



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

MAY 19 2016

MCPB No. 16-047
Site Plan No. 82009007A
Residences at Shady Grove Station
Hearing Date: May 12, 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

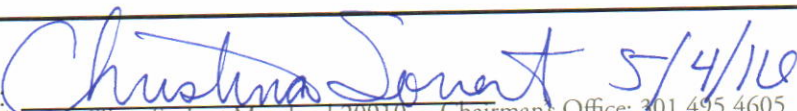
WHEREAS, on November 17, 2009, the Planning Board, by Resolution MCPB No. 09-135, approved Site Plan No. 820090070, for 36 townhomes, 3 one-family detached units and 1 building containing 117 multi-family units, including 21 MPDUs on 4.26 acres of PD-35 zoned-land, located at the intersection of Redland Road and Yellowstone Way ("Subject Property"), in the Shady Grove Sector Plan area and Shady Grove Sector Plan area ("Sector Plan"); and

WHEREAS, on March 23, 2016, Comstock Redland Road II ("Applicant"), filed an application for approval of an amendment to the previously approved site plan(s) for approval of the following modifications:

1. Reduce the number of multifamily dwelling units from 117 to 110 (approved gross floor area and FAR remain unchanged);
2. Reduce the number of approved moderately priced dwelling units from 21 to 19;
3. Building entrance location shift on Redland Road;
4. Garage entrance shift on Redland Road;
5. Facade modifications with no change to building height;
6. Site grading, planter, and retaining wall modifications; and
7. Courtyard design updates.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82009007A, Residences at Shady Grove Station ("Site Plan," "Amendment," or "Application"); and

Approved as to
Legal Sufficiency:

 5/4/16

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WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated April 29, 2016, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 12, 2016, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82009007A, for a total of 149 units, including 110 multifamily units, 3 single-family units and 36 townhouse units, subject to the following conditions:

1. Development Plan Conformance
The development must comply with the conditions of Local Map Amendment G-875 120090100, dated June 24, 2008.
2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 120090100, dated November 17, 2009, except as amended by this Application.
3. Site Plan Conformance
The development must comply with the conditions of approval for Site Plan No. 820090070, dated November 17, 2009, except as amended by this Application.
4. Transportation
 - a) Prior to the Certified Site Plan, the Applicant must update the current Traffic Mitigation Agreement dated May 4, 2010, to reflect the reduced number of housing units and amended Site Plan.
 - b) The Planning Board accepts the recommendations of Montgomery County Department of Permitting Services Right-of-Way Section (MCDPS-ROW) in its letter dated April 21, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
5. Moderately Priced Dwelling Units
 - a) The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated April 8,

2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with the recommendations as set forth in its letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- b) The development must provide 19 MPDUs (12.5%) on-site in accordance with Chapter 25A of the Montgomery County Code. Three of the MPDUs must be provided as single-family detached units.
- c) Before issuance of any building permit for the multifamily building, the Applicant must update the current MPDU agreement between the Applicant and the DHCA.

6. Certified Site Plan

- a) Add a note to the Certified Site Plan stating: "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- b) Modify data table to reflect development standards approved by the Planning Board.

7. All site development elements shown on the latest electronic version of Residences at Shady Grove Station and 82009007A, submitted via ePlans to the M-NCPPC as of May 2, 2016, are required.

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, 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, the Montgomery County 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 that all findings remain in effect; and

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

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


BE IT FURTHER RESOLVED, that the date of this written Resolution is MAY 19 2016 (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 written opinion, 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, May 12, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board