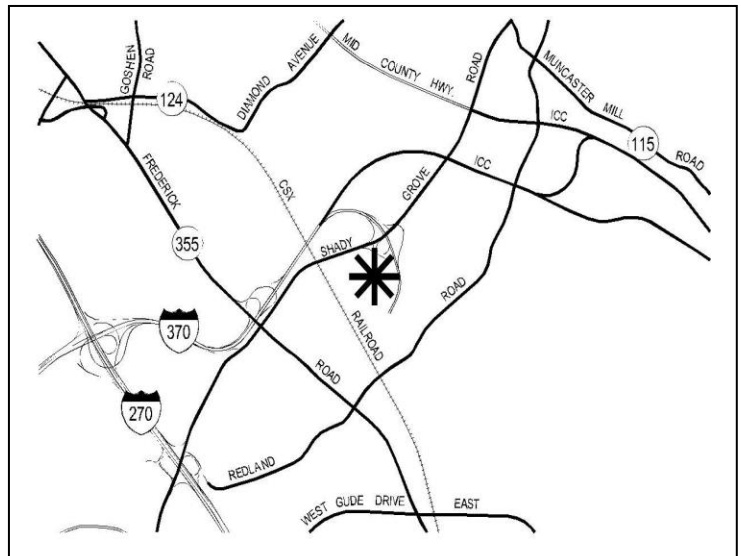
Zone: CRT-1.0 C-0.25 R-0.75 H-90T (TDR 0.89 Overlay) and CRT-0.75 C-0.25 R-0.5 H-60T (TDR Overlay 0.6);

Size: 90.34 acres;

Acceptance Date: August 5, 2018;

Applicant: EYA/CSP Associates;

Review Basis: Chapter 59, Site Plan.



Summary

- Staff recommends approval of Preliminary Plan No. 12012008E and the Site Plan No. 82013022E.
- Per Section 7.7.1.B.1 of the current Zoning Ordinance, Staff reviewed this amendment under the TOMX-2/TDR Zone pursuant to the Zoning Ordinance in effect on October 29, 2014.
- 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

Preliminary Plan No. 12012008E

Staff recommends approval of Preliminary Plan No. 12012008E. All site development elements shown on the latest electronic version of Preliminary Plan Amendment No. 12012008E submitted via ePlans as of the date of this Staff Report are required. All previously approved plans (Preliminary Plan: 120120080, 12012008A, 12012008B, 12012008C, and 12012008D), findings, and conditions of approvals remain in full force and effect, except as modified herein:

General Approval

1. Density

This Preliminary Plan is limited to a maximum of 751 townhouse units on 751 lots, a maximum of 1,458 multi-family units on up to 95 lots (includes 109 lots for two-over-two units and ten (10) lots for multi-family buildings), 41,828 square feet of retail space on up to three (3) lots shared with multi-family units, and a maximum of 43,000 square feet of general retail development on one (1) lot. Additional lots are permitted for common areas, including parcels for private streets, clubhouses, park and school sites, and other County facilities. Ten (10) percent of the total number of residential units excluding Moderately Priced Dwelling Units (MPDUs) or resulting MPDU bonus density units must be Workforce Housing units, and fifteen (15) percent of the total number of residential units excluding Workforce House units must be MPDUs.

Adequate Public Facilities and Outside Agencies

2. Adequate Public Facilities

The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid until October 11, 2024 (144 months from the date of the mailing of the Planning Board Resolution MCPB No. 12-89), according to the phases outlined below. Because the validity period is longer than the typical seven years, a phasing schedule for the APF and Preliminary Plan validity period, in accordance with Sections 50-20(c)3(B), 50-34(g), and 50-35(h)(2)(B) of the Subdivision Regulations, is required. Plats must be recorded and building permits issued as follows:

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

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

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

Phase IV – 1,460 residential units, including MPDUs and workforce housing units, and 43,000 square feet of general retail space within 12 months of the expiration of Phase III validity period.

3. Outside Agencies

- a) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 13, 2018 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the

recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

- b) Prior to issuance of any building permits, the Applicant must work with MCDOT to execute an amended Traffic Mitigation Agreement (TMAG). The TMAG must be amended to reflect the change in the Project components, i.e., the replacement of Multifamily Building C with 69 townhouse units and the conversion of 55 townhouses with 100 for-sale 2 over 2 condominium units. Resulting changes to the number of AM and PM peak hour trips that must be reduced as required to satisfy the Non-Auto Driver Mode Share (NADMS) Goals for the Project will also need to be reflected in the amended TMAG.
 - c) Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
 - d) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 8, 2018 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 - e) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated September 13, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
 - f) The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated December 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 DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
4. Concurrent Site Plan Approval
- a) Before clearing or grading the Subject Property, the Applicant must receive Staff certification of Site Plan No. 82013022E. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bikepaths is determined through Site Plan review and approval.
 - b) If a Site Plan for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan Amendment before Certified Site Plan.

Environment

5. Forest Conservation

The Applicant must comply with the following conditions of approval of Preliminary Forest Conservation Plan 12012008B, approved as part of Preliminary Plan 12012008B.

6. Noise

Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:

- a) The location of the noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for the areas of common outdoor activity are adequate.
- b) The building shell for residential dwelling units affected by exterior noise levels projected above 65 or 55 (based on map in guidelines) dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) If the plan changes in any manner that affects the validity of the noise analysis dated September 25, 2018 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- e) Implement the recommendations of the draft revised Phase II Noise Analysis for mitigation of railway noise.

Record Plats and Certified Preliminary Plan

7. Record Plats

Prior to issuance of any building permit, there shall be no clearing or grading of the site prior to Certified Site Plan. The record plat must record this Preliminary Plan approval and create lots as shown.

8. Easements

- a) The record plat must show necessary easements.
- b) The record plat must reflect common ingress/egress and utility easements over all shared driveways.

9. Certified Preliminary Plan

Before approval of the Certified Preliminary Plan, the following revisions must be made subject to Staff review and approval:

- a) The Applicant must include applicable approval letters and the Preliminary Plan Resolution on the approval sheet(s).
- b) The Certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

- c) Modify the data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between the Preliminary, the Site Plan, PFCP, architectural plans subject to M-NCPPC Staff review and approval.
- e) Include cross-section of all public roads with a plan showing which road segments each cross-section applies to.

Site Plan No. 82013022E

Staff recommends approval of Site Plan Amendment No. 82013022E. All site development elements shown on the latest electronic version of the Site Plan Amendment No. 82013022E submitted via ePlans as of the date of this Staff Report are required. All previously approved plans (820130220, 82013022A, 82013022B, 82013022C, & 82013022D), findings, and conditions of approvals remain in full force and effect.

1. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan 120120080 and all subsequent Preliminary Plan Amendments.
2. Site Plan Conformance
The Applicant must comply with the conditions of approval for Site Plan 820130220 and all subsequent Site Plan Amendments.
3. Density
This Site Plan is limited to a maximum of 406 residential townhouses, 1,114 multifamily residential units (includes 100 for two-over-two units), and 41,828 square feet of non-residential (retail) development, and space for a public library.
4. Height
This Site Plan is limited to a maximum of 79 feet in building height
5. 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 October 8, 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.
6. Traffic Mitigation Agreement
Prior to issuance of any building permit, the Applicant must update the existing Traffic Mitigation Agreement (TMAg) dated August 14, 2015 with the Planning Board and MCDOT in order to reflect the revised mix of dwelling units.
7. 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.

8. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated December 20, 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.

9. Noise Attenuation Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:

- a) The location of the noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for the areas of common outdoor activity are adequate.
- b) The building shell for residential dwelling units affected by exterior noise levels projected above 65 or 55 (based on map in guidelines) dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) If the plan changes in any manner that affects the validity of the noise analysis dated September 25, 2018 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- e) Implement the recommendations of the draft revised Phase II Noise Analysis for mitigation of railway noise.

10. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings, as determined by M-NCPPC Staff.

11. Landscaping

Prior to the end of the first planting season after the issuance of the Final Use and Occupancy Certificate, all landscape plant materials must be installed.

12. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be installed in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.

- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control 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-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 materials, on-site lighting, indoor and outdoor recreational facilities, site furniture, retaining walls, fences, railings, sidewalks, bikeways, private utilities, private streets and alleys and all necessary improvements including street trees, sidewalks, and street lights, paths and associated improvements of development, and private storm drainage facilities. The surety must be posted before issuance of any 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.

14. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

15. 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) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

SITE DESCRIPTION

Vicinity

Shady Grove Station (Property or Subject Property), outlined in blue in Figure 1 below, is on the location 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.

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

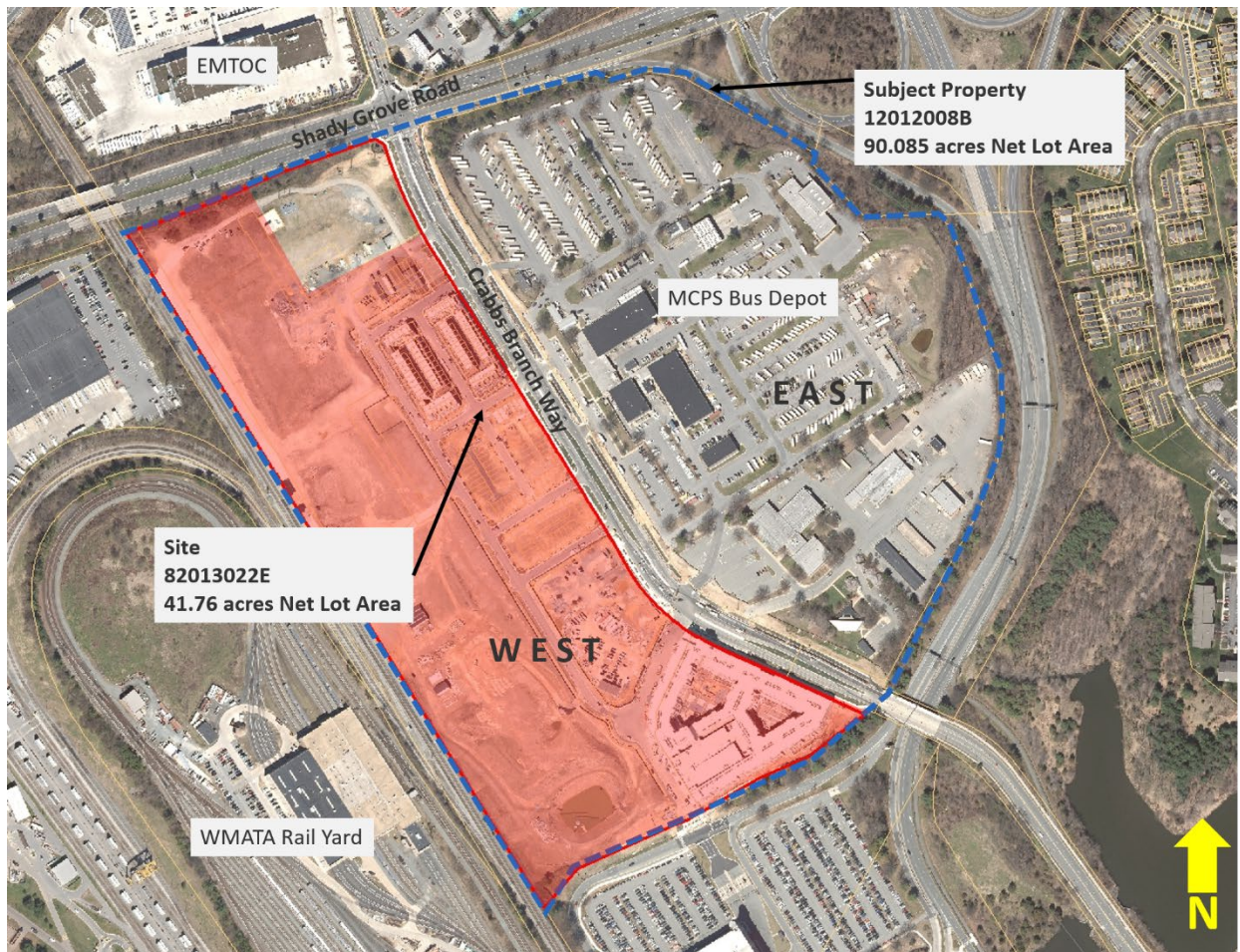


Figure 1: Vicinity (Site shown in red, Subject Property outlined in blue)

Site Analysis

Preliminary Plan No. 12012008E covers the Subject Property (Property) and is 90.085 acres, located on the east and west sides of Crabbs Branch Way. Site Plan No. 82013022E covers the Site and is composed of 41.76 acres on the west side of Crabbs Branch Way.

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 0.89 Overlay) and CRT-0.75 C-0.25 R-0.5 H-60T (TDR Overlay 0.6). 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.

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, which 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.
- Preliminary Plan Amendment No. 12012008D on December 5, 2017 which allowed the replacement of an unbuilt 131,422 square feet of office use with up to 43,000 square feet of general retail space.

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.

- Site Plan Amendment No. 82013022C, Shady Grove Station, on June 4, 2018, to transfer 61 multifamily units from Building C (reduced from 263) to Building D (increased to 273), increase maximum building height to 79 feet, adding one story to parts of Building D, amend building architecture elevations, amend streetscape plans, revise select townhouse party walls, and update plans for final Building A designs.
- Site Plan Amendment No 82013022D, Shady Grove Station on May 5, 2018 amended the FFCP through Administrative Amendment.

Proposal

These Amendments will replace Multifamily Building C with 69 townhouse units (including both market rate units and MPDUs) within the previously approved building footprint, as well as converting 55 townhouses along the West Side of the western boundary with a hundred 2 over 2 condominium units and other lot line adjustments. As a result of these changes, the approved number and building type of MPDUs (211 units: 44 townhouses and 167 multifamily units) and WFHUs (116 units: 25 townhouses and 91 multifamily units) for the West Side stays the same, with the number of market rate townhouses reduced by one.

