™ Montgomery Planning

SHADY GROVE STATION WEST SIDE PRELIMINARY PLAN AMENDMENT NO. 12012008G SITE PLAN AMENDMENT NO. 82013022H



Description

Request to modify Block R and a portion of Block T by substituting previously approved but unbuilt 24-foot-wide townhouses with 20-foot-wide townhouses. This Amendment increases the overall project density by 5 townhouse units, from 751 units to 756 units. There are only changes to the lot lines for the townhouses. There are no changes to the block layout, block design, right-of-way widths, or alignments.

Nos. 12012008G and

82013022H

Completed: 4-21-2023

MCPB Item No. 5-4-2023 Montgomery County Planning Board 2425 Reedie Drive, Floor 14 Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

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)(being reviewed under previous TOMX 2.0/TDR zone)

PROPERTY SIZE

44.82 acres

APPLICANT

EYA/CSP Associates

ACCEPTANCE DATE

March 27, 2023

REVIEW BASIS

Chapters 50, 59

Summary

- Staff recommends approval with conditions of the Preliminary Plan Amendment and Site Plan Amendment.
- The proposed Amendments meet all development standards and do not significantly modify the original findings of the approval for either the Preliminary Plan or Site Plan, as amended.
- This being reviewed under the standards and procedures of the Zoning Ordinance in Effect on October 29, 2014.
- Staff has not received community correspondence regarding the Subject Amendments.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 12012008G

Staff recommends approval with conditions of the Preliminary Plan Amendment to increase the number of previously approved townhouse lots by 5 lots, for a total of 756 townhouse lots. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12012008G as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The following modifies Condition 1 of the prior conditions while all other conditions remain in full force and effect:

MODIFIED CONDITION

GENERAL APPROVAL

1. Density

This Preliminary Plan is limited to a maximum of 751 756 townhouse units on 751 756 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.

SITE PLAN NO. 82013022H

Staff recommends approval of Site Plan Amendment No. 82013022H, for the increase of 5 townhouse units. The development must comply with the conditions of approval for Preliminary Plan No. 120120080 and Site Plan No. 820130220, as amended. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The following modifies Conditions 3 and 10 of the prior conditions and adds new Conditions 15.c. and 16 a.b.c. All other conditions remain in full force and effect:

MODIFIED CONDITIONS

3. Density

This Site Plan is limited to a maximum of 406 411 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.

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.

NEW CONDITION

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:

c). Update the data table to reflect the bicycle parking being relocated from the garage.

16. Schools

Before issuance of each building permit for the 407 to 411 single family attached residential dwelling units, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

- a. no elementary school UPP required;
- b. no middle school UPP required; and
- c. a Tier 1 high school UPP per unit.

¹ For the purposes 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.

SECTION 2: SITE DESCRIPTION

VICINITY

Shady Grove Station (Property or Subject Property), outlined in black 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. The Shady Grove Station West Site, governed by Site Plan No. 82013022H, is highlighted in red in Figure 1.

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.

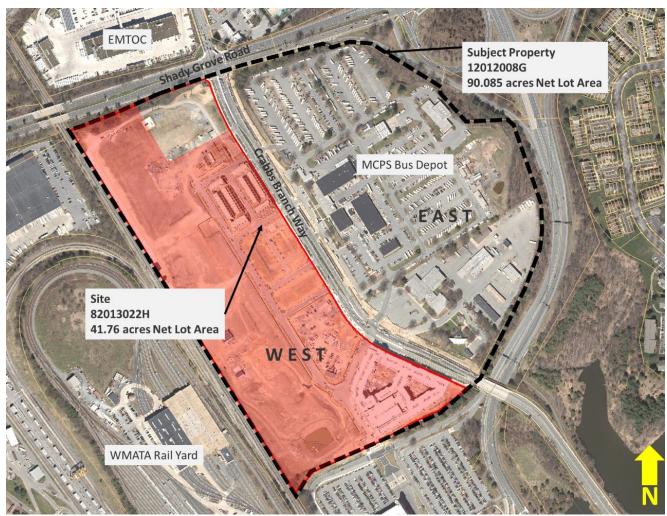


Figure 1: Preliminary Plan Subject Property outlined in black and Site Plan Subject Property overlayed in red

SITE DESCRIPTION

Preliminary Plan No. 12012008G covers the entire 90.085-acre Subject Property (Property), located on the east and west sides of Crabbs Branch Way. Site Plan No. 82013022H covers the western portion of the Property and is composed of 41.76 acres on the west side of Crabbs Branch Way (Site Plan Area).

