

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

June 27, 2025

MCPB No. 25-073
Pre-Preliminary Plan No. 720250010
Emory Grove Village
Date of Hearing: June 5, 2025

RESOLUTION

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

WHEREAS, on December 16, 2024, Haley Development, L.C. and Housing Opportunities Commission (“HOC”) of Montgomery County (“Applicants”) filed an application for approval of a pre-preliminary plan of subdivision of property that would create 162 residential units, including townhouses and multifamily dwelling units, on 8.57 acres of land in the Residential Multi Unit Low Density-30 (R-30) zone, located at 17825 Washington Grove Lane and 8211 Morning View Drive (“Subject Property”), in the Deerwood Policy Area and 1985 *Gaithersburg Vicinity Master Plan* (“Master Plan”) area; and

WHEREAS, Applicants’ pre-preliminary plan application was designated Pre-Preliminary Plan No. 720250010, Emory Grove Village (“Pre-Preliminary Plan” 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 May 23, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 5, 2025, 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 Commissioner Linden, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Pre-Preliminary Plan No. 720250010 to create 162 dwelling units, including townhouses and multifamily dwelling units, on the Subject Property, subject to the following binding

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Approved as to /s/ Emily Vaias
M-NCPPC Legal Department

Legal Sufficiency:
elements/conditions:¹

1. This Pre-Preliminary Plan is limited to a maximum of one-hundred and sixty-two (162) dwelling units, including townhouses and multifamily dwelling units.
2. The Applicants must submit an application for a Preliminary Plan within 180 days after the date of mailing of the Board resolution for the Pre-Preliminary Plan.
3. General Layout and Design
The future Preliminary Plan must be substantially similar to the proposed general layout and design of the Applicant's updated Pre-Preliminary Plan, including internal road alignment of private roads, and block configuration, as shown on the latest electronic version of the Pre-Preliminary Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC.
 - a. The Applicants must continue to coordinate with Staff on design and site development elements including but not limited to access and internal circulation for pedestrians, building relationship to open space, view sheds for alleys, landscape buffer along the Midcounty Highway frontage substantially similar to the proposed general layout and design of the Applicant's updated Pre-Preliminary Plan, and sight distances.
4. Washington Grove Lane/Emory Grove Road/Shady Spring Drive Intersection
The future Preliminary Plan must reflect slope easement(s) necessary to construct a future intersection realignment of Washington Grove Lane/Emory Grove Road/Shady Spring Drive to be constructed by others, as determined by MCDOT.
5. Frontage Improvements
The future Preliminary Plan must provide for the required frontage improvements as shown in the Pre-Preliminary Plan and further referenced by the review agencies, which include a minimum of six-foot-wide (6 ft.) sidewalks and required six-foot-wide (6 ft.) buffer along the Washington Grove Lane and Shady Spring Drive frontages.
6. Distribution of MPDUs within the community
 - a. The distribution of the four (4) MPDU townhouse blocks must be substantially similar to the proposed locations on the Pre-Preliminary Plan as they relate to their proximity to open space.
 - b. The final distribution of Moderately Priced Dwelling Units (MPDUs) proposed throughout the Subject Property is subject to review and approval from the Montgomery County Department of Housing and Community Affairs (DHCA).

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 having considered the recommendations 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:

- 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 Pre-Preliminary Plan proposes to create one hundred and sixty-two (162) dwelling units, including townhouses and multifamily dwelling units, and open space parcels. The Pre-Preliminary Plan meets the dimensional requirements for the Residential Multi Unit Low Density-30 (R-30) zone as specified in the Zoning Ordinance and applicable ZTA No. 22-02 and as shown in Table 1 below, in relation to maximum density, height, and minimum open space. Additionally, the Application must provide the minimum required amount of parking spaces for residents and visitors. The final number, configuration, and location of parking spaces will be approved with the future Site Plan based on the number of residential dwelling units.

