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August 12, 2025

Mr. Artie Harris, Chair and
Commissioners of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

Re: Preliminary Plan No. 12012008H, Site Plan No. 820260010, and Forest Conservation Plan F20260080: Shady Grove Station

Dear Chair Harris and Commissioners of the Montgomery County Planning Board:

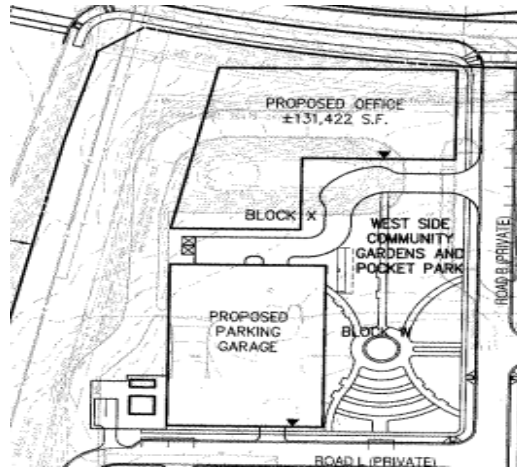
EYA/CSP Associates (“Applicant”) submits this letter to explain changes being requested in Preliminary Plan No. 12012008G (the “Preliminary Plan Amendment”) and describe the development proposed in Site Plan No. 820160010 and F20260080 (collectively, the “Site Plan”). The Preliminary Plan Amendment and Site Plan collectively request changing the use of Block U, Shady Grove Station West (“Block U”) from general retail to residential, transfer 40 previously approved but unbuilt townhomes from Shady Grove Station East to Block U, reconfigure the subject site to accommodate revised community amenity areas, update public use space and parking tabulations, and construct the transferred 40 townhomes (35 market rate, 5 workforce housing units) and associated open spaces. As discussed in greater detail below, the Preliminary Plan Amendment and Site Plan respond to market demands, provide needed housing, including additional workforce housing units, within walking distance of public transportation infrastructure and commercial services, and advance the vision of a transit-oriented and mixed-use community at Shady Grove Station.

The Overall Property, Previous Approvals, and Block U

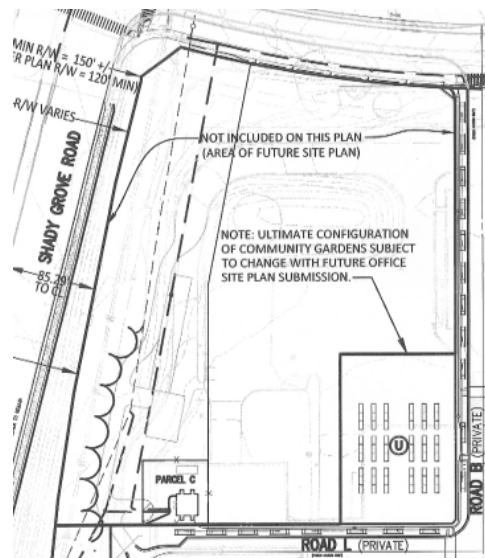
The site previously known as the Montgomery County Service Park contains 90.34 acres and is generally bounded by Shady Grove Road to the north, the CSX railroad tracks to the west, and the Metro Access Road to the east and south (the “Overall Property”). Block U, which is included within the area of the Overall Property, comprises Block U, Parcel P, Block U, Parcel M, a portion of a private street currently known as Front Loop, and a portion of Parcel P495 as illustrated on a subdivision plat titled “West Side at Shady Grove Metro, Parcels A, M & P, Block U” recorded among the Land Records for Montgomery County as Plat No. 24940 on March 26, 2015. Block U is generally bounded by Shady Grove Road to the north, the CSX railroad tracks and Front Loop to the west, Front Street to the south, and Crabbs Branch Way to the east. The Site Plan covers a 3.34-acre portion of Block U.¹

¹ Block U, Parcel M is currently improved with a fiber hub, while Block U, Parcel A is the private road parcel for a portion of Front Loop. The Site Plan neither includes the area of Block U, Parcel M and Block U, Parcel A, nor proposes any modifications to these properties.