The Property 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 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.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

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 conversion of an unbuilt 131,422 square feet of office use with up to 43,000 square feet of general retail space.
- Preliminary Plan Amendment No. 12012008E on February 5, 2019 replaced one multi-family lot and 752 townhouse lots with 751 townhouse lots and 50 two-over-two townhouse lots.
- Preliminary Plan Amendment No. 12012008F on October 1, 2020, added 7,268 square feet of approved office 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 No. MR2014019 and Site Plan No. 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.
- Site Plan Amendment No. 82013022E, Shady Grove Station on February 25, 2019 replaced 202 units of multi-family and 69 townhouse units with 55 townhouses and 100 two-over-two units.
- Site Plan Amendment No. 82013022F, Shady Grove Station on January 8, 2020 made the following changes:
 - Minor adjustments and refinements to the open spaces, including modifications to the Block E park along Columbus Avenue, limited hardscaping to the pedestrian circulation and seating areas; adjust the landscaping and relocate the benches and bicycle parking.
 - Refinements to the pocket parks in Blocks C and T that include enhancements to the seating areas, paving, and additional landscaping.
 - o Adjustments to the West Side dog parks to match existing forest conservation easements.
 - o Refinements to the dog park near the intersection of Connors Way and Baxter Street to reflect current pedestrian and maintenance access to the area.
 - Minor revisions to the elevations and floor plans of the two-over-two townhouses.
 - Refinements to Block N's clubhouse, including the building shape and finished floor elevations. Also, minor changes to the size and capacity of the pool, pool deck, park area, patio and tot lot.
 - o Adjustments to the locations of the streetlights, mailboxes, and plantings.
- Site Plan Amendment No. 82013022G, Shady Grove Station West Side on October 1, 2020 added 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.



Figure 2: Rendering of the full Site Plan area as previously approved

PROPOSAL

The Amendment proposes modifications to Block R and a portion of Block T, within the West Side of Shady Grove Station, by substituting approved but unbuilt 24-foot-wide townhouses with 20-foot-wide townhouses. The modification results in an increase of five townhouses from the previously approved Preliminary Plan and Site Plan, as amended. The net increase of five townhouse units to the Preliminary Plan will result in a total of 756 townhouse lots for the overall property and will increase the West Side Site Plan (No. 82013022H) to a total of 411 townhouse units, which includes one additional Workforce Housing Unit (WFHU) for a total of 26 WFHUs. There are only changes to the lot lines for the townhouses. There are no changes to the block layout, block design, right-of-way widths, or alignments.

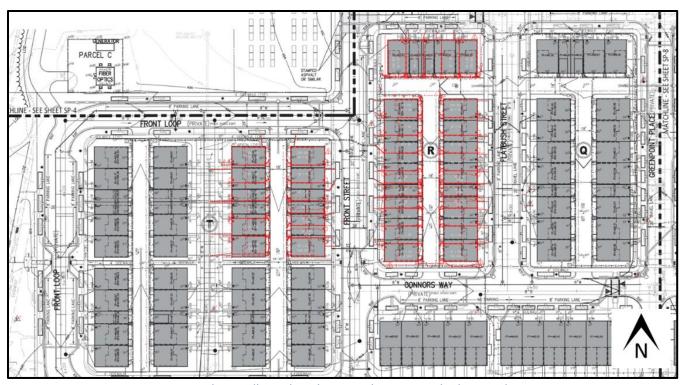


Figure 3: Site Plan Redline Plan showing changes in Blocks R and T

SECTION 4: PRELIMINARY PLAN NO. 12012008G FINDINGS AND ANALYSIS

The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

The lot modifications to Blocks R and T 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 in Chapter 59 for the TOMX-2/TDR Zone.

