

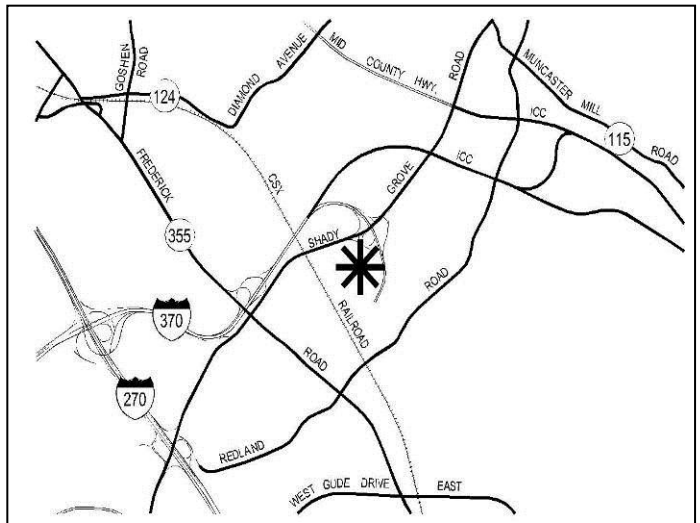
Shady Grove Station, Preliminary Plan, 120120080

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Completed 7/13/12

Description

- Request to subdivide the Montgomery County Service Park (CSP) to construct up to 2,210 dwelling units, including 15% MPDUs, 10% workforce housing, 41,828 square feet of retail, 131,422 square feet of office, a public library, an elementary school site, and a local park; to be platted in phases with dedications for streets, a local park, and an elementary school site; TDRs to be purchased for bonus density.
- Located south of the intersection of Shady Grove Road and Crabbs Branch Way between the CSX rail tracks and the Shady Grove Metro Station Access Road; TOMX-2/TDR Zone; approximately 90 acres; Shady Grove Sector Plan.
- Applicant: EYA/CSP Associates and Montgomery County
- Filing Date: 11/15/11



Summary

- Staff recommends approval of the Preliminary Plan and Preliminary Forest Conservation Plan, including a tree variance, with conditions.
- Staff has not received any correspondence from residents, adjacent property owners, or municipalities.
- This Preliminary Plan will establish the required street network and public facilities framework as required by the Sector Plan. The proposed lots will be served by public water and sewer, and the majority of the townhouses proposed will be served by a network of private streets. Pursuant to Section 50-29 (a) (2), if the Board approves the proposed lot configuration, the Board must find that the private streets attain the status of public streets.
- To be more descriptive in this Staff Report, the two areas divided by Crabbs Branch Way project are referred to as Shady Grove Station East and Shady Grove Station West. In the Sector Plan these areas are referred to as CSP Jeremiah Park and CSP Metro North, respectively. (Collectively, the CSP is referred to herein as “the Property.”)

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SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120120080 subject to the following conditions:

1. This Preliminary Plan is limited to 752 townhouse lots, 1,458 multi-family residential units, 41,828 square feet of retail, and 131,422 square feet of office development. Ten percent of the total number of residential units must be Workforce Housing units and 15% of the total number of residential units must be Moderately Priced Dwelling Units (MPDUs).
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its letter dated June 13, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated June 13, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Applicant must satisfy the Shady Grove Sector Plan's traffic mitigation requirements by entering into a Traffic Mitigation Agreement with the Planning Board and MCDOT. In the Agreement, the Applicant must participate in the Greater Shady Grove Traffic Management Organization (TMO) to assist in achieving the non-auto-driver mode share goals of the Sector Plan. As a new development generating 100 or more additional new peak-hour vehicular trips in the Shady Grove Metro Station Policy Area, the non-auto-driver mode share goals are a reduction of 65% of the employees' vehicular trips and 50% of the residential vehicular trips. Traffic mitigation actions must include three on-site bike sharing facilities, shuttle bus operation, and other measures as required by MCDOT. The Agreement must be executed prior to approval of the first certified site plan.
5. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by contributing to the Montgomery County Department of Transportation (MCDOT) \$292,500 (\$11,700 multiplied by 25 new peak-hour trips) for transportation infrastructure improvements within the greater Derwood/Shady Grove Policy Area. The PAMR payment must be made prior to issuance of any building permit.
6. The Applicant must dedicate and the record plat must reflect dedication of the following roadways, as shown on the Preliminary Plan:

- a. Crabbs Branch Way to the ultimate 120-foot right-of-way.
 - b. Shady Grove Road to the ultimate 150-foot right-of-way.
 - c. Road DD and Road JJ in the Shady Grove Station East area, that provide access to the elementary school site and Jeremiah Park, must be constructed to the Road Code Commercial Business Street standards, 2005.02 with 70-foot rights-of-way.
7. Roads P and Road I in the Shady Grove Station West area may be private streets subject to the following requirements:
- a. Public easements must be granted for the roadways and must be reviewed and approved by the Montgomery County Department of Transportation (MCDOT) and the Maryland-National Capital Park and Planning Commission (M-NCPPC).
 - b. The design of the roads must follow or improve on the corresponding Montgomery County Road Code standard (2005.02 modified) for a similar public road, unless approved by MCDOT and the Planning Board at the subdivision review stage.
 - c. Installation of any public utilities must be permitted within such easement.
 - d. The roads may not be closed for any reason unless approved by MCDOT.
 - e. The public access easement must be volumetric to accommodate uses above or below the designated easement area.
 - f. Montgomery County may require the Applicants to install appropriate traffic control devices within the public easement and the easement must grant the right to the County to construct and install such devices.
 - g. Maintenance and Liability Agreements will be required for each Easement Area. These agreements must identify the Applicants' responsibility to maintain all of the improvements within their Easement Area in good fashion and in accordance with applicable laws and regulations.
 - h. Montgomery County will inspect these streets and ensure that each has been constructed in accordance with the corresponding Road Code standard for a similar public road.
 - i. The Applicant is obligated to remove snow and provide repairs to keep the roads in working order and open and if, for any reason, the Applicants do not, the County must have the right, but not the obligation, to remove snow and/or provide repairs.
8. Prior to the submission of a Site Plan for any development in the Shady Grove Station East area, the Applicant must record a plat of reservation for the Metro Access Road Partial Interchange. The land area indicated on the Preliminary Plan (23,973 square feet) may be enlarged after MCDOT conducts preliminary engineering for the partial interchange. This plat of reservation will be valid for a minimum of three years.
9. The Planning Board has accepted the recommendations of the Montgomery County Public Libraries (MCPL) in its letter dated June 1, 2012 and hereby incorporates them as conditions of the Preliminary Plan approval. These conditions may be amended by

MCPL, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

10. The Planning Board has accepted the recommendations of Montgomery County Fire and Rescue (MCFRS) Service in its letter dated May 23, 2012 and hereby incorporates them as conditions of the Preliminary Plan approval. These conditions may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Applicant must dedicate to M-NCPPC the approximately 4.1-acre portion identified as "Block AA" in the Shady Grove Station East area on the Preliminary Plan for use as a local public park. The land must be dedicated to M-NCPPC through notation on the plat and by conveyance at the time of record plat in the form of a deed approved by the Office of General Counsel. At the time of conveyance, the property must be free of any trash and unnatural debris. Location and design of boundary markers and signs must be approved by M-NCPPC.
12. Regarding the Montgomery County Public Schools (MCPS) Site identified as "Block BB" in the Shady Grove Station East area on the Preliminary Plan for use as an elementary school site, the Applicant must:
 - a. Move the location of the school site to be co-located with the M-NCPPC park dedication required under condition 11.
 - b. Design the combined school and park site to be a minimum of 8.1 usable acres without any bisecting streets.
 - c. Ensure that the school and park site are served by frontage on a publicly dedicated right-of-way.
 - d. Amend the preliminary plan and plat the dedication of the school and park site before any site plan subject to this preliminary plan approval is filed for the Shady Grove Station East area or before January 1, 2017, whichever comes first.
13. The Applicant must provide a trail system around the regional stormwater management pond at Crabbs Branch Way and Redland Road. Trail details will be determined during Site Plan review for Shady Grove Station West and must be coordinated with the Parks Department.
14. The Applicant must reconstruct the entire section of Crabbs Branch Way from Shady Grove Road to Shady Grove Metro Access Road to include on-street parking, shared use paths, and a landscaped median.
15. The Applicants must provide streetscape, landscaping and pedestrian improvements along Shady Grove Road, between CSX tracks and the Metro Access Road during Site Plan review for Shady Grove Station West.

16. The Applicant must install a traffic signal at each intersection of Crabbs Branch Way and the proposed internal roads "E" and "BB", if MCDOT determines the signals are warranted.
17. The Applicant must coordinate with the Washington Metropolitan Area Transit Authority (WMATA) to provide pedestrian improvements between Road "P" and the Shady Grove Metro Station during first Site Plan review for Shady Grove Station West.
18. The Applicant must submit a Final Forest Conservation Plan for the area covered by this Preliminary Plan, to be approved with the first Site Plan submitted.
19. The Applicant must re-examine impacts to specimen trees number 32, 39, and 54 during Site Plan review to see if these trees can be saved through site design and/or construction techniques that reduce impacts to the critical root zones.
20. Fifty shade trees of at least 3" caliper must be included in the Site Plan as mitigation for the removal of 18 specimen trees under the variance. If it is found that trees 32, 39, and/or 54 can be saved, the number of shade trees required may be reduced accordingly. The formula for determining mitigation is 1" of diameter replaced for every 4" of diameter removed, with replacement trees being 3" caliper minimum. These trees do not count toward afforestation requirements.
21. On-site and off-site planting requirements to fulfill the 19.94 acres of forest conservation mitigation will be determined by the Final Forest Conservation Plan.
22. The Applicant must submit a Phase II Noise Analysis prior to Site Plan approval and incorporate noise mitigation measures into the Site Plan.
23. The Applicant must obtain approval of a detailed floodplain study from the Montgomery County Department of Environmental Protection prior to Site Plan approval, as required by the Stormwater Management Concept approved by MCDPS.
24. Final approval of the number and location of dwelling units, site circulation, parking, sidewalks, signs, shared use paths, open space and public use space, and sitting areas will be determined at Site Plan.
25. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
26. If a Development District is proposed by Montgomery County, the Applicant must submit a Development District proposal to the Planning Board prior to the approval of a record plat for Shady Grove Station West.
27. No clearing, grading, or recording of plats is allowed prior to the approval of the certified site plan for each phase of development.

28. The record plat must reflect serialization and liber/folio reference for all TDRs utilized by the development.
29. The final number of Workforce Housing units, MPDU's, and TDR's required will be determined during Site Plan review.
30. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
31. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
32. The record plat must reflect all areas under Homeowners Association (HOA) ownership and specifically identify stormwater management parcels and/or easements.
33. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration/location or right-of-way width/ alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
34. The Certified Preliminary Plan must contain 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 review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
35. Prior to the issuance of any residential building permit covered by this Preliminary Plan, the Applicant must make a School Facilities Payment at the elementary school level to the Montgomery County Department of Permitting Services. The Applicant is proposing townhouses and mid/low-rise multi-family dwellings with residential parking as defined by the Annual School test effective July 1, 2011 for the Gaithersburg Cluster. This amounts to \$868.78 per residential townhouse, \$456.80 per multi-family garden apartment, and \$34.42 per high/low rise residential apartment at the elementary school level. If the type of residential units changes, the applicable school facilities payment, per the Annual School Test effective July 1, 2011, will apply.

SECTION 2: CONTEXT AND PROPOSAL

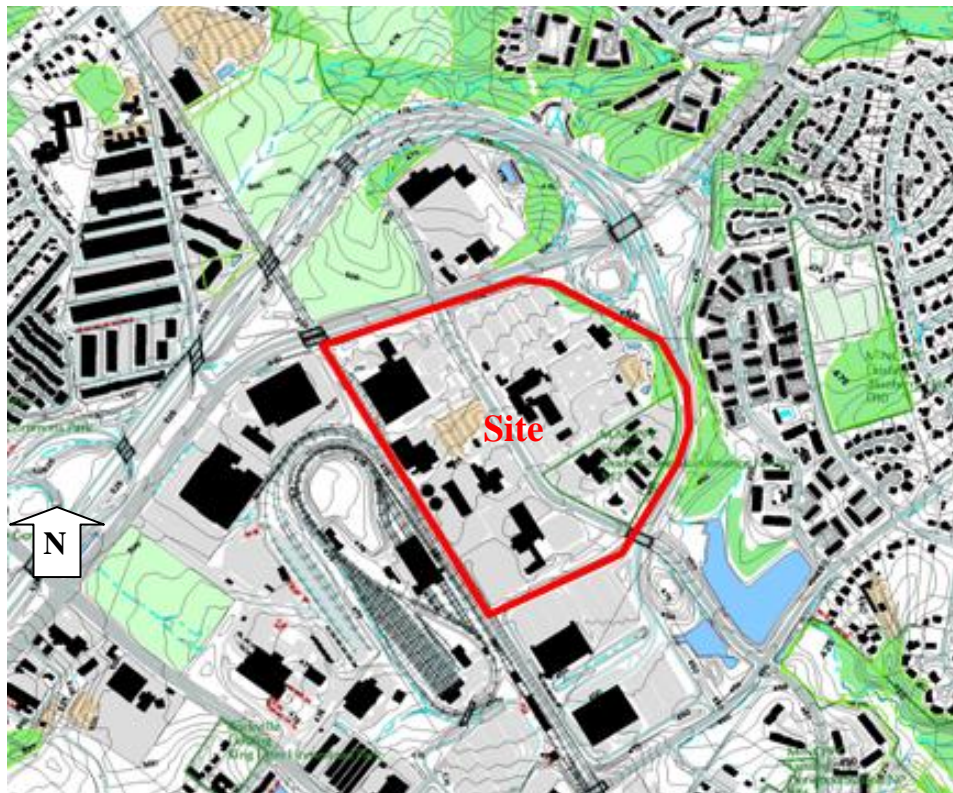
SITE DESCRIPTION

Site Vicinity

The Montgomery County Service Park (CSP) 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 the CSP dividing the area into two segments. In the Master Plan these areas are referred to as CSP Jeremiah Park, on the east side of Crabbs Branch Way, and CSP Metro North, on the west side of Crabbs Branch Way. For more descriptive referencing, this Staff Report refers to these two areas as Shady Grove Station East (SGS East) and Shady Grove Station West (SGS West) and the entire site as the Property. All of the Property is in the Transit Oriented Mixed Use/Transferable Development Rights (TOMX-2/TDR zone).

Immediately northeast of the intersection of Shady Grove Road and Crabbs Branch Way is the Grove Shopping Center in the Residential-Mixed Use (RMX-2C/TDR) zone. The new Montgomery County Department of Transportation's Equipment Maintenance Operations Center (EMOC) is under construction to the northwest in the Industrial Park (I-3) zone.

Park Overlook and Mallard Cove, residential townhouse communities, are located east of the Metro Access Road; a large stormwater management pond and the Shady Grove Metro Station are south; and the Shady Grove rail yard is west of CSX rail tracks.



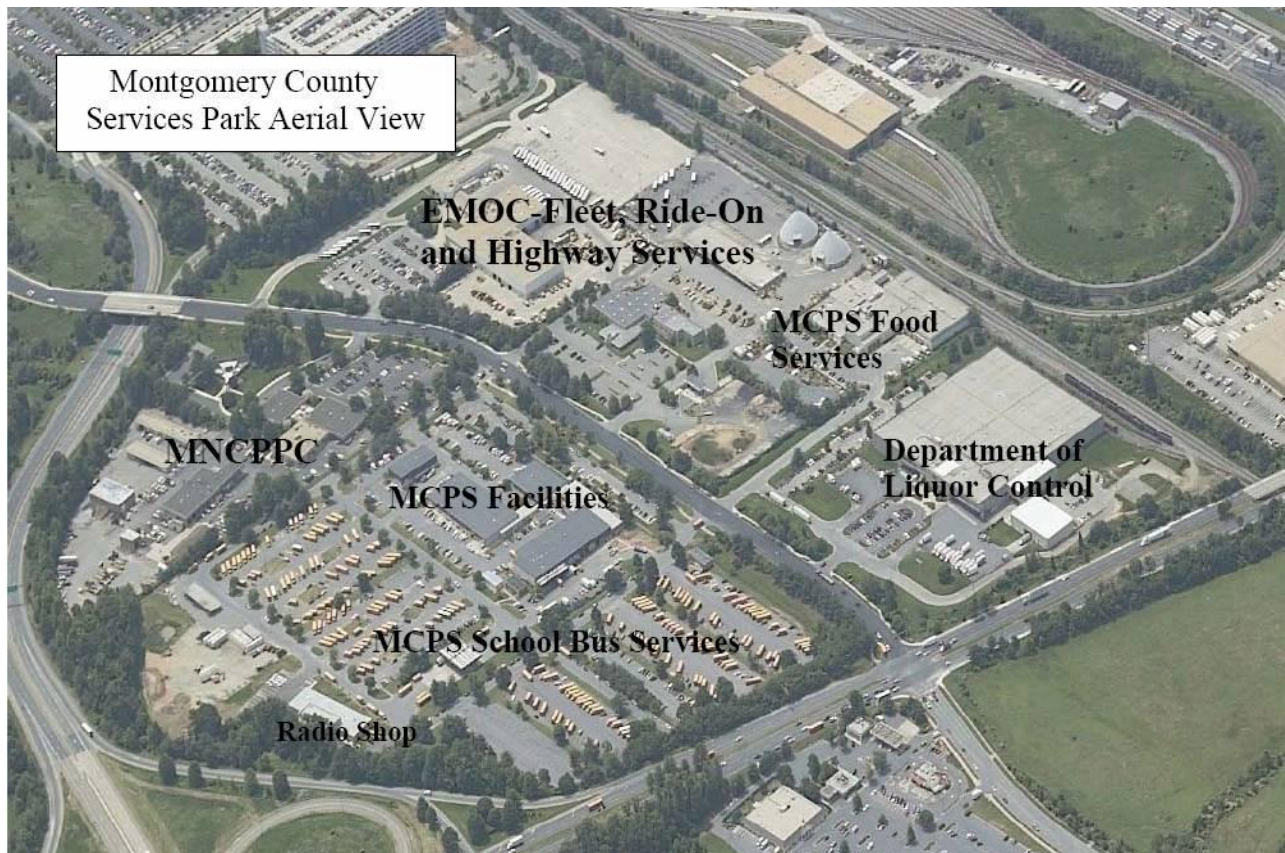
Vicinity Map

Site Analysis

The Property is generally flat, the southern portion being lower close to the Metro Station, while the northern portion is slightly higher close to Shady Grove Road. The Montgomery Parks Department Training and Maintenance Center and the Montgomery County School Bus Depot are located on the SGS East portion of the Property. Acres of surface parking spaces for school buses; Parks Department maintenance equipment; and low-level office buildings comprise the uses in this area.