Prior Approved Plan - 82013022C

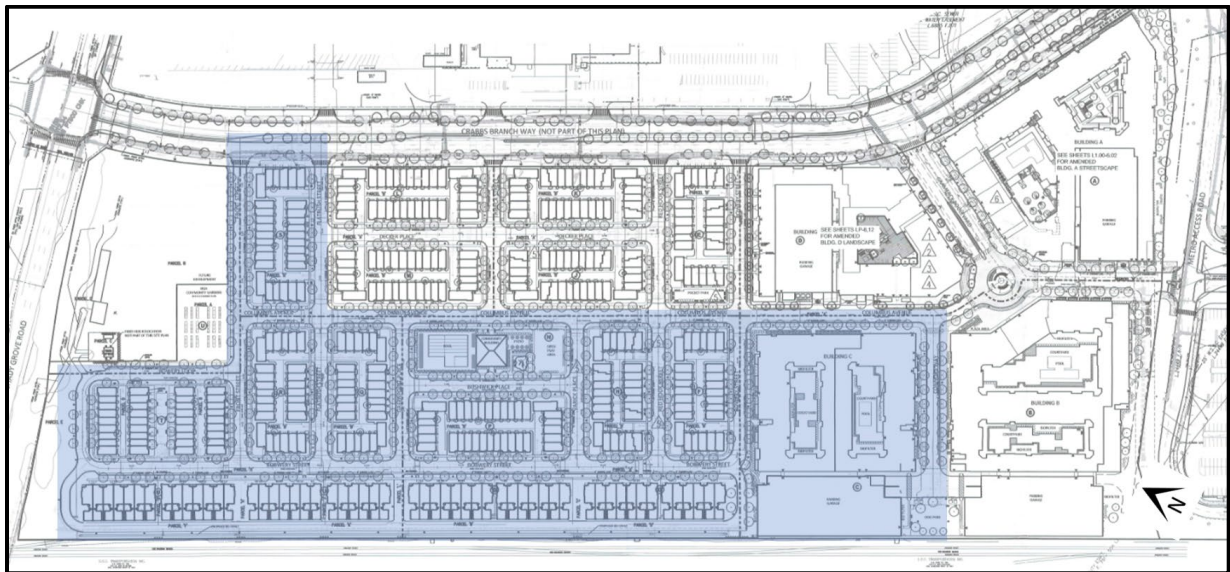


Figure 2: Prior Approved Plan - 82013022C



Figure 3: Current Proposal

Streets

The Amendment will reconfigure the orientation of the West Side Block T's lot and block layout, as well as its road and alley configuration and circulation by extending it to the west and rotating it for an east-west orientation. Block C incorporates the townhouse layout and has an internal green muse and alley network. The street cross-section has been modified to create a safer pedestrian connection throughout the development on the following private roads: Front Street, Front Loop, and Connors Way.

Open Space

The Amendment provides an additional dog park on the northeast side of the site to retain some of the amenities that were lost from Multifamily Building C. It will incorporate green muses on the new townhouse blocks. This will provide additional amenity space internal to the block. The project will also provide additional landscaping on the corner lots for the townhouse elevations.

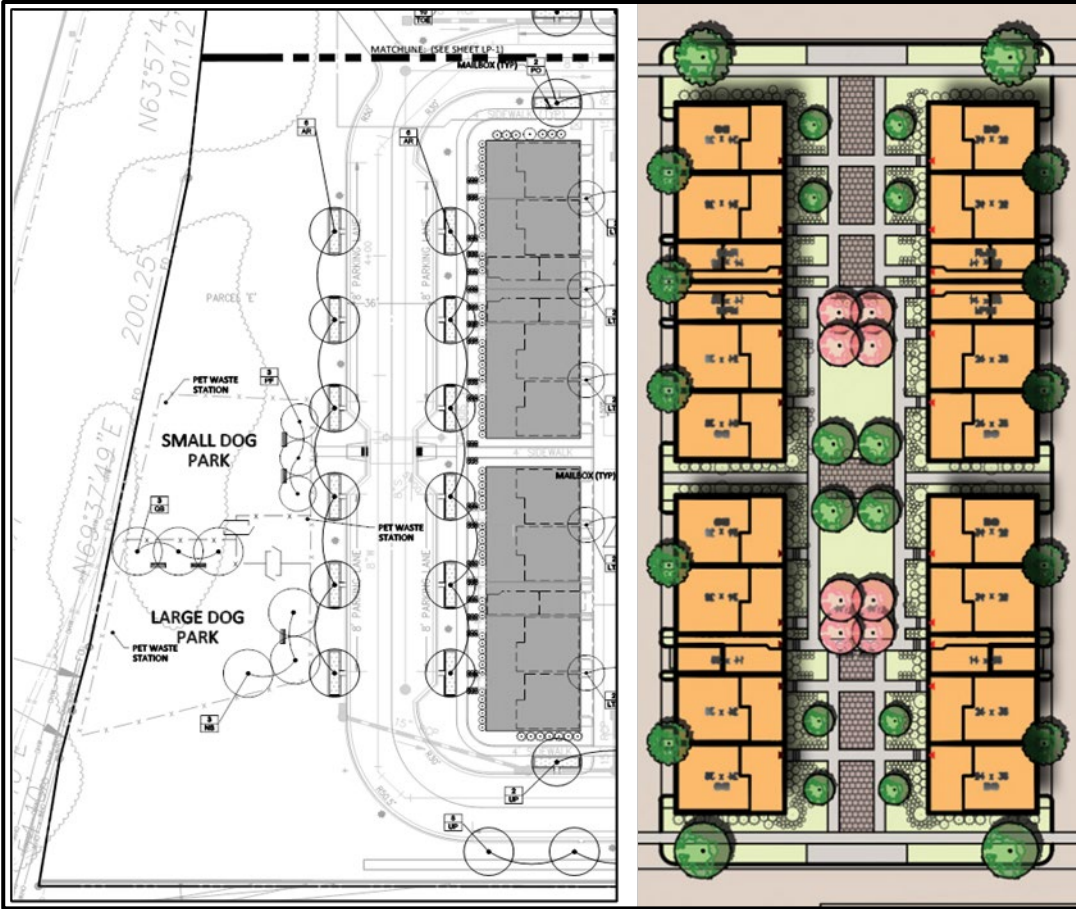


Figure 4: Dog park and Green Muse of Block T

Architecture

Planning Staff worked with the applicant to ensure elements of the facade featured additional elements at the street level by providing more windows, alley walls, and landscaping. The renderings in Figure 5 represent an end unit of the townhouse block.



Figure 5: Townhouse End Unit Architecture

ANALYSIS

Sector Plan Recommendations

The Approved and Adopted Sector Plan refers to the western segment of the Property as Metro North-CSP and the eastern segment as Jeremiah Park. This Amendment is within the Metro North-CSP neighborhood. The Sector Plan envisions these “Metro Neighborhoods,” *“as an urban village, a place that provides vitality, convenience, and a human scale of development. A residential mixed-use area with some office and community-serving retail uses, and recreational areas providing a focus for community life and services. Functionally integrated with the Metro station, the proposed street pattern will create an interconnected network of streets and sidewalks that ensure good vehicular and pedestrian access to Metro”* (page 33).

The Amendments are consistent with the intent and objectives of the 2006 *Shady Grove Sector Plan*. The Shady Grove Station development will continue to provide a mixed-use and transit-oriented development on an underutilized site, offering a variety of housing options to a wide range of incomes, advancing the recommendations of the Shady Grove Sector Plan, and supporting the Montgomery County Executive's Smart Growth Initiative. The Amendments do not request any change that increases the approved number of dwelling units or height; do not prevent circulation on any street or path; and do not make major modifications to lot configuration, right-of-way width or alignment.

Thus, Staff finds the proposed Amendments to be in substantial conformance with the Sector Plan.

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

Preliminary Plan

This Preliminary Plan Amendment was reviewed under the standards and procedures of the Subdivision Regulations in effect on February 12, 2017. The proposed modifications do not alter the intent of the original Preliminary Plan and the subsequent previously approved amendments. The Planning Board must make the following findings to approve the Preliminary Plan:

1. The size, width, shape, and orientation of the lots are appropriate for the location of the subdivision.

The lots have been reviewed for compliance with Section 50-29(a) of the Subdivision Regulations. The layout of the subdivision, including size, width, shape, and orientation of the lots continue to be appropriate for their location within the subdivision and meet all applicable requirements of the TOMX-2/TDR Zone.

2. The Preliminary Plan substantially conforms to the Master Plan.

As stated in the Sector Plan section of this report, the Preliminary Plan continues to substantially conform to the Sector Plan.

3. Public Facilities will be adequate to support and service the area of the subdivision.

Master-Planned Transportation Demand Management

Transportation infrastructure and other public facilities are adequate to support the approved development and the proposed change from a multifamily building to townhouse mix. The Property is located within half a mile from the Shady Grove Metro Station entrance. Vehicular access to the area of the amendment is from six proposed curb cuts on the west side of Crabbs Branch Way and Sector-Planned Road "F" (approved as Road "P" in the original Preliminary Plan). All other public facilities will be adequate as determined in the original approvals. The change in residential mix will not alter or have any impact on the availability of services.

