



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-135  
Site Plan No. 820090070  
Project Name: Shady Grove Metro Parcel P-146  
Date of Hearing: October 22, 2009

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on December 2, 2008, Keystone REI ("Applicant"), filed an application for approval of a site plan for 36 townhomes, 3 one-family detached units, and 1 building containing 117 multi-family units, including 13% MPDUs on 4.26 acres in size located in the PD-35 Zone, located at the intersection of Redland Road and Yellowstone Way ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820090070, Shady Grove Metro Parcel P-146 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 12, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on October 22, 2009 the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 22, 2009, the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre, seconded by

Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

Commissioner Wells-Harley; with a vote of 3-0; Commissioners Alfandre, Hanson and Wells-Harley voting in favor, Commissioners Cryor and Presley being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820090070 for 36 townhomes, 3 one-family detached units, and 1 building containing 117 multi-family units, including 13% MPDUs on 4.26 acres in size located in the PD-35 Zone, subject to the following conditions:

### **Conformance with Previous Approvals**

1. Development Plan

The proposed development must comply with the non-illustrative binding elements of the zoning approval and associated development plan G-875 approved on June 24, 2008.

2. Preliminary Plan

The proposed development must comply with the conditions of approval for preliminary plan 120090100 as listed in the approved Planning Board Resolution. This includes, but is not limited to all references to density, rights-of-way, dedication, easements, and agency approvals.

### **Alternative Layout**

1. The original submittal must be revised as shown on the "Revised Layout" plan shown on page 6 of this staff report. This includes reducing the size and relocating the stormwater pond to the eastern edge of the site; relocating the internal stick of townhouses to front on Yellowstone Way; relocating the vehicular access to the townhouses on the eastern portion of the site from Yellowstone Way to Chieftain Avenue; and any necessary internal site improvement modifications.
2. The revised layout must be approved by DPS prior to the certification of the site plan. If the revised layout cannot be approved, this site plan must be amended.

### **Transportation & Circulation**

1. Transportation

The Applicant must provide two (2) inverted-U bike racks in front of the apartment building in weather protected locations and four (4) bike lockers in the garage within 50 feet of the elevator to serve the residents and visitors of the apartment building. Transportation Planning Division staff shall determine the ultimate location of the bike racks and lockers at site plan certification.

### Pedestrian Circulation

The Applicant must construct all internal sidewalks and seating areas to serve the proposed development as shown on the site plan with minor modifications finalized by certified site plan.

### **Environment**

The Applicant must meet the entire 1.88-acre reforestation requirement offsite in a manner and location as specified by Montgomery County Code Section 22-A-12(e) as reviewed and approved by the final forest conservation plan.

### **Architecture**

1. The Applicant must provide final architectural elevations for the multi-family building to ensure that articulation, balconies, alcoves, building materials, and projections are used to decrease the sense of mass along Redland Road as shown on the conceptual site perspectives provided by the Applicant.
2. Final detailing, entrances, and roof design of the detached and townhouse units must substantially conform to conceptual architectural perspectives submitted by the Applicant.
3. Front door entrances and porches must be provided on each of the cottage houses on the façade parallel with Chieftain Avenue.

### **Moderately Priced Dwelling Units**

1. The proposed development must provide 21 MPDUs (13%) on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is receiving a 5% density bonus for providing 13% MPDUs on-site.
2. The Applicant must obtain an agreement to build pertaining to the construction and staging of MPDUs from the Department of Housing and Community Affairs (DHCA) prior to the issuance of any building permits.
3. The three one-family detached units must be provided as MPDUs and must have at least three bedrooms. The final unit distribution and bed-rooms per unit for the 18 MPDUs within the multi-family building must be approved by DHCA.

### **Site Plan**

1. Streetscape
  - a. Space all street trees a minimum of 40 feet apart along Redland Road and a minimum of 35 feet along Yellowstone Way and Chieftain Avenue unless physical site impediments (e.g., light fixtures or utilities) cause the spacing to change as a result of permitting.
  - b. Replace red maples along Redland Road with a variety of oak to be determined by certified site plan.
  - c. Provide Washington Globe light fixtures along Chieftain Avenue and Yellowstone Way between every other street tree. Eliminate cobra-head light fixtures on utility poles.

2. Lighting

- a. All internal paths and recreation areas must be illuminated to meet IESNA residential lighting standards.
- b. All internal fixtures must be semi-cut off fixtures.
- c. All illumination levels at county rights-of-way must not exceed 0.5 footcandles exclusive of streetlamps.

3. Recreation Facilities

- a. Recreation facilities must be constructed in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant must provide, at a minimum, one tot-lot, an indoor community space, an indoor exercise facility, and three sitting areas.

4. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the certified site plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks for public and internal private streets must be installed within six months after street construction is completed. Tree planting may wait until the next growing season.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting, recreation facilities, sidewalks and paths, open spaces, and construction and installation of landscape and site details on land to be conveyed to the County. All improvements must be completed within six months after building and street construction is completed except plantings, which may wait until the next growing season.
- d. The development program must provide phasing of pre-construction meetings, conveyance, dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

5. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".