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.

Transportation Exemption Statement

The proposed Preliminary Plan Amendment does not modify block design, ROW widths or alignments. The January 11, 2023, traffic statement, prepared by Wells + Associates Inc. and approved by staff, details that the Preliminary Plan Amendment (a net increase of five townhouse lots) will generate fewer overall trips during the peak hour than the development program after considering the reduction in overall project density compared to the maximum density approved by the original Preliminary Plan, as amended. As a result, adequate public facilities continue to exist to serve the Site.

The original Preliminary Plan No. 120120080 approved land use program has been amended several times. Previously approved amendments replaced office use with general retail space, replaced a multi-family lot and townhouse lots with two-over-two townhouse lots and one fewer market-rate townhouse lot, and added 7,268 square feet of office space. These modifications have lowered the number of trips generated by the project below what was initially approved.

As shown in the following table, the originally approved Preliminary Plan land uses would have generated 795 AM peak hour trips and 988 PM peak hour trips. The proposed Preliminary Plan Amendment generates 684 AM peak hour trips and 965 PM peak hour trips, which is 111 fewer AM trips and 23 fewer PM trips than the originally approved Preliminary Plan.

Table 1: Peak Hour Vehicle Trip Generation Proposed Program vs. Approved Program

Development/Land Use	Size	AM Peak Hour Vehicle Trips	PM Peak Hour Vehicle Trips
Approved Program (Combined East and West			
Sides from 2012 LATR)			
Office	131,422 SF	161	150
Retail	41,828 SF	49	189
Residential	2,210 DU	585	649
Subtotal: Approved Program		795	988
Proposed Program (Combined East and West			
Sides)			
Office	7,268 SF	6	10
Retail	84,828 SF	87	315
Residential	2,123 DU	591	640
Subtotal: Proposed Program		684	965
Net Total		-111	-23

Source: Wells + Associates Inc. Traffic Statement dated January 11, 2023

The Preliminary Plan Amendment will not result in increases to the approved peak hour vehicle trip generation totals nor include roadway network changes². The previously planned, designed, and constructed road improvements are adequate to serve the Property.

Schools

Based on the following school cluster and individual school capacity analysis performed using the FY2023 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

Overview and Applicable School Test

The proposed Preliminary Plan No. 12012008G and Site Plan No. 82013022H for Shady Grove Station is subject to the FY23 Annual School Test, approved by the Planning Board on June 16, 2022 and effective July 1, 2022. This amendment proposes 5 additional single family attached units.

School Adequacy Test

The project is served by Washington Grove ES, Gaithersburg MS and Gaithersburg HS. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

² Vehicle trips were assessed to be consistent with the previously approved LATR report associated with the original Preliminary Plan and APF. More recent GPI and LATR guidance use person trips. However, since APF is not being requested to be extended further, staff determined that the analysis should remain consistent with the previous methodology.

Table 2: Applicable FY2023 School Adequacy

	Pr	Projected School Totals, 2026				Adequacy Ceilings		
	D.,		%	Completed	4 do	T:	Tiou	
	Program		Utilizatio	Surplus/	Adequacy	Tier	Tier	_
School	Capacity	Enrollment	n	Deficit	Status	1	2	Tier 3
Washington Grove ES	589	531	90.2%	+58	No UPP	143	176	265
Gaithersburg MS	1,009	1,044	103.5%	-35	No UPP	91	167	319
Gaithersburg HS	2,443	2,669	109.3%	-226	Tier 1 UPP		263	630

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, Washington Grove ES and Gaithersburg MS do not require any UPP as identified in Table 2. However, Gaithersburg HS requires a Tier 1 UPP. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed plan, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net increase of 5 single family attached units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