Related to block design, Section 50.4.3.B.1.a. of the Zoning Code states that: The length of a residential block must be compatible with existing development patterns and the land use goals for the area of the subdivision. The maximum length of a block is 1,600 feet. The longest block proposed, Private Street B, is less than 1,600 feet; therefore, the Plan complies. Further, per Section 50.4.3.B.1.b., “Blocks must be designed with sufficient width to provide 2 tiers of lots...”. Overall, the proposed block and lot design is appropriate for the development and residential uses contemplated. The Pre-Preliminary Plan also proposes providing the required adequate open areas.

Table 1: Emory Grove Village Pre-Preliminary Plan Data Table

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	374,538 sq. ft. (8.59 ac.)
Prior Dedication	n/a	23,222 sq. ft. (0.53 ac.)
Proposed Dedication	n/a	N/A
Site Area	n/a	351,316 sq. ft. (8.06 ac.)
Density	20.22 DU/ac.	20.17 DU/ac.
Minimum Lot Area	800 sq. ft. (townhouses) 1,200 sq.ft. (multifamily)	800 sq. ft. (townhouses) 1,200 sq.ft. (multifamily)
Minimum Lot Width	Determined at Site Plan	16 ft. (townhouses) 255 ft. (multifamily)
Maximum Lot Coverage	30%	24.5%
Building Height	45 feet	45 feet
Principle Building setbacks		
Front – public street	Determined at Site Plan or MIHC Plan*	10 ft. (townhouses) TBD (multifamily)
Front – private street or open space	Determined at Site Plan or MIHC Plan*	4 ft. (townhouses) TBD (multifamily)
Side	Determined at Site Plan or MIHC Plan*	TBD (townhouses) TBD (multifamily)
Rear	Determined at Site Plan or MIHC Plan*	4 ft. (townhouses) N/A (multifamily)
MPDUs	30%	30%
Site Plan Required**	Yes	Yes, future submission

**MIHC Plan – Mixed-Income Housing Community Plan*

***A Site Plan is required if the subsequent application is not a MIHC Plan.*

2. *The Pre-Preliminary Plan substantially conforms to the Master Plan.*

The Pre-Preliminary Plan substantially conforms to the recommendations within the 1996 Gaithersburg Vicinity– Shady Grove Master Plan Amendment (“Amendment”, “1996 Amendment”, or “Master Plan Amendment”). The recommended changes in the 1996 Master Plan Amendment primarily affected three other master plans which include the

1990 Shady Grove Study Area Master Plan, the 1985 Gaithersburg Vicinity Master Plan (“1985 Plan”), and the 1977 Sector Plan for the Shady Grove Transit Station Area. The 1996 Amendment primarily focused on transitways and necessary road re-alignments to support those transitway recommendations. The Project does not encompass any recommended improvements identified in the Master Plan Amendment.

Further, no changes to master plan land use or zoning recommendations were included in the 1996 Gaithersburg Vicinity– Shady Grove Master Plan Amendment. The 1996 Amendment confirmed the land use and zoning recommendations of the previously adopted master plans. More specifically, the 1985 Plan was an amendment to the 1971 Gaithersburg Vicinity Master Plan which modified the 1960 Gaithersburg-Rockville Master Plan by implementing an Urban Renewal Plan over a major portion of Emory Grove. The 1985 Plan’s land use recommendations reflected the existing development pattern that was the result of Urban Renewal projects. The 1985 Gaithersburg Vicinity Master Plan recommended High-Density Residential for the Subject Property with 8 to 15 units per acre. The R-30 zone has a base density of 14.5 dwelling units per acre. Further, the Master Plan recommended R-30 zoning for Emory Grove (Lot 1) and R-60 for Camp Hill (Lot 2). Lot 2 was subsequently rezoned to R-30 via Map Amendment G-502 and confirmed in Sectional Map Amendment G-956. Therefore, the proposed Project is consistent with the land use and density recommendations of this 1985 Plan.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

The Subject Property was subject to prior dedications. The current Application does not include additional land for dedication. There is limited pedestrian and bicycle infrastructure within the immediate area. There is an existing bus stop along Washington Grove Lane that the Project may relocate due to the new access point. The final bus stop location must have adequate justification, provide an ADA-compliant bus pad, and be approved by MCDOT.