- c. Add a note that specific plant species may be substituted with the approval of M-NCPPC staff.
- d. A landscape surety must be executed by the Applicant and the M-NCPPC prior to the release of any building permits.
- e. Modify data table to reflect development standards enumerated in the staff report.
- f. Ensure consistency off all details and layout between site plan and landscape plan.
- g. Provide limits of disturbance and other minor plan details and modifications.

BE IT FURTHER RESOLVED that all site development elements as shown on Shady Grove Metro Parcel P-146 drawings stamped by the M-NCPPC on July 15, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

This site plan application conforms to the non-illustrative elements of the development plan including a minimum green area and limitations on density, height, and the provision of additional moderately priced dwelling units. Lot layout and final locations of structures were indicated as approximate on the approved development plan and have been modified only in consultation with the appropriate regulatory agencies.

2. *The site plan meets all the requirements of the Overlay Zone as well as the applicable requirements of the underlying zone.*

The site plan is not covered by an overlay zone. The underlying zone is PD-35. The following outline details the requirements and purposes of the PD-35 zone and the plans compliance with these requirements and the purposes.

- The development data table below indicates the conformance of this site plan with the development standards of the PD-35 zone. Many of the development standards are not prescribed as specific limitations, but are

based on findings of conformance as outlined in section 59-C-7.0 of the zoning ordinance.

Project Data Table for the PD-35 Zone

Development Standard	Permitted/ Required	Approved by Development Plan	Approved by the Planning Board and Binding on the Applicant
<b>Max. Building Height (feet/stories)</b>	n/a	Detached: 40' Townhouse: 55' Multi-Family: 65'	Detached: 40' Townhouse: 55' Multi-Family: 65'
<b>Min. Building Setbacks (feet)</b>			
Street Right-of-Way	n/a	Detached: 30' <sup>1</sup> Townhouse: 10' Multi-Family: 10'	Detached: 20' Townhouse: 10' Multi-Family: 10'
Front Lot Line	n/a	Detached: 4' Townhouse: 4' Multi-Family: n/a	Detached: 4' Townhouse: 4' Multi-Family: 0'
Side Lot Line	n/a	Detached: 4' Townhouse: 4' <sup>2</sup> Multi-Family: 10'/0' <sup>3</sup>	Detached: 4' Townhouse: 4' Multi-Family: 10'/0'
Rear Lot Line	n/a	Detached: 4' Townhouse: 4' Multi-Family: 0'	Detached: 4' Townhouse: 4' Multi-Family: 0'
<b>Min. Green Area (% of lot)</b>	50%	50%	50%
<b>Base Density (units)</b>	149 <sup>4</sup>	149	149
<b>5% MPDU Bonus Density (units)</b>	n/a	7	7
<b>Total Units</b>	n/a	156	156
<b>13% MPDUs (units)</b>	n/a	20	21 <sup>5</sup>
<b>Unit Mix</b>	All units are permitted	Detached: 3 Townhouse: 36 Multi-Family: 117	Detached: 3 Townhouse: 36 Multi-Family: 117
<b>Parking Spaces</b>	193	227	227

<sup>1</sup> This figure is based on a 30-foot difference from the existing right of way to the building. After dedication, this number is 20 feet as reflected in the "Proposed for Approval" column. The buildings have not moved significantly from the development plan approval.

<sup>2</sup> Side setback is only applicable for end units.

<sup>3</sup> Side setback for multi-family building is 10 feet on the side adjacent to Parcel N231 and zero feet internally.

<sup>4</sup> PD-35 allows 35 units per acre. This site is 4.26 gross acres, which permits 149 units prior to any bonus density.

<sup>5</sup> 20 MPDUs were proposed, however, 21 are required (117 x 0.13+20.28). 3 MPDUs are to be located in the detached units, the remainder within the multi-family building.

- The 2006 Shady Grove Sector Plan recommends that the subject site be rezoned to the PD-35 zone to help fulfill a vision of the "Metro East/Old Derwood" area. This recommendation, in turn, fulfills the wedges and corridors concept of the General Plan by locating higher density in the transit corridor areas with access to transit. The zoning and unit mix utilizes the PD-35 zone standards to implement both the Sector Plan and the General Plan.
- The site design facilitates social interaction by locating common open spaces and recreation facilities throughout the site and by providing front doors directly on community sidewalks. The tight-knit nature of a development with this level of density will further create a sense of community. Because of the character of the site, which transitions from garden apartments to detached cottage houses within a small area, this community will have a distinct character and identity.
- There will be a minimum of five different unit types in this development of 156 total units ensuring a diversity of housing types. These include several types of multi-family units, such as studio and one- and two-bedroom units, townhouses, and detached homes.
- Open space is provided over the minimum of 50% of the site, which permits both active and passive recreation and a variety of spaces for social interaction.
- Pedestrian circulation is provided throughout, connecting all of the open spaces, recreation areas, and seating areas. Further, these internal paths connect to the public sidewalks and provide access to off-site sidewalks that lead to neighborhood parks and the Metro. Each of the units has direct access to this pedestrian circulation system.
- Although this site is not as large as many PD sites and, thus, cannot necessarily fulfill the purpose of the large-scale nature of PD developments, it is recommended in the Sector Plan and implements the goals of the larger-scale neighborhood of the Metro East area.
- This site provides safe and convenient access to internal open space and amenities as well as connections to adjacent and nearby amenities. Although not within the purview of this application, further development around this area will necessitate better access to the Shady Grove Metro Station via Redland Road and possible further traffic operation improvements such as a light at the intersection of Redland Road and Yellowstone Way.
- This application is proper for the comprehensive and systematic development of the county; accomplishes the purposes of the zone, as outlined above; and is in substantial compliance with the Sector Plan through the provision of diverse unit types, compatible building styles, and pedestrian-oriented open space amenities and circulation patterns.