Tble 3: Estimated Student Enrollment Impacts

	Net	ES	ES	MS	MS	HS	HS
	Number	Generation	Students	Generation	Students	Generation	Students
Type of Unit	of Units	Rates	Generated	Rates	Generated	Rates	Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	5	0.166	0.830	0.091	0.455	0.116	0.580
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	0	0.034	0.000	0.015	0.000	0.016	0.000
TOTALS	5		0		0		0

As shown in Table 3, on average, this project is estimated to generate 0 elementary school students, 0 middle school students and 0 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 2. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

Before issuance of each building permit for the 407 to 411 single family attached residential dwelling units approved with this amendment, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

- a. no elementary school UPP required;
- b. no middle school UPP required; and
- c. a Tier 1 high school UPP per unit.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

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

Chapter 22A requirements for Preliminary Plan Amendment 12012008G and Site Plan Amendment 82013022H continue to be covered by existing approved Final Forest Conservation Plan 82013022E. These amendments continue to conform to the Planning Department's Environmental Guidelines and Noise Guidelines.

SECTION 5: SITE PLAN NO. 82013022H FINDINGS AND ANALYSIS

The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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 an increase in units, all other development standards remain unchanged from prior approvals. There is no urban renewal plan associated with this Site.

The project will continue to be reviewed under TOMX-2/TDR Zone pursuant to the Zoning Ordinance in effect on October 29, 2014. The original Westside at Shady Grove Station Preliminary Plan and Site Plan, with amendments thereto, have been reviewed under the same standards and procedures. This is permitted under Section 59.7.7.1.B.1 of the Zoning Ordinance. The Applicant maintained use of the TOMX-2/TDR Zone due to consistency, familiarity, and flexibility, with the initial approval of the Preliminary Plan dating back to 2012.

Table 4: Optional Method Development Standards, TOMX-2.0/TDR Zone

Permitted/Required per Zoning Ordinance for TOMX- 2.0/TDR Optional Development	Approved 82013022G	Proposed 82013022H
	1,824,519.06	1,824,519.06
	5,462.04	5,462.04
18,000	1,819,057.02	1,819,057.02 41.76
	38% 682,025 sf	38% 682,025 sf
2 3,649,038 sf	1.50 2,736,874 sf	1.50 2,736,874 sf
	0.03	0.03
	55,955	55,955
1.92 3,503,077	1.47	1.47 2,680,919
	per Zoning Ordinance for TOMX- 2.0/TDR Optional Development 18,000 2 3,649,038 sf	per Zoning Ordinance for TOMX-2.0/TDR Optional Development 82013022G 1,824,519.06 - 5,462.04 - 18,000 1,819,057.02 41.76 38% 682,025 sf 2 1.50 2,736,874 sf 3,649,038 sf 2,736,874 sf 1.92 1.47

Zoning Ordinance Development Standard	Permitted/Required per Zoning Ordinance for TOMX- 2.0/TDR Optional Development	Approved 82013022G	Proposed 82013022H
Residential (units/acre)	48	37	37
Total Non-residential Area (sf)		55,955	55,955
Retail (sf)		41,828	41,828
Office (sf)		7,268	7,268
Library (sf)		6,859	6,859
Total Units		1,520	1,525
Multifamily		1,114	1,114
MPDU's (included in total above)	15%	167	167
Workforce (included in total above) 2-over-2 Condo Units (included in	8%	91	91
total above)		100	100
Townhouse		406	411
MPDU's (included in total above)	11%	44	44
Workforce (included in total above)	6%	25	26
Maximum Building Height (ft.) [1]	N/A [2]	79'	79'
Minimum Building Setbacks, Minimum (ft.) From adjacent TOMX zone From an adjacent commercial or industrial zone From a public right-of-way Public Use Space (for Combined West and East)	0' 0' 0' Combined E & W	0' 0' 0' West Only	0' 0' 0' West Only
On-site (percent)	20%	7.6% [3]	7.6% [3]
On-site (ac)	17.45	6.66	6.66

^[1] As measured from top of curb as shown on plan.

^[2] Shady Grove Sector Plan recommends limiting building heights in the Metro North Neighborhood to 8 stories closest to the Metro and stepping down to 4 stories along Crabbs Branch Way. Mixed Use and multi-family buildings will be 8 stories or less closest to Metro & townhouse units will be 4 stories or less along Crabbs Branch Way.