Salt domes, surface parking areas for trucks and Ride On buses, and low-level office buildings are located on the SGS West portion of the property. Uses here include the Department of Liquor Warehouse, Montgomery County Public Schools Food Service Center, Montgomery County Equipment Maintenance Operations Center (EMOC), and the Crabbs Branch Day Laborer Center.

There are mature trees adjacent to the Shady Grove Metro Access Road and other trees are scattered throughout the site. Stormwater runoff drains primarily from west to east across the site. Runoff from the site currently is collected and conveyed to a regional stormwater pond in the northwest quadrant of the intersection of Redland Road and Crabbs Branch Way. The Property lies within the Rock Creek Watershed. There are no known significant historical or cultural resources on the site, which is served with public water and sewer.



Aerial View of the County Service Park looking South

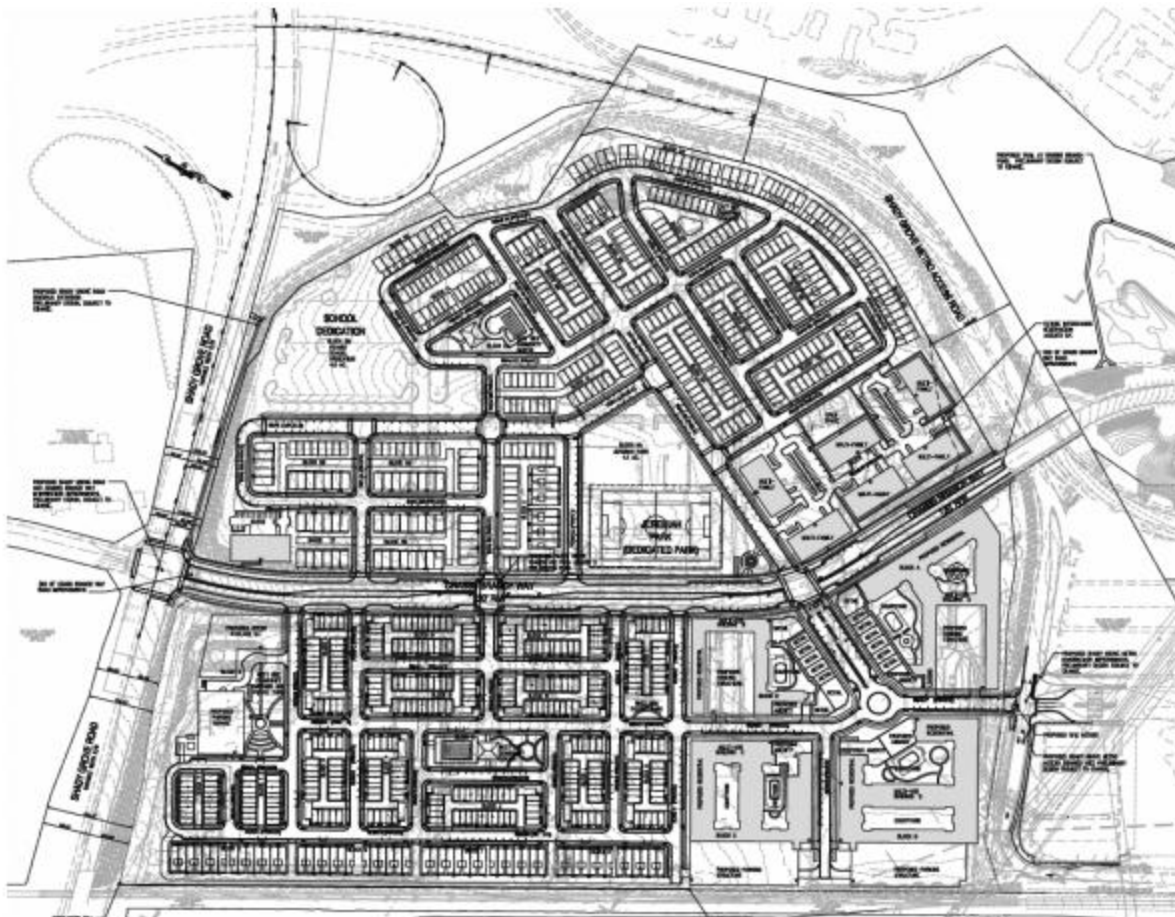
PROJECT DESCRIPTION

Previous Approvals

The CSP has existed at the current location since the early 1980s and there are no prior preliminary plan approvals associated with the subject site. The Property was rezoned from the Single-Family Residential (R-200) and Light Industrial (I-1) zones to the Transit-Oriented Mixed Use/Transferable Development (TOMX-2/TDR) zone when the Shady Grove Sector Plan was approved in 2006.

Proposal

Montgomery County, the owner of the Property, has entered into a development agreement with EYA of Bethesda, Maryland. EYA is responsible for completing the Preliminary Plan and will redevelop the SGS West portion of the Property. Development on the SGS East portion the property will be determined in subsequent phases.



Overall Preliminary Plan

This Preliminary Plan proposes mixed-use development with townhouses, mid-rise multi-family buildings, retail, and office uses, an elementary school site, a local public park, and public use space. EYA CSP, LLC will redevelop the SGS West area with 1,521 dwelling units, 131,422 square feet of office, 41,828 square feet of retail, and a public library. Eleven HOA parcels are indicated on SGS West and 43 HOA parcels are indicated on SGS East.

The overall development for the Preliminary Plan includes the following:

| Shady Grove Station West (CSP-Metro North) | Shady Grove Station East (CSP Jeremiah Park) |
|--|---|
| <i>Townhouses:</i> 407 dwelling units (dus) <ul style="list-style-type: none"> ▪ Workforce units: 25 dus ▪ MPDU units: 44 dus | <i>Townhouses:</i> 345 dwelling units (dus) <ul style="list-style-type: none"> ▪ Workforce units: 30 dus ▪ MPDU units: 47 dus |
| <i>Multi-Family:</i> 1,114 dwelling units (dus) <ul style="list-style-type: none"> ▪ Workforce units: 91 dus ▪ MPDU units: 167 dus | <i>Multi-Family:</i> 344 dwelling units (dus) <ul style="list-style-type: none"> ▪ Workforce units: 23 dus ▪ MPDU units: 49 dus |
| <i>Non-Residential:</i> <ul style="list-style-type: none"> ▪ Retail: 41,828 square feet ▪ Office: 131,422 square feet | <i>Non-Residential:</i> NA |
| <i>Public Facility</i> <ul style="list-style-type: none"> ▪ Library | <i>Public Facility</i> <ul style="list-style-type: none"> ▪ Park and school site dedication |

Smart Growth Initiative

The County Executive, in September 2008, established the Smart Growth Initiative to redevelop the CSP, as envisioned in the 2006 Shady Grove Sector Plan, and to provide a new site for the Public Safety Training Academy (PSTA). The County has purchased several properties to relocate existing CSP uses, including Casey 6 and Casey 7, which are within the Sector Plan area, the GE Tech Park/National Geographic property on Darnestown Road (Route 28), and the Webb Tract on Snouffer School Road. Several Capital Improvement Programs (CIPs) have been approved to fund this initiative.

COMMUNITY OUTREACH

The Applicant has complied with all the required submission and noticing requirements for the Preliminary Plan. On September 19, 2011, the Applicant held its pre-submission meeting at the Parks Department Training Center on Crabbs Branch Way. EYA and Montgomery County representatives also met with the Shady Grove Advisory Committee in April 2011 to discuss the Preliminary Plan. As of the date of this report, staff has received no emails, phone calls, or written responses on the submitted Preliminary Plan.

DEVELOPMENT ISSUES

There are several issues that require specific discussion: the reservation or dedication of the elementary school and park sites; the types of streets to serve the development; the Crabbs Branch Way partial interchange and right-of-way, and the non-residential development on the Property.

Park and School Site

The Sector Plan designates the SGS East area as the recommended location for an elementary school and a minimum 4-acre local park, Jeremiah Park. The Applicant will dedicate the local park site to the Parks Department. Staff supports the location and size of the local park since it is located on Crabbs Branch Way and achieves the Sector Plan's size recommendation.

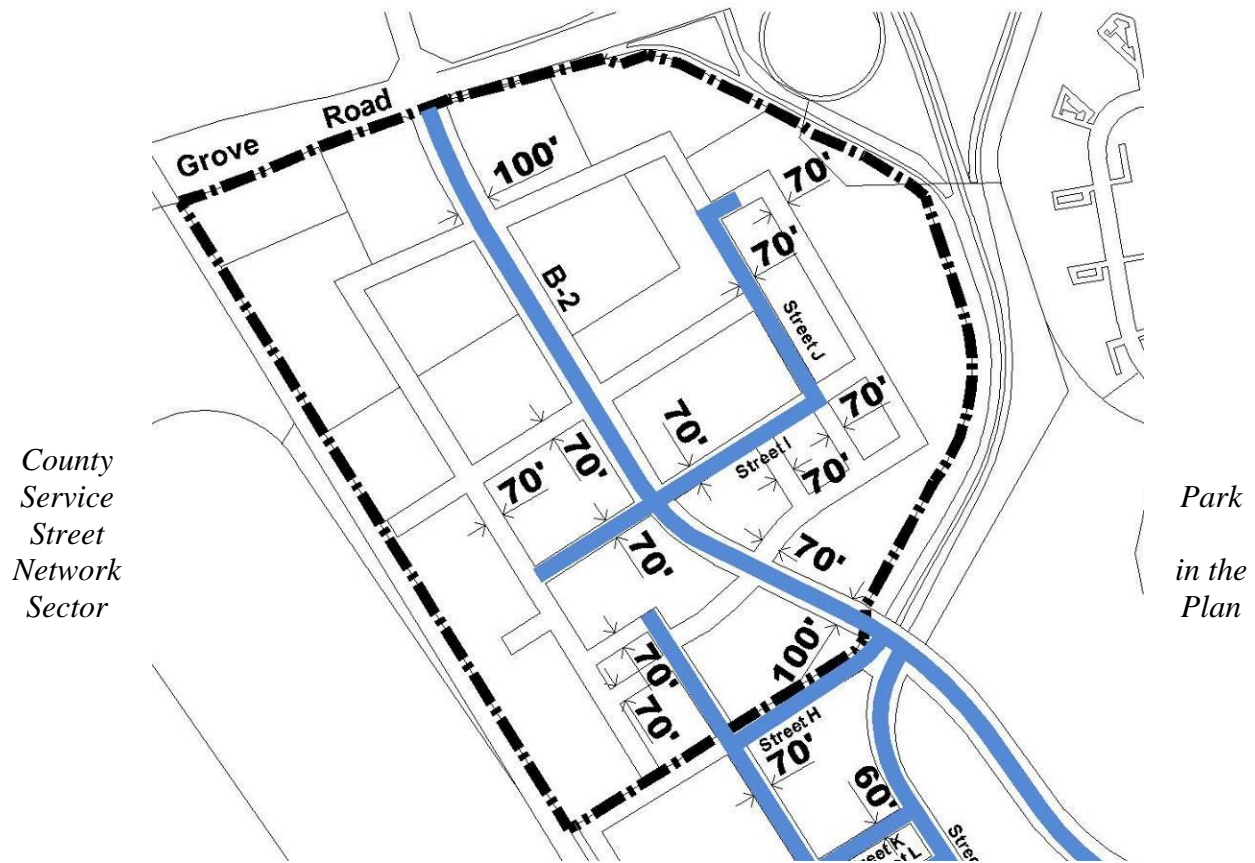
The Applicant will also dedicate a four-acre school site on the northeastern section of Shady Grove Station East. The location designated on the Preliminary Plan is contrary to the Sector Plan recommendation that the school site should be "adjacent to the local park" (page 53). Under the conditions recommended by Staff, the Applicant must provide an alternative location for the elementary school that achieves the Sector Plan's recommendations regarding size and co-location with the park. Montgomery County Public Schools (MCPS) supports dedication of the site but also recommends a site closer to Jeremiah Park (Attachment 8).

Although an alternative elementary school site, Casey at Mill Creek/Piedmont Crossing, is also recommended in the Sector Plan. The preliminary plan (120020220) for Piedmont Crossing reserved 8.5 acres of the site, for two years, to allow MCPS to purchase the site for an elementary school, MCPS did not purchase the site. It was later purchased by the Parks Department for a local park. Therefore, the school site on this Property is especially important.

Street Types

The proposed Preliminary Plan illustrates a series of streets with parking on one side or both sides of each street. The Sector Plan did not designate streets into public and private categories. Rather, it emphasized the street rights-of-way at 70 feet, which is required to implement redevelopment of the Property. Page 81 of the Sector Plan states:

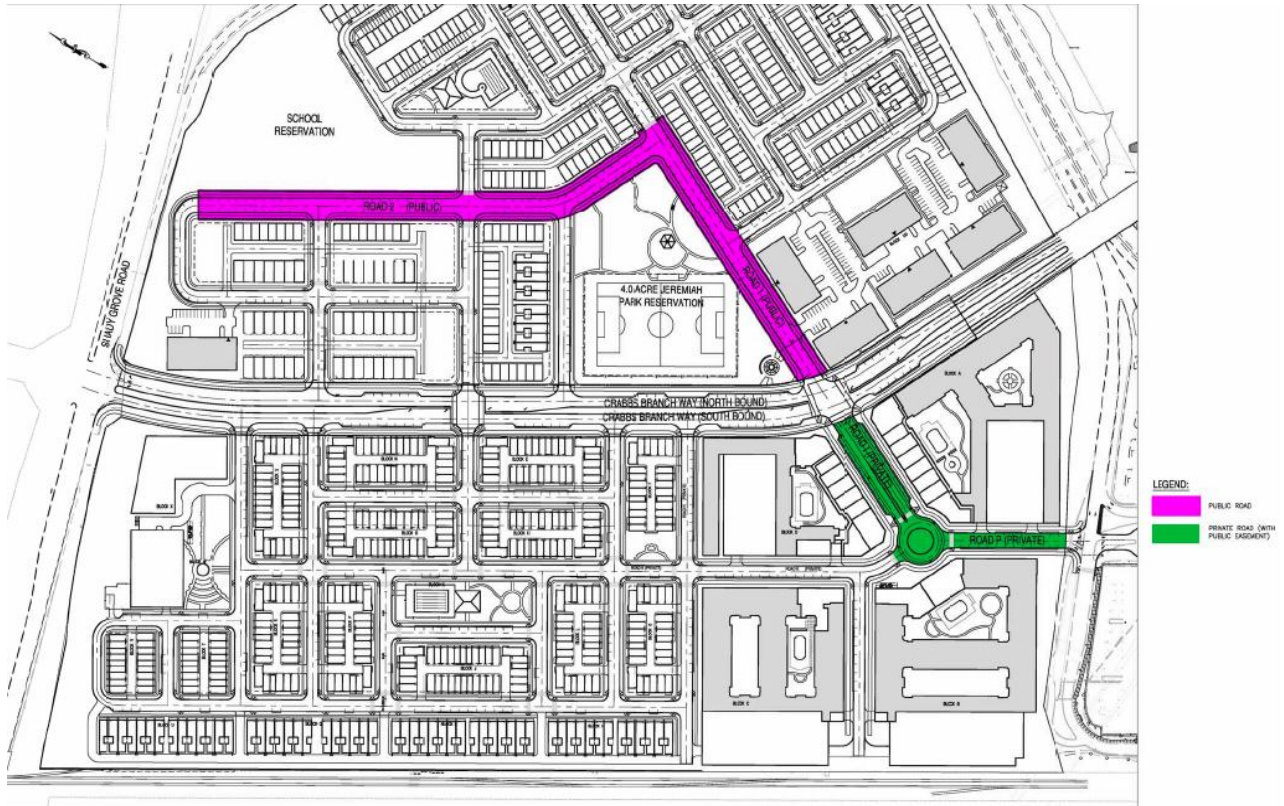
- Those streets that are listed in the Street and Highway Classification table as Streets 'F' (north of Street 'H'), 'I', and 'J' in the County Service Park are illustrative of the type of right-of-way needed to improve access to Metro and local circulation. Additional streets in the County Service Park that are illustrated but not listed in the table are also of the type desired.
- At the time of preliminary plan review, specific street locations shall be determined. Recommended rights-of-way are needed to ensure adequate lanes, bus access, emergency vehicle access, pedestrian sidewalks and street parking.