ii. Proposed public transportation infrastructure

The Subject Property is surrounded on all sides by rights-of-way. Based on the *Countywide Master Plan for Highways and Transitways*, no additional right-of-way is required from the Application. The Project proposes adding and eliminating some access points to the Property. More specifically, the Project

proposes to remove the existing access points and create new access points - one along Washington Grove Lane and one along Shady Spring Drive. Additionally, six-foot-wide sidewalks and a six-foot-wide green panel are proposed along the Washing Grove Lane and Shady Spring Drive frontages. These frontage improvements have been requested by the Applicant for the Planning Board's consideration under this Pre-Preliminary Plan. The Planning Board found these proposed frontage improvements are adequate to serve the development, subject to final review with the Preliminary Plan.

iii. ***Proposed private transportation infrastructure***

The Project will provide private roads and alleys interior to the Property. The roads will have adequate widths, on-street parking, and required sidewalks in order to meet public road standards of Chapter 49 of the County Code.

The Application seeks approval of two (2) waivers from the Subdivision Regulations associated with the proposed transportation infrastructure, to be reconfirmed at the time of Preliminary Plan, for relief associated with the requirements for 1) private road construction (proposed Street A and Street B) and 2) for private road standards (reduced centerline radius for proposed Private Street B).

The first waiver request for private road construction is sought for proposed Private Steet A and Private Street B that both function as Neighborhood Streets. This request is because proposed Street A and Street B only provide internal circulation to the development and neither of the streets proposes essential circulation or connectivity to neighboring properties. Street A is accessed from Washington Grove Lane to the northwest, but does connect to the southeast, and proposed Street B is an internal loop road for direct access to dwelling units. Per Section 50.4.3.E.4.d.vii (a) & (b) of the County Code, Neighborhood Street and/or Neighborhood Yield Street may only be a private road when it connects to no more than one higher classification road and the road does not need to be extended onto adjacent property to facilitate a future subdivision of land, or when it has a cul-de-sac less than 500 feet in length. The proposed private roads, Streets A and B, meet these criteria requirement per Section 50.4.3.E.4.a. for designating private roads. The Planning Board supports the justification for this waiver. However, the Board ruled that this waiver cannot be approved at this time due to

MCDOT's future evaluation of the access points and required sight distances associated with these private roads. The Applicant shall provide this information with the Preliminary Plan.

For the second waiver, the Applicant's design proposes a centerline radius of 63 feet for the horizontal alignment instead of the minimum 100 feet that is required for Neighborhood Streets (per Section 50.4.3.E.2.g.iii of the County Code). The request for the 37-foot reduction is to accommodate proposed Private Street B so that on-street parking and access can be provided on both sides of the centrally located open space, as supported by Planning Staff. However, the Planning Board ruled that this waiver cannot be approved at this time. While MCDOT does not approve the centerline radius, the agency will however need to approve the required sight distances and landing grades associated with this road. The Applicant shall provide this information with the Preliminary Plan.

In summary, the proposed two (2) transportation-related waiver requests all meet Section 50.9.3 of the County Code which enumerates the required findings for the Planning Board to approve a subdivision waiver, subject to the associated necessary review of MCDOT. Each request is due to the practical difficulty and unusual circumstances presented by the existing nature of the Subject Property which is an infill site. Moreover, the requested ownership and the centerline radius are the minimum necessary to provide relief from the requirements and still meets the intent of the associated Code requirement. Finally, the Planning Board concurs that the requested waivers are consistent with the purposes and objectives of the 2050 *Thrive Montgomery General Plan* which supports the provision of a variety of housing options to meet the future needs of the county. As determined by the MCDOT, these roadway waivers cannot be approved with the Pre-Preliminary Plan due to the remaining information needed at the time of Preliminary Plan for review including sight distance, landing grades, and truck turning templates. Therefore, the Planning Board recommends that the Applicants should pursue the two (2) above noted subdivision waivers with the Preliminary Plan.

