



MCPB #
MCPB: 09/10/2009

**Staff Report: Limited Project Plan Amendment 82004026B, River Quarry
(Giancola)**

ITEM #: _____

MCPB HEARING DATE: September 10, 2009

REPORT DATE: August 28, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RAK*
Development Review Division

FROM: Molline Smith, Senior Planner *MS*
Development Review Division
301.495.4573
Molline.Smith@montgomeryplanning.org



**APPLICATION
DESCRIPTION:**

Amendment to reduce a rear yard setback on Lot 20 (1 out of 30 lots) within the 6.16 acres R-200/TDR-12 zoned property; located southeast of the intersection at Seven Locks Road and River Road (MD 190); within the Potomac Sub-region Master Plan.

APPLICANT: Michael T. Rose

FILING DATE: June 5, 2009

RECOMMENDATION: Approval of the Limited Amendment

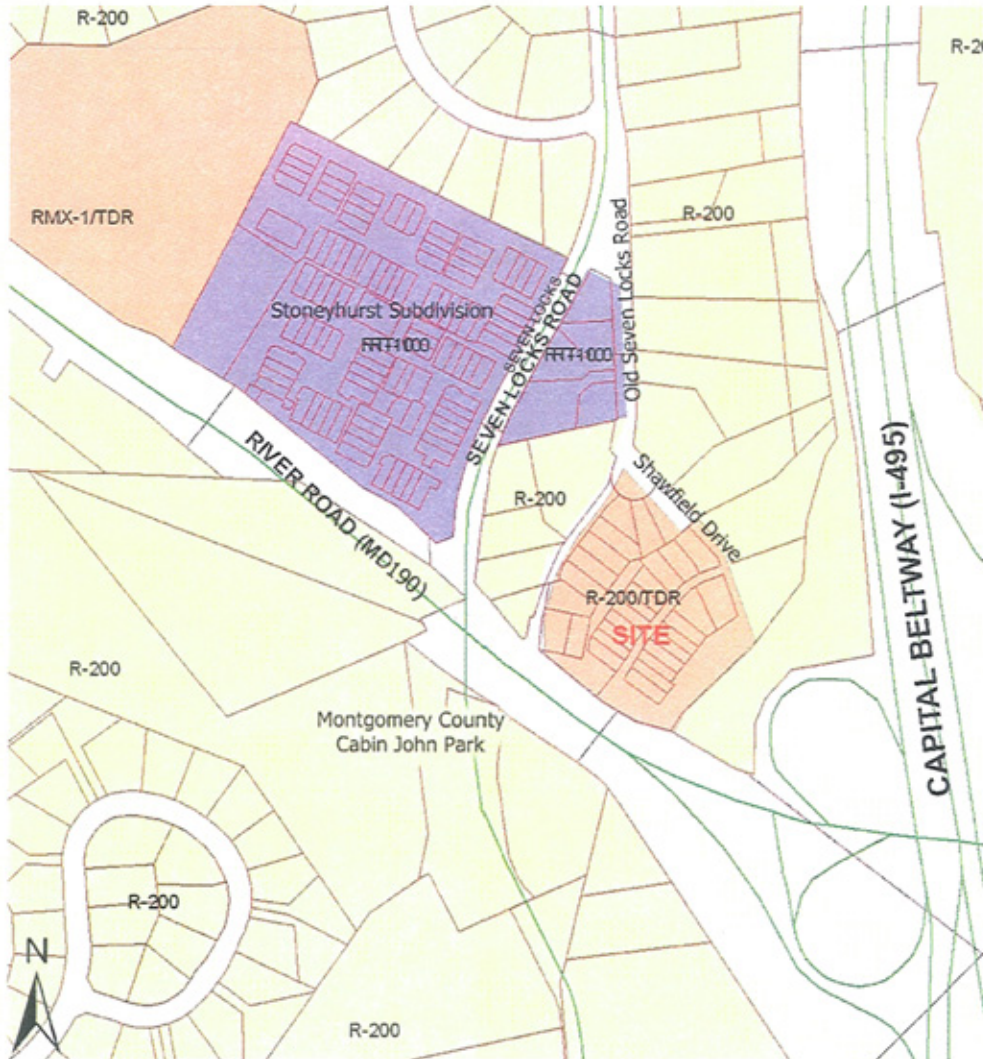
**EXECUTIVE
SUMMARY:**

The previously approved site plan specifies a minimum rear yard setback of 20-feet; however the Applicant would like to reduce this setback to 11.5 feet for Lot 20 only. The modification is needed because the existing site constraints including a truncation at the rear property line and the proximity of a storm drain easement to the proposed dwelling do not accommodate the house footprint. Any changes to setbacks require approval by the Planning Board.