Generally, master-planned streets are expected to be publicly dedicated rights-of-way except where the Planning Board determines that alternative means to provide public access are acceptable (i.e., the alternative streets have acquired the status of a public road and therefore satisfy the intent of Sec. 50-29). Staff balanced the needs to serve public facilities with public streets, especially the local park and elementary school, against recent changes that require environmental site design techniques for stormwater management. In this case, to provide stormwater management and maintain the design recommendations for the streets, private streets are the best option for most of the development. They must, however, still be built to meet or exceed tertiary roadway standards. In this instance, it is most important that the local park and elementary school be accessed via publicly dedicated streets, while less intense uses, such as the library integrated into the mixed-use buildings may be accessed on streets that at least function as public streets.

Roads “JJ and DD” on SGS East that provide access to the school site and the local park will be commercial business district streets with 70-foot rights-of-way that meet the County’s Road Code Standard, 2005.02. This roadway standard provides parking on both sides of the street with two travel lanes. Roads “I” and “P” on SGS West will be private streets with public access easements, private maintenance and liability agreements, and several other conditions of approval.

New stormwater management Environmental Site Design (ESD) standards have changed how stormwater runoff may be managed for impervious areas. Further, MCDOT has limited ESD techniques within the public right-of-way. For example, bioswales were proposed for Crabbs Branch Way but were removed per MCDOT direction. Private streets provide greater flexibility to incorporate ESD techniques within the multi-family, mixed-use portion of the SGS West area.



Submitted Public and Private Streets

Regarding the townhouse and multi-family blocks covering most of the remainder of the Property, the Applicant proposes private streets. Section 50-29(a) (2) of the Subdivision Regulations states that, “except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstance, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands. In multi-family and town house development, not subdivided into individually recorded lots, the board may approve more than two (2) lots or buildings on private roads or drives, provided there is adequate access from such roads to a public street, as above.”

Staff believes that, to make this finding, the proposed roads must meet the following criteria. They must:

- Be fully accessible to the public;

- Have minimum pavement widths and be accessible to fire and emergency vehicles;
- Be designed with safe, adequate, and efficient circulation, parking, and sidewalks; and
- Provide frontage for all buildings.

Staff supports the proposed street network with the conditions specified in this Staff Report since it achieves the Plan’s recommendations, will provide unrestricted public access, and is supported by other County agencies.

Crabbs Branch Way Partial Interchange

The Sector Plan recommends a partial interchange at the southern portion of the CSP, east of Crabbs Branch Way. The Applicant has developed a preliminary concept for the partial interchange. The specific amount of land necessary for the partial interchange is unknown at this time since detailed engineering has not been completed, but no development is proposed in the near-term for this area. Staff recommends, therefore, that the reservation of land should be determined prior to submission of a site plan for any development on SGS East. The funding for the partial interchange is required to begin stage 2 of the Sector Plan.

MCDOT supports delaying the full design of the interchange since MCDOT “recognize that the Applicant is only pursuing development of the County properties on the west side of [Crabbs Branch Way]. For that reason, we are willing to support the preliminary plan to proceed to Planning Board review-while providing more time to respond to the following comments on the interchange conceptual design and reservation area” (Attachment 7).

Crabbs Branch Way Right-of-Way

Crabbs Branch Way is the main street that divides the Property into two segments. The Shady Grove Sector Plan classifies Crabbs Branch Way, between Redland Road and Shady Grove Road, as a four-lane divided Commercial Business District Street with a minimum right-of-way of 100 feet. The Applicant is proposing expanding the minimum right-of-way to 120 feet to meet the typical roadway standards established by MCDOT, and to locate on-street parking within the right-of-way. Staff supports the expansion of the right-of-way since it achieves the Sector Plan’s recommendations of an extensively landscaped median, a shared use path, and on-street parking.

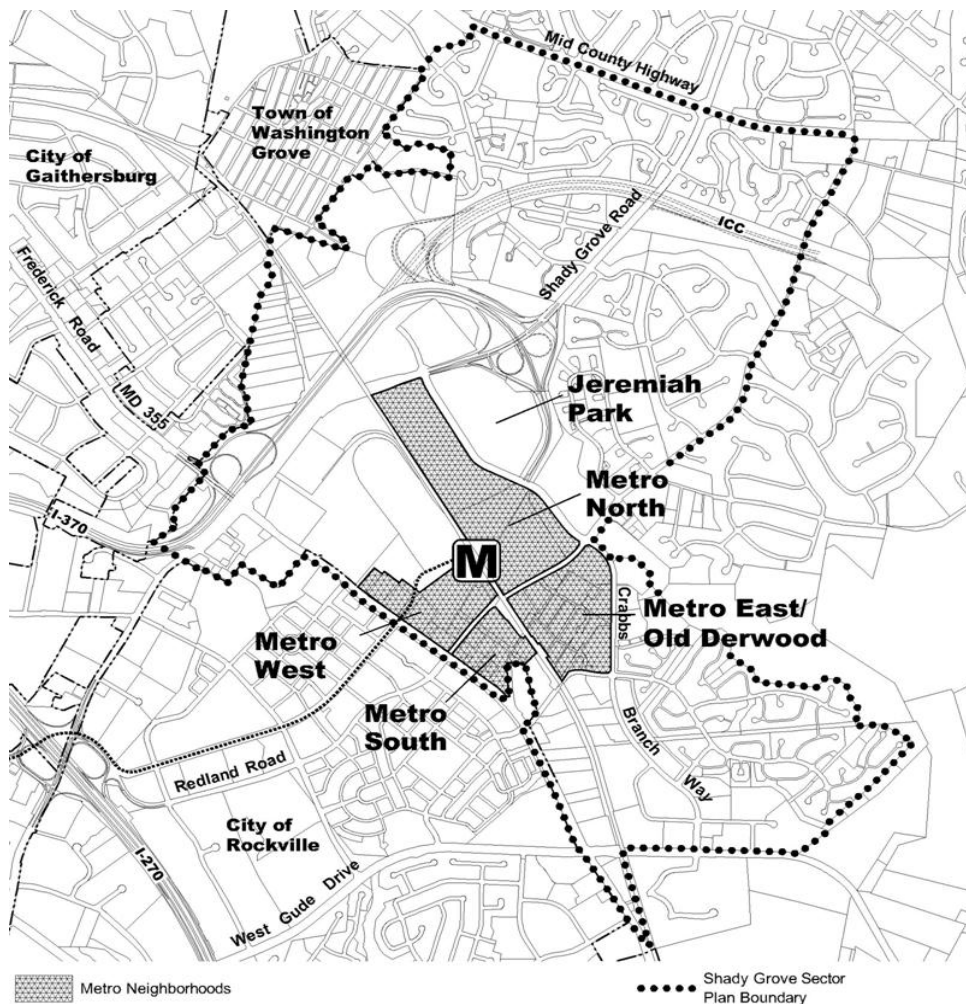
Non-Residential Development

The Sector Plan permits up to 40,000 square feet of retail and 133,250 square feet of office development for SGS West. The Applicant has proposed increasing the retail square feet to 41,828 square feet since this amount provides some flexibility in the layout of the retail center within the development. Although the proposed retail amount exceeds the Plan’s limit by 1,828 square feet, Staff supports this increase because the office development has been reduced by the same amount. The proposed office building is 131,422 square feet. Therefore, the total non-residential square feet is still within the Sector Plan’s limits.

SECTION 3: PRELIMINARY PLAN REVIEW

SECTOR PLAN

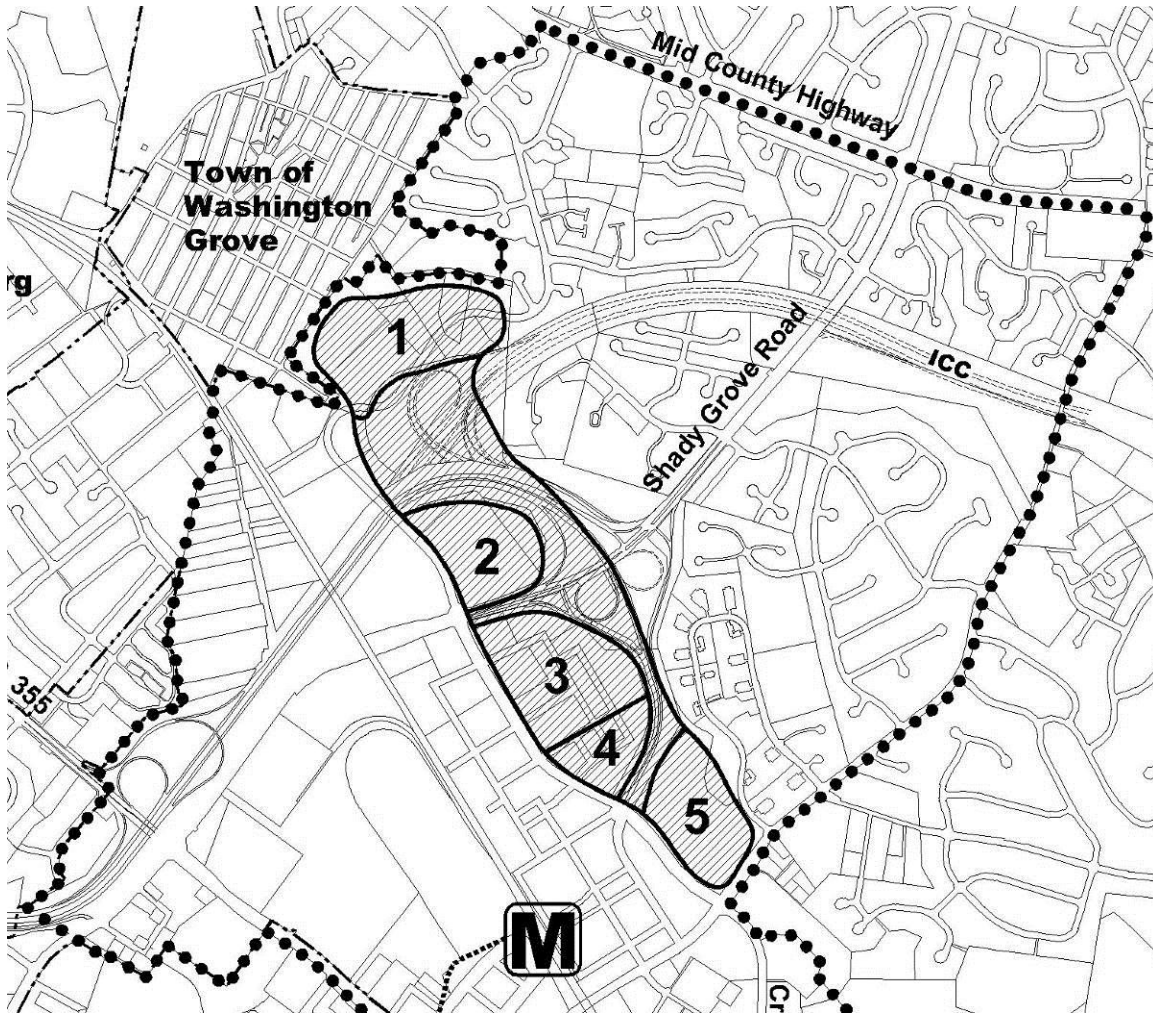
The Preliminary Plan will begin implementing the overall concept for the Metro Neighborhoods, which includes SGS West. The Metro Neighborhoods are envisioned “as an urban village, a place that provides vitality, convenience, and a human scale of development. It should become a residential mixed-use area with some office and community-serving retail uses, and recreational areas providing a focus for community life and services. Functionally integrated with the Metro station, the proposed street pattern will create an interconnected network of streets and sidewalks that ensure good vehicular and pedestrian access to Metro” (page 33).



Sector Plan's Metro

Neighborhoods

SGS East is within the Transitional Area of the Sector Plan. The Plan notes that “redevelopment here will be less dense than the Metro Neighborhoods with open spaces, residential uses, and public facilities to serve the planning area. The Transition Area’s transitional uses are an opportunity to achieve compatibility and provide needed public facilities for the Derwood Communities” (page 51).



Transitional Area in the Sector Plan

The Sector Plan made specific recommendations for both neighborhoods, including the following for the SGS West area (pages 44-45):

- To accommodate housing options between Casey 6, Casey 7, Metro North-CSP and Jeremiah Park, allow up to 615 base density units on Metro North-CSP that can be increased to 960 base density units if jointly developed with Casey 6 and Casey 7. This base density can be increased by workforce housing, TDRs and MPDUs bonus density up to 1,540 units with bonus density if jointly developed with Casey 6 and Casey 7.
- Achieve a mix of unit types with sufficient townhouses to offer housing choices but limited enough to achieve a series of community open spaces for adequate passive recreation.
- Provide a minimum of 10 percent workforce housing and 20 percent TDRs staying within density limits for the entire County Service Park that allows up to 2,240 units with bonus density if jointly developed with Casey 6 and Casey 7.
- Permit up to 40,000 square feet of retail and 133,250 square feet of office uses.
- Provide live-work residential units along Crabbs Branch Way.

- Avoid locating residential directly adjacent to the rail line and the Solid Waste Transfer Station to minimize noise impacts; and locating non-residential buildings or garages directly adjacent to the Solid Waste Transfer Station or WMATA maintenance yard to create a compatible transition to the proposed mixed-use residential areas.
- Provide a library site with structured parking near Shady Grove Road in a manner that creates a focal point as a civic building in a highly prominent location. At the time the library is constructed, consider whether additional community meeting space (beyond that normally provided in a library) is needed.
- Locate housing with sufficient building setbacks to accommodate street trees, adequate sidewalks and extensive landscaping to establish a garden character throughout the neighborhood.
- Limit building heights to eight stories closest to the Metro and stepping down to four stories along Crabbs Branch Way for a compatible transition to existing single-family neighborhoods to the east. Office development along Shady Grove Road may not exceed five stories. Parking garages adjacent to CSX tracks may exceed the four-story limit.
- Submit a comprehensive development application covering the entire CSP including Metro North and Jeremiah Park.

The proposed Preliminary Plan substantially conforms to the Sector Plan recommendation for SGS Westby providing the following:

- It utilizes a base density of 960 dwelling units;
- Density is increased via workforce housing, Transfer Development Rights, and bonus MPDUs;
- The amount of non-residential development is within the Sector Plan limits but the retail amount exceeds the Plan by 1, 828 square feet;
- Parking garages and a noise wall are located adjacent to the WMATA maintenance yard;
- Residential development has sufficient setbacks to accommodate enhanced streetscape;
- Multi-family buildings are the highest close to the Metro Station, while townhouses are lower along Crabbs Branch Way; and
- A comprehensive plan is submitted for the entire CSP.

A library is provided on the SGS West but it is not a stand-alone facility with structured parking as envisioned in the Sector Plan. The proposed library is located at a focal point within a mixed-use building that intersects with Road “I” and Road “P”. The Applicant has indicated that live-work units will not be provided along Crabbs Branch Way.

Regarding SGS East, some of the key Sector Plan recommendations are (pages 52-53):

- Achieve a mix of unit types with sufficient number of townhouses to offer housing choices but limited enough to achieve a series of community open spaces for adequate passive recreation. A minimum of 50 percent single-family attached housing shall be provided.

- Dedicate a minimum of 4 acres for a local park to the M-NCPPC, to be called Jeremiah Park, and provide a series of smaller community open spaces for passive recreation. The local park should be developed with an outdoor community gathering place in addition to providing needed recreation facilities and possibly co-located with the library. The local park shall be visible from and oriented along the frontage of Crabbs Branch Way.
- Do not approve a preliminary plan for new private development on Jeremiah Park until sites for three ball fields and other required park facilities have been identified. Absent identification of alternative locations, two adult ball fields should be located on Jeremiah Park if the County Service Park relocates.
- Provide special features and amenities in the local park and community open space such as artwork, fountains, shade trees, seating areas, play areas, special paving, lighting and references to the history of the community.
- Provide a school site adjacent to the local park.
- Maintain a significant setback from the Metro access road right-of-way to establish compatibility and reforestation opportunities.
- Limit townhouse building heights to 4 stories with multi-family units up to five stories. Maintain a 4-story building height along Crabbs Branch Way.
- Achieve a well-developed interconnected street system.
- Create a reforestation area along the Metro Access Road.

The proposed Preliminary Plan substantially conforms to the Sector Plan recommendation for SGS East by providing the following:

- 50 percent of units are single-family attached units;
- A four-acre local park will be dedicated to M-NCPPC. Additional details regarding the features of park will be determined when a site plan is submitted;
- Townhouses are four stories or less, while multi-family development is five stories or less. Specific heights will be determined at site plan; and
- A well-developed street system with on-street parking is provided.

A four-acre elementary school will be dedicated although the location of the site is not adjacent to the local park. As noted earlier, Staff recommends a condition to ensure that the location of the school site be revised prior to submission of a site plan for the SGS East area, ensuring consistency with the Sector Plan.

STAGING

The Sector Plan recommends a staging plan that is centered on the potential redevelopment or retention of the CSP: accommodating the relocation of the CSP in an initial stage, ensuring adequate recreation facilities, promoting residential development, and addressing public fiscal issues (page 101).

The general staging provisions provide specific recommendations for the CSP redevelopment, including (page 112):

- Re-evaluate the need for additional community meeting space before the new library is built and consider the option to co-locate additional meeting space with the library, if needed.
- Do not approve a preliminary plan for new private development on Jeremiah Park until a site for a new school and the private funding source for acquisition have been identified.
- Do not approve a preliminary plan for new private development on Jeremiah Park or Metro North until a site for a library has been identified by the Planning Board in consultation with the Department of Public Libraries and other permitting agencies.
- Do not approve a preliminary plan for new private development on Jeremiah Park until sites for three ballfields and other required park facilities have been identified. Absent identification of alternative locations, two adult ball fields should be located on Jeremiah Park if the County Service Park relocates.
- Any County owned property, including the County Service Park, must participate in Trip Mitigation Agreements [TMAGs] even if development yields less than 100 additional peak-hour trips.