Additionally, the Application requests the Planning Board's favorable finding for reduction of the proposed intersection of proposed Street B with existing Shady Spring Drive which is located approximately 150 feet south of Shady Spring Drive's intersection with Cottonwood Terrace. This is shorter in length than the 200 feet minimum requirement between public road intersections accessing

residential streets. Per Section 50.4.3.E.2.f.ii of the County Code, “When the Board finds that a greater or lesser distance is appropriate, the Board may specify a greater or lesser distance than otherwise required after considering the recommendation of the transportation agency responsible for maintaining the road.” This request for a shorter distance is necessary to provide logical and usable block sizes within the existing boundaries of the Subject Property and with respect to surrounding existing conditions. If Street B was to align with Cottonwood Terrace, the two blocks created would be unusual sizes, one too short and one too long, resulting in inefficient block and lot design. If the requested 150-foot separation is applied, the new block and lot design is more functional. The Planning Board supports the justification for the lesser intersection distance. However, the Board ruled that this request cannot be approved at this time due to the pending MCDOT evaluation of the required sight distances associated with this road at the time of the Preliminary Plan. The Applicant shall provide this information with the Preliminary Plan.

b) Local Area Transportation Review (LATR)

The Planning Board’s 2024-2028 *Growth and Infrastructure Policy* (GIP) requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. A Transportation Exemption Statement or Traffic Impact Statement will be submitted with the Preliminary Plan submittal. The latter, if required, will provide adequacy analysis for bus, vehicle, bicycle, and pedestrian systems based on the additional trips generated by the Project. Under the GIP, the Project’s proposed MPDUs will be exempt from Transportation Mitigation Payments (TMP) as well as development impact taxes. The Applicants may seek an exemption from the Local Area Transportation Review (LATR) for proposing a Mixed-Income Housing Community, as defined in Section 3.3.4.A of the Zoning Ordinance, which provides a significant amount of affordable housing. Notwithstanding the LATR exemption, proposed frontage improvements as shown in the Pre-Preliminary will be required.

c) Schools

The future Preliminary Plan for the Subject Property is expected to meet the needs of school facilities under the updated FY2025 Annual School Test. For residential projects, the estimated number of students generated must not exceed the adequacy ceilings identified for each applicable neighborhood school otherwise a

Utilization Premium Payment (UPP) will be required. An Annual Schools Test will be conducted at the time of the Preliminary Plan.

d) Other Public Facilities and Services

The Property is served by public water and sewer which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The future Preliminary Plan Application must satisfy all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and must comply with the Montgomery County Planning Department's Environmental Guidelines.

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

At the time of Preliminary Plan, the Applicant must submit to DPS a Stormwater Management Concept that outlines a proposed plan to meet required stormwater management goals. Stormwater management facilities are conceptually shown on the Pre-Preliminary Plan as micro-bioretenion bio-swales, dry-wells, and pervious paving.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M*

Not applicable to this Property because there are no burial sites of which the Applicant has notice or included in the Cemetery Inventory.

7. *Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.*

Waiver for Preliminary Plan Submission

The Applicant is required to file a Preliminary Plan Application within 90 days of the Pre-Preliminary Plan decision pursuant to Section 50.5.2.c.3.a of the Subdivision Regulations. The Applicant requests a waiver to allow a Preliminary Plan submission deadline of 180 days in order to preserve the validity of the advice given by the Planning

Board in the Pre-Preliminary Plan. Section 50.9.3 of the County Code enumerates the required findings for the Planning Board to approve a subdivision waiver. This request is due to the practical difficulty and unusual circumstances presented by the nature of the Proposal. In addition to the usual engineering work due to the limitations of infill development and pre-submission outreach in preparing the Preliminary Plan and Site Plan, the Applicant needs additional time to reconcile the design elements and architecture of the builders with the architecture of the MPDUs (to be provided entirely by Habitat for Humanity), in order to still be able to deliver the high level of affordable units with consistent design relationships that unify the community. Moreover, the requested 180-days is the minimum necessary to provide relief from the requirements and still meets the intent of the associated Code requirement. Granting this waiver maintains the purposes and objectives of the General Plan which supports the provision of a variety of housing options. The Planning Board approved this waiver and the requested extension of time to submit a subsequent Preliminary Plan is reflected in the conditions of approval.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

June 27, 2025

(which is the date that this Resolution is mailed to all parties of record); and

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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 Linden, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Linden voting in favor of the motion, Commissioner Hedrick was necessarily absent, at its regular meeting held on Thursday, June 12, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board