SITE DESCRIPTION

Site Vicinity & Analysis

The subject property is located in the northwestern quadrant of the interchange of I-495 and River Road (MD 190). The site is bordered by Shawfield Drive to the north, River Road (MD 190) to the south, Old Seven Locks Road to the west, and the Capital Beltway (I-495) to the east. A townhouse development known as Stoneyhurst is located on the west side of Seven Locks Road, and Cabin John Park is located to the southwest across River Road.



Vicinity Map

The property consists of 6.16 acres, zoned R-200/TDR-12, which previously operated as a mining quarry. The site naturally drains into the Thomas Branch and Cabin Branch streams (Category I Use streams), within the Cabin John watershed.



Aerial Photo

Most of the existing forest is located outside of the property line; upland to the former quarry operations (to the east). A portion of the site has been dedicated as an HOA parcel in a Category I Forest Conservation Easement (to the north). The site is currently accessed off of River Road (to the southwest) and Shawfield Drive (to the northwest).

PROJECT DESCRIPTION

Previous Approvals

Preliminary Plan 120040210 was approved on April 15, 2004 for 30 lots on 5.8 acres of land.

Site Plan #820040260 was approved on July 22, 2004 for 15 one-family detached homes and 15 townhouses, including 18 Transfer Development Rights (TDR's) on 6.02 acres of land.

Amendment A was approved on July 27, 2006 for modifications to the vehicular/ pedestrian circulation, the drainage systems, the Development Data table, the Landscape Plan and the Development Program.

Analysis of the Limited Amendment to the Site Plan

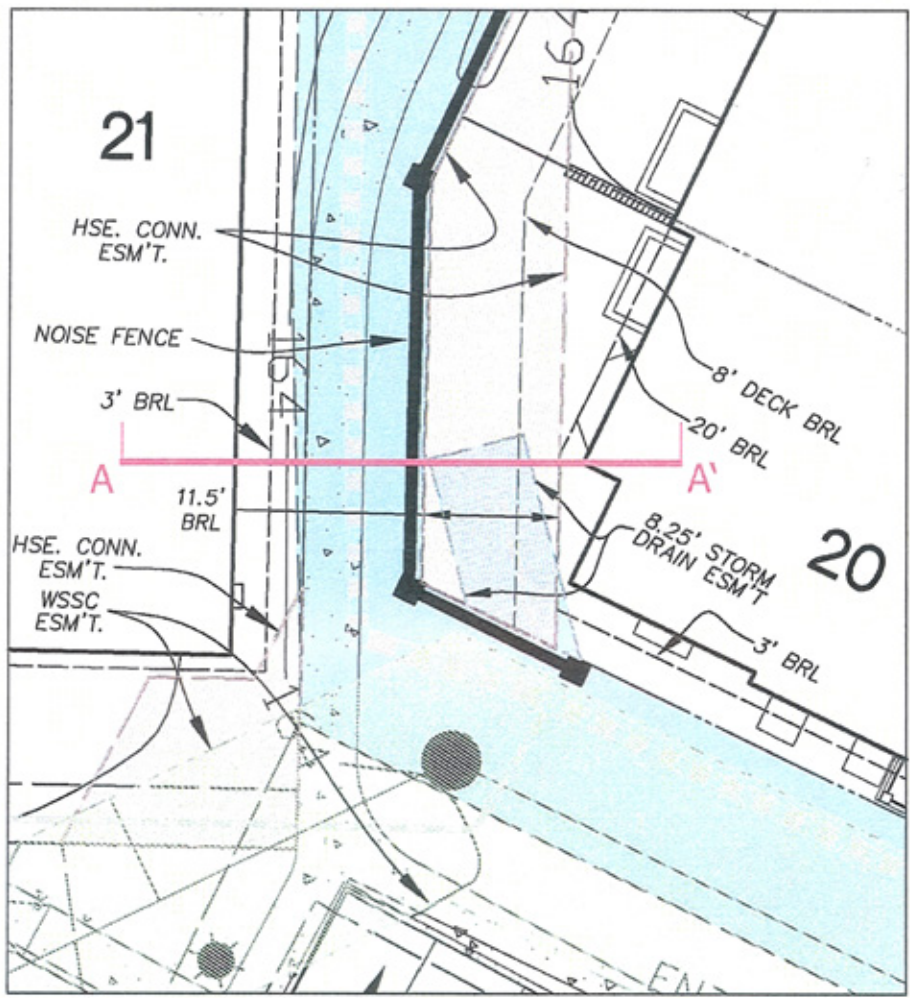
River Quarry Place is the main access road off of River Road (MD 190). Lot 20 is located to the left of the main entrance, directly north of the guest parking facility. The proposed building on Lot 20 is approximately 28-feet away from Lot 21. A 5-foot wide pedestrian sidewalk, a 10-foot wide H.O.A. parcel, and 10.3-foot wide storm drain easement lie between Lots 20 and 21. The rear property line of Lot 20 is truncated and contains a 6-foot noise fence along the edge.