The proposed Preliminary Plan substantially conforms to the Sector Plan’s staging recommendations by providing the following:

- An elementary school site has been identified;
- A new library is included;
- Several parks, including Jeremiah Local Park, have been identified in the Plan area to accommodate active recreation (Attachment 6);
- The community meeting space will be further analyzed at site plan based on need; and
- The Applicant will enter into a TMAg prior to the approval of a certified Site Plan.

CSP Staging

Residential and non-residential development was reserved for the Executive Branch to complete negotiations to relocate CSP facilities. The Sector Plan states that “housing capacity of 2,480 units and 520 jobs will be held for development on Jeremiah Park and the Metro North Neighborhood (CSP), unless the Executive Branch determines that a land exchange is not feasible or fails to enter into an agreement with a private developer to relocate the CSP within two years of the adoption of the Plan” (page 113). The Sector Plan was adopted by the Planning Commission in March 2006; therefore, the two-year reservation period lasted until March 2008.

In addition, the Plan states that “if the County Service Park does not complete negotiations related to relocation within two years, then Stage 1 will consist of only 1,500 housing units and 1,570 jobs. If some portions of the County Service Park relocate, then Stage 1 ceiling will be proportionally adjusted to the amount of development proposed up to 2,540 units and 1,570 jobs” (page 113).

The Executive Branch signed a master planning and real estate purchase agreement on December 20, 2010 with EYA of Bethesda to begin redeveloping the CSP. Although this agreement occurred after the two-year reservation established in the Plan, the Planning Board in March 2011 supported the Executive Branch’s position that best efforts were made to

achieve the Sector Plan’s timeline. This preliminary plan has been reviewed within the context of the Board’s prior action.

The Sector Plan allows for the relocation of the CSP with a maximum of 6,340 new dwelling units and 7,000 new jobs in the Plan area. If no CSP relocation occurs, the residential amount in the Plan area will be 4,100 dwelling units and 7,000 jobs for non-residential development. Below are differences between the relocation and non-relocation options:

Relocation of the County Service Park: 6,340 dwelling units

- Stage 1: 2,540 dus, 1,570 jobs
- Stage 2: 3,540 dus, 2,650 jobs (cumulative)
- Stage 3: 6,340 dus, 7,000 jobs (cumulative)

No relocation of the County Service Park: 4,100 dwelling units

- Stage 1: 1,500 dus, 1,570 jobs
- Stage 2: 2,500 dus, 2,650 jobs (cumulative)
- Stage 3: 4,100 dus, 7,000 jobs (cumulative)

Since the adoption of the Sector Plan, two projects, Baldwin Landing/Derwood Bible (Site Plan No. 820070160) with 42 residential dwelling units, and Shady Grove Metro Parcel-146 (Site Plan No. 820090070) with 156 dwelling units have been approved, totaling 198 dwelling units. Therefore, there are 2,342 dwelling units remaining for development. The proposed Preliminary Plan conforms to staging provision in the Sector Plan. It will absorb 2,210 of the remaining balance of dwelling units.

The proposed non-residential development will yield 630 total jobs, 104 jobs for retail and 526 jobs for the office building. Four hundred (400) square feet per retail square feet is assumed and two-hundred and fifty (250) square feet is assumed for office development.

BUILDING HEIGHTS

For SGS West, the Plan recommends “limiting building heights to eight stories closest to the Metro and stepping down to four stories along Crabbs Branch Way for a compatible transition” (p.45) and “limiting townhouse building heights to 4 stories with multi-family units up to five stories. Maintain a 4 story building height along Crabbs Branch Way” for SGS East (p.53). Multi-family buildings near the Metro station on SGS West are approximately 70 feet and townhouses are approximately 35-40 feet, while multi-family buildings on SGS East are lower and townhouses are similar in height. Final building heights will be determined at Site Plan review. The proposed preliminary plan heights of the multi-family buildings, townhouses, and office building are substantially consistent with the Sector Plan recommendations.

DENSITY

For both neighborhoods, the Sector Plan established base densities while using bonus density provisions through Workforce Housing, Transferable Development Rights (TDRs), and Moderately Priced Dwelling Units (MPDUs) to increase the amount of residential development. Specially, the Plan states that “base density can be increased by 10 percent workforce housing,

20 percent Transferable Development Rights (TDRs), and 22 percent Moderately Priced Dwelling Units (MPDUs)” (p.55).

The Sector Plan also envisioned a potential joint development between the County Service Park and Casey 6 and 7, which are two properties northwest of the intersection of Shady Grove Road and Crabbs Branch Way. In March 2007, the Planning Board approved preliminary plan (#1-20070320) for Casey 6 and 7 with 340 dwelling units and 329,300 square feet of office development. These properties were owned by EYA, but were later purchased by Montgomery County and the State of Maryland to accommodate some of the current CSP uses and the maintenance facility for the Intercounty Connector (MD 200), respectively.

The Preliminary Plan proposes 689 dwelling units on SGS East and 1,521 dwelling units on SGS West. The Sector Plan recommends “up to 700 units with bonus” densities on SGS East (p.52). And, up to “1,540 units with bonus density if jointly developed with Casey 6 and Casey 7” on SGS West (p.44).

The residential amount on SGS East is within the Plan’s recommendation. Since joint development is no longer possible on Casey 6 and 7, Staff supports the higher base density for SGS West since it increases the amount of residential development, including affordable housing, within close proximity to the Metro Station, and it is within the Metro Neighborhoods concept of the Sector Plan. As proposed, the densities for SGS East and West are substantially consistent with Sector Plan’s overall recommendations.

STREET NETWORK

The Plan recommends “a new grid system of local streets forming short walkable blocks within the Metro station (see Commercial Business District Streets for Metro Neighborhoods [page 83]). Those streets that are listed in the Street and Highway Classification table [pages 84-85] as Streets ‘F’ (north of Street ‘H’), ‘I’, and ‘J’ in the County Service Park are illustrative of the type of right-of-way needed to improve access to Metro and local circulation. Additional streets in the County Service Park that are illustrated but not listed in the table area also of the type desired” (p.81).

The Sector Plan’s street network for the CSP highlights four streets, “Street I, J, F”, for portions of SGS East and SGS West as 70 feet right-of-way streets. The proposed Preliminary Plan illustrates Roads “DD, JJ, and I” as 70 foot streets with on-street parking and streetscape, while Road “P” has a right-of-way of 82 feet.

The proposed road alignments for SGS West are analogous to the Sector Plan recommendation, while the alignments for SGS East are different. The Sector Plan states that “at the time of preliminary plan review, specific street locations shall be determined. Recommended rights-of-way are needed to ensure review of adequate lanes, bus access, emergency vehicle access, pedestrian sidewalks and street parking” (page 81). The proposed public streets, DD and JJ, will be designed to the County’s Business Street District Standards, 2005.02.

For Crabbs Branch Way, the Sector Plan recommends “achieving a 100-foot right-of-way between Shady Grove Road and Redland Road to accommodate four lanes and a median.

Support on-street parking during off-peak hours to provided needed parking for the local park and residents. During peak hours, parking lanes will become travel lanes” (page 80). The Preliminary Plan achieves the Sector Plan’s recommendations for Crabbs Branch Way with a larger right-of-way of 120 feet; permanent on-street parking on both sides of the street; a median; shared use paths on both sides of the street; and streetscape. The Preliminary Plan street network is substantially consistent with the Sector Plan’s street network for the County Service Park.

Pedestrian Network

The Preliminary Plan proposes an extensive pedestrian network throughout both areas of the development and will implement several of the Plan’s recommendations. These include, placing “sidewalks back sufficiently from curbs and travel lanes to separate pedestrians from moving traffic” and providing “four-way crosswalks at all intersections” (page 73).

Each street will have sidewalks that are separated from either the travel lane or parking lane, which are between five and eight feet in width. Along Crabbs Branch Way, two intersections are proposed to be signalized, which would allow for additional east-west movement. Further, off-site pedestrian improvements at Shady Grove Road and Crabbs Branch Way and at the Metro Access Road and proposed Road “P” will enhance pedestrian safety and connections in the area. As submitted, the Preliminary Plan pedestrian network substantially conforms to the Sector Plan’s recommendations.

Bikeway Network

A Shared Use Path (Class I) is proposed for both sides of Crabbs Branch Way. The bikeway network in the Sector Plan recommends a Class I bikeway (SP-53), along the east side on Crabbs Branch Way, from Amity Drive to Redland Road (page 76). Shared use paths on both sides of Crabbs Branch Way further implements the Sector Plan’s recommendation by creating an environment that improves the overall bikeway network. The Preliminary Plan bikeway network is substantially consistent with the Sector Plan’s recommendations.

At Shady Grove Road and Crabbs Branch Way, the Sector Plan recommends an underpass under Shady Grove Road to connect both sides of the street. The proposed Preliminary Plan will not implement this recommendation, but will provide at-grade improvements at the intersection. Staff supports at grade improvements since at-grade connections are more direct and the Grove Shopping Center has not submitted any redevelopment plans so there is no means to implement the underpass. The proposed improvements will enhance pedestrian and biker access and safety across the intersection.

ENVIRONMENT

The Sector Plan makes several environmental recommendations regarding forest conservation, water quality and stormwater management, wetlands, and noise and air quality for the area. It specifically recommends enhancing the natural environment in Shady Grove by creating green open space as part of landscaping and forest conservation requirements and incorporating noise mitigation measures (page 105). The following environmental recommendations are applicable to the Property:

- A forest buffer along the Metro Access Road when the park maintenance and school bus depot facilities are relocated. The need to achieve a buffer may be limited by the need to develop this area with housing units within walking distance of Metro (page 107).
- Incorporating noise mitigation strategies along Shady Grove Road and I-370 and for residential uses along the Metro Access Road as part of redevelopment of the County Service Park if noise levels are found to exceed appropriate standards and guidelines (page 109).
- Wherever possible, locating structured parking adjacent to CSX tracks to mitigate noise (page 109).
- Increase landscaping wherever feasible, and encourage the use of low-impact development techniques, green roofs, parking lot planting, and other initiatives to address stormwater quality without occupying land needed for development (page 108).

The Preliminary Plan proposes to implement several of the Sector Plan’s recommendations, including locating parking structures and noise walls adjacent to the CSX tracks for multi-family buildings and townhouses; creating a series of new open spaces and tree-lined streets; and using permeable surfaces in several locations, including the shared use paths along Crabbs Branch Way. With the conditions listed above, therefore, Staff finds the proposed development to be in substantial conformance with the Sector Plan.

AFFORDABLE HOUSING

This Preliminary Plan will provide 476 dwelling units (21.5 percent) of the total residential development as affordable units, either as Workforce Housing and Moderately Priced Dwelling Units.

Under the current proposed total residential density, the Applicant will provide 169 workforce housing units throughout the development, including 116 workforce dwelling units (25 townhouses and 91 multi-family dwelling units) in SGS West and 53 workforce dwelling units (30 townhouses and 23 multi-family dwelling units) in SGS East. Since the adoption of the Sector Plan and the TOMX/TDR zone, the requirement for workforce housing is now optional rather than required. These numbers will be finalized with subsequent Site Plans.

The Applicant will provide 307 Moderately Priced Dwelling Units (MDPUs) in the development, including 211 MPDU residential units (44 townhouses and 167 multi-family) in SGS West and 96 MPDU residential units (47 townhouses and 49 multi-family) in SGS East. The Applicants are utilizing the bonus provision in the zone for MPDUs.

TRANSFERABLE DEVELOPMENT RIGHTS

This Preliminary Plan is subject to Section 59-C-13.2431 and Section 59-C-13.2433 of the Zoning Ordinance, Special regulations for development using transferable development rights in the TOMX/TDR zone and development approval procedures under the standard and optional method of development. As submitted, the overall density for the preliminary plan is 24.5 dwelling units per acre (dus/acre) and the total Floor Area Ratio (FAR) is 1.125.

Both the dwelling units per acre and FAR measures are above the standard method thresholds (20 dus/acre or 0.5 FAR) that require TDRs, but below the optional method thresholds that require TDRs (40 dus/acre or 1.6 FAR). The Applicant, however, is providing 93 TDRs (64 for SGS West and 29 for SGS East) for the development to comply with the Sector Plan recommendations for TDRs and bonus units. This is consistent with Section 59-C-13.2431 of the Zoning Ordinance that allows three multi-family dwelling units for each TDR in a Metro Station Policy Area.

TRANSPORTATION

Site Location and Vehicular Site Access Points

A significant portion of the Property is within 1/2 of a mile from the Shady Grove Metro Station entrance. Crabbs Branch Way provides primary access to the site.

Master-Planned Roadways and Bikeways

In accordance with the 2006 Shady Grove Sector Plan and the 2005 Countywide Bikeways Functional Master Plan (Countywide), the classified roadways and bikeways are as follows:

1. Crabbs Branch Way is designated as a four-lane divided commercial business district street, B-2, with a recommended 100-foot right-of-way. The Applicants proposes 8-foot-wide shared use paths on both sides of the road, beyond the Countywide requirements for shared use path, SP-53, recommended only on the east side.
2. Shady Grove Road is designated as a six-lane divided major highway, M-42, with a recommended 120-foot right-of-way and a Countywide bike lanes, BL-30.
3. The (Shady Grove) Metro Access Road is a four-lane divided major highway, M-94, with a recommended 150-foot right-of-way and Sector Plan shared use path, B-7. In addition, the Sector Plan recommends a partial interchange with Crabbs Branch Way.
4. The entire segment of master-planned Road "F" (proposed as Road "P") is designated as a two-lane business district street, B-9, with a recommended 70-foot right-of-way. This street is proposed as a private street serving the proposed commercial area. As specified in the conditions, the Applicants must satisfy certain "private road" requirements.
5. Relocated segment east of Crabbs Branch Way of master-planned Road "I" (proposed as Road "DD") is designated as a two-lane business district street, B-12, with a recommended 70-foot right-of-way. This street must be a public street as it serves as access to the proposed public school site. A private maintenance and liability agreement, however, may be permitted to allow the Applicant to build stormwater management facilities within the right-of-way.
6. The segment west of Crabbs Branch Way of master-planned Road "I" (proposed as Road "I") is designated as a two-lane business district street, B-12, with a recommended 70-foot right-of-way. This street is proposed to be a private street serving the proposed commercial area. As specified in the conditions, the Applicant must satisfy certain "private road" requirements.

7. The entire segment of master-planned Road “J” (proposed as Road “JJ”) is designated as a two-lane business district street, B-13, with a recommended 70-foot right-of-way. This street must be a public street as it serves as access to the proposed public school site. A private maintenance and liability agreement, however, may be permitted to allow the Applicant to build stormwater management facilities within the right-of-way.

Available Transit Service

The Shady Grove Metrorail Station is located within walkable distance from the subject property. Ride On routes 43 and 61 operate along Shady Grove Road along the northern property frontage. Currently, no bus routes operate along Crabbs Branch Way between Shady Grove Road and Redland Road. The alignment of the Corridor Cities Transitway (CCT) runs along King Farm Blvd./Metro Access Road, which is west of the Shady Grove Metrorail Station.

On-Site Pedestrian and Bicycle Facilities

The pedestrian facilities will be adequate with the improvements required by the conditions. The bicycle facilities will be adequate with the improvements and the on-site bike sharing facilities required as part of the Traffic Mitigation Agreement as required by the conditions. In addition, construction of MCDOT Capital Improvements (CIP) Project No. 500600 to construct the Shady Grove Metro Access Bike Path is scheduled to be complete in fall 2012. This CIP project provides a new 10-foot wide bike path from Shady Grove Road along the east side of the Shady Grove Metro Access Road (approximately 4,700 feet), a bikeway ramp from the new path to the existing bikeway at Crabbs Branch Way (approximately 500 feet), and a signalized at-grade pedestrian/bikeway crossing of Crabbs Branch Way at the WMATA Metro Access Road.

Master-Planned Transportation Demand Management

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD). The Applicants must participate with the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals as required by the conditions.

On-Site Parking

Staff supports a parking reduction that would encourage non-single-occupancy vehicular trips and assisting the Greater Shady Grove TMO in achieving its non-auto driver mode share goals. Commuters would be able to walk from the Property to the Shady Grove Metrorail Station and MCDOT recommends a shuttle bus be operated as part of the Traffic Mitigation Agreement as required by the conditions.

Adequate Public Facilities Review

The Adequate Public Facilities (APF) test includes the following Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests.

LATR Test

Table 1 below shows the net increase in the vehicular peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). Total vehicular trips were reduced based on the following:

- a. Close Proximity to Metrorail Station: The percent of trips generated by nearby developments that use transit rather than their automobile during the weekday morning and evening peak hours based on the results of WMATA’s Development-Related Ridership Survey.
- b. Compatible Land Uses: The percent of the trips that can use non-automobile transportation modes to travel between compatible land uses within a mixed-use development, such as between apartments/townhouses and retail businesses.

The trip credit was determined for the existing trips generated by the County Service Park facilities located along Crabbs Branch Way. Driveway counts were collected at the existing curb cuts with the selected peak hour being the highest of the three hours within morning and evening peak periods at the critical intersection of Shady Grove Road and Crabbs Branch Way. The trips shown in Table 1 below are total trips that include the new, diverted, and pass-by trips. The new trips are shown in parentheses after the total trips.

