

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 20, 2026

MCPB No. 26-07
Site Plan No. 820260010
Westside at Shady Grove (Block U)
Date of Hearing: January 29, 2026

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.3, 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 October 1, 2025, EYA/CSP Associates (“Applicant”) filed an application for approval of a site plan for a maximum of 40 townhouse dwelling units, including a minimum of 12.5 percent workforce housing units, on 3.34 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, the site plan application for the Subject Property was designated Site Plan No. 820260010, Westside at Shady Grove (Block U) (“Site Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20260080, and Preliminary Plan No. 12012008H; 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 16, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 29, 2026, 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 Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

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Approved as to
Legal Sufficiency: /s/ Matthew Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820260010 for a maximum of 40 townhouse dwelling units, including a minimum of 12.5 percent workforce housing units, on the Subject Property, subject to the following conditions:¹

Density, Height and Housing

1. Density
The Site Plan is limited to a maximum of 40 townhouse dwelling units, including a minimum of 12.5 percent workforce housing units.
2. Height
The development is limited to a maximum height of 50 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
3. Workforce Housing Units (WFHUs)
 - a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January 13, 2026, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each recommendation in the letter, which DHCA may amend, provided that the amendments do not conflict with other conditions of the Site Plan approval.
 - b) The development must provide a minimum of 12.5 percent WFHUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25B of the Montgomery County Code and the applicable Master Plan.
 - c) Before issuance of any building permit for any residential unit(s), the WFHU agreement to build between the Applicant and the MCDHCA must be executed.

Open Space, Facilities and Amenities

4. Public Use Space, Facilities, and Amenities
 - a) The Applicant must provide a minimum of 29,185 square feet of on-site public use space (20 percent of the net lot area).
 - b) Before the release of the surety bond for the residential development, all public use space areas on the Subject Property must be completed.

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.

5. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant) of the Land Records.

6. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP).

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities, including, but not limited to, the community gardens, multi-use sports court, and open lawn area.

Noise

8. Before the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer specializing in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, (Lot Nos. 1 to 10, 17 to 23, and 38 to 40) will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
9. Before the final inspection of any residential unit on Lot Nos. 1 to 10, 17 to 23, and 38 to 40, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of an engineer specializing in acoustical treatments.
10. For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts; any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans. A copy of this notification must be provided to the Planning Department and Montgomery County Department of Permitting Services, Site Plan Enforcement Section, prior to the issuance of a Use and Occupancy Certificate or final inspection, whichever is relevant, for any noise impacted residential unit.
11. If any changes occur to the Site plan that affect the validity of the noise analysis dated November 24, 2025, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes, and new noise attenuation features may be required.

Transportation and Circulation

12. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated November 6, 2025, and incorporates them as conditions of approval. The Applicant must comply with each recommendation in the memo, which DPS-ROW may amend, if the amendments do not conflict with other conditions of the Site Plan approval.

Agency Coordination

13. Fire and Rescue

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, and hereby incorporates them as conditions of approval. The Applicant must comply with each recommendation in the letter, which MCDPS may amend, if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.
- c) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, and that the road has been constructed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshall.

Site Plan

14. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

- b) The exterior architectural character, proportion, materials, and articulation of the Workforce Housing Units must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

15. Lighting

- a) Before 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 in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

16. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by 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 only for facilities located on the Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any

building permit of the development and will be tied to the development program.

- c) The bond or surety must be tied to the development program, and upon completion of all improvements covered by the surety for each phase of development, a site plan completion inspection will be conducted. The surety may be reduced based upon the inspector's recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

17. Development Program

The Applicant must construct the development in accordance with a development program table, which will be reviewed and approved before the Certified Site Plan is approved.

18. 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 stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "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."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commences and before any work covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan, along with any subsequent amendments, is required to be on-site at all times during construction."
- c) Include the approved Fire Department Access Plan.

- d) Modify the 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) Show noise impacted units.
- g) Show all private road sections/profiles, including curb and gutter, apron, and handicap ramp details.
- h) Demonstrate that each recreational element in the Recreation Plan satisfies the relevant specifications in the applicable M-NCPPC Recreation Guidelines.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820260010, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, 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 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 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 not applicable because there is no previously approved development plan, diagrammatic plan, schematic development plan, or project plan covering the Subject Property.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Application meets all the requirements of the TOMX-2/TDR zone, including setbacks, open spaces, landscaping, lighting, recreation facilities, and pedestrian and vehicular circulation.