^[3] Percentage shown for total requirement of both East Side and West Side Public Use Area. As per Preliminary Plan Approval, the requirement is to be met over both East and West sides. The remaining area needed to meet or exceed the requirement will be met on undeveloped portion of West Side (Office Area) per a future amendment and on the East Side, as these properties are developed.

4. Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

The structures and uses proposed in the Site Plan Amendment are compatible with other uses and other site plans, as well as with existing and proposed adjacent development. The Site Plan Amendment proposes 20-foot-wide townhouses. Both the townhouse use and the 20-foot-wide building type are already found throughout the existing West Side community. The architectural character, proportion, materials, and articulation of the townhouses proposed in the Site Plan Amendment are similar to details shown for previously approved and constructed townhouses. Replacing the previously approved but unbuilt 24-foot-wide townhouses with 20-foot-wide townhouses is compatible with the existing built townhouses and design of the neighborhood. It provides additional housing (including an additional WFHU) convenient to transportation, retail services, and commercial uses.

SECTION 6: COMMUNITY OUTREACH

The Applicant was not required to hold a pre-submittal public meeting. The Applicant did properly mail notice and post signs. As of the posting of this Staff Report, Staff has not received any correspondence about this Amendment.

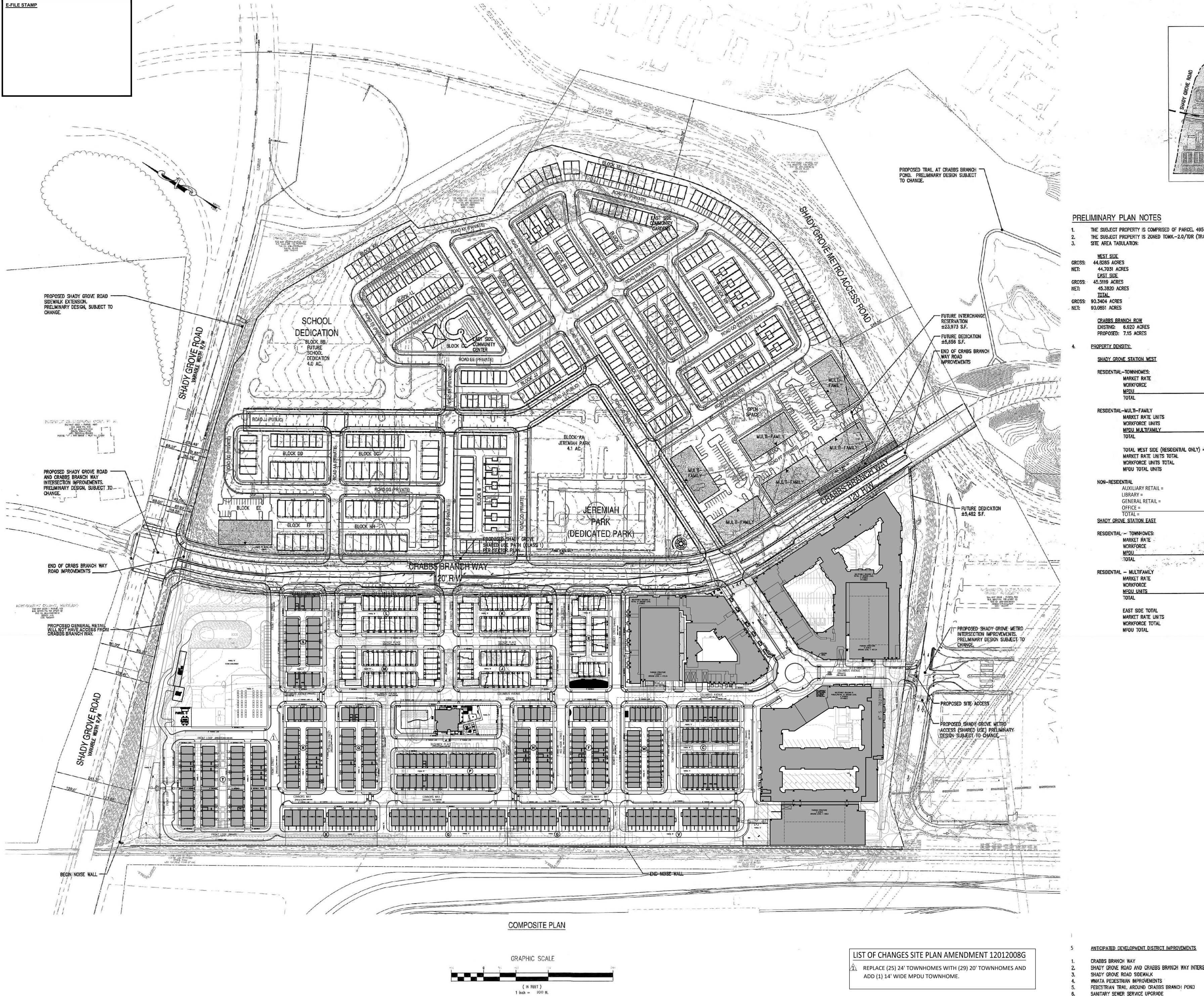