Table 1: Net Number of Site-Generated Trips

| Tenant | Square Feet or Units | Peak-Hour Trips | |
|---|----------------------|-----------------|-------------|
| | | Morning | Evening |
| Proposed Mixed Use Redevelopment | | | |
| Residential Townhouse | 752 | 389 (201) | 431 (250) |
| Mid-Rise Apartments | 1,458 | 590 (384) | 688 (399) |
| General Office Use | 131,422 | 215 (162) | 209 (146) |
| General Retail Use | 41,828 | 82 (49) | 328 (189) |
| Public Park, Library, & Elementary School Site | n/a | n/a | |
| Subtotal | | 1,276 (796) | 1,656 (984) |
| Trip Credit for the Existing Traffic generated by the County Service Park | | 290 | 536 |
| Net Increase in Peak-Hour Trips | | 986 (506) | 1,120 (448) |

In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a traffic study is required to satisfy LATR test because the net number of peak-hour trips generated by the proposed redevelopment is 30 or more peak-hour trips within the weekday morning and evening peak periods. Based on the results of the traffic study, Table 2 below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections in the following traffic conditions:

- a. Existing: Existing traffic conditions as they exist now.
- b. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
- c. Total: The background condition, minus the County Service Park trips, and plus the mixed use redevelopment trips.

As noted with an asterisk in Table 2 below, these CLV values in the total traffic condition are less than the CLV values in the background traffic condition. The net traffic impact by the proposed redevelopment was determined by removing the trips generated from the County Service Park facilities and adding the trips generated by the proposed mixed use redevelopment. As a result, the trips to/from the County Service Park travel in the reverse direction compared to the trips from/to the proposed 2,210 housing units, especially to/from the west on Shady Grove Road.

Table 2: Critical Lane Volume Values

| Analyzed Intersection | Weekday Peak Hour | CLV Congestion Standard | Traffic Condition | | |
|--|-------------------|-------------------------|-------------------|------------|--------|
| | | | Existing | Background | Total |
| Shady Grove Road & Epsilon Drive | Morning | 1,475 | 1,358 | 1,387 | 1,368* |
| | Evening | | 1,229 | 1,254 | 1,206* |
| Shady Grove Road & Briardale Road | Morning | 1,475 | 1,380 | 1,409 | 1,390* |
| | Evening | | 1,400 | 1,424 | 1,377* |
| Shady Grove Road & I-370 Northbound Ramp | Morning | 1,800 | 928 | 945 | 939* |
| | Evening | | 1,356 | 1,380 | 1,322* |
| Shady Grove Road & I-370 Southbound Ramp | Morning | 1,800 | 855 | 874 | 902 |
| | Evening | | 964 | 1,015 | 1,001* |
| Shady Grove Road & Crabbs Branch Way | Morning | 1,800 | 1,035 | 1,105 | 1,171 |
| | Evening | | 1,135 | 1,200 | 1,299 |
| Shady Grove Road & Oakmont Avenue | Morning | 1,800 | 1,129 | 1,163 | 1,208 |
| | Evening | | 1,003 | 1,045 | 1,035* |
| Shady Grove Road & Solid Waste Transfer Driveway | Morning | 1,800 | 797 | 831 | 876 |
| | Evening | | 760 | 790 | 840 |
| Shady Grove Road & Frederick Road (MD 355) | Morning | 1,800 | 1,564 | 1,626 | 1,657 |
| | Evening | | 1,427 | 1,492 | 1,550 |
| Redland Road & Needwood Road | Morning | 1,475 | 845 | 888 | 889 |
| | Evening | | 789 | 831 | 828* |
| Redland Road & Crabbs Branch Way | Morning | 1,800 | 1,104 | 1,174 | 1,263 |
| | Evening | | 1,054 | 1,144 | 1,158 |
| Redland Road & Shady Grove Metro Access Road | Morning | 1,800 | 934 | 1,010 | 1,032 |
| | Evening | | 716 | 775 | 777 |
| Redland Road & Somerville Drive | Morning | 1,800 | 562 | 620 | 632 |
| | Evening | | 832 | 889 | 900 |
| Crabbs Branch Way & Indianola Drive | Morning | 1,800 | 1,094 | 1,125 | 1,220 |
| | Evening | | 979 | 998 | 1,105 |
| Indianola Drive & Frederick Road (MD 355) | Morning | 1,500 | 1,117 | 1,153 | 1,185 |
| | Evening | | 984 | 1,017 | 1,057 |
| Redland Road & Needwood Road | Morning | 1,475 | 1,041 | 1,169 | 1,207 |
| | Evening | | 1,030 | 1,077 | 1,114 |

The CLV values at all analyzed intersections in all traffic conditions are less than their congestion standard and, thus, the LATR test is satisfied.

PAMR Test

Under the current *Subdivision Staging Policy*, the Applicants must satisfy PAMR by mitigating 5% of the new peak-hour trips generated by the proposed mixed use development. The Applicants proposed to pay \$292,500 (or 11,700 times 25 [5% of 506 morning peak-hour trips]) to MCDOT to fund transportation improvements located in the PAMR Derwood/Shady Grove Policy Area.

ENVIRONMENT

Preliminary Forest Conservation Plan

The Preliminary Forest Conservation Plan submitted with the Preliminary Plan indicates that 5.31 acres of forest are slated for removal for the development of this project. This will result in a total afforestation and reforestation requirement of 19.94 acres. The Applicant proposes to meet this requirement through a combination of landscape credit and offsite forest conservation banking. Due to the size of the site and the amount of forest being cleared, this project does not qualify for the use of fee-in-lieu payments to meet its mitigation requirements. Final amounts of landscape credit and offsite forest banking to meet the mitigation requirement will be determined by the Final Forest Conservation Plan. The Preliminary Forest Conservation Plan does not propose any Category I easements on site. (Attachment 9.)

Variance

The original variance request submitted with the Preliminary Forest Conservation Plan requested the removal of 22 trees having a diameter of 30 inches or greater. The Applicant has worked with Staff to modify their site design to reduce impacts to specimen trees. The plan modifications have resulted in a reduction in the variance request that now seeks the removal of 18 trees having a diameter of 30 inches or greater. (Attachment 10.)

Forest Conservation Variance

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on June 4, 2012 for the impacts/removal to trees with the proposed layout (Attachment 1). The Applicant proposes to remove 18 trees that are 30

inches or greater DBH and to impact, but not remove, 5 others that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 3: Trees to be removed or potentially removed

| Tree Number | Species | DBH | Status |
|-------------|--------------------------------|-----|--------|
| 4 | <i>Quercus rubra</i> | 33" | Remove |
| 5 | <i>Tilia cordata</i> | 34" | Remove |
| 14 | <i>Carya tomentosa</i> | 35" | Remove |
| 16 | <i>Carya tomentosa</i> | 32" | Remove |
| 20 | <i>Quercus phellos</i> | 30" | Remove |
| 21 | <i>Quercus phellos</i> | 30" | Remove |
| 30 | <i>Pinus virginiana</i> | 32" | Remove |
| 31 | <i>Fraxinus pennsylvanica</i> | 32" | Remove |
| 32 | <i>Quercus rubra</i> | 31" | Remove |
| 33 | <i>Acer rubrum</i> | 41" | Remove |
| 39 | <i>Acer rubrum</i> | 37" | Remove |
| 54 | <i>Quercus rubra</i> | 41" | Remove |
| 55 | <i>Liriodendron tulipifera</i> | 37" | Remove |
| 57 | <i>Liriodendron tulipifera</i> | 31" | Remove |
| 60 | <i>Liriodendron tulipifera</i> | 34" | Remove |
| 61 | <i>Liriodendron tulipifera</i> | 30" | Remove |
| 63 | <i>Liriodendron tulipifera</i> | 30" | Remove |
| 65 | <i>Liriodendron tulipifera</i> | 31" | Remove |

Table 4: Trees to be affected but retained

| Tree Number | Species | D.B.H | CRZ Impact | Status |
|-------------|------------------------|------------|------------|--------|
| 35 | <i>Quercus rubra</i> | 72" (twin) | 33% | Save |
| 36 | <i>Quercus rubra</i> | 34" | 32% | Save |
| 37 | <i>Acer rubrum</i> | 33" | 31% | Save |
| 38 | <i>Quercus rubra</i> | 39" | 37% | Save |
| 51 | <i>Quercus phellos</i> | 34" | 0% | Save |

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the Transit-Oriented Mixed Use /Transferable Development Rights (TOMX-2/TDR) zone, both of which are intended to create higher density uses in the vicinity of the Shady Grove Metro Station. The SGS West portion of the site lies closest to the Metro station and is recommended for transformation into an urban village. The SGS East portion of the site is identified as a transition area between the more intensely developed Metro neighborhoods and the existing nearby residential communities and is envisioned to provide multi-family and townhouse residential units, a local park, and an elementary school site. The combination of urban scale of development, medium-to-high density residential development, and major public facilities and amenities further constrains the site. This allows the site to be intensely developed to achieve the Sector Plan’s vision.

Variance trees numbering 4, 5, 14, 16, 20, 21, 30, 31, and 33 are all isolated trees that currently stand in the middle of the site, primarily in islands in the middle of parking lots. Variance trees numbering 55, 57, 60, 61, 63, and 65 occur along the site's southwestern boundary with the CSX railroad right-of-way where two large parking structures are proposed. Saving these trees would require major changes to the proposed development and would challenge the ability of the project to meet the goals of the Sector Plan.

Variance trees numbering, 32, 39, and 54 lie along the edges of the site. The proposed limits of disturbance would affect significant portions of the critical root zones of these trees and indicate that the trees will need to be removed. These three trees should be reexamined at the time of Site Plan to see if modifications can be made to the grading and limits of disturbance that would allow these trees to be saved.

Variance trees numbering 35, 36, 37, and 38 were originally proposed for removal. These trees lie along the northeast boundary of the Property at the edge of a small off-site forest stand. At staff's request, the Applicant worked to pull back adjacent development and reduce impacts to these trees. Most of the critical root zone impacted lies under an existing road around the edge of the Property; this means that most of these trees' root systems will be found in the forest behind the trees rather than under the existing pavement. Staff believes that these trees can be saved with appropriate tree protection measures.

Tree number 51, which is to be saved, will have no critical root zone impacts; therefore, technically, it does not need to be included in the variance.

Not allowing the removal of Variance trees numbering 4, 5, 14, 16, 20, 21, 30, 31, 32, 33, 39, 54, 55, 57, 60, 61, 63, and 65, and the impacts to Variance trees numbers 35, 36, 37 and 38 would require major changes to the proposed development design which is proposed to be consistent with the Sector Plan. Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

- 1. Will not confer on the applicant a special privilege that would be denied to other applicants.*

The proposed design has attempted to balance all of the competing factors that constrain the site. While 18 variance trees will need to be removed, the Applicant has modified their plans to reduce the number of variance trees that must be taken. Impacts to the other variance trees have been limited and, as a result, they will likely be preserved. Given the intensity of the development, impacts to variance trees are to be expected. It is Staff's opinion that reasonable steps have been taken to minimize impact to variance trees, and that granting the variance will not confer a special privilege to the Applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

Upon review, Staff concurs that the requested variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Upon review, Staff concurs that the requested variance is a result of the proposed site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

DPS has approved a stormwater management concept, dated June 13, 2012 (Attachment 3) for the proposed project. Currently, runoff is treated by the Crabbs Branch Regional stormwater management pond downstream of the site. The SWM Concept Plan incorporates a combination of on-site structural water quality treatment facilities and Environmental Site Design (ESD) practices including micro-scale treatment facilities and alternative surfaces. Runoff in excess of the ESD treatment volume will continue to be treated by the Crabbs Branch Regional pond. The addition of on-site ESD practices should improve the water quality of runoff generated by this site.

Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are 18 trees proposed for removal as a result of the proposed development. There will also be some disturbance within the CRZ of another 4 trees but they are excellent candidates for safe retention.

Mitigation should be at a rate that approximates the form and function of the trees to be removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 601 caliper inches of trees removed, the required mitigation will be 50 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Staff therefore recommends the addition of 50 native canopy trees with a minimum size of 3" dbh to the landscape plan. Because these trees are in mitigation for specimen trees removed, they do not count toward afforestation requirements.

The trees subject to this variance to be impacted but retained are excellent candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 5, 2012. On June 8, 2012, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 4).

Variance Recommendation

Staff recommends that the variance be granted.

Stormwater Management

The Montgomery County Department of Permitting Services issued a letter accepting the Stormwater Management Concept approval for Shady Grove Station on June 13, 2012.

Noise

A Phase I noise impact analysis was completed in February of 2012. This analysis shows that noise impacts of the adjacent major roadways (Crabbs Branch Way, Shady Grove Road, and the Metro Access Road) and of the adjacent railroad tracks all exceed the maximum nighttime noise levels permitted at the property lines adjoining those noise sources, with railroad noise levels exceeding those of the roadways. The study anticipates that the development may need to include both noise attenuation features (such as berms or barriers) and architectural modifications to reduce noise impacts; the other option is to locate residences and activity areas far enough from noise sources to comply with permitted noise levels. The study concludes that further analysis is needed to determine the exact combination of site design, noise attenuation features and building construction needed to attenuate noise for compliance with County regulations. This further analysis is to be included in a Phase II Noise Analysis and recommendations incorporated into the Site Plan for the development.

Conclusion

Staff finds the plan is in compliance with the *Environmental Guidelines* and Forest Conservation Law. Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board's approval of the Preliminary Forest Conservation Plan.

SCHOOLS

Shady Grove Station is within the Gaithersburg High School Cluster. Montgomery County Public Schools (MCPS) FY2013-2018 Capital Improvements Program (CIP) indicates that there is existing school capacity at the high school and middle school levels, while there is limited capacities at the elementary level. The applicants will pay a school facilities payment for the elementary level since the cluster exceeds 105% of program capacity.

MCPS has three capital projects in the CIP to add capacities at two elementary schools (Strawberry Knoll and Summit Hall) and a modernization is anticipated for Gaithersburg High School. This preliminary plan will dedicate a new elementary school site for future elementary students in the Cluster.

WATER AND SEWER

The existing site is served with public water and sewer. The Applicants have submitted a hydraulic planning analysis to Washington Suburban Sanitary Commission (WSSC) that details additional on-site and off-site water and sewer upgrades. Additional details will be determined during Site Plan review of the development.

DEVELOPMENT DISTRICT

A development district is contemplated to fund the public infrastructure improvements associated with this development, including creation of the Crabbs Branch Way boulevard; pedestrian improvements at Crabbs Branch Way and Shady Grove Road; Shady Grove Road sidewalk upgrades; Shady Grove Metro Access Road improvements; trail connections around the Stormwater Management Pond, and sewer service upgrades.

The Sector Plan notes that a development district “or multiple districts should be considered as a possible funding source to help implement the infrastructure improvements required by the Plan” (p.116). Executive Branch Staff is exploring different alternatives to determine if a development will be established (Attachment 9). If a development district is established, it must be reviewed by the Planning Board.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

This subject application complies with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application also complies with all applicable sections of the Zoning Ordinance. The proposed lot sizes, widths, shapes, and orientations are appropriate for the subdivision. The appendix table provides the development standards for the TOMX-2/TDR zone (Attachment 2).

CONCLUSION

The proposed preliminary plan meets the requirements established in the Subdivision Regulations and complies with the recommendations of the 2006 Shady Grove Sector Plan. This application has been reviewed by other County agencies and all have recommended approval. Further, access and public facilities are adequate to serve the proposed development. Staff recommends approval of the preliminary plan with conditions noted at the beginning of this report.

APPENDIX 1

TOMX Development Standards

| | Optional | Shady Grove Station East (Jeremiah Park) | Shady Grove Station West (Metro North-CSP) | Total |
|---|------------------------|--|--|------------------------|
| <p>Section 59-C-13.231. The minimum net lot area required for any development in square feet. Provided, however, that a smaller lot may be approved for the TOMX zones where such lot is designed for one of these zones on an approved and adopted master plan or sector plan, the lot is located adjacent to or confronting another lot either classified in or under application for either zone, and the combined lots are subject to approval by the Planning Board. The required minimum area does not prohibit a lot of less than 18,000 square feet for purposes of subdivision or record plat approval.</p> | 18,000 net square feet | 1, 982, 498 square feet | 1, 952, 729 square feet | 3 935, 227 square feet |

| | Shady Grove Station East (Jeremiah Park) | | Shady Grove Station West (Metro North- CSP) | | Total |
|---|---|----------|---|-----------|---------|
| Section 59-C-13.232 Maximum Building Coverage | 23% | | 42% | | 32.5% |
| Section 59-C-13.233 Minimum Public Use (percent of net lot area) | 20% | | 15.8% | | 23.95% |
| Section 59-C-13.234 Maximum Density of Development | 2.0 FAR | 0.91 FAR | 1.34 FAR | 1.125 FAR | |
| Section 59-C-13.235 Maximum Building Heights | 70 feet | | 70 feet | | 70 feet |
| Section 59-C-13.236 Minimum Setbacks | | | | | |
| From an adjacent zone | | 15 feet | | 15 feet | |
| From an adjacent commercial or industrial zone | | | | | |
| From an adjacent single- family residential zone | | 15 feet | | 15 feet | |
| From a public right-of-way | | 10 feet | | 10 feet | |

FINDINGS

| SUBDIVISION | Proposed for Approval by the Preliminary Plan | Verified | Date |
|---|--|-----------------|-------------|
| Lot frontage on Public Street | Yes | <i>NA</i> | 7/13/2012 |
| Road dedication and frontage improvements | Yes | <i>NA</i> | 7/13/2012 |
| Environmental Guidelines | Yes | Steve Findley | 7/13/2012 |
| Forest Conservation | Yes | Steve Findley | 7/12/2012 |
| Sector Plan Compliance | Yes | <i>NA</i> | 7/13/2012 |
| Other (i.e. parks, historic preservation) | Yes | <i>NA</i> | |
| ADEQUATE PUBLIC FACILITIES | | | |
| Stormwater Management | Yes | Agency Letter | 6/13/2012 |
| Water and Sewer (WSSC) | | Agency comments | 12/2/2011 |
| Local Area Traffic Review | Yes | Ed Axler | 7/13/2012 |
| Policy Area Mobility Review | Yes | Ed Axler | 7/13/2012 |
| Transportation Management Agreement | Yes | Ed Axler | 7/13/2012 |
| School Cluster in Moratorium? | No | <i>NA</i> | 7/13/2012 |
| School Facilities Payment | Yes | <i>NA</i> | 7/13/2012 |
| Fire and Rescue | Yes | Agency Letter | 5/23/2012 |

Overall Development

| Shady Grove Station | Shady Grove Station West | Shady Grove Station East | Total |
|--------------------------------|--------------------------|--------------------------|-------------|
| Base Density | 960 | 435 | 1395 |
| TDR Density (20% Bonus) | 192 | 87 | 279 |
| MPDU Bonus (22 incl. TDRs) | 253 | 114 | 367 |
| Workforce (10% of Base + TDRs) | 116 | 53 | 169 |
| Total Units | 1521 | 689 | 2210 |

| Unit Mix | Shady Grove Station West | Shady Grove Station East | Total |
|----------------------------|--------------------------|--------------------------|-------|
| Market Rate Units | 1194 | 540 | 1734 |
| Workforce Housing | 116 | 53 | 169 |
| MPDUs | 211 | 96 | 307 |
| TDRs (3:1 for Multifamily) | 64 | 29 | 93 |

APPENDIX 2



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

June 13, 2012

Jonathan Kraft
Bowman Consulting Group, LTD.
2530 Riva Road, Suite 200
Annapolis, Maryland 21401

Re: Stormwater Management **CONCEPT** Request
for Shady Grove Station
Preliminary Plan #: 120120080
SM File #: 240688
Tract Size/Zone: 91.7 Ac. / R-200 & I-1
Total Concept Area: 91.7 Ac.
Parcel(s): P495
Watershed: Upper Rock Creek

Dear Mr. Kraft,

Based on a review by the Department of Permitting Services (DPS) Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet the required stormwater management goals with the use of environmental site design (ESD) measures, such as alternative surfaces and micro-scale practices, to the maximum extent practicable (MEP). Structural water quality facilities will also be provided on-site to treat stormwater runoff where ESD measures were found to be infeasible. A waiver of the required ESD volume in excess of that which is provided on-site was requested and is hereby granted based on the stormwater management provided by the downstream Crabbs Branch Regional Stormwater management pond.