- The uses proposed are compatible with other uses in the vicinity as detailed in the finding for compatibility.
- Because this development is not within a specifically designated “transit station development area” and adjoins a one-family detached residential zone, specific compatibility requirements are required according to section 59-C-7.15 (b). The term “adjoins” is here considered to be applicable because, although the one-family detached land in question is separated by a right-of-way, that right of way is understood to be governed by the least intense zone, which in this case is R-200. Typically no building other than a one-family detached residence can be constructed within 100 feet of such adjoining land, but this townhouse and multi-family development is expressly recommended by the area sector plan. Further, because of the transition of unit types and heights proposed, this development will not adversely affect nearby residential development. Thus, the waiver provision provided by section 59-C-7.15(c)(1) is found to be applicable. The heights of each of the building types comply with the requirement that no building may be constructed to a height greater than its distance from such adjoining land. The detached houses are a minimum 45 feet from the adjacent R-200 lots; the townhouses are a minimum of 70 feet; and the multi-family building is a minimum of 140 feet. All of these distances are greater than the proposed heights of the respective buildings.

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

The locations of the buildings and structures are adequate, safe, and efficient. All buildings front directly on sidewalks and either streets or open space, which provides a community with a focus on pedestrian efficiency and a safe environment around and between the buildings. The more intense structures are located towards Redland Road and the least intensive uses are located along the boundary with the existing detached-unit residential neighborhood.

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. The sidewalks provide ample internal and external connections between open spaces and facilities and nearby amenities. The internal vehicular system is double-loaded with houses on either side when possible to decrease excess paving; parking for visitors is provided along Chieftain Avenue. This parking serves a dual purpose: providing visitor parking and creating a more pedestrian-oriented street, which slows traffic and provides a sense of security along the sidewalk. Final parking layout and dimensions will be determined by MCDOT and Fire and Rescue. Vehicular ingress and egress points are found to be safe and efficient and minimize vehicular/pedestrian conflict points.



The landscaping and site design elements are adequate, safe, and efficient. Seating, lighting, and shade trees will provide an attractive and comfortable environment throughout the year. Recreation facilities, including a tot lot and indoor facilities, are augmented by the nearby park with multiple fields and courts. These facilities meet the requirements of the Recreation Guidelines for residential development adopted by the Planning Board. Streetscape, as conditioned, will set a precedent for future development around the metro station and provide a comfortable, safe place to walk from home to the nearby park and the metro, as well as to future development of the metro village area.

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

The diverse housing types are compatible with the existing residential neighborhood and provide a sustainable means of providing residential units for the county with direct access to the metro system. The transition from taller multi-family units along Redland Road and directly across from metro to the lower detached cottage houses ensures compatibility with the existing detached houses along Chieftain Avenue. As some of the existing houses in this neighborhood are recommended for evaluation for the Locational Atlas of Historic Resources, compatibility of use, layout, and detailing is especially important in this instance. The visual corridor along Chieftain Avenue includes the Hoshinson/Schwartz House which is a resource recommended for such evaluation. The treatment of the street including provision of streetlights, trees, parallel parking, sidewalks, and especially the cottage units ensures that this viewshed will remain sensitive to the context. In particular, the cottage units will have porches and front entrances facing Chieftain Avenue to continue the traditional pattern of development along this street.

The proposed detached unit and townhouse development on the southeast quadrant of the intersection of Yellowstone Way and Chieftain Avenue (No. 820070160, Baldwin Landing) is not expected to be developed and the existing church is hoping to expand. The proposed residential use is compatible with this existing neighborhood-oriented use. If, in the future, a development such as that proposed by the Baldwin Landing site plan does move forward, the layout and uses proposed will remain compatible.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The site plan has met all requirements of forest conservation law and water resource protection. The Applicant will meet the entire 1.88-acre reforestation requirement offsite because the 20 percent onsite reforestation standard was found to be impractical. Landscape credit will not be used to fulfill any of the reforestation requirements.

The stormwater management concept for this site has been approved. The concept consists of on-site water quality control via a surface sand filter with structural pretreatment and onsite recharge via pervious sidewalks. A waiver of on-site channel protection measure was requested and granted due to the site's proximity to the Crabbs Branch regional stormwater management facility.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is NOV 17 2009 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Commissioner Wells-Harley, with Commissioners Hanson, Alfandre, Presley, and

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Wells-Harley voting in favor of the motion, with a four-member Board, at its regular meeting held on Thursday, November 5, 2009, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board