Local Area Transportation Review (LATR)

The Applicant is lowering the proposed number of residential units from 2,210 to 2,209, which will result in a net reduction of peak-period vehicle trips. As such, a traffic study is not required. Staff recommends the Applicant update the Transportation Mitigation Agreement language to refer to the plan's overall unit count, and to remove the breakdown of unit types.

Transportation Policy Area Review (TPAR)

The policy area review test for the original Preliminary Plan was called Policy Area Mobility Review (PAMR) under the 2009-2011 Growth Policy. To satisfy the PAMR test, the Applicant was required to contribute \$292,500 to MCDOT for transportation infrastructure improvements within the Shady Grove Policy Area, prior to issuance of any building permit. In December 2012, PAMR was replaced by the Transportation Policy Area Review (TPAR). In November 2016, the TPAR was replaced by the current General District Transportation Impact Tax under the 2016-2020 Subdivision Staging Policy (new SSP). However, for any building permits issued after March 1, 2017, the Applicant will be required to pay Impact Tax in lieu of the remaining PAMR mitigation payment in accordance with the "new" SSP. The timing and amount of the payment will be in accordance with that in Chapter 52 of the Montgomery County Code as amended.

Other Public Facilities and Services

As determined by the original Preliminary Plan and Site Plan findings, the Property is served by existing public water and public sewer. This amendment has been reviewed by the Montgomery County Fire and Rescue Service (MCFRS), who have determined that the proposed amendment will not impact the previous approval from MCFRS, and the Property will continue to have appropriate access to fire and rescue vehicles. Other public facilities and services, such as police stations, and health services are currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available and adequate to serve the Property. The property is within Gaithersburg Cluster and has capacity within this amendment due to prior approvals.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

This Property is covered by approved Final Forest Conservation Plan (FFCP) No. 820130220, and the Amendment does not require any changes to FFCP 820130220. Staff finds that the Amendment is in compliance with Chapter 22A, Forest Conservation, and in conformance with the Planning Department's Environmental Guidelines.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Applicant received approval of its stormwater management concept from the Montgomery County Department of Permitting Services on October 8, 2018. The concept proposes to meet required stormwater management goals using a combination of ESD approaches including micro bioretention and structural filtration. The Property is not subject to a water quality plan and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

Site Plan

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 Site 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 conditions of all previously approved Preliminary Plans and Site Plans.

- 2. The Site Plan meets all 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. All other development standards remain unchanged from prior approvals. There is no urban renewal plan associated with this Site.

Zoning Ordinance Development Standard	Permitted/Required per Zoning Ordinance for TOMX-2.0/TDR Optional Development	Proposed
Gross Tract Area (sf) (1,952,298.63 GTA -127,779.57 Future Office Parcel SF)		1,824,519.06
Previously dedicated area (sf)		-
Proposed dedicated area (sf)		5,462.04
Net Lot Area (sf)		1,819,057.02
Net Lot Area (ac)		41.76
Max Building Coverage (percent of net lot)		38% 682,025 sf
Density, for Mixed-Use Projects- FAR	2 3,649,038 sf	1.50 2,729,642 sf
Density Breakdown		
Non-Residential, Maximum (FAR)		0.03
Non-Residential, Maximum (sf)		48,723
Residential (FAR)	1.92	1.47
Residential (sf)	3,503,077	2,680,919
Residential (units/acre)	48	37
Total Non-residential Area (sf)		48,723
Retail (sf)		41,828
Library (sf)		6,895
Total Units		1,520
Multifamily [5]		1,114
MPDU's (included in total above)	15%	167
Workforce (included in total above)	8%	91
2-over-2 Condo Units (included in total above)		100
Townhouse		406
MPDU's (included in total above)	11%	44
Workforce (included in total above)	6%	25
Maximum Building Height (ft.) [1]	N/A [2]	79'
Parking [3]		0
Minimum Building Setbacks, Minimum (ft.)		
From adjacent TOMX zone	0'	0'
From an adjacent commercial or industrial zone	0'	0'
From a public right-of-way	0'	0'
Public Use Space (for Combined West and East)	Combined E & W	West Only
On-site (percent)	20%	7.9% [4]
On-site (ac)	17.45	6.90

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 changes the footprints of Multi-family Building C to a townhouse block, reconfigures one dog park and adds two additional dog park areas. The noise walls have been extended, but the changes are minor and do not impact the overall footprints. The landscape and streetscape plans have been modified to create a better pedestrian environment along the private streets. These modifications preserve the overall circulation pattern and grid network of streets approved in the Site Plan, which will provide safe, adequate, and efficient vehicular, pedestrian, and bicycle access both internally and externally.

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 Amendment continue to be compatible with existing uses regarding height, scale and massing as reflected by the Sector Plan recommendations and the approved Preliminary 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.*

The Site Plan remains in compliance with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines: Guidelines for Environmental Management of Development in Montgomery County*. No change is being made to the limits of disturbance, and the mitigation requirements of the previously approved Final Forest Conservation Plan (FFCP), No. 82013022D, remain valid for this plan. The FFCP sheets are only being revised with this Site Plan Amendment to show the changes in building footprints and site layout.

The revised stormwater concept plan for this project was deemed acceptable by the Montgomery County Department of Permitting Services on October 8, 2018.

A Draft Revised Phase II Noise Analysis was submitted with Preliminary Plan Amendment 12012008E on September 25, 2018. The Noise Analysis recommends that all townhomes closest to the railroad be evaluated for architectural treatments that will maintain interior noise levels at or below 45 dBA Ldn. The Noise Analysis also recommends that a noise barrier between twenty-two (22) to twenty-six (26) feet high be constructed between the railway and all West Side townhomes directly along the railway to reduce railway noise impacts to a manageable level when developing architectural mitigation designs to meet the indoor noise limit.

CONCLUSION

The Preliminary Plan and Site Plan Amendments continue to meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and the proposed modifications to the approved Preliminary Plan and 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 development remains compatible with the existing and proposed development adjacent to the Site and with respect to the surrounding neighborhood. Access and public facilities will continue to be adequate to serve the proposed lots and units, and the uses continue to conform with the Sector Plan. The Applications have been reviewed by other applicable county agencies, all of whom have recommended

approval of the Applications. All previous conditions of approval and Planning Board findings remain in full force and effect, unless modified by this Amendment. Thus, Staff recommends approval of the Preliminary Plan No. 12012008E and Site Plan No. 82013022E, with the conditions listed at the beginning of this report.