This approval provides a general overall acceptance of stormwater management requirements. A site development stormwater management concept must be submitted for review and approval prior to site plan approval. All submissions must be accompanied by a resubmittal application. The revised submission must incorporate the following items:

1. All proposed ESD practices and structural stormwater management facilities must meet current Montgomery County DPS design specifications. Some of the proposed structural facilities appear to exceed the maximum drainage area limitations.
2. The proposed stormwater management practices within the public right-of-way must be acceptable to the Montgomery County Department of Transportation and must not be planned or constructed in conflict with any other public utilities.
3. A floodplain study must be submitted for review and approval.

This list may not be all-inclusive and may change based on available information at the time of detailed site plan.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN240688 Shady Grove Station Pre.mjg.doc

cc: C. Conlon
SM File # 240688

APPENDIX 3



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

June 8, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Shady Grove Station (CSP), DAIC 120120080, NRI/FSD application accepted on 1/26/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.

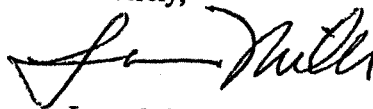
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief

APPENDIX 4



FIRE MARSHAL COMMENTS

DATE: 23-May-12
TO: Mark Stires - mstires@bowmanconsulting.com
Bowman Consulting
FROM: Marie LaBaw
RE: Shady Grove Station
120120080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 23-May-12. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Parking restrictions and fire department connection locations to be reviewed at site plan *****

Bowman CONSULTING

May 23, 2012

Ms. S Marie LaBaw, PhD, PE
Engineering, Fire Code Enforcement
Office of the Fire Marshall
Montgomery County Fire and Rescue Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

Re: Shady Grove Station
Plan No. 120120080

Dear Ms. LaBaw:

This letter is to inform you that a performance based design for the intersection of private streets that serve as Fire Department Access Routes within the Shady Grove Station project will be used rather than the prescriptive code indicated in Montgomery County Executive Regulation 29-08AM Section 6 that states:

Maximum and Minimum Turning Radii

The minimum interior turning radius for fire department apparatus access is 25 feet. The minimum exterior turning radius for fire department apparatus access is 50 feet. This is only required at turning points on fire department apparatus access routes. Performance-based approval of alternative turning radii may be allowed if apparatus movement into opposing lanes of traffic is minimized and unrestricted fire department access is maintained.

It is the desire of the developer to maintain an urban feel within the street network of this project as described in the Shady Grove Sector Plan and the Montgomery County Context Sensitive Road Design Standards. As a result, the minimum required inside turning radius for fire department access of 25 feet is too large of a radius at intersections to maintain an urban feel.

The inside turning radius of private streets that serve as Fire Department Access Routes will be reduced to 17 feet in order to maintain an urban feel of the street network. In order to accomplish this, parking restrictions will be put into place at all intersections that restrict the distance from the crosswalk between two curb ramps at an intersection that cars will be able to park to a minimum of 30 feet. This distance is greater than the 20 foot minimum as required by the Montgomery County Department of Transportation and Manual on Uniform Traffic Control Devices. These parking restrictions have been designed to achieve the minimum distance that a fire department apparatus will need to occupy the opposing lane of traffic and will also provide unrestricted access to the Fire Depart Access Route.

Diagrams outlining the turning movements and parking restrictions have been provided on Sheet 5 of the Fire Department Access Plan using AutoTurn and the template for the Aerial Tower 729 provided by Montgomery County Fire and Rescue Services. The turning movements of the fire department

FIRE CODE ENFORCEMENT

Fire Department Access Routes

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

546 43 5/23/12

apparatus have also been designed so that no part of the fire department apparatus swings out of the roadway beyond the curblin. Thank you.

Sincerely,
Bowman Consulting Group, LTD.



Philip Tanedo, P.E., LEED AP
Senior Project Manager

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

976 43 5/23/12
Date

APPENDIX 5



MONTGOMERY COUNTY PUBLIC LIBRARIES

Isiah Leggett
County Executive

B. Parker Hamilton
Director

June 1, 2012

Mr. Nkosi Yearwood
Community-Based Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Preliminary Plan No. 120120080 (Shady Grove Station) – MCPL Library Site

Dear Mr. Yearwood:

Montgomery County Public Libraries (MCPL) has reviewed the above-referenced preliminary plan regarding the inclusion of a library site in a “highly prominent location” as called for in the Shady Grove Sector Plan.

The preliminary plan proposes locating the library in an approximately 6,200 square foot retail bay on the CSP Metro North parcel within the mixed-use and multifamily retail area near Crabbs Branch Way and proximate to other multifamily dwellings, structured parking, and the access point to the Shady Grove Metro station parking lot. MCPL believes this location is suitable and consistent with the recommendations of the 2006 Shady Grove Sector Plan. The location of the library site is shown on the attached exhibit (Exhibit “A”).

County Executive staff, on behalf of MCPL, has worked with the developer to reach agreement on the size and location of the library site. The Developer/Applicant has further agreed that it will provide the library space as an unfinished retail bay within the multifamily building under a long-term arrangement that will be negotiated at a future date. The library would benefit from a highly visible, central location uniquely provided in the ground level retail space of the multifamily building.

Mr. Nkosi Yearwood
June 1, 2012
Page Two

Please let us know if you have any questions regarding this matter.

Sincerely,



B. Parker Hamilton
Director

- c: Greg Ossont, Deputy Director, Planning and Development, Department of General Services
Brian Jackson, Senior Vice President, EYA
Patrick Butler, Senior Planner, Maryland-National Capital Park and Planning Commission
Ramona Bell-Pearson, Assistant Chief Administrative Officer, Offices of the County Executive
Arthur Holmes, Director, Department of Transportation
Catherine Matthews, Director, Upcounty Region, Community Engagement Cluster
Rita Gale, Public Services Administrator, Department of Public Libraries

DATE/TIME
Thu, 14 Jun 2012 13:37:50

REMOTE CSID
2407772080

DURATION PAGES
20:12 17

STATUS
New

06/14/2012 13:01 2407772080

TRAFFIC

PAGE 02/17



APPENDIX 6

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 13, 2012

Mr. Nkosi Yearwood, Senior Planner
Area Two Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120080
Shady Grove Station

Dear Mr. Yearwood:

We have completed our review of the updated preliminary plan dated May 31, 2012. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on December 19, 2011. We commend the applicants and agencies for their collaborative efforts on this project.

We recommend approval of the plan and request for a Design Exception (to amend certain elements of the typical section for Crabbs Branch Way) subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Confirm that a one hundred twenty (120) wide right-of-way exists across the entire site frontage (as suggested on the plans). Dedicate additional right-of-way if necessary.
2. In an April 28, 2012 justification package, the applicants requested Planning Board approval to design, construct and operate master planned interior public streets "I," "F," and "J" as private streets with public access easements. The proposed replacement streets are "I" and "P" on the west side of the development and "DD" and "JJ" on the east side of the development.

We believe any decision to substitute master planned roads with private streets must be vetted and approved through a public process – certainly by the Planning Board (if not the County Council).

From our review agency perspective, we do not oppose the applicant's request, provided the following conditions are satisfied:

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov



** NOTIFICATION & STATUS REPORT **

DATE/TIME

Thu, 14 Jun 2012 13:37:50

REMOTE CSID
2407772080

DURATION
20:12

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STATUS
New

06/14/2012 13:01

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TRAFFIC

PAGE 03/17

Mr. Nkosi Yearwood
Preliminary Plan No. 120120080
June 13, 2012
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- Public easements must be granted for the roadways. These easements must be reviewed and approved by Planning Board, Department of Transportation (MCDOT), Department of Permitting Services (MCDPS), and Montgomery County Public Schools (MCPS) staff for connectivity and consistency with the Shady Grove Sector Plan prior to acceptance of the easements.
 - The design of the road must follow or improve the corresponding Road Code standard for a similar public road, unless approved by MCDOT and the Planning Board at the subdivision review stage or otherwise specified in the Master Plan.
 - Installation of any public utilities must be permitted within such easement.
 - The road will not be closed for any reason unless approved by MCDOT.
 - Approval from the Department of Fire and Rescue Services must be obtained for purpose of fire access.
 - The public easement may be volumetric to accommodate uses above or below the designated easement area.
 - The County may require the applicants to install appropriate traffic control devices within the public easement, and the easement must grant the right to the County to construct and install such devices.
 - Maintenance and Liability Agreements will be required for each Easement area. These agreements must identify the applicants' responsibility to maintain all of the improvements within their Easement Area in good fashion and in accordance with applicable laws and regulations.
 - We recommend separate parcels be created for these roads to facilitate conversion to public use and maintenance at a future date – should it ever become desirable.
3. Reservation of Land for Crabbs Branch Way/Shady Grove Metro Access Road Interchange

The question of the interchange reservation area arose because the preliminary plan drawing is required to show the conceptual development on the County properties on both sides of Crabbs Branch Way. At the same time, we recognize that this applicant is only pursuing development of the County properties on the west side of that road. For that reason, we are willing to support allowing the preliminary plan to proceed to Planning Board review – while providing more time to respond to the following comments on the interchange conceptual design and reservation area.

We support Planning Board approval of a condition which will require the interchange conceptual design and reservation area to be established prior to approval of a Site Plan or first record plat (for the eastern property) – whichever comes first.

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More information is needed to confirm the land area to be reserved for the partial interchange. Such information includes but is not limited to:

- Engineered drawing (with metes and bounds) showing the conceptual limits of the area to be encumbered – considering the areas needed for the proposed right-of-way, perpetual easements (for drainage, retaining walls, etc.), and revertible slope/grading easements
- The interchange design should be either superimposed on an aerial photo of the existing condition; or if it is superimposed on an aerial photo plus the developers concept, then that concept needs to be redrawn showing the development proposal accommodating the interchange (including median breaks on Crabbs Branch Way, etc.). It is not appropriate to show the current development proposal with the interchange design superimposed on it. The interchange was clearly shown in the master plan before the development proposal was submitted for review, and should have been accounted for in the development design from the beginning.
- The plan should include typical sections of the proposed partial interchange ramp exiting the Metro Station Access Road and widening to 2 approach lanes at Crabbs Branch Way. Per AASHTO, the ramp widths are governed by the traffic volume, curvature, and type of traffic. The proposed 26' wide closed-section exit ramp is adequate for a tangent section. The ramp width would need to be slightly increased depending on the centerline curve radius.
- Identify the target speed for exit ramp.
- AASHTO "Roadside Design Guide" recommends a 14' to 16' clear zone width for a 40 mph or less design speed (along tangent roadway segments and inside of horizontal curves). Because the ramp has a curved horizontal alignment, the recommended clear zone width range increases along the outside of the curve by an additional 10 to 50 percent depending upon the centerline radius. Therefore, the proposed 10' off-set distance from the curb to western ramp right-of-way line needs to be increased to meet the AASHTO clear zone requirements for the design speed and horizontal alignment.
- The proposed location of the exit ramp to the bridge over the Metro Access Road appears to be too close to meet AASHTO intersection sight distance guidelines. Although the provision of a traffic signal would remove this issue for left-turns from the ramp, right turns on red would need to meet AASHTO sight distance criteria for this turning movement. An intersection sight distance evaluation needs to be completed by the applicant NOW using AASHTO Stopping Sight Distances Criteria - to analyze the potential sight distance constraint of the bridge parapet and determine if more separation is needed between the bridge and the ramp (to satisfy visibility requirements).
- Centerline curve data and a conceptual profile for the proposed partial interchange ramp should be provided.
- The conceptual interchange design needs to show a median break for the exit ramp. A left turn lane is needed for the entrance ramp. Currently, the bridge is striped as a 4 lane roadway within approximately 50' curb to curb width. The widths of the four travel lanes shown on

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the plan prepared for the preliminary cost estimate total 47 feet. Therefore, the creation of an auxiliary turn lane may require widening the bridge – this issue will need to be addressed in the future by others.

Other general comments about the concept plan (and needed supporting documents):

- Change label from “I-370” to Metro Access Road.
 - The second Note #2 should be re-numbered #3; also will this be subject to MDOT (State) standards as stated? The roadway is currently operated and maintained by WMATA from the gore of the Shady Grove interchange south.
 - The current Note #3 should be renumbered #4; also same question about whether MDOT (State) will determine the final r/w and design.
 - The “bike lane” should be re-named as a shared use path. The alignment of that path (on this plan) should be consistent with that proposed under CIP Project No. 500600; adjustments to same may be needed in the future to accommodate the interchange.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 5. A Public Improvements Easement may be necessary along Crabbs Branch Way, in order to accommodate construction of the proposed sidewalk and off-road bikepath, as well as the proposed stormwater management facilities. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. The width of the Public Improvements Easement, if needed, should be determined at the Site Plan stage.
 6. Relocated fiber optic facility:
 - Label and List Fiber Optic line and facilities in Legend on Existing Utilities Exhibits.
 - Sheets 3 and 8 of 26 – as noted previously, the County will need to have unrestricted access to this facility; the record plat(s) will need to grant perpetual access easement to the County to the new facility from Crabbs Branch Way. At the site plan stage, the applicant will need to submit a detailed fiber cabling plan that is acceptable to MCDGS and MCDOT; that plan will also need to delineate the extension of same to Shady Grove Road.
 7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

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8. Dedication or reservation of park and/or school sites as required by the Montgomery County Planning Board or the Montgomery County Board of Education. We recommend the streets adjacent to the park and school sites be at least forty (40) feet wide (curb-to-curb) to accommodate on-street parking and multi-modal transportation uses.
9. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
10. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
11. Submit storm drain study and site plan prior to submission of the record plat. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.
12. The color-coded utility concept plan indicates an "electric easement" within the right-of-way of Crabbs Branch Way between Road "AA" and Shady Grove Road. Private utility easements are not acceptable within the public right-of-way; the easement should be deleted from the plans.
13. We received copies of a February 6, 2012 traffic signal warrant study (by Wells and Associates) for the Crabbs Branch Way intersections with proposed streets "E/BB" and "I/DD" as part of the June 1, 2012 updated plans submission. We are unable to find any record of previously receiving this study. We will forward them for internal review and comment as soon as possible. If either of these traffic signals are found to be warranted, construction of the signal(s) shall be the responsibility of the applicants.
14. Stormwater management within the Crabbs Branch Way right-of-way: We are in receipt of the consultant's June 13, 2012 revised Stormwater Management Concept Plan and Report. Not surprisingly, we have not had an opportunity to review the latest proposals. In general, we support incorporating the required stormwater management facilities within that right-of-way, subject to the following general comments:
 - Sheet 501 of the Stormwater Management Details (Micro-Bioretenion) includes a typical section that provides raised curbs on each side of the micro-bioretenion facilities – one next to the 2 foot wide parking/step off area and the other adjacent to the sidewalk. The typical section also proposes an 18 inch maximum height difference (between the top of these curbs and the upper elevation of the mulch surface). Presumably these are structures with vertical walls – which we do not allow in the County rights-of-way.
 - The aforementioned Micro-Bioretenion typical section does not dimension the width of these facilities. We recommend these details be incorporated into a broader typical section of reconstructed Crabbs Branch Way – for further agency review.

