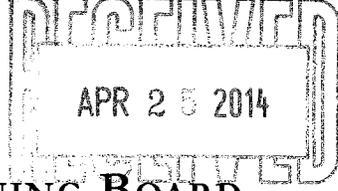




# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



MCPB No. 14-22  
Preliminary Plan No. 12012008A  
Shady Grove Station  
Date of Hearing: April 17, 2014

APR 23 2014

## 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, 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 Zone, located along Crabbs Branch Way, south of Shady Grove Road, ("Subject Property"), in the Shady Grove Sector Plan ("Sector Plan") area;

WHEREAS, on March 6, 2014, EYA/CSP Associates ("Applicant") filed a preliminary plan amendment to amend Condition No. 4 and Condition No. 7 (b) of Preliminary Plan No. 120120080; and

WHEREAS, Applicant's preliminary plan was designated Preliminary Plan No. 12012008A, 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 4, 2014, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on April 17, 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  
*Christina Sone* 4/10/14  
MNCPPC LEGAL DEPARTMENT

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Preliminary Plan No. 12012008A for the modification to Preliminary Plan No. 120120080 Conditions No. 4 and 7(b), as shown below<sup>1</sup>:

Condition No. 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 agree to 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. The Agreement must be executed prior to approval of the first building permit for a residential building.

Condition No. 7 (b)

Road P and Road I in the Shady Grove Station West area may be private streets subject to the following requirements:

- b. The design of the roads shall correspond to the Montgomery County Road Code standard (2005.02 modified) for a similar public road, as modified in the cross-sections contained in the Preliminary Plan, or as shown on the certified site plan.

BE IT FURTHER RESOLVED, that all other conditions of approval for Preliminary Plan No. 120120080 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 and upon consideration of the entire record, the Montgomery County Planning Board FINDS, that unless specifically set forth herein, 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, and with the conditions of approval, that:

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<sup>1</sup> 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.

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

This Amendment does not materially change the existing approvals for uses and development. The Amendment remains in conformance with the Sector Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The development of the Subject Property continues to be bound to the density and uses approved with the original preliminary plan. The finding of Adequate Public Facilities, including fire and rescue access, roads, water and sewer remains valid for the approved development.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots are of the appropriate dimensions with respect to size, shape, width and orientation to accommodate the multiple uses expected to occur on the Subject Property. The Amendment does not change the size, width, shape and orientation of the approved lots, and remains in conformance with all applicable sections of the Subdivision Regulations.

4. *The Amendment satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved preliminary forest conservation plan. The Subject Property continues to be bound by the conditions of the approved forest conservation plan.

5. *The Amendment meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the original preliminary plan approval. This Amendment does not change the elements of that concept.

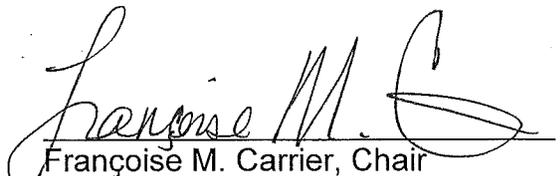
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 23 2014 (which is the date that this resolution is mailed to all parties of record); and

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 Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at its regular meeting held on Thursday, April 17, 2014, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board