The Subject Property includes approximately 3.34 acres zoned TOMX-2/TDR zone. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Permitted/ Required	Approved
Net Lot Area, min.	18,000 SF	145,308 SF (3.34 acres)
Prior Dedication	n/a	0 SF
Site Area (Subject Property)	n/a	145,308 SF (3.34 acres)
Site Residential Density (FAR/GFA)	2.0 FAR/290,616 SF	0.79 FAR/115,500 SF (40 units)
Workforce Housing, min.	12.5% (5 units)	12.5% (5 units)
Public Use Space, 20% min.	29,062 SF (0.67 acres)	29,062 SF (0.67 acres)
Building Height, max.	Optional Method – n/a	50 FT
Building Coverage, max.	Optional Method – n/a	29.20%
Minimum Setbacks, min.	-	-
From an adjacent TOMX zone	Optional Method – n/a	15 FT
From an adjacent commercial or industrial zone	Optional Method – n/a	n/a
From an adjacent single-family residential zone	Optional Method – n/a	n/a
From a public right-of-way	Optional Method – n/a	n/a
Parking, 2 spaces per unit min. (40 units)	80	72 ²

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

The building and structure locations are adequate, safe, and efficient. Each townhouse row fronts a private road or a designated public use space. Along Front Street, a centrally located public use space serves as a key community feature. An additional public use space on the southern portion of the property includes an open lawn play area, a multi-

² Pursuant to Sec. 59-E-3.33.a, a 10 percent reduction in the standard parking requirement is allowed if such units are located within a transit station development area; an additional five percent reduction is also allowed where such units are located within 1,600 feet of a Metro rail station entrance. Pursuant to Sec. 59-6.2.4, the number of parking spaces provided may be adjusted by DPS at building permit.

purpose sports court, and seating areas. A community garden is provided along the western edge. All open spaces are interconnected by sidewalks and pedestrian paths. The layout aligns with the Master Plan vision for mixed-use neighborhoods featuring diverse housing types and high-quality design.

As shown on the Landscape and Lighting Plan, the provided landscaping and lighting are adequate, safe, and efficient. The provided landscaping includes street trees, shade trees, evergreen trees, ornamental and understory trees, shrubs, perennials, grasses, and groundcover. The Application also provides plantings to effectively screen existing utility structures adjacent to the Site.

Pursuant to the exemption provision of Section 59.7.7.1.B.3 of the Zoning Ordinance and in accordance with the adopted 1992 *Recreation Guidelines*, as shown on the Recreation Supply Plan, the provided recreational facilities are safe, adequate, and efficient. The Application provides on-site recreational facilities for all age groups. The Applicant will provide an on-site pedestrian path linking Crabbs Branch Way with Front Loop and Front Street; an open play area; a multi-purpose sports court; community gardens; and areas for picnics, seating, and community gatherings. The current residents of the West Side at Shady Grove community (as members of the homeowner's association) and the new residents of the provided 40 townhomes (also part of the homeowner's association) will be able to enjoy the existing amenities within the larger community and the new amenities included in the Application.

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

Each structure and use is compatible with other uses and site plans, as well as with existing and adjacent development. The Application adds townhouse and workforce units within an established residential neighborhood, maintaining a consistent development pattern and appropriate building heights. Design elements—such as street-oriented layouts with minimal setbacks, rear parking and service access, and alley-loaded units—align with nearby townhome development. Architectural materials and site furnishings are also consistent with adjacent properties.

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.*

- a. Chapter 22A, Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines, as further discussed in the findings for Forest Conservation Plan F20260080,

which are contained in a separately approved resolution and are incorporated herein.

- b. Chapter 19, Erosion, Sediment Control, and Stormwater Management
A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on January 8, 2026. The plan will meet stormwater management requirements through the use of micro-bioretenion facilities, permeable pavement, and a bio-swale.

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

February 20, 2026

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, February 19, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board