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- Sheet 501 also depicts two Option #1s – one an “on-line” system with a continuous roadway cross-slope, the other an “off-line” system with reverse cross-slope parking. In previous discussions with the applicants, DPS, and P&P representatives, DOT has indicated that we do not support the reverse cross-slope parking: the parking cross-slope should drain to the outside curbline in accordance with MCDOT design standards.
 - The proposed SWM design should be approved on a Pilot Basis; the details may need to be modified on future projects to improve performance and facilitate low-cost maintenance.
 - Instead of providing slotted curb openings (or depressed gutter pans) to drain the curblines to the micro-bioretention facilities, the applicants should construct curb opening inlets which incorporate paved flumes between the edge of pavement and trapezoidal ditch (MSHA Standard MD 374.68 modified for 6” curb per MSHA Standard MD 375.55-01. The inlet/shelf width, per the comment above, should be a minimum of 2’8” to allow space for passengers to enter and exit parked cars. These inlets should be sized and located to handle the one (1) year storm event runoff.
 - We recommend enclosed storm drain systems be located behind the curb – preferably at a shallow depth underneath the micro-bioretention systems to limit future repair costs and minimize right-of-way impacts. Enclosed storm drain systems should be designed and located to handle the 10 year storm event in accordance with the MCDOT Storm Drain Criteria.
 - Provide spread computations for the 10 year post-development runoff for the proposed enclosed storm drain system, at the permit stage for approval by DPS. Provide spread calculations and inlet efficiency calculations to size and locate the proposed curb opening inlets, for approval by DPS.
 - The location of the proposed trapezoidal ditch (with respect to the face of curb) will necessitate locating standard width curb opening inlets and traffic control signage within those ditches.
 - Street tree species and spacing (as well as street light locations) should be considered in the design and location of the micro-bioretention facilities.
 - Stormwater management facilities within the public rights-of-way need to be designed and constructed consistent with the Americans with Disabilities Act (see intersections, handicap ramps, etc.).
15. In addition to elements already incorporated into the design, we recommend the following measures be considered to promote multi-modal, transit-oriented development which can assist in achieving the Non-Auto Driver Mode Share (NADMS) and other goals for this area:
- For both residential and commercial space, minimum parking requirements should be the maximum allowed (per Transportation Guidelines, Shady Grove Sector Plan, page 122).

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- We are concerned the office development location does not lend itself to promotion of the goals of the Shady Grove Sector Plan or the TMD and the high NADMS expected for this area. The office portion of the development is isolated from the other commercial uses in the "town center" being created for the development, is located over one-half mile from the Metro station at the far edge of the site, has been sited with direct access from surrounding highways, and is provided with a large parking structure next door. This site location raises concern regarding the ability to integrate this office development into what is supposed to be a transit-oriented development.
 - Consider locating the office space closer to the Metrorail station and integrating it more directly with the retail area and with other mixed uses. This would encourage use of alternative modes of commuting to the office uses by enabling employees to make better use of the transit connection and the mixed use nature of the town center, rather than being isolated in a building not a convenient walking distance from either transit or retail uses.
 - Moving the office building closer to the town center would also provide the opportunity for shared parking among office and other uses, reducing the total number of parking spaces needed on the site and reducing the cost of building parking.
 - Provide flexibility in design of parking areas to enable mixed uses to share parking areas so as to make most efficient use of them. This strengthens the incentive to reduce drive-alone commuting and parking among employees, since obtaining those reductions frees up spaces for other uses.
 - Promote transit (including shuttles) by designing main entrances and lobbies of residential buildings to include two-way visibility;
 - Provide displays for transit and other TDM information in employee, visitor and residential entrance areas.
 - Provide concierge/reception desks in multi-family residential units with an area where commuting information can be obtained and pass transactions can be conducted – e.g., obtaining information transit options, loading of SmarTrip cards.
 - Incorporate planning for other modes, i.e., shuttles, taxis, etc. Since the internal streets in the development are intended to be private, no public transit will be able to be provided there. An internal shuttle system should be provided to facilitate movement by residents and employees to and from the Metro station and the town center. Taxi stands, car sharing parking, bike sharing facilities, and bike parking should all be provided throughout the site. The network of private internal streets and paths should provide ample area-wide connectivity between Shady Grove Road, Crabbs Branch Way, and the Shady Grove Metro Station for non-auto commuters.
16. Enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Greater Shady Grove Transportation Management District.

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The TMAg will need to demonstrate compliance with Shady Grove Sector Plan's General Staging Provisions on page 112:

"Each development receiving preliminary plan approval within the Shady Grove Metro Station Policy Area that generates at least 100 additional peak-hour vehicle trips, excluding pass-by trips, is required to enter into a Traffic mitigation Agreement (TMAg) in compliance with the Planning Board's policies. The trip mitigation requirement for this agreement is 50 percent of the residential-related vehicle trips and 65 percent of the non-residential-related vehicle trips that would otherwise be expected based on countywide trip generation rates prior to any applicable deduction, such as proximity to a Metrorail station. The breakdown in the reduction of trips should be identified in the contractual agreement. County-owned property in the Shady Grove Policy Area is required to enter into a TMAg on all new development or redevelopment with no deduction of existing trips."

The Traffic Mitigation Agreement should include but not be limited to the above provisions as well as:

- Carpool/Vanpool Parking. Provide adequate numbers of carpool and vanpool parking spaces in highly visible, preferentially-located spots.
- Car Sharing Parking. Provide at least 2 car sharing vehicle parking spaces in highly visible, preferentially-located spots in on-street locations in the retail town center and at least one other space proximate to the office development in a similarly highly-visible, preferentially-located spot either in a surface/on-street location or within the parking garage.
- Electric Car Charging. Provide electric car charging stations at multiple locations on-site. Recommended locations are in the office parking garage and in the retail area near the multi-purpose community facility, as well as in or near residential complexes.
- Shower Facilities. Provide showers and changing rooms/lockers in a convenient location within the office building. This will enable larger numbers of employees to bike or walk to work or to/from transit in a variety of weather conditions. The location should be in a space that is secure, well-lit and easily accessible to encourage its use.
- Bike Sharing. Provide space in the Project for three (3) bike sharing docking stations to enable this form of transportation to be used by residents, employees and visitors at the Project. The preferred locations for these stations are highly-visible, convenient and well-lit locations in the Project: on the west side of Crabbs Branch, 1 station should be near the office building and 1 station near the retail center; and on the east side of Crabbs Branch, a preferred location would be near the Community Center or another appropriate location. The exact locations of the stations will be selected by the Applicant with approval of the TMD, based upon the requirements of the bike sharing system. If offsetting benefits are available for the development (e.g., credit for amenities, additional densities, or reduced parking requirements), or the development has a trip reduction requirement under LATR or PAMR, provide payment of capital costs of these three bikesharing stations and 12 years of operating costs.

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- Displays. Incorporate display space into residential and office lobbies, plazas and public gathering spaces, and other areas of high pedestrian activity and opportunity for information.
 - Provide at least a small display regarding TDM alternatives on each level of parking facilities. Displays will contain materials explaining transportation options in the Greater Shady Grove area and the region.
 - Provide opportunity and connections for electronic (LCD) display screens and Real Time Transit Information Signs as part of the displays in lobbies, elevators, and parking facilities, and in library or community use spaces. This will enable outreach to building tenants, employees, residents, and visitors.
 - Shuttles.
 - A circulator shuttle should be considered to assist with connecting all parts of the development with other parts and with the Metro station. This would enable residents, employees, and visitors to avoid using private autos for trips, and would help to achieve the NADMS goals of this area.
 - Ensure any shuttle provisions include mechanisms to provide operational funding and vehicle replacement for an extended period (at least 12 years) or for the duration of the project.
 - In addition to the above transportation demand measures, the Traffic Mitigation Agreement (TMAg) must include the following:
 - specific measures to be used to mitigate the required number of trips necessary to achieve Sector Plan goals.
 - a security instrument, the value of which will be based on: 1) the number of trips to be mitigated in order to comply with Sector Plan requirements; and 2) the costs associated with the strategies necessary to reduce those trips.
 - provision for measuring actual peak hour trip generation and ongoing monitoring to determine achievement of goals. Monitoring will include but not be limited to use of the Annual Commuter Survey and intercept survey(s).
 - In addition, it is critical that this development achieve Shady Grove Sector Plan goals in order for remaining developments in the Shady Grove Policy Area to move to Stage 2 of development per the Sector Plan's Stage 2 – Triggers (p. 113): "The Planning Board will consider the aggregate performance of all such TMAgs in the Shady Grove Policy Area in the decision to move to Stage 2. If the sum total of vehicle trips from all participating sites exceeds the sum of the allowed trip caps, then the plan should not be considered ready to move to the subsequent stage."
17. If on-street parking is allowed on Crabbs Branch Way, it cannot be counted towards meeting the project's parking requirements. MCDOT reserves the right to remove on-street parking if necessary to address traffic operations or safety concerns.

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18. Prior to approval of the record plat by the Department of Permitting Services, submit a revised, executed and sealed MCDOT Sight Distances Evaluation certification form, for the existing and proposed entrances on Crabbs Branch Way for our review and approval.
19. In accordance with Section 49-31(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets – including the Shady Grove Road site frontage west of Crabbs Branch Way - unless the applicant is able to obtain a waiver from the appropriate government agency.
20. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
21. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
22. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
23. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
24. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
25. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
26. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
27. Geometrics for the proposed intersections along Crabbs Branch Way and at its intersection with Shady Grove Road will be reviewed by the Department of Permitting Services as part of their review of the Site Plan. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.

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28. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
29. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
30. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
31. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
32. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.
33. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
34. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Reconstruct Crabbs Branch Way as a divided business district street (4 lanes with parking) per MCDOT Design Standard MC-2005.04 (modified to provide stormwater management facilities within the right-of-way) starting at the intersection with Shady Grove Road and the existing undivided roadway at the southern end of the site (near the bridge over the Shady Grove Metro Access Road); provide pavement and median transitions as appropriate. The proposed sidewalk and off-road bikepath facilities may be constructed using pervious pavement (materials and construction specifications to be confirmed at the permit stage).

NOTE: We do not support the proposal to reverse the pavement cross-slope within the proposed on-street parking areas.

- B. Cross-section and construction details of master planned interior public streets "I," "F," and "J" to be confirmed at the Site Plan stage – depending on the Planning Board's response to the applicants' request to design, construct and operate those roads as private streets with public access easements.

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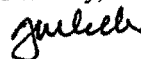
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- C. Construct five (5) foot (minimum) width concrete sidewalk along the Shady Grove Road site frontage.
- D. Reconstruction and/or additional improvements to the public storm drain system may be required as a result of the review of the Storm Drain Capacity and Impact Analyses.

Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- E. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- F. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- G. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- H. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/gml/docs/PP/120120080, Shady Grove Station, MCDOT prelim plan review comments ltr.

Enclosure

cc: Brian Jackson; EYA/CSP Associates
Ramona Bell-Pearson; MC CAO's Office
Mark Stires; Bowman Consulting
Jon Kraft; Bowman Consulting
Michael Workosky; Wells & Associates
Barbara Sears; Linowes & Blocher, LLP
Edward Axler; M-NCPPC Area 2
Catherine Conlon; M-NCPPC DARC
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cc-e: Greg Ossont; MCDGS
Rick Brush; MCDPS WRM
Mike Geier; MCDPS WRM
Atiq Panjshiri; MCDPS RWPR
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Beth Dennard; MCDOT DTS
Brett Linkletter; MCDOT DHS
Bruce Johnston; MCDOT DTE
Aruna Miller; MCDOT DTE
Emil Wolanin; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Fred Lees; MCDOT DTEO
Mark Terry; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO
Andrew Bossi; MCDOT DTEO

APPENDIX 7



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND
www.montgomeryschoolsmd.org

June 8, 2012

Mr. Nkosi Yearwood
Community-Based Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Preliminary Plan No. 120120080 (Shady Grove Station)—Reservation of Elementary School Site

Dear Mr. Yearwood:

The Shady Grove Sector Plan (SGSP), approved and adopted in March 2006, recommended as one of its goals, the provision of “adequate public facilities, such as schools, parks, and recreation centers.” Further, the SGSP recommended “locating schools adjacent to local parks and natural areas.”

The Jeremiah Park neighborhood was designed to provide the entire plan area with a local park, a potential school site, and a residential development. Jeremiah Park was designated as the preferred site for an elementary school with at least one ball field to be a park/school site combination.

There is a long history of parks and schools being collocated. The Montgomery Board of Education adopted a policy on elementary school park sites in 1966 based on a joint Montgomery County Public Schools (MCPS) and Maryland-National Capital Park and Planning Commission (M-NCPPC) report on park schools. At that time, it was considered that 16 acres was the ideal collocation size for an elementary school/park for efficient land use and site utilization. Many examples of these collocations can be seen throughout the County. This policy has since been rescinded as the issue of school site size has been incorporated into long-range planning policy.

Prior to the adoption of the SGSP, one school site was removed from the previously adopted plan. This site, known as the Blueberry Hill Elementary School site, lies adjacent to a local park of the same name in the neighborhood just east of the existing County Service Park property. It was eliminated because the community believed that the new development should support a new school site. This 10-acre site still exists today in the ownership of M-NCPPC, which acquired the site in trust for a future school.

Department of Facilities Management

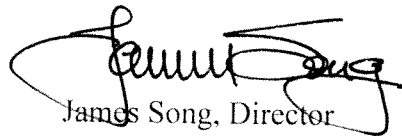
2096 Gaither Road, Suite 200 ♦ Rockville, Maryland 20850 ♦ 240-314-1060

The plan also allowed for an alternative school site to the site at Jeremiah Park, located north of the Grove Shopping Center, known as Casey at Mill Creek. This site did not come to fruition due to non-appropriation of funds for school site acquisition and the diminution of available land caused by a larger right-of-way acquisition for the Intercounty Connector (MD 200).

Today, Montgomery County Public Schools is left with only one possibility for a school site—the Jeremiah Park neighborhood. MCPS staff has worked with Montgomery County, the owner, to reach agreement on the size and location of the elementary school site. We have reviewed the proposed four-acre site offered. We are disappointed that it is not collocated with the new park on a combined larger site that would maximize site utilization for the greatest efficiency. The enclosure shows that the location and configuration of the school site will accommodate only a smaller than standard elementary school building and diminished outdoor play facilities. Recognizing these limitations and in the spirit of cooperation, I am willing to recommend that the Board of Education accept a dedication of this site for a future elementary school.

If you have any questions, please call me at 240-314-1064.

Sincerely,

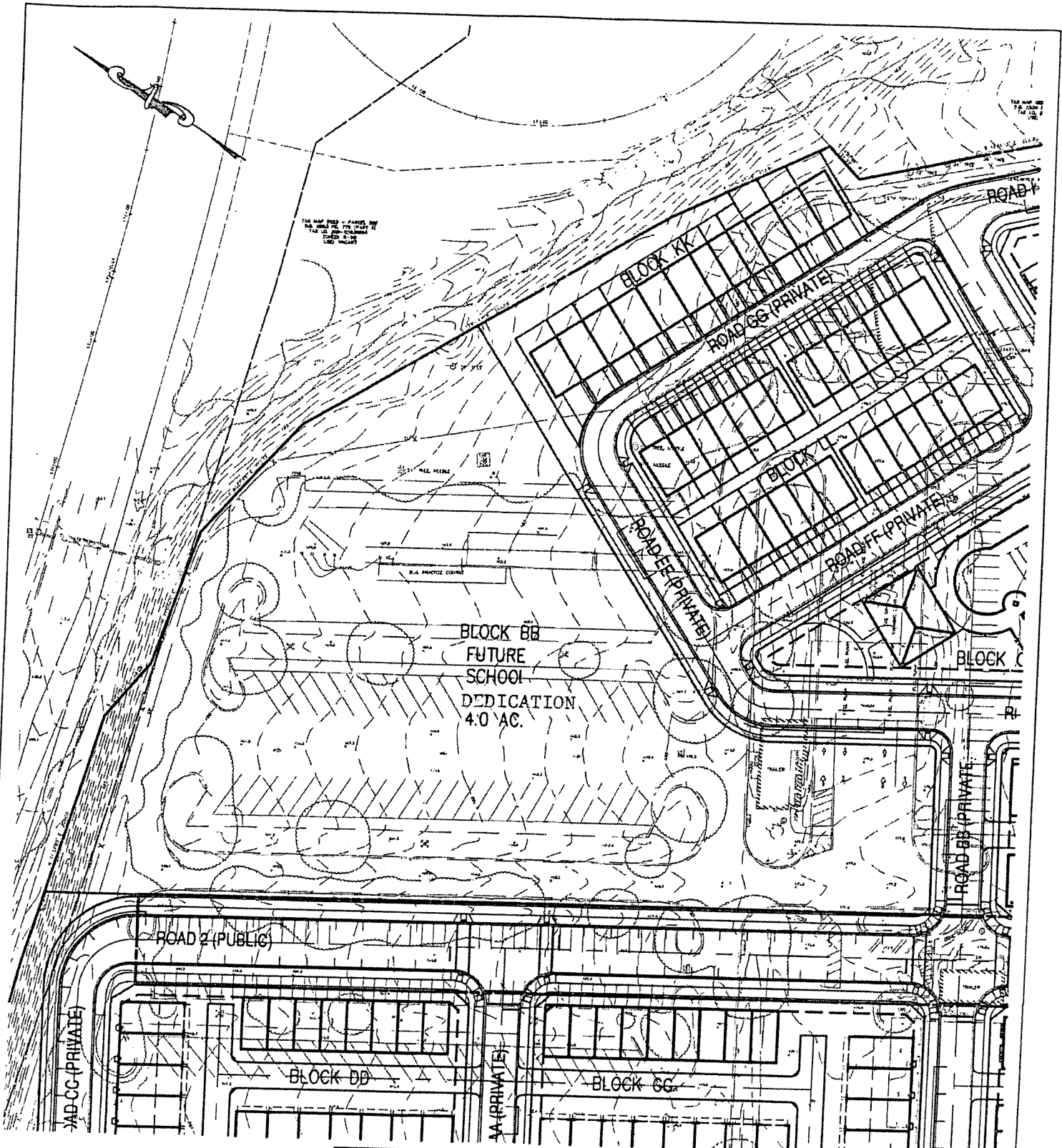


James Song, Director
Department of Facilities Management

Enclosure

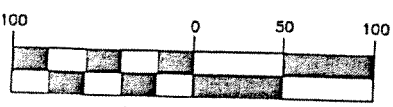
Copies to:

Mr. Bowers
Ms. Turpin
Mr. Ossont
Mr. Jackson
Mr. Butler



BLOCK BB
 FUTURE
 SCHOOL
 DEDICATION
 4.0 AC.