The Montgomery County Planning Board (the “Planning Board”) approved a preliminary plan covering the Overall Property on September 11, 2012 (Preliminary Plan No. 120120080, the “Preliminary Plan”). The certified version of the Preliminary Plan illustrated approximately 131,422 square feet of office development on Block U (then known as Block X):

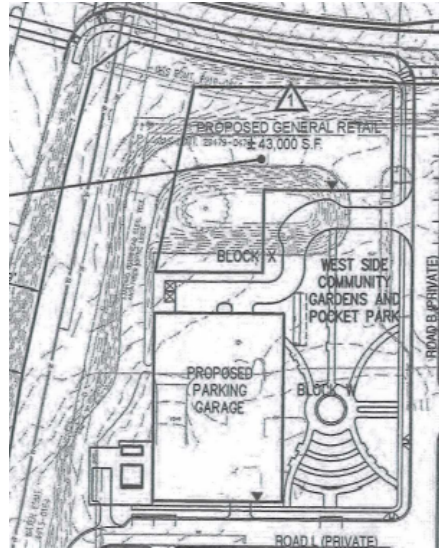


Thereafter, the Planning Board approved a site plan for most of the Overall Property located west of Crabbs Branch Way (“Shady Grove Station West” or “West Side at Shady Grove”) on February 3, 2014 (Site Plan No. 820130220, the “West Side Site Plan”). The certified version of the West Side Site Plan confirms Block U was not included within its boundaries:



The Overall Property was zoned TOMX-2.0/TDR at the time of Preliminary Plan and West Side Site Plan approval.

The Preliminary Plan has been amended several times since it was approved in 2012. This includes substituting the approved but unbuilt 131,422 square feet of office space with 43,000 square feet of general retail space in 2017 as shown on the certified version of Preliminary Plan No. 12012008D:



The following chart summarizes all previously approved Preliminary Plan amendments:

Preliminary Plan Amendments		
Preliminary Plan No. 12012008A	Permitted execution of TMAg prior to approval of the first building permit for a residential building; allowed certain roads as private streets	MCPB Resolution No. 14-22 (4/23/14)
Preliminary Plan No. 12012008B	Modified alley widths; permitted additional landscaping for certain townhouses; revised lot lines; and modified location of MPDUs and WFDUs	MCPB Resolution No. 14-96 (11/3/14)
Preliminary Plan No. 12012008C	Permitted separate TMAgs for phased site plans	MCPB Resolution No. 15-48 (5/7/15)
Preliminary Plan No. 12012008D	Replaced approved but unbuilt 131,422 sq. ft. of office use with up to 43,000 sq. ft. of general retail space	MCPB Resolution No. 17-103 (12/5/17)
Preliminary Plan No. 12012008E	Replaced one multi-family lot and 752 townhouse lots with 751 townhouse lots and 50 two-over-two townhouse lots	MCPB Resolution No. 19-009 (2/5/19)
Preliminary Plan No. 12012008F	Added 7,268 square feet of office space	MCPB Resolution No. 20-092 (10/8/20)
Preliminary Plan No. 12012008G	Modify Block R and a portion of Block T	MCPB

	by substituting previously approved but unbuilt 24-foot-wide townhomes with 20-foot-wide townhomes, increasing the overall project density by five townhome units (from 751 to 756), and modifying the lot lines for the townhomes	Resolution No. 23-052 (5/16/23)
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As a result of these amendments, the Preliminary Plan now permits the development of the Overall Property with a maximum of 756 townhouse units on 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 lots for multi-family buildings), 41,828 square feet of retail space on up to three lots shared with multi-family units, a maximum of 7,268 square feet of office use shared with a multi-family building on one lot, and 43,000 square feet of general retail development on one lot (namely, Block U).² Of the 756 townhouse units approved in the Preliminary Plan, 345 were approved on the portion of the Overall Property east of Crabbs Branch Way (“Shady Grove Station East”). An additional 344 multi-family units are also approved for Shady Grove Station East. As of the date of filing, no site plan applications implementing the development approved in the Preliminary Plan for Shady Grove Station East have been filed.