SECTION 7: CONCLUSION

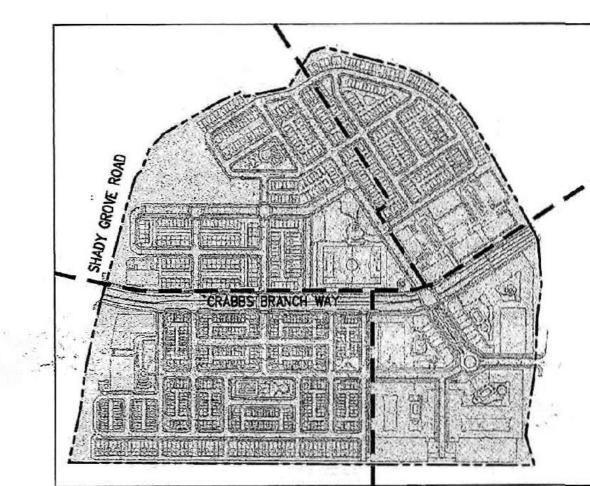
As conditioned, both the Preliminary Plan and Site Plan Amendments continue to satisfy the findings under Sections 50.4.2.D and Sections 59.7.3.4 of the applicable standards of the Subdivision Regulations and Zoning Ordinance, respectively, and substantially conform to the recommendations of the 2006 *Shady Grove Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan Amendment No. 12012008G and Site Plan Amendment No. 82013022H with the conditions included at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site Plan

Attachment B: Agency Letters
Attachment C: Prior Approvals





THE SUBJECT PROPERTY IS ZONED TOMX.-2.0/TDR (TRANSIT STATION DEVELOPMENT ZONE)

26 DU 44 DU

TOTAL WEST SIDE (RESIDENTIAL ONLY) = 1,197 DU 116 DU

± 41,828 SF ±6,859 SF ±43,000 SF ±7,268 SF ±98,955 SF

SHADY GROVE ROAD AND CRABBS BRANCH WAY INTERSECTION IMPROVEMENTS

FUTURE INTERCHANGE RESERVATION

THE APPROVED PRELIMINARY PLAN TOTAL UNIT COUNT,

A FUTURE INTERCHANGE RESERVATION HAS BEEN DENOTED ON THE SITE PLAN AND ENCOMPASSES ±23,973 S.F.. THIS RESERVATION WILL EFFECT THE LOCATION OF ±64 MULTI-FAMILY UNITS, INCLUDING SOME MPDU'S AND WORKFORCE HOUSING. ADDITIONALLY, ±20 PARKING SPACES WILL NEED TO BE FINAL UNIT MIX TO BE DETERMINED AT SITE PLAN, NOT TO EXCEED

The second contract of the second contract of

ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
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BRIAN JACKSON **CONSULTANTS** ARCHITECTS LESSARD GROUP 8521 LEESBURG PIKE VIENNA, VA 22812 703-596-4486 JACK McLAURIN