ATTACHMENTS

1. Preliminary Plan Amendment
2. Site Plan Amendment
3. Agency Approval Letters

ATTACHMENT 3



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

September 13, 2018

Ms. Amy Lindsey, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter
Preliminary Plan No. 12012008E
Shady Grove Station

Dear Ms. Lindsey:

We have completed our review of the revised Preliminary Plan received per the Development Review Committee (DRC) agenda on August 27, 2018. This plan was reviewed by the Development Review Committee at its meeting on September 11, 2018. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. There do not appear to be any significant changes that affect MCDOT's prior comments. Therefore, the comments in our June 13, 2012 preliminary plan letter #120120080, and the preliminary plan amendment letters dated July 20, 2012 and August 4, 2017 remain applicable – unless superseded by changes approved at the Site Plan or permit stages.
2. Traffic Mitigation Agreement (TMAg):
Prior to issuance of any building permits, the Applicant must work with MCDOT to execute an amended TMAg. The TMAg must be amended to reflect the change in the Project components, i.e., the replacement of Multifamily Building C with 69 townhouse units and the conversion of 55

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Amy Lindsey
Preliminary Plan No. 12012008E
September 13, 2018
Page 2

townhouses with 100 for-sale 2 over 2 condominium units. Resulting changes to the number of AM and PM peak hour trips that must be reduced as required to satisfy the NADMS Goals for the Project will also need to be reflected in the amended TMAg.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Shady Grove Station\Amended Plan - 12012008E\Letter\ 12012008E Shady Grove Station Prel Plan Letter

cc: Mclean Quinn EYA / CSP Associates
Jamie Chapman VIKA Maryland LLC
Phillip Hummel Linowes and Blocher LLP
Letters notebook

cc-e: Greg Ossont Montgomery County-DGS
Edward Axler M-NCPPC Area 2
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS Fire Dept. Access
Sandy Brecher MCDOT OTP
Beth Dennard MCDOT OTP
Andrew Bossi MCDOT DO
Deepak Somarajan MCDOT OTP



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 8, 2018

Mr. Laurent Mounaud, P.E.
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. Mounaud:

Based on a review by the Department of Permitting Services (DPS) 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-bioretenention 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.

This revised stormwater management concept specifically addresses the proposed revisions for Phases 2 and 3 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. DPS recommends that the detailed design for all proposed SWM practices incorporate the guidance provided in the latest Water Resources Technical Policy WRTP-8 (Safe Placement Of Surface Fed Stormwater Management (SWM) Practices).



Mr. Laurent Mounaud, P.E.
October 8, 2018
Page 2 of 2

4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. 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.

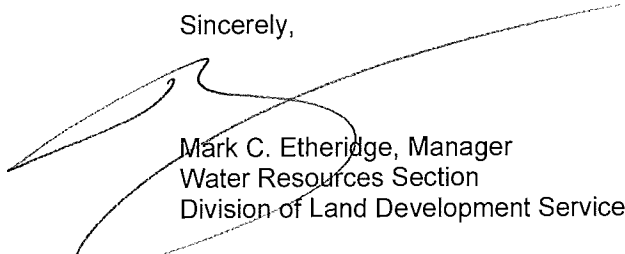
This list may not be all-inclusive and may change based on available information at the time.

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 Rev2 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.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

December 20, 2018

Mr. Troy Leftwich
Ms. Amy Lindsey
Area 2 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Shady Grove Station
Preliminary Plan Amendment No. 12012008E
Shady Grove Station Phase 1 West
Site Plan Amendment No. 82013002E

Dear Mr. Leftwich and Ms. Lindsey:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval. DHCA will provide comments on the East side of Shady Grove Station when plans are submitted for that portion of the site.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: James Buchheister, VIKA Maryland LLC

S:\Files\recurring\Housing\MPDU\Developments\Westside at Shady Grove Metro MPDU\Shady Grove Station DHCA Letter_12-20-2018.docx

Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca



Department of Permitting Services
Fire Department Access and Water Supply Comments

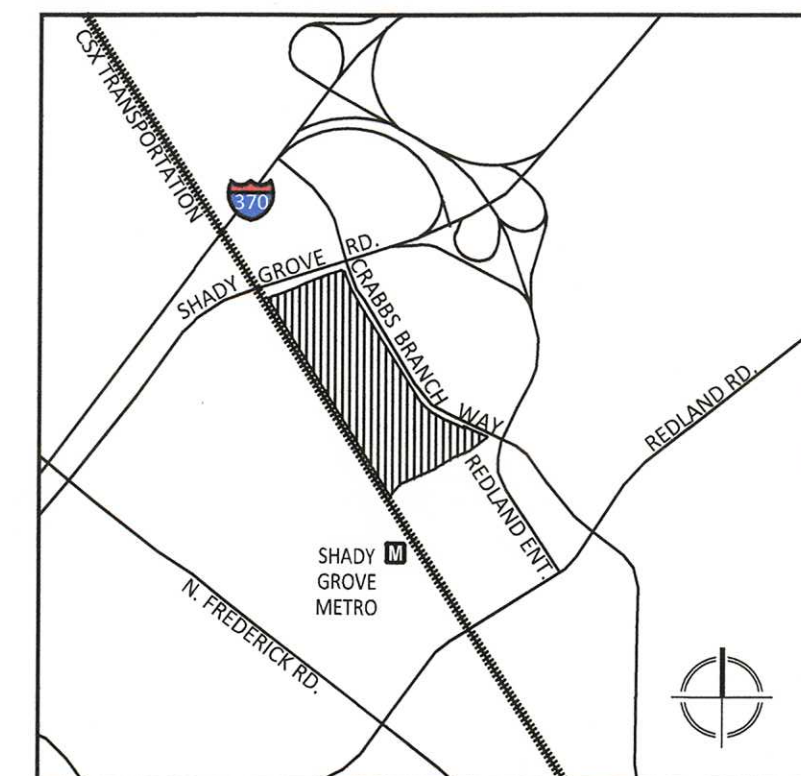
DATE: 18-Sep-13
TO: Michael Goodman
VICA, Inc
FROM: Marie LaBaw
RE: Shady Grove Station
120120080 820130220

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 *****

***** 11/18/2018 Site Plan Amendment E - approval of reconfigured blocks T, C, U, G, B *****



VICINITY MAP
SCALE: 1" = 2000'

VKA
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VKA MARYLAND, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.

PREPARED FOR:
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C/O EYA, LLC
4800 WASHINGTON LANE
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BETHESDA, MD 20814
301-634-8515
BRIAN JACKSON

CONSULTANTS

ARCHITECTS
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JACK MACLAURIN

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BARBARA SEARS

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MIKE WORKOSKY

PLANNING, CIVIL ENGINEER &
LANDSCAPE ARCHITECT
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MIKE GOODMAN

LIGHTING CONSULTANT
CHESAPEAKE LIGHTING
9820 PATUXENT WOODS DRIVE
COLUMBIA, MD 21046-1551
301-953-2020

DATE	REVISIONS
8/10/18	82013022E
8/21/18	82013022C
9/19/18	82013022B
9/29/18	82013022A
10/23/18	82013022A
11/23/18	82013022A



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND.

NAME: MICHAEL B. GOODMAN
LICENSE NUMBER: 27721
EXPIRATION DATE: 12/31/20

SHADY GROVE STATION

WEST SIDE

9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
WSSC MAP: 222 NW 08
TAX MAP: GS 123, PARCEL 495

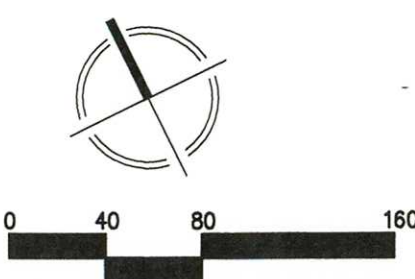
SITE PLAN 82013022E

FIRE ACCESS PLAN OVERALL

DRAWN BY: SDG
DESIGNED BY: LWA
DATE ISSUED: 08/10/2018

SHEET
NO. FIRE-1

MONTGOMERY COUNTY MARYLAND
37576 / 191
MAILING: 101 MONROE STREET
ROCKVILLE, MD 20850



SHEET INDEX

- | | |
|--------|---|
| FIRE-1 | OVERALL PLAN |
| FIRE-2 | 40 SCALE TOWNHOUSE PLAN |
| FIRE-3 | 40 SCALE MULTI-FAMILY PLAN |
| FIRE-4 | TRUCK TURNING (3-WAY INTERSECTION - TYPE 1) |
| FIRE-5 | TRUCK TURNING (3-WAY INTERSECTION - TYPE 2) |
| FIRE-6 | TRUCK TURNING (4-WAY INTERSECTION) |
| FIRE-7 | TRUCK TURNING (4-WAY INTERSECTION) |
| FIRE-8 | TRUCK TURNING (MEWS - BLOCK C) |
| FIRE-9 | TRUCK TURNING (MEWS - BLOCK T) |

LEGEND

- | | |
|--|------------------|
| | FIRE ACCESS AREA |
| | |

FIRE CODE ENFORCEMENT

Fire Department Access Review
Review based only upon information contained on
this plan. Does not cover unsatisfactory layout
resulting from omissions, errors or failure to
clearly indicate conditions on this plan. Correction
of such unsatisfactory layout to afford required
access will be required if found upon inspection
after installation.
BY: gmc FM: 43 DATE: 11/19/2018
original 9/18/2018



ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VIKA MARYLAND, LLC
20351 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20854
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FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.