Proposed Preliminary Plan Amendment and Site Plan

Preliminary Plan Amendment

The Preliminary Plan Amendment proposes several modifications related to the development of Block U with 40 townhome units and associated community amenities. Applicant seeks to change the approved use on Block U from 43,000 square feet of general retail to residential comprising 35 market rate townhomes and five workforce housing townhomes. Applicant also requests transferring 35 market rate unbuilt townhomes and five unbuilt workforce townhomes approved for Shady Grove Station East to Block U. Additionally, Applicant seeks to reconfigure the layout of Block U to accommodate the new townhomes, community amenity areas, and road. Applicant also seeks to update the Preliminary Plan’s public use space and parking tabulations.

In order to approve a preliminary plan amendment, the application must follow the procedures, meet the criteria, and satisfy the requirements of Chapter 50 of the Montgomery County Code (the “Subdivision Regulations”). The Preliminary Plan Amendment satisfies the required findings for approval as follows:

1) The layout of the Preliminary Plan Amendment, 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 proposed layout of the Preliminary Plan Amendment is appropriate for the existing Shady Grove Station West subdivision. The proposed size, width (20-foot-wide market rate units and 14

² For reference, the West Side Site Plan (as subsequently amended) permits the development of 1,114 multi-family units (including 100 two-over-two units), 411 townhomes, 41,828 square feet of retail space, 7,268 square feet of office uses, and a 7,000 square foot library.

foot-wide workforce housing units), rectangular shape, and street-oriented residential lots are compatible with the previously constructed townhomes for the West Side at Shady Grove community. Specifically, the lots included in the Preliminary Plan Amendment appropriately reflect the range of widths from the West Side Site Plan (14 foot-wide units for moderately priced and workforce housing dwelling units, and market rate units with widths of 16, 18, 20, and 24 feet) and are incorporated in a tight pattern of small blocks, interconnected streets, and a network of open spaces. Substituting the previously approved but unbuilt general retail uses will provide new residential uses convenient to existing transportation facilities, retail uses, restaurants, and other personal services. The new Block U townhomes will be rear loaded from a new internal “U-shaped” road providing access to Front Street, and abut sidewalks, streets, and open spaces, all of which is consistent with a mixed-use, transit-oriented, and pedestrian-friendly development. The density in the Preliminary Plan Amendment is lower than the previously approved West Side Site Plan, which reflects the considerable size of the incorporated amenity areas and open space. As shown on the submitted drawings, the Preliminary Plan Amendment Application complies with the applicable requirements of Chapter 59 of the Montgomery County Code (the “Zoning Ordinance”).

2) *The Preliminary Plan Amendment substantially conforms to the master plan;*

The Overall Property is subject to the recommendations of the Shady Grove Sector Plan Minor Master Plan Amendment approved by the District Council on April 6, 2021 and adopted by the Maryland-National Capital Park and Planning Commission on April 29, 2021 (the “Sector Plan”). Replacing previously approved but unbuilt retail with new townhomes and attractive open spaces near existing transit services, a grid network of streets, commercial uses, and a future library advances the Sector Plan’s vision for the planning area “as a mixed-use and pedestrian-oriented environment with attractive streetscapes, distinctive architecture, and a sense of place that is complemented by public facilities and amenities” and helps “create a new mixed-use destination surrounding the Shady Grove Metro Station[.]” Sector Plan, pgs. 2, 17, 26. Providing new residential uses on Block U achieves sustainability by constituting compact, mixed-use, and infill development, improving tree cover, using green features in open spaces and the public realm, incorporating state-of-the-art stormwater management, and encouraging non-auto modes of transportation. Sector Plan, pgs. 80-81, 84, 86.

The townhomes proposed in the Preliminary Plan Amendment, especially the workforce housing dwelling units, also “[p]romote a diverse range of housing options,” while welcoming new open spaces with pedestrian-friendly amenities will “promote a livable environment for existing and future residents, visitors, and employees.” Sector Plan, pgs. 18-19, 26. The proposed street-oriented townhomes, sidewalks, and roads within Block U will encourage “new pedestrian paths and bikeways between existing residential communities and mixed-use development.” Sector Plan, pg. 18. Additionally, the Preliminary Plan Amendment’s integrated open spaces create new areas that are framed and activated by townhomes, offer opportunities for public gathering, socialization, recreation, exercise, and mental well-being. Sector Plan, pgs. 28, 87. By redeveloping Block U with new residential uses convenient to transportation options and commercial services, the Preliminary Plan Amendment “concentrates new housing in mixed-use and transit-oriented areas” and “[i]ncrease[s] the number of housing units located within walking distance to Metro.” Sector Plan, pg. 69. The five workforce housing dwelling units proposed for Block U also “further[s] the Sector Plan’s public benefits, including affordable housing” and “encourages a range of housing choices that benefit from Metro proximity.” Sector Plan, pgs. 47, 67.