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VIKA MARYLAND, LLC 20251 CENTURY BOULEVARD SUITE 400 GERMANTOWN MD, 20874

9820 PATUXENT WOODS DRIVE COLUMBIA, MD 21046-1561 301-953-2020

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: 7/19/2024 PLAN STATUS

DATE DESCRIPTION DESIGN DRAWN CHKE SCALE H: AS SHOWN

JOB No. VM1791 DATE: 01/03/2023 FILE No. 1791

SHEET 3 OF 26

PROPOSED HANDICAP RAMP

WORKFORCE HOUSING UNIT/

MPDU UNIT

PROPOSED LIGHT

PROPOSED SIDEWALK

W/ DETECTABLE WARNING STRIP

SIGNATURE:

SHEET

-----w-----w-----w-----w-----w------wATER CONDUIT

LAYOUT: 07-BSITE-82013022H-005, Plotted By: buchheister

WP WOOD POST

CURB INLET

 ■ INLETS

PROPOSED RIGHT OF WAY

LIMITS OF DISTURBANCE

PROPOSED LOT LINES

EXISTING TREELINE

PROPOSED TREELINE

PHONE MANHOLE

UTILITY POLE

Attachment B DPS-ROW CONDITIONS OF APPROVAL

February 27, 2023

82013022H Shady Grove Station West Side Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

"07-RSITE-82003022H-003.pdf V2" uploaded on/dated "2/22/2023".

As there seems to be minimal impact to the County ROW, we do not have any comment at this point.



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

Approved as to

Legal Sufficiency:

Approved as to Legal Sufficiency:

Approved as to Legal Sufficiency:

Approved as to Legal Sufficiency:

Approved as to Legal Sufficiency:

Approved as to Legal Sufficiency:

Approved as to Legal Sufficiency:

Approved as to Legal Sufficiency:

M-NCPPC Legal Department

MCPB No. 20-092 Preliminary Plan No.12012008E Shady Grove Station Page 2

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

MCPB No. 20-092 Preliminary Plan No.12012008E Shady Grove Station Page 3

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-ofway 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

MCPB No. 20-092 Preliminary Plan No.12012008E Shady Grove Station Page 4

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 _______ (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



MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Date of Hearing: January 17, 2019

FEB **2.5** 2019

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

Approved as to Legal Sufficiency:

87 Georgia Tvenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 3/1.495.1320

offere Department org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 2

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 August 5, 2018, EYA/CSP Associates; ("Applicant") filed an application for approval of an amendment to the previously approved site plans to replace 202 units of multi-family and 69 townhouse units with 55 townhouse units and 100 two-over-two townhouse units; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013022E, Shady Grove Station Phase 1 West ("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 January 7, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 17, 2019, 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, at the hearing the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 3-0; Commissioners Anderson, Cichy and Fani-Gonzalez voting in favor, with Commissioners Dreyfuss and Patterson absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82013022E for replacing 202 units of multi-family and 69 townhouse units with 55 townhouse units and 100 two-over-two townhouse units by adding the following conditions:¹

1. Preliminary Plan Conformance

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.

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 3

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

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 4

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

- a) Prior to issuance of any building permit for construction of the additional 55 townhouses and 100 two-over-two townhouse units associated with Site Plan Amendment 82013022E, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that the recommendations of the revised Noise Study dated September 25, 2018 have been implemented, including:
 - i. The location of the noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for the Public Use Space areas are adequate.
 - ii. The building shells have been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If the Site Plan changes in any manner that affects the validity of the noise analysis 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.
- c) Before issuance of any use and occupancy certificate for the residential units associated with this Site Plan Amendment, the Applicant must obtain certification that the noise-impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

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 MNCPPC 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

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 5

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. <u>Development Program</u>

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:

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 6

- 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.
- f) Remove westside dog park from the public use space calculations.

16. Transferable Development Rights (TDRs)

Prior to record plat for each multifamily building, the Applicant must secure TDRs with the following schedule: 19 TDRs for Building A; 30 TDRs for Building B; and 15 TDRs for Building D. The Applicant must reflect serialization and liber/folio references for these TDRs on the applicable record plat(s).

