



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

NOV 3 2014

MCPB No. 14-97
Site Plan No. 82013022A
Shady Grove Station, Westside
Date of Hearing: October 23, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 3, 2014, by MCPB Resolution No. 13-190 the Planning Board approved Site Plan No. 820130220, Shady Grove Station, Westside for 1,521 residential dwelling units, including 211 moderately priced dwelling units ("MPDUs") and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, on approximately 41.8 gross acres in the Transit-Oriented Mixed Use/Transferable Development Rights (TOMX-2/TDR) Zone, located west of Crabbs Branch Way and south of Shady Grove Road ("Subject Property") in the Shady Grove Sector Plan ("Sector Plan") area; and

WHEREAS, on July 28, 2014, EYA/CSP Associates and Montgomery County ("Applicant") filed a site plan amendment to i) modify the alley pavement widths from 20 feet to 18 feet; ii) permit landscaping in alleys and deeper decks for residential units with a deck option; iii) adjustment to lot lines; and iv) modify the location of MPDUs and Workforce Housing units, all as approved by the previous site plan; and

WHEREAS, Applicant's site plan amendment application was designated Site Plan No.82013022A, Shady Grove Station, Westside ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 9, 2014, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on October 23, 2014, Staff presented the Application to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

Date

10/13/14

www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82013022A by modifying the relevant conditions of the previously approved site plan:¹

1. Site Plan Conformance

The development must comply with the conditions of approval of Site Plan No. 820130220 as listed in the MCPB No. 13-190, except as amended by this Application.

2. Certified Site Plan

Prior to the approval of the Certified Site Plan, and subject to staff review and approval, the Applicant must:

- a. Ensure that the Department of Housing and Community Affairs (DHCA's) agreement-to-build reflects the approved layout changes for MPDUs and Workforce Housing units.
- b. Include all elements of the approved Amendment on the relevant sheets of the Certified Site Plan.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect;

BE IT FURTHER RESOLVED, that all site development elements as shown on the Shady Grove Station drawings submitted to M-NCPPC on October 1, 2014, 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 (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 3 2014 (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).

* * * * *

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 Presley, seconded by Commissioner Dreyfuss, with Chair Anderson, Commissioners Dreyfuss, Presley, and Fani-Gonzalez voting in favor of the motion, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, October 23, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board