PREPARED FOR:
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BRIAN JACKSON

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JACK MACLAURIN

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8605 WETWOOD CENTER DRIVE
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703-960-6116
KAMRAN CHARASAZ

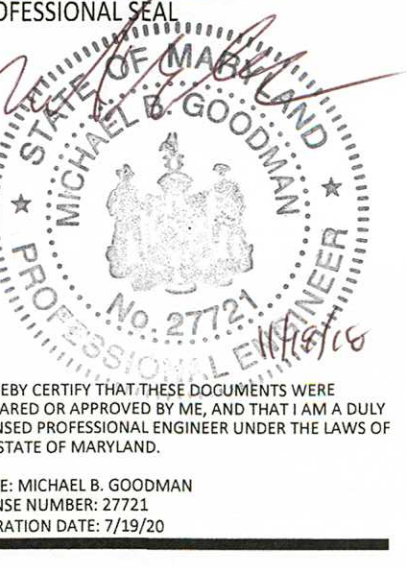
ATTORNEY
LINOWES & BLOCHER
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BARBARA DEARIS

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MIKE GODDAM

LIGHTING CONSULTANT
CHESAPEAKE LIGHTING
9820 PATENT WOODS DRIVE
COLUMBIA, MD 21046-1561
301-953-2020

DATE	REVISIONS
8/10/18	82013022E
5/31/18	82013022C
5/4/18	82013022D
10/27/17	82013022B
1/23/14	82013022A



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
NAME: MICHAEL B. GODDARD
LICENSE NUMBER: 2172
EXPIRATION DATE: 7/29/20

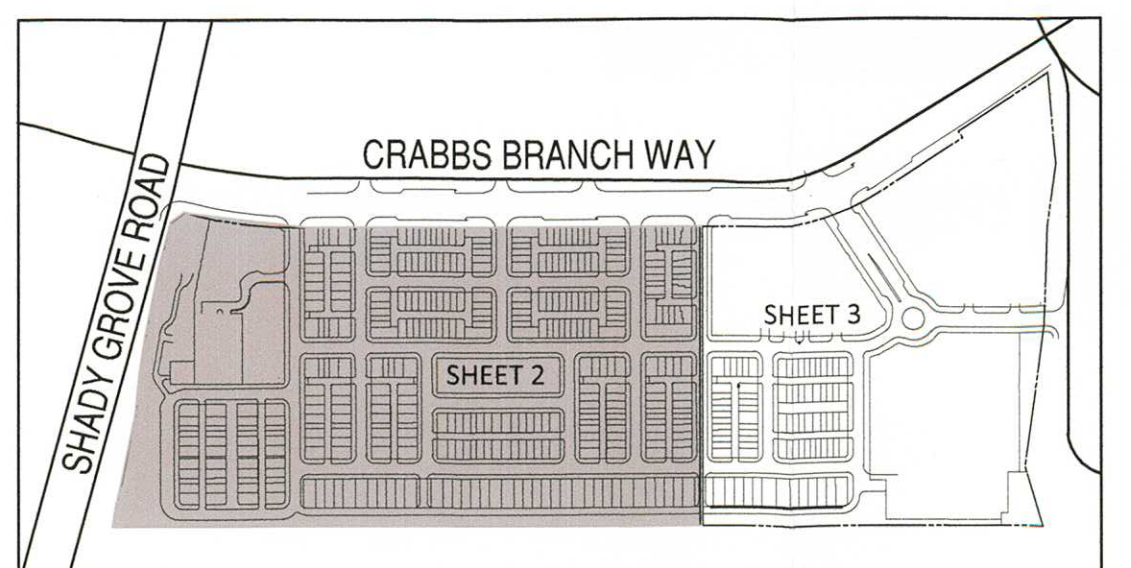
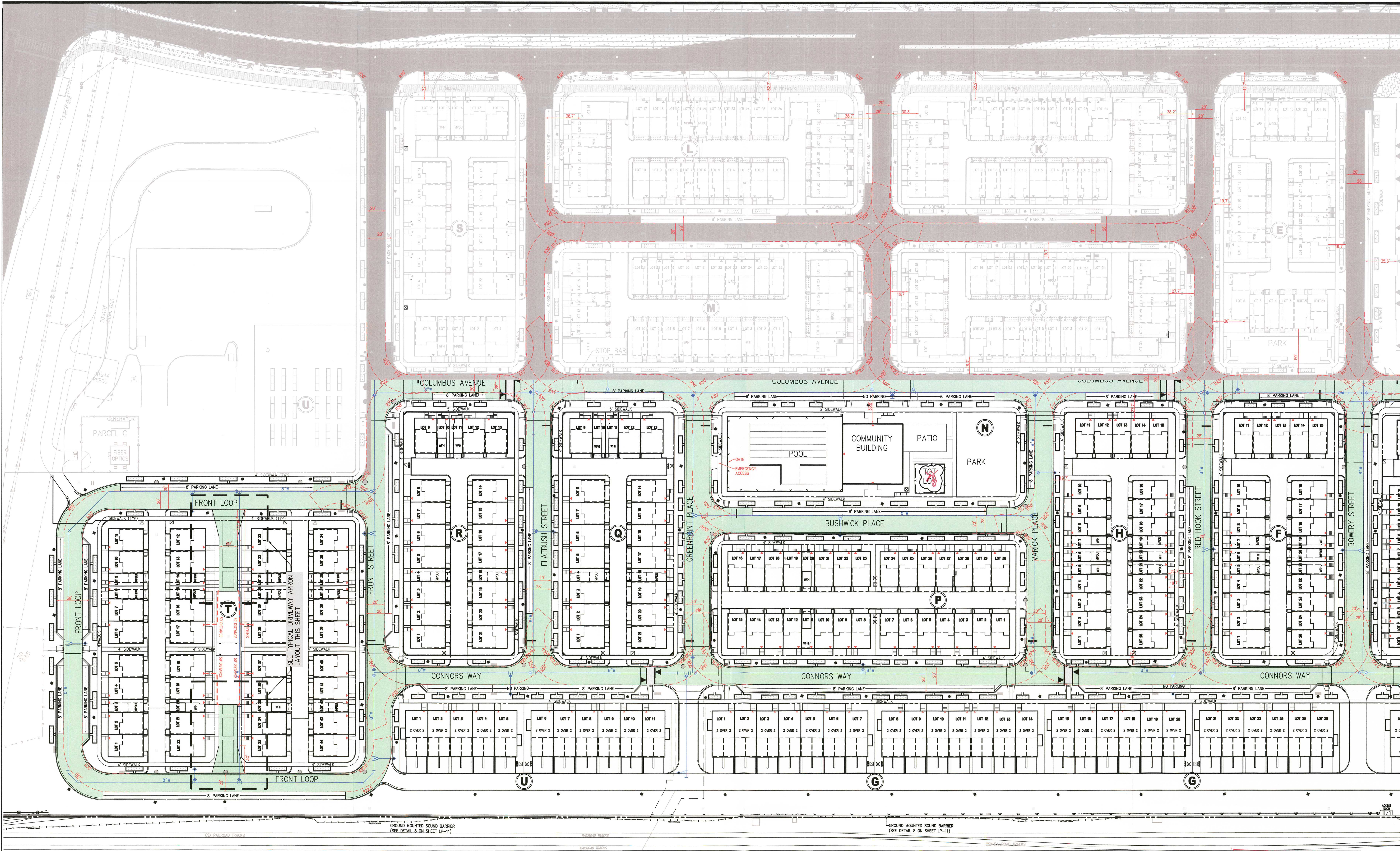
SHADY GROVE STATION
WEST SIDE
9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
WSSC MAP: 222 NW 08
TAX MAP: GS 123, PARCEL 495