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 82013022E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report January 7, 2019, 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.

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.

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 7

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.

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 circulation throughout the development.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The changes approved 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. 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. The concept proposes to meet required stormwater management goals using a

MCPB No. 19-010 Site Plan No. 82013022E Shady Grove Station Phase 1 West Page 8

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.

A Draft Revised Phase II Noise Analysis was submitted with Preliminary Plan Amendment 12012008E and Site Plan Amendment 82013022E 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. These recommendations are conditioned as a part of the Noise Attenuation.

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 ______ (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 Vice Chair Dreyfuss, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Patterson voting in favor, and Commissioner Cichy absent at its regular meeting held on Thursday, February 14, 2019, in Silver Spring, Maryland.

Casey Anderson, Chair

Montgomery County Planning Board



MCPB No. 19-009 Preliminary Plan No. 12012008E Shady Grove Station Date of Hearing: January 17, 2019

FFB 2 5 2019

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 allow 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

Approved as to

Legal Sufficiency:

Legal Sufficiency:

Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

CPPC egal Department d.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 19-009 Preliminary Plan No.12012008E Shady Grove Station Page 2

square feet of office use with up to 43,000 square feet of general retail space on the Subject Property; and

WHEREAS, on August 5, 2018, EYA/CSP Associates ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plans to replace one (1) multi-family lot and 752 townhouse lots with 751 townhouse lots and 50 two-over-two townhouse lots; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012008E, 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 January 7, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 17, 2019, 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 January 17, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 3-0; Commissioners Anderson, Cichy, and Fani-Gonzalez voting in favor, with Commissioners Dreyfuss and Patterson absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12012008E to replace 1 lots of multi-family and 752 townhouse lots with 751 townhouse lots and 50 two-over-two townhouse lots:

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, 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)

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.

MCPB No. 19-009 Preliminary Plan No.12012008E Shady Grove Station Page 3

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.

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- 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 rightof-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

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

Record Plats and Certified Preliminary Plan

6. Record Plats

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> 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.

7. 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.

8. Certified Preliminary Plan

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

- a) Include all applicable agency approval letters and the Preliminary Plan Resolution on the approval sheet(s).
- b) Include 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 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

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.

1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its

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location and the type of development or use contemplated and the applicable requirements of Chapter 59.

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.

The Amendment remains 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.

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

Transportation

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)

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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 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 based on 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.

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BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ________ (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 Vice Chair Dreyfuss, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Patterson voting in favor, and Commissioner Cichy absent at its regular meeting held on Thursday, February 14, 2019, in Silver Spring, Maryland.

Casey Anderson, Chair

Montgomery County Planning Board

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

Approved as to Reedie Divertita Floor, Wheaten, Mary and 20902 Phone: 301.495.4605 Fax: 301.495.1320 ddorg E-Mail: mcp-chair@mncppc.org

M-NCPPC Legal Department

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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

MCPB No. 20-093 Site Plan No. 82013022G Shady Grove Station West Side Page 3

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. 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.

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> 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 treesave 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.

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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		Proposed
$\triangle \triangle$	Optional Development		
Gross Tract Area (sf) (1,952,298.63 GTA-127,779.57 Fu	ture Office Parcel SF)		1,824,519.08
Previously dedicated area (sf)			*
Approved dedicated area (sf)			5,482 04
Net Lot Area (sf)	18,000		1,819,057.02
Net Lot Area (ac)			41.78
Max Building Coverage			38%
(percent of net lot)			682,025 sf
Density, for Mixed-Use Projects- FAR	2		1.50
The second secon	3,849,038 sf		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)	3,503,07?		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
MP DU's (included in total above))	15%	167
Workforce (included in total abo	50	8%	91
2-over-2 Condo Units (included in			100
Townhouse	,		408
MP DU's (included in total above)	11%	44
Workforce (included in total abor		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	O.		0.
From a public right-of-way	o o		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

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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 _______ (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