



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

MCPB No. 20-092  
Preliminary Plan No. 12012008F  
Shady Grove Station  
Date of Hearing: October 1, 2020

**OCT 08 2020**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on September 11, 2012, the Planning Board, by Resolution MCPB No. 12-89, approved Preliminary Plan No. 120120080, creating 752 townhouse lots, 1,458 multi-family residential units, 41,828 square feet of retail and 131,422 square feet of office development on 90.34 acres of land in the TOMX-2/TDR Zone, located along Crabbs Branch Way, south of Shady Grove Road ("Subject Property"), in the Shady Grove Metro Station Policy Area and the 2006 Shady Grove Sector Plan ("Sector Plan") area; and

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

WHEREAS, on November 3, 2014, the Planning Board approved an amendment, Preliminary Plan No. 12012008B (MCPB No. 14-96), which permitted the modification to alley pavement widths from 20 feet to 18 feet; landscaping in alleys and deeper decks for residential units with a deck option; adjustments to lot lines; and modifications to the location of Moderately Priced Housing Units and Workforce Housing units on the Subject Property; and

WHEREAS, on May 7, 2015, the Planning Board approved an amendment, Preliminary Plan No. 12012008C (MCPB No. 15-48), to permit separate Traffic Mitigation Agreements ("TMAg") applicable to each phase covered within a specific Site

Plan for the various phases of the approved Shady Grove Station development on the Subject Property; and

WHEREAS, on November 30, 2017, the Planning Board approved an amendment, Preliminary Plan No. 12012008D (MCPB No. 17-103), to replace the unbuilt 131,422 square feet of office use with up to 43,000 square feet of general retail space on the Subject Property; and

WHEREAS, on February 25, 2019, the Planning Board approved an amendment, Preliminary Plan No. 12012008E (MCPB No. 19-009), to replace one (1) multi-family lot and 752 townhouse lots with 751 townhouse lots and 50 two-over-two townhouse lots on the Subject Property; and

WHEREAS, on April 7, 2020, EYA/CSP Associates ("Applicant") filed an application for approval of an amendment to add 7,268 square feet of approved office space; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012008F, Shady Grove Station ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 31, 2020 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 1, 2020 the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 1, 2020, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12012008F to add 7,268 square feet of approved office space, subject to the following revised conditions of approval. Unless amended herein, all previous conditions of approval remain in full force and effect.

### **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 119 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, a maximum of 7,268 square feet of

office use shared with a multi-family building on one (1) lot, and 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.

4. Concurrent Site Plan Approval

- a) Before construction of Multifamily Building D on the Subject Property, the Applicant must receive Staff certification of Site Plan No. 82013022G. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, and site circulation 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.

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

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

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

Adequate Public Facilities (APF)

Adequate public facilities continue to be adequate to serve the proposed development.

*Traffic Statement*

The March 30, 2020 traffic statement prepared by Wells & Associates. Inc. and submitted with the Preliminary Plan Amendment, details that the development program proposed in the Preliminary Plan Amendment (7,268 square feet of office uses, 84,828 square feet of retail, 2,209 dwelling units) will generate fewer overall trips during the peak hour than the development program and associated determination of adequate public facilities approved in the Preliminary Plan. Furthermore, the traffic statement notes that no changes to vehicular access are proposed with the Preliminary Plan Amendment. The

traffic statement concludes that the Preliminary Plan Amendment will neither result in any increase to the approved peak hour trip generation nor include roadway network changes. The previously planned, designed, and constructed improvements are adequate to serve the Site.

*All Other Findings*

All other findings remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~OCT 08 2020~~ (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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 1, 2020, in Wheaton, Maryland.

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