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

FUTURE SCHOOL RESERVATION
 SHADY GROVE STATION

EAST SIDE - JEREMIAH PARK

DISTRICT: ELECTION DIST. #9 COUNTY: MONTGOMERY



Bowman Consulting Group, Ltd.
 2530 Riva Road
 Suite 200
 Annapolis, Maryland 21401

Phone: (410) 224-7590
 Fax: (410) 224-7592

www.bowmanconsulting.com
 Bowman Consulting Group, Ltd.

| | | |
|---------------------|---------------|--------------|
| KJC DESIGN | KJC DESIGN | JHK CHECK |
| SCALE: 1"=100' | | |
| JOB No. 6374-01-001 | | |
| DATE: 05/02/2012 | | |
| FILE No. N/A | | |

APPENDIX 8



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett
County Executive

David E. Disc
Director

MEMORANDUM

June 14, 2012

TO: Nkosi Yearwood, Area 2 Planner
Maryland-National Capital Park and Planning Commission

FROM: Greg Ossont, Deputy Director
Department of General Services

SUBJECT: Shady Grove Station Development District

As you are aware, both the Shady Grove Sector Plan and the County's development agreement with EYA/CSP Associates contemplates the creation of a special taxing area or development district as a financing mechanism for public infrastructure costs associated with the development. Executive staff is currently evaluating scenarios in which a development district could be created. A unique characteristic of this particular proposed development district is the fact that the land within the district would be entirely County owned until such time that the parcels are transferred to EYA. As such, the process of creating a taxing district on non-taxable lands and timing the transfer of ownership from the County to EYA/CSP Associates has proven to be complex and analysis is ongoing.

In the event that Executive staff determines that it is not in the County's interest to create a development district as a financing mechanism, the County will identify other methods to fund the infrastructure improvements required to facilitate the development.

APPENDIX 9

**PRELIMINARY FOREST CONSERVATION PLAN
SHADY GROVE STATION
(SHADY GROVE METRO)
MONTGOMERY COUNTY, MARYLAND**

SEPTEMBER 26, 2011
REVISED THROUGH JUNE 15, 2012

PLAN # 120120080

SHEET INDEX

1. COVER SHEET
2. PRELIMINARY FOREST CONSERVATION PLAN
3. SITE TABULATIONS



VICINITY MAP
SCALE: 1"=200'

SUBJECT PROPERTY INFORMATION:

DISTRICT: B
ACCOUNT NUMBER: 01076888
MAP #: 0323
PARCEL: P486
ZONING: R-1
USE: RESIDENTIAL
LAND AREA: 90.34 ACRES
OWNER/APPLICANT:
EXECUTIVE OFFICE BUILDING (EOB)
10000 SHADY GROVE STATION
10000 SHADY GROVE STATION, 2ND FLOOR
ROCKVILLE, MD 20851
ATTN: DANE SCHWARTZ JONES
ASSISTANT CHIEF ADMINISTRATIVE OFFICER
DEVELOPER/CO-APPLICANT:
EYACSP ASSOCIATES II
CO EYA
10000 SHADY GROVE STATION, SUITE 200
ROCKVILLE, MARYLAND 20851
ATTN: BRIAN JACOBSON / WYNONAH ROBERTSON
LAND PLANNING ENGINEERING:
BOWMAN CONSULTING GROUP, LTD.
4000 THE COMMONS PLACE, SUITE 300
CHANTILLY, VA, 20151
703-484-1000

THE NEIGHBORHOODS OF EYA
10000 SHADY GROVE STATION
ROCKVILLE, MARYLAND 20851
DATE: 09/26/11
BY: [Signature]

PROJECT LOCATION
PROJECT NAME
PROJECT NUMBER
PROJECT DATE
PROJECT CLIENT
PROJECT CONTACT

MEMBERSHIP CATEGORY
MEMBER SINCE

**PRELIMINARY FOREST
CONSERVATION PLAN
SHADY GROVE STATION**

SCALE: 1" = 20'

EYA THE NEIGHBORHOODS OF

DATE: 1/27/10
BY: J.P. [Signature]



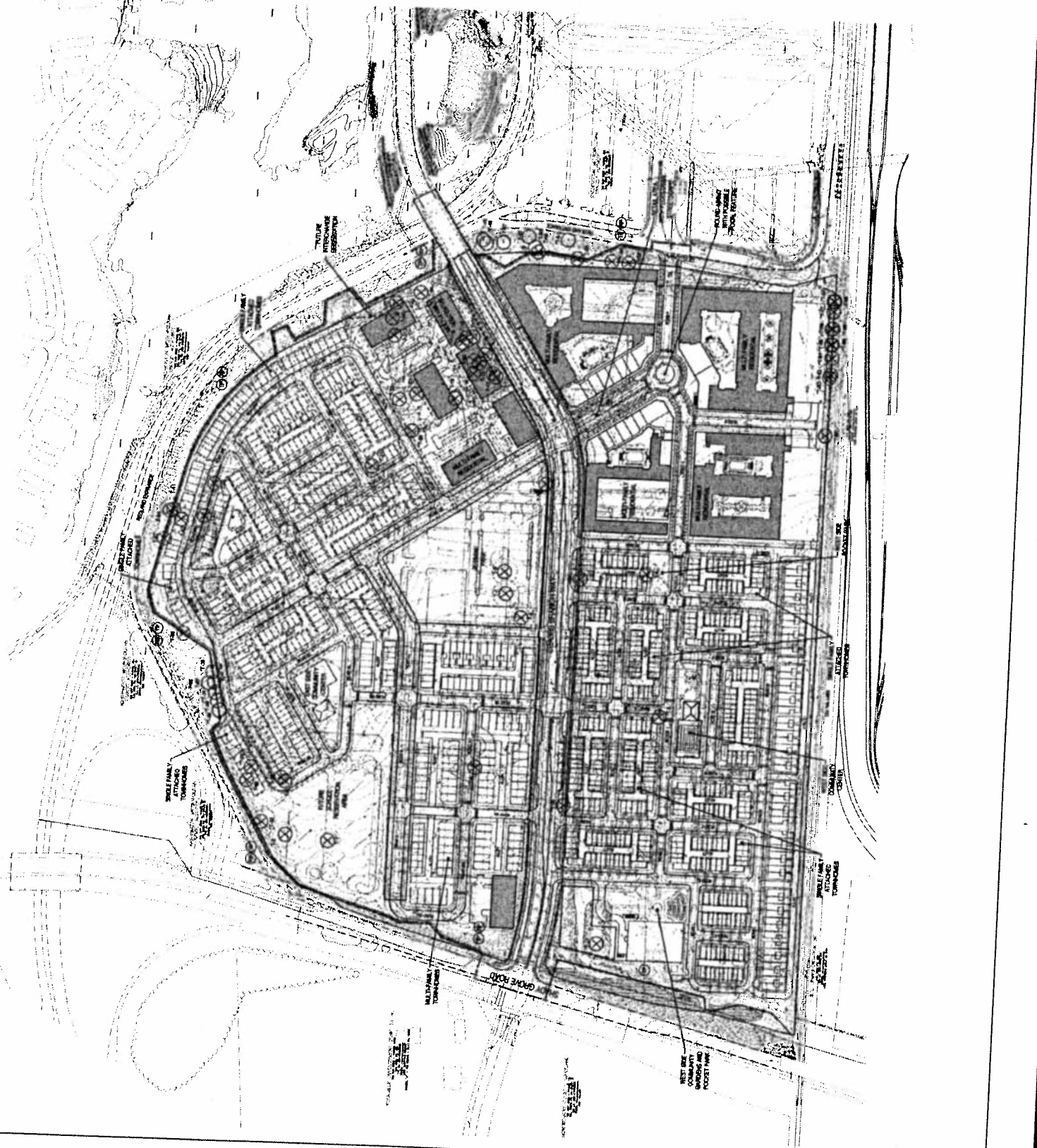
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| CHECKED BY | [Signature] |
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LEGEND

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- [Symbol] EXISTING PARKWAY
- [Symbol] PROPOSED SIDEWALK
- [Symbol] EXISTING SIDEWALK
- [Symbol] PROPOSED BIKEWAY
- [Symbol] EXISTING BIKEWAY
- [Symbol] PROPOSED TRAIL
- [Symbol] EXISTING TRAIL
- [Symbol] PROPOSED LANDSCAPE
- [Symbol] EXISTING LANDSCAPE
- [Symbol] PROPOSED PLANTING
- [Symbol] EXISTING PLANTING
- [Symbol] PROPOSED UTILITIES
- [Symbol] EXISTING UTILITIES

GENERAL NOTES

1. SEE DRAWING FOR FINAL FOREST CONSERVATION PLAN.
2. ALL CONSERVATION PLAN ELEMENTS ARE SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT AND THE STATE OF TEXAS.
3. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO CHANGE.



GRAPHIC SCALE
1" = 20'

June 4, 2012

Mr. Mark Pfefferle
Environmental Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Shady Grove Station Conservation Variance; Preliminary Plan Application

Dear Mr. Pfefferle,

Our client, EYA/CSP Associates, LLC (the "Applicant"), the applicant for the above-referenced Preliminary Plan Application (the "Application") hereby requests a variance from the provisions of Maryland Code (1973, 2005 Repl. Vol., 2010 Supp.), § 5-1607(c)(2)(iii)(1) of the Natural Resources Article pursuant to Section 22A-21(b) of the Montgomery County Code (the "Code"), to allow the removal of eighteen trees having a diameter of 30-inches or more on property that is currently owned by Montgomery County, Maryland and presently contains the County Service Park (the "Property"). The Property, which is bounded by railroad tracks owned by CSX Transportation to the west, Shady Grove Road to the north, and land owned by the Washington Metropolitan Transit Authority to the east and south, has a gross tract area of approximately 90.3376 acres and is listed as Parcel 495 as shown on Tax Map GS 123. The Property is subject to the recommendations of the 2006 Approved and Adopted Shady Grove Sector Plan (the "Sector Plan"), which divides the Property into two related areas called CSP-Metro North and Jeremiah Park, located west and east of Crabbs Branch Way, respectively. In order to realize the Sector Plan's recommendations for the Property, Applicant and the County signed a Master Planning and Real Estate Purchase Agreement on September 20, 2010, and named the Applicant as both the master site planner for the Property and exclusive purchaser of CSP-Metro North.

As explained more fully below, retention of the trees proposed to be removed identified on the Preliminary Forest Conservation Plan and Specimen Tree Inventory, which is attached hereto as Exhibit "A", would result in undue hardship to the Applicant. The conditions of the Property and the nature of the proposed improvements justify the granting of the variance pursuant to Section 22A-21(b) of the Code. Removal of the subject trees would satisfy the variance requirements of Section 22A-21(b) as follows:

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the TOMX 2.0/TDR Zone, both of which recommend higher density uses in the vicinity of the Shady Grove Metro station. The Sector Plan envisions a mixed use and transit oriented community consisting of high-density townhome and multi-family residential units, retail space, office space, a library, an elementary school, a park, and other open space, all within walking distance of the Shady Grove Metro Station. The Application reflects the nature of vibrant urban design that is the goal of the Sector Plan. As a result of the existing County Service Park and the dispersal of the subject trees throughout the site, the type of development proposed in the Application and recommended in the Sector Plan simply could not be realized if the subject trees could not be removed.

(2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

Retention of all trees on the Property having a diameter of 30-inches or more would require major changes to the development program, which would preclude implementation of the transit oriented and mixed used recommendations of the Sector Plan. The potential inability to remove the subject trees would therefore deprive the Applicant of the opportunities enjoyed by similar properties that are developed with more intense uses, without protected trees located in the most developable areas of their properties.

(3) Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting of the variance;

The current Maryland Department of the Environment (MDE) Stormwater Management regulations that Montgomery County has adopted require the use of environmental site design (ESD) techniques to treat the runoff from 1 inch of rainfall on all new developments, where stormwater management is required. Per MDE's 2000 Maryland Stormwater Design Manual, "[t]he criteria for sizing ESD practices are based on capturing and retaining enough rainfall so that the runoff leaving the site is reduced to a level equivalent to a **wooded site in good condition**[" Therefore, the variance will not affect water quality standards and a measurable degradation in water quality will be experienced because mitigation measures are being provided.

(4) Provide any other information appropriate to support the request.

Fulfilling the design objectives of the Sector Plan does not allow the trees in question to be maintained. Along the northern property line, the proximity of the proposed townhomes and roads to the roots of trees 32, 33 and 39, and site grading that will be needed in this area require that these trees be removed. Trees 54, 55, 57, 60, 61, 63, and 65 along the southern and western property boundaries will be impacted by the construction of proposed multi-family high rise buildings and their associated improvements, and will also need to be removed. Similar development, including various proposed underground utilities, will also adversely impact trees 4, 5, 14, 16, 20, 21, 30, and 33 which are dispersed throughout the site. Tree 31 will be impacted by the construction of a proposed parking garage and will also need to be removed.

Per comments from M-NCPPC, there are now 5 trees (35, 36, 37, 38 & 51) with a diameter of 30" or more on and/or adjacent to the property that are to be preserved, compared to 1 tree (51) as shown on the plan originally dated 11/9/11. Changes to the proposed grading and the location of proposed root pruning trench have been made to reduce impacts and minimize root loss for trees 35, 36, 37 & 38. No grading shall be performed within the root zones of specified trees. In addition, the root pruning trench has been moved from the existing property line where it was originally shown, to approximately 5' from the back of curb of proposed Road MM, preserving a much higher percentage of each tree's critical roots.

Approximately 33% of specimen tree 35, 32% of specimen tree 36, 31% of specimen tree 37 and 37% of specimen tree 38 (see specimen tree inventory chart attached) will be impacted by the construction of the new Road MM. Due to the tree's proximity to the existing building located to the southwest, it is unlikely that many large roots exist in the areas to be impacted by the construction of the proposed road, and percentages of root zone impacts are in fact much less. Approximately 8% of specimen tree 35, 15% of specimen tree 36, 13% of specimen tree 37 and 4% of specimen tree 38's critical roots are encumbered by the existing building footprint, making the effective area of critical root zone impacted 25%, 17%, 18% and 33% respectively.

Zero percent of specimen tree 51's critical roots will be impacted by proposed improvements.

To promote long term survivability of the 5 specimen trees, prior to demolition, tree protection fence shall be placed along the limits of clearing and grading in locations as shown on the Preliminary Forest Conservation Plan. Bilingual signs shall be posted along tree protection fence that clearly state trees must be protected and left undisturbed. Signs shall remain posted throughout all phases of construction. After installation of fence, a 12-18" root pruning trench shall be dug along the limits of clearing. Any large roots (greater than 3") that are found while trenching are to be cut by hand to minimize impact on trees to be preserved. After tree protection measures and root pruning have been completed, a root growth regulator is to be applied.

To mitigate the loss of the subject trees, the Applicant is proposing on-site plantings, for which partial forest conservation credit will be taken on the Preliminary Forest Conservation Plan. These plantings will provide various environmental benefits and extensive tree canopy, which will compensate for the loss of the subject trees. In addition to these plantings, the Application will also meet the majority of the storm water management quality requirements through on-site bio-retention facilities.

Finally, in conformance with Section 22A-21(d) of the Code, the variance will not confer a special privilege on the Applicant that would be denied to others, but rather, as discussed above, will prevent the deprivation of the Applicant's rights.

We believe the foregoing, as well as the information contained in the Preliminary Forest Conservation Plan and Application materials, clearly demonstrate that the grant of the variance pursuant to Section 22A-21(b) of the Code is appropriate in this case. If, however, you have any questions or concerns or require any additional information for your review of this request, please contact us.

Sincerely,



Gregg D. Eberly - Applicant's Representative
MD RLA # 3609
Bowman Consulting Group

Agreed and Approved by Mark Pfefferle, M-NCPPC

_____ Date:

SPECIMEN TREE INVENTORY
Shady Grove Station
 Date of site visit: April 11, 2012

| Tree # | Botanic Name | Common Name | Caliper (inches) | Condition | Tree Status | Overall Critical Root Zone Impact (%) | Critical Root Zone Impacted by Existing Building | Effective Critical Root Zone Impact (%) | Tree Protection Devices |
|--------|-----------------|-------------|------------------|-----------|-------------|---------------------------------------|--|---|--|
| 35 | Quercus rubra | Red Oak | 7.2(Twin) | Good | Preserve | 33% | 8% | 25% (1) | Tree Protection Fence/Root Pruning/Root Growth Hormone |
| 36 | Quercus rubra | Red Oak | 34 | Fair | Preserve | 32% | 15% | 17% (1) | Tree Protection Fence/Root Pruning/Root Growth Hormone |
| 37 | Acer rubrum | Red Maple | 33 | Good | Preserve | 31% | 13% | 18% (1) | Tree Protection Fence/Root Pruning/Root Growth Hormone |
| 38 | Quercus rubra | Red Oak | 39 | Good | Preserve | 37% | 4% | 33% (1) | Tree Protection Fence/Root Pruning/Root Growth Hormone |
| 51 | Quercus phellos | Willow Oak | 34 | Good | Preserve | 0% | 0% | 0% | Tree Protection Fence/Root Pruning/Root Growth Hormone |

(1) Effective critical root zone impact percentage has been calculated by subtracting the critical root zone percentage impacted by the existing building from the overall critical root zone impact percentage.