



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 7 2015

MCPB No. 15-48
Preliminary Plan No. 12012008C
Shady Grove Station
Date of Hearing: April 30, 2015

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board (“Planning Board” or “Board”) is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 11, 2012, by MCPB Resolution No. 13-190, the Planning Board approved Preliminary Plan No. 120120080, for a maximum of 752 residential townhouse units; a maximum of 1,458 multi-family residential units; 41,828 square feet of retail; and a maximum of 131,422 square feet of office development on approximately 90.34 acres in the TOMX-2/TDR Zone¹, located along Crabbs Branch Way, south of Shady Grove Road, (“Property”), in the Shady Grove Sector Plan (“Sector Plan”) area;

WHEREAS, on April 23, 2014, by MCPB Resolution No. 14-22, the Planning Board approved Preliminary Plan No. 12012008A, which permitted execution of the required Traffic Mitigation Agreement (“TMAg”) at building permit and allowed modifications to the cross-sections of certain roads as part of the development of the Property;

WHEREAS, on November 3, 2014, by MCPB Resolution No. 14-96, the Planning Board approved Preliminary Plan No. 12012008B, which permitted the modification to alley pavement widths from 20 feet to 18 feet; landscaping in alleys and deeper decks for residential units with a deck option; adjustments to lot lines; and modification to the location of Moderately Priced Housing Units and Workforce Housing units;

WHEREAS, on January 9, 2015, EYA/CSP Associates and Montgomery County (“Applicant”) filed a preliminary plan amendment to permit separate TMAgs applicable to the phase covered within a specific site plan for the various phases of the approved Shady Grove Station development;

¹ The property was rezoned in 2014 by the Montgomery County Council approval of the County’s new Zoning Ordinance to the CRT-1.0 C0.25 R0.75 H90 T (TDR 0.89 Overlay) and CRT-0.75 C0.25 R0.5 H-60 T (TDR 0.6 Overlay) zones.

APPROVED AS TO LEGAL SUFFICIENCY
[Signature]
M-NCPPC Legal Department
4/13/15

WHEREAS, Applicant's application to amend the preliminary plan, as previously amended was designated Preliminary Plan No. 12012008C, Shady Grove Station ("Preliminary 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 April 10, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on April 30, 2015, 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Preliminary Plan No. 12012008C for the modification to Condition No. 4 as previously approved, which shall be as follows²:

The Applicants for phased Site Plans must satisfy the Shady Grove Sector Plan's traffic mitigation requirements by entering into separate Traffic Mitigation Agreements (TMAGs) with the Planning Board and MCDOT applicable to the phase covered by the approved Site Plan and binding upon the individual Applicant for that specific approved Site Plan. In the TMAGs, the Applicants must agree to participate in the efforts of the Greater Shady Grove Transportation Management District (TMD), to assist in and demonstrate good faith efforts towards achievement of the non-auto-driver mode share goals of the Sector Plan for their project. Failure to do so may result in liquidated damages or other remedies to be detailed in the TMAGs. For developments on the County Service Park property (Shady Grove Station), the non-auto-driver mode share goals are a reduction of 65% of the employees' vehicular trips and 50% of the residential vehicular trips. The TMAG must be executed prior to the release of the first commercial or residential building permit in each respective Site Plan.

BE IT FURTHER RESOLVED, that all other conditions of approval for Preliminary Plan No. 120120080, Preliminary Plan No. 12012008A, and Preliminary Plan No. 12012008B remain valid, unchanged and in full force and effect;

² 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.

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 Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, that unless specifically set forth herein, with the conditions of approval this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as amended, and all findings not specifically addressed remain in effect.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 7 2015 (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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, April 30, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board