

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-053
Site Plan Amendment No. 82013022H
Shady Grove Station West Side
Date of Hearing: May 4, 2023

MAY 16 2023

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 Site Plan Amendment No. 82013022A (MCPB No. 14-97), to modify the alley pavement widths from 20 feet to 18 feet; permit landscaping in alleys and deeper decks for residential units with a deck option; adjust lot lines; and modify the location of Moderately Priced Dwelling Units (MPDUs) and Workforce Housing units on the Subject Property; and

WHEREAS, on February 16, 2017, the Planning Board approved Site Plan Amendment No. 82013022B (MCPB No.17-006), to revise party walls of select townhomes; update the footprint of Building A and interior courtyards; update the location of electric transformers; update materials and design of garage screening; and revise the Final Forest Conservation Plan infrastructure improvements for the trail and WMATA entrance approved under Mandatory Referral MR2014019 and Site Plan No. 820130220 on the Subject Property; and

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Approved as to

Legal Sufficiency: /s/ Allison Myers

M-NCPPC Legal Department

WHEREAS, on May 31, 2018, the Planning Board approved designated Site Plan Amendment 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 Site Plan Amendment No. 82013022D to align portions of the sewer connection with prior approvals on the Subject Property; and

WHEREAS, on January 1, 2019, the Planning Director approved Site Plan Amendment 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 Site Plan Amendment 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 the Block N clubhouse; and adjustments to the locations of the streetlights, mailboxes, and plantings; and

WHEREAS, on October 8, 2020, the Planning Board approved Site Plan Amendment No. 82013022G (MCPB No. 20-093) 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 on the Subject Property; and

WHEREAS, on March 27, 2023, EYA/CSP Associates (“Applicant”) filed an application for approval of an amendment to the previously approved site plans 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 and modifies the lot lines for the townhouses on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82013022H, 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 April 21, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 4, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Piñero, with a vote of 4-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley and Hedrick voting in favor and Commissioner Pedoeem absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 82013022H for modifying Block R and a portion of Block T by substituting previously approved but unbuilt 24-foot-wide townhouses with 20-foot-wide townhouses; increasing the overall project density by 5 townhouse units, from 751 units to 756 units; and modifying the lot lines for the townhouses by adding and modifying the following conditions:¹

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.

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.

NEW CONDITION

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 purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Shady Grove Station West Side, Site Plan Amendment No. 82013022H, submitted via ePlans to the M-NCPPC as of the date of the Staff Report April 21, 2023, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or provided 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 as revised by previous amendments, 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 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, which is the zoning 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 standards and procedures of the Zoning Ordinance in effect on October 29, 2014, as permitted under Section 59.7.7.1.B.1 of the Zoning Ordinance.

Table 4: 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	Approved 82013022G	Approved 82013022H
Gross Tract Area (sf) (1,952,298.63 GTA - 127,779.57 Future Office Parcel SF)		1,824,519.06	1,824,519.06
Previously dedicated area (sf)			
Approved dedicated area (sf)		5,462.04	5,462.04

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Zoning Ordinance Development Standard	Permitted/Required per Zoning Ordinance for TOMX-2.0/TDR Optional Development	Approved 82018022G	Approved 82018022H
Net Lot Area (sf)	18,000	1,819,057.02	1,819,057.02
Net Lot Area (ac)		41.76	41.76
Max Building Coverage (percent of net lot)		38% 682,025 sf	38% 682,025 sf
Density, for Mixed-Use Projects- FAR	2	1.50	1.50
Density Breakdown	3,649,038 sf	2,736,874 sf	2,736,874 sf
Non-Residential, Maximum (FAR)		0.03	0.03
Non-Residential, Maximum (sf)		55,955	55,955
Residential (FAR)	1.92	1.47	1.47
Residential (sf)	3,503,077	2,680,919	2,680,919
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 MPDUs (included in total above)		1,114	1,114
Workforce (included in total above)	15%	167	167
2-over-2 Condo Units (included in total above)	8%	91	91
Townhouse MPDUs (included in total above)		406	411
Workforce (included in total above)	11%	44	44
	6%	25	26

Zoning Ordinance Development Standard	Permitted/Required per Zoning Ordinance for TOMX-2.0/TDR Optional Development	Approved 82013022G	Approved 82013022H
Maximum Building Height (ft.) ²	N/A ³	79'	79'
Minimum Building Setbacks, Minimum (ft.)			
From adjacent TOMX zone	0'	0'	0'
From an adjacent commercial or industrial zone	0'	0'	0'
From a public right-of-way	0'	0'	0'
Public Use Space (for Combined West and East)	Combined E & W	West Only	West Only
On-site (percent)	20%	7.6%	7.6% ⁴
On-site (ac)	17.45	6.66	6.66

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 Workforce Housing unit) convenient to transportation, retail services, and commercial uses.

² As measured from top of curb as shown on plan.

³ 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.

⁴ 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.

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 § 59-7.3.4.H; 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 ~~MAY 16 2023~~ (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 Bartley, seconded by Commissioner Hedrick, with a vote of 4-0-1; Chair Zyontz, Vice Chair Piñero, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Pedoeem abstaining at its regular meeting held on Thursday, May 11, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
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Shady Grove Station Preliminary Plan No. 12012008G &
Shady Grove Station West Side Site Plan No. 82013022H