SITE PLAN
82013022E

FIRE ACCESS
PLAN
(TOWNHOUSE)

DRAWN BY: SDG
DESIGNED BY: LWA
DATE ISSUED: 08/10/2018

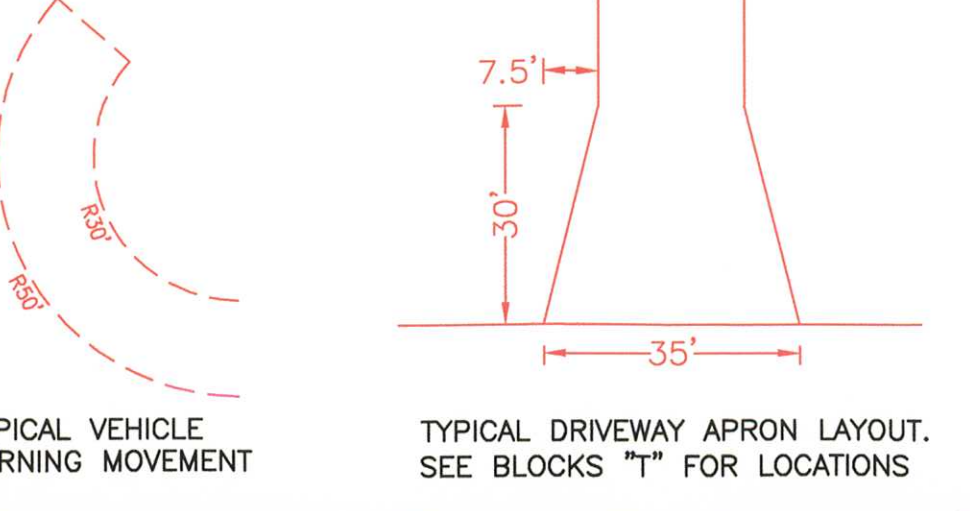
SHEET NO. FIRE-2

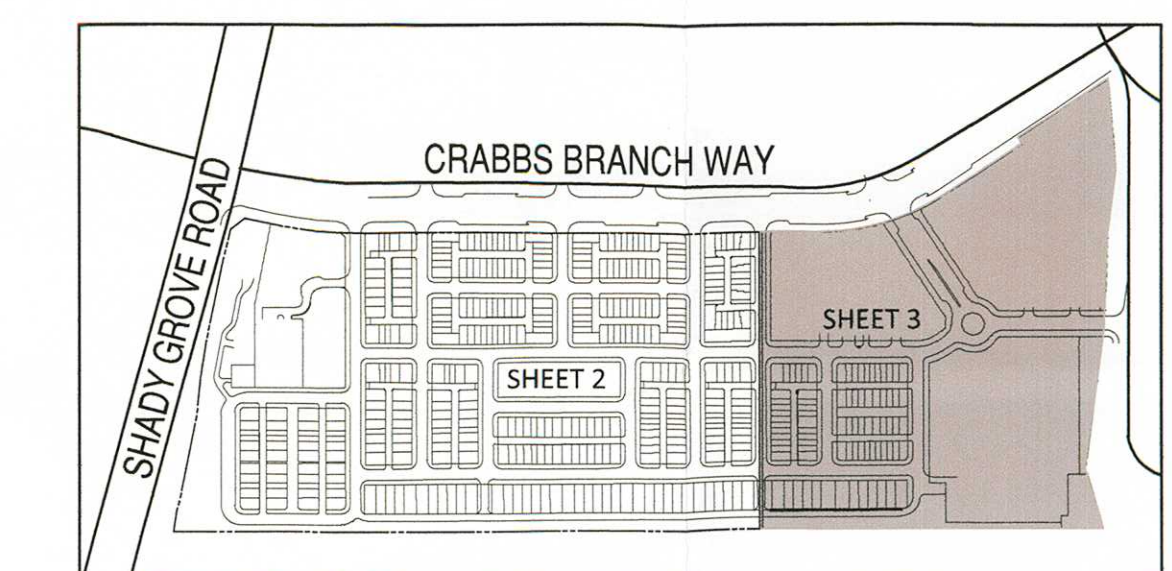
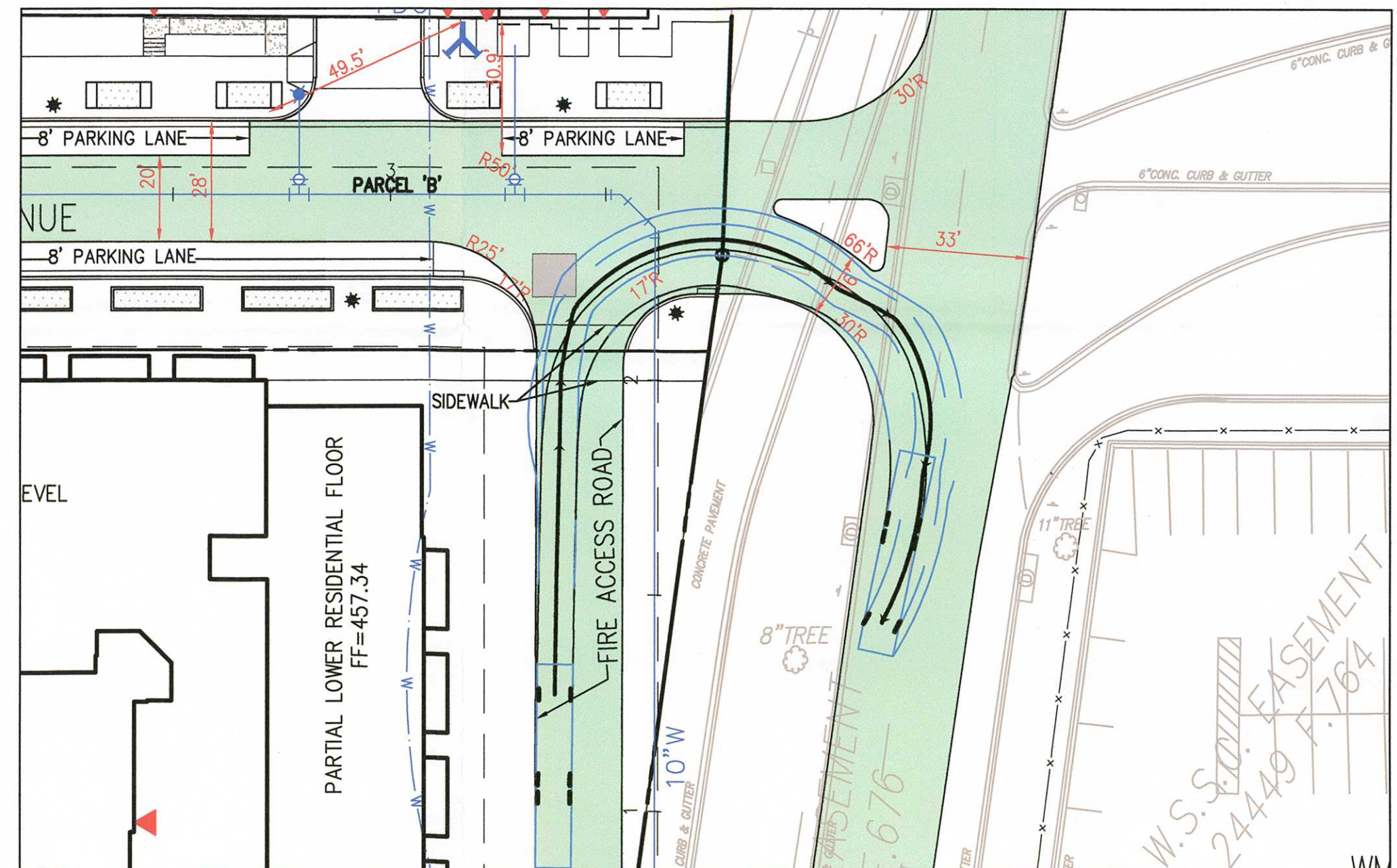
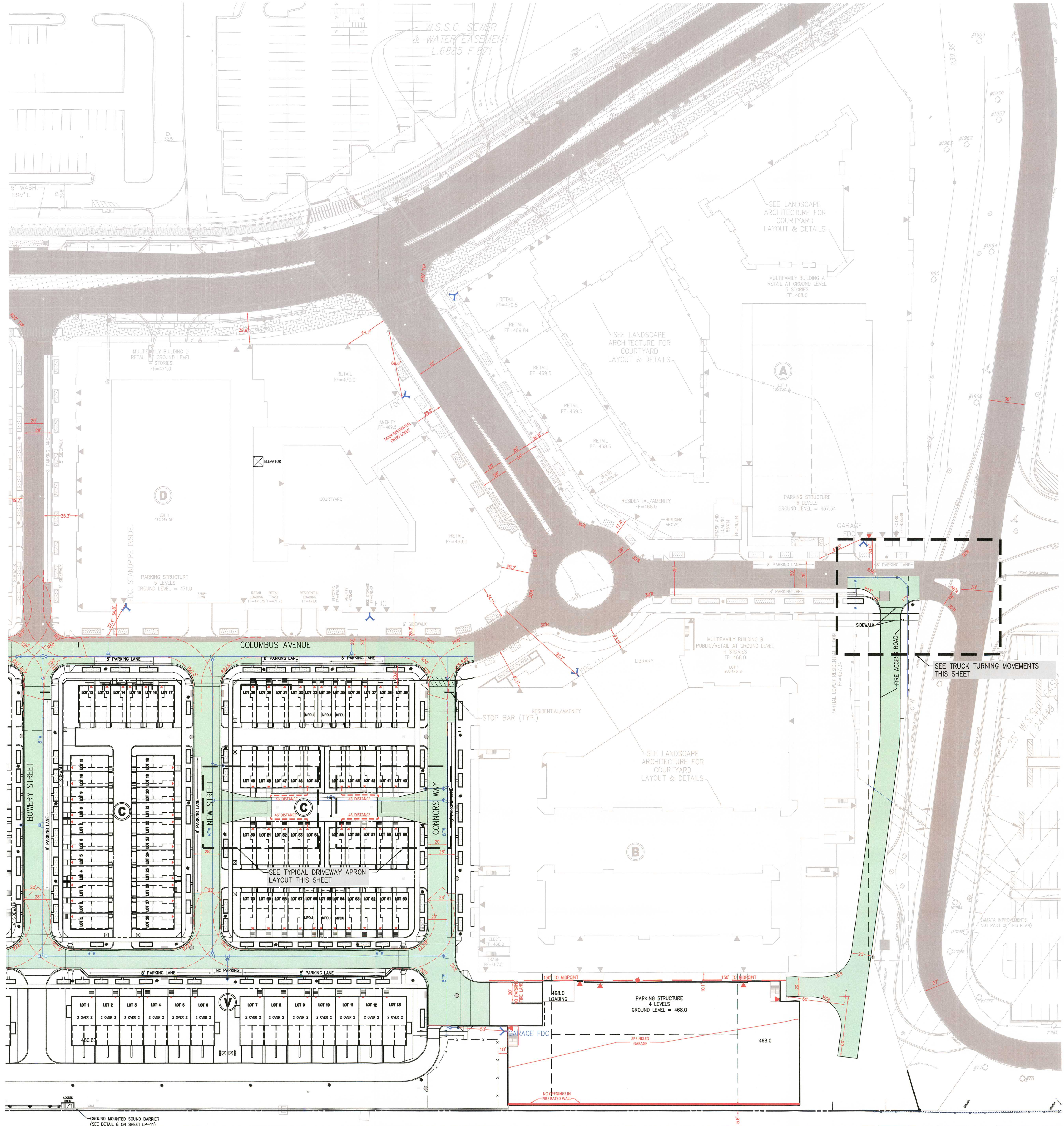


LEGEND

- FIRE ACCESS AREA
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED GAS LINE
- PROPOSED FDC LOCATION
- PROPOSED FIRE HYDRANT
- PROPOSED MAIN DOOR LOCATIONS
- TRANSFORMERS

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction access will be required if found upon inspection after installation.
BY: SJC FM: 93 11/11/2018
original 9/18/2013





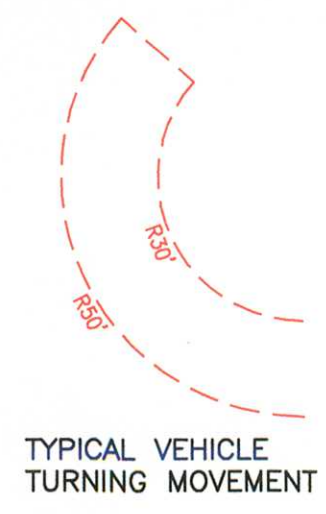
- LEGEND**
- FIRE ACCESS AREA
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 - PROPOSED SEWER LINE
 - PROPOSED FDC LOCATION
 - PROPOSED FIRE HYDRANT
 - PROPOSED MAIN DOOR LOCATIONS
 - SIDE HINGE DOORS
 - TRANSFORMERS
 - PROPOSED GAS LINE

FIRE CODE ENFORCEMENT

Fire Department Access Review

