



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

MCPB No. 20-093
Site Plan No. 82013022G
Shady Grove Station West Side
Date of Hearing: October 1, 2020

OCT 08 2020

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on February 3, 2014, the Planning Board, by Resolution MCPB No. 13-190, approved Site Plan No. 820130220 for up to 1,521 residential dwelling units, 41,828 square feet of retail, and space for a public library on approximately 41.8 acres of land in the TOMX-2/TDR Zone, located in the southwest corner of the intersection of Crabbs Branch Way and 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 November 3, 2014, the Planning Board approved an amendment, Site Plan No. 82013022A (MCPB No. 14-97), 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) adjustment to lot lines; and iv) modify the location of MPDUs and Workforce Housing units on the Subject Property; and

WHEREAS, on February 16, 2017, the Planning Board approved an amendment, Site Plan No. 82013022B (MCPB No.17-006), 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 on the Subject Property; and

WHEREAS, on May 31, 2018, the Planning Board approved an amendment, designated Site Plan No. 82013022C (MCPB No. 18-044), to transfer 61 units from Building C to Building D; increase the maximum building height to 79 feet; amend architecture elevations and streetscape plans; revise select townhouse party walls; and update plans for final Building A designs on the Subject Property; and

WHEREAS, on May 4, 2018, the Planning Director approved an administrative amendment, designated Site Plan No. 82013022D, to align portions of the sewer connection with prior approvals on the Subject Property; and

WHEREAS, on January 1, 2019, the Planning Board Director approved an amendment, designated Site Plan No. 82013022E, to replace 202 units of multi-family and 69 townhouse units with 55 townhouse units and 100 two-over-two townhouse units; and

WHEREAS, on January 8, 2020, the Planning Director approved an administrative amendment, designated Site Plan No. 82013022F, to make Minor adjustments and refinements to the Block E park; Refinements to the pocket parks in Blocks C and T; adjustments to the West Side dog parks; minor revisions to the elevations and floor plans; Refinements to Block N's clubhouse; and adjustments to the locations of the streetlights, mailboxes, and plantings; and

WHEREAS, on April 7, 2020, EYA/CSP Associates; ("Applicant") filed an application for approval of an amendment to incorporate 7,268 square feet of approved office space; shift dwelling units between multi-family buildings and revise the unit mix; add additional parking spaces; and make corresponding changes to architectural elevations and courtyard design, with minor modifications to building footprints, streetscape, and utilities.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013022G, Shady Grove Station West Side ("Site 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 Site Plan No. 82013022E to add 7,268 square feet of approved office space; shift dwelling units between multi-family buildings and revise the unit mix; add additional parking spaces; and make corresponding changes to architectural elevations and courtyard design, with minor modifications to building footprints, streetscape, and utilities by modifying the following conditions:¹

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 two-over-two units), 7,268 of office uses within Multi-Family Building D, and 41,828 square feet of non-residential (retail) development, and space for a public library.

7. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated August 4, 2020 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.

10. Site Design

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.

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.

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 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."

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 shown on the latest electronic version of Shady Grove Station Phase 1 West 82013022G, submitted via ePlans to the M-NCPPC as of the date of the Staff Report August 31, 2020, are required, except as modified by the above conditions of approval; and



BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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 site plan, and all findings not specifically addressed remain in effect.

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.*

While this Amendment proposes a change in use, all other development standards remain unchanged from prior approvals. There is no urban renewal plan associated with this Site.

Table 1 – Optional Method Development Standards, TOMX-2.0/TDR Zone

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)		1,824,519.08
Previously dedicated area (sf)		-
Approved dedicated area (sf)		5,462.04
Net Lot Area (sf)	18,000	1,819,057.02
Net Lot Area (ac)		41.78
Max Building Coverage (percent of net lot)		38% 682,025 sf
Density, for Mixed-Use Projects- FAR	2 3,849,038 sf	1.50 2,736,874 sf
Density Breakdown		
Non-Residential, Maximum (FAR)		0.03
Non-Residential, Maximum (sf)		55,955
Residential (FAR)	1.92	1.47
Residential (sf)	3,503,077	2,680,919
Residential (units/acre)	48	37
Total Non-residential Area (sf)		55,955
Retail (sf)		41,828
Office (sf)		7,268
Library (sf)		6,859
Total Units		1,520
Multifamily		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%	7.6% [4]
On-site (ac)	17.45	6.68

The Site Plan Amendment consists of minor adjustments to Multi-Family Building D's architectural elevations, courtyard design, building footprint, and utility layout. The Amendment also includes streetscaping enhancements related to the new office use that will establish and frame the office lobby area to make it prominent along the street, further activate Columbus Avenue, and encourage additional pedestrian circulation. Therefore, the Planning Board finds the applicable zoning standards and requirements continue to be met.

All Other Findings

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

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 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