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

The Preliminary Plan Amendment will continue to be served by adequate public facilities. As analyzed in the submitted traffic impact statement, developing Block U with 40 approved but unbuilt townhomes transferred from Shady Grove Station East in lieu of the approved but unbuilt 43,000 square feet of general retail will generate fewer AM and PM peak hour trips than the Preliminary Plan's currently approved program for the Overall Property. The Overall Property is served by Washington

Grove Elementary School, Gaithersburg Middle School, and Gaithersburg High School. All three schools are projected to have adequate capacity in 2029 per the FY2026 School Utilization Report and the FY2026 Annual School Test. Public water and sewer service are also presently available to serve Block U. There is no evidence to rebut the presumption of adequate police, fire, and health services.

4) *All Forest Conservation Law, Chapter 22A requirements are satisfied;*

The Preliminary Plan Amendment maintains existing compliance with the applicable requirements of the County's Forest Conservation Law codified at Chapter 22A of the Montgomery County Code.

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

Applicant will obtain approval of an amended stormwater management plan as part of Preliminary Plan Amendment review that satisfies applicable requirements of Chapter 19 of the Montgomery County Code.

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 50-4.3.M; and*

Applicant does not have any actual notice or constructive notice of any burial site on the Overall Property. There is no burial site included in the Montgomery County Cemetery Inventory for the Overall Site.

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

Notwithstanding the proposed changes proposed in this application, the Preliminary Plan Amendment will comply with the applicable Preliminary Plan conditions of approval, as modified in subsequent amendments.

Site Plan

The Site Plan seeks to implement the Preliminary Plan Amendment regulatory approval by developing Block U with 40 townhomes (35 market rate units and five workforce housing units), welcoming community amenity spaces, attractive landscaping, and a new road with sidewalks that seamlessly link the subject site to the existing West Side at Shady Grove neighborhood. The proposed

dwelling units are arranged in a compact grid, are oriented towards the street or open spaces, and use 14-foot and 20-foot widths, all in a manner consistent with the previously constructed townhomes on Shady Grove Station West. Most units (33 of 40, or approximately 83%) will include two-car garages access from the rear of the building, while the seven townhomes closest to the community garden will have two-car garages accessed from the rear of the dwelling unit while also including driveways that can accommodate two additional vehicles. All townhomes are designed to convey a contemporary style of architecture compatible with the surrounding West Side at Shady Grove community, including flat roofs, punched window openings, articulated masonry bays, and a similar color palette. A new “U-shaped” road from Front Street will provide safe, adequate, and efficient access for the proposed townhomes, and include eight new on-street parking spaces for neighborhood use.

The Site Plan integrates attractive open spaces that will provide opportunities for recreation, interaction, and respite. A new approximately 1/2-acre green space (approximately 230 feet long and 105 feet wide) will feature a prominent entrance feature from Front Street to draw pedestrians down the main “spine” of Columbus Avenue, provide a continuous open lawn area for exercise, lounging, and community programming, and include new trees for shade and visual interest. This green space will also integrate state-of-the-art stormwater management facilities with attractive landscaping. A generously landscaped and centrally located mews abuts three rows of townhomes to promote additional pedestrian activity, socialization, and gathering. Additionally, the Site Plan includes a community garden on the northern edge of Block U. The current residents of the West Side at Shady Grove community (as members of the homeowners association) and the new residents of the proposed 40 townhomes will all be able to enjoy the existing amenities and the new amenities included in the Site Plan. The Site Plan will also provide plantings that will effectively screen existing utility structures. A system of new sidewalks will conveniently connect the new townhomes, open spaces, and “U-shaped” street with nearby residences, commercial services, community facilities, and transportation infrastructure.