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BY: *S.M.C.* FM: *43* DATE: *11/17/2018*
o'Connell *7/18/2015*



TYPICAL DRIVEWAY APRON LAYOUT. SEE BLOCKS "C" FOR LOCATIONS

ENGINEERS PLANNERS
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GERMANTOWN, MARYLAND 20874
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FAX: (301) 916-2362
MCLEAN, VA

PREPARED FOR:
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MIKE GOODMAN

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CHESAPEAKE LIGHTING
9820 PATIENT WOODS DRIVE
COLUMBIA, MD 21046-1561
301-953-2020

DATE	REVISIONS
8/20/18	82013022E
5/31/18	82013022E
5/4/18	82013022E
2/9/17	82013022E
10/23/14	82013022E
1/23/14	82013022E

STATE OF MARYLAND
MICHAEL B. GOODMAN
LICENSE NUMBER 27753
EXPIRATION DATE 7/25/2020

SHADY GROVE STATION
WEST SIDE

9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
WSSC MAP: 222 NW 08
TAX MAP: GS 123, PARCEL 495

SITE PLAN
82013022E

FIRE ACCESS PLAN
(MULTI-FAMILY)

DRAWN BY: SDG
DESIGNED BY: LWA
DATE ISSUED: 08/10/2018

SHEET NO. FIRE-3