As the Site Plan implements the Preliminary Plan approved under the prior version of the Zoning Ordinance, it may be reviewed under the standards and procedures of the TOMX-2.0/TDR zone in effect on October 29, 2014. See § 7.7.1.B.1 of the Zoning Ordinance (2014); § 59-D-3.4(c) of the Zoning Ordinance (2004). The Site Plan satisfies the required findings as follows:

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;*

This finding is inapplicable to the Site Plan as there is no previously approved development plan, diagrammatic plan, schematic development plan, or project plan covering Block U.

2) *The Site Plan meets all of the requirements of the zoning in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

As shown on the submitted tabulations, the development proposed in the Site Plan will comply with all applicable requirements of the optional method of development standards under the TOMX-2.0/TDR zone.

3) *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

The location of the 40 townhomes, open spaces, landscaping, recreation facilities, and circulation systems are adequate, safe, and efficient. Consistent with the development approved and constructed for the West Side, all townhomes proposed in the Site Plan will be arranged in a grid pattern of short blocks and will be framed by abutting streets, sidewalks, and open spaces. Specifically, three rows of townhomes (19 units) will abut the mews, while one row of townhomes (10 units) will front on Crabbs Branch Way, and one row of townhomes (11 units) will face the new approximately 1/2-acre green space. All new townhomes will have rear-loaded garages, with the seven dwelling units closest to the community gardens including driveways as well. The Site Plan also incorporates a thoughtful system of varied open spaces, including the centrally located mews, the approximately 1/2-acre green space, and the community gardens. These areas will serve as an important amenity to the Site Plan development and the Shady Grove Station West development at large by providing new opportunities for exercise, relaxation, community programming, and social interaction.

All new townhomes will have direct vehicular access to the new “U-shaped” road that will provide safe, adequate, and efficient circulation to Front Street, which in turn offers convenient access to Crabbs Branch Way, Shady Grove Road, and the network of streets serving the existing West Side at Shady Grove development. The Site Plan also includes new sidewalks that comfortably link the new townhomes with the Site Plan’s new community amenities, the existing West Side at Shady Grove development, the Shady Grove Metrorail station, and the existing commercial uses located north of Shady Grove Road. New landscaping will offer shade in the mews and the approximately 1/2-acre green space, complement new state-of-the-art stormwater management facilities, effectively screen existing utility structures, and encourage pedestrian activity along new sidewalks.

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 are compatible with other uses and other site plans, as well as with existing and proposed adjacent development. The Site Plan proposes townhouse structures compactly arranged in small blocks framed by streets, sidewalks, and open spaces. Both the townhome use and the 14 foot- and 20-foot-wide building type proposed in the Site Plan are found in the adjacent West Side at Shady Grove community. The architectural character, proportion, materials, and articulation of the townhomes incorporated in the Site Plan are compatible with and similar to the design of structures previously approved in the West Side Site Plan. The Site Plan’s new “U-shaped” road, proposed sidewalks, generous landscaping, and range of amenitized open spaces with prominent entry features are all intentionally designed to incorporate a continuous connection with existing development, encourage linkages, promote walkability, and catalyze interaction. The Site Plan will complete the pedestrian-focused, transit-oriented, and mixed-use vision for Shady Grove Station West while ensuring compatibility with previously approved development across Crabbs Branch Way for Shady Grove Station East with additional housing (both market rate and affordable units), parks, a new elementary school, and other amenities.

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.*

As explained in the submitted materials, the Site Plan adheres to the applicable requirements of Chapter 22A of the Montgomery County Code regarding forest conservation. Applicant will obtain approval of an amended stormwater management plan as part of Site Plan review that meets all applicable requirements of Chapter 19 of the Montgomery County Code.

Conclusion

The Preliminary Plan Amendment and Site Plan will finalize the successful development of Shady Grove Station West. The substitution of previously approved but unbuilt general retail space will create additional housing (including workforce housing) convenient to commercial services, transportation infrastructure, and community amenities. The Preliminary Plan Amendment and Site Plan are thoughtfully designed for seamless integration with existing development, offer welcoming open spaces, and encourage connections with the existing community. In short, the development proposed in the Preliminary Plan Amendment and Site Plan are harmonious with the intent of previously approved development applications for the former County Service Park, the Sector Plan recommendations, and the Montgomery County Executive's Smart Growth Initiative.

We look forward to working with you on the Preliminary Plan Amendment and Site Plan.

Very truly yours,

SHULMAN ROGERS, P.A.



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