Within a small portion of Lot 20 there is another 8.5-foot storm drain easement (which feeds into the main line on the H.O.A. parcel); a small portion of which is overlapped by the 8-foot deck building restriction line.



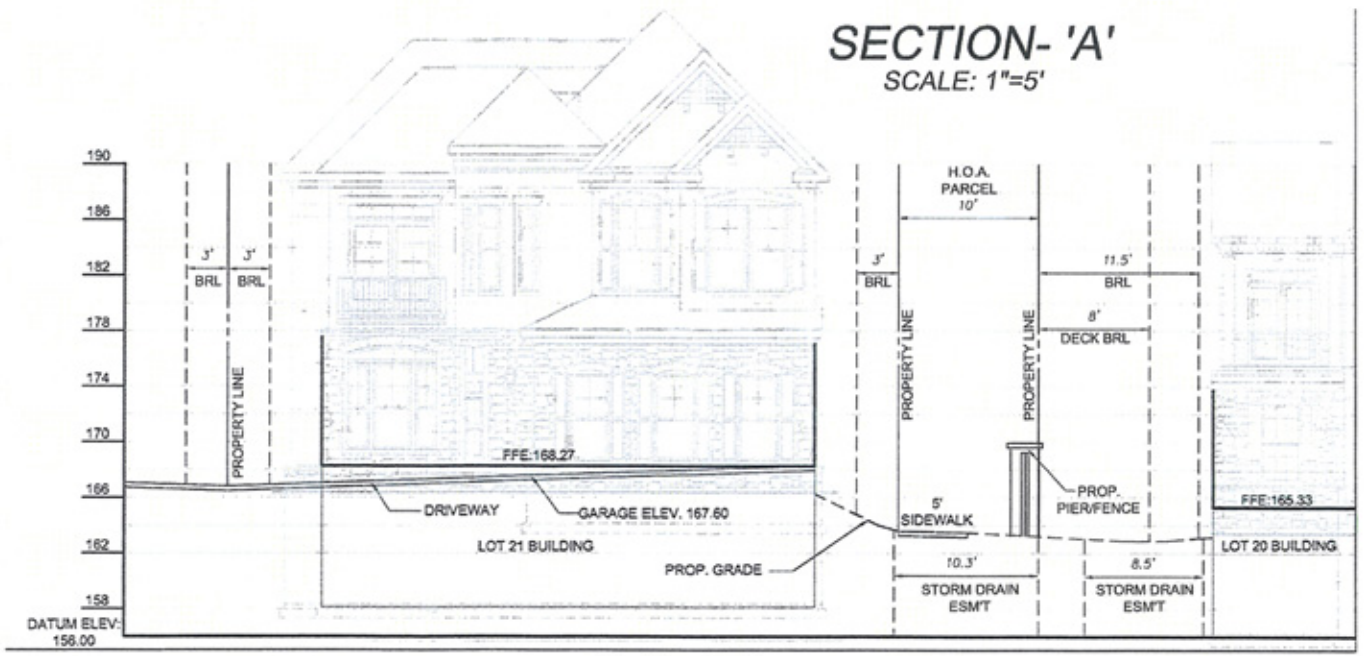
Illustrative Plan

The required building setback is a minimum of 20-feet from the rear property line (as specified on the approved certified site plan). This setback conflicts with the dwelling as proposed and would significantly restrict the amount of buildable space for this lot. Therefore, the Applicant is requesting a reduction in the rear yard requirement of Lot 20 from 20-feet to 11.5-feet. The proposed new setback for Lot 20 is measured from the truncation of the property line to the storm drain easement.



Diagrammatic Plan

SECTION- 'A'
SCALE: 1"=5'



Section A-A'

This site is currently zoned R-200/TDR-12, and in accordance with the Montgomery County Zoning Ordinance (Section 59 C-1.394b) for TDR densities of three (3) or more per acre, the lot size may be determined at the time of site plan. This amendment is necessary for the Planning Board's review and approval due to the modification of the setbacks.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on June 8, 2009. Staff has not received correspondence on this matter.

RECOMMENDATION AND CONDITIONS

The proposed modification to the Site Plan, for the reduction of the rear yard setback for a portion of Lot 20 only, does not adversely alter the design character of the development in relation to the previous approval. The development will remain compatible with existing and proposed development adjacent to the lot. The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, or objectives, expressed or imposed by the Planning Board for the previously approved Site Plan (No. 82004026A).

Staff recommends approval of Limited Site Plan Amendment 82004026B, River Quarry, for the reduction to the rear yard setback (from 20-feet to 11.5-feet) for a portion of Lot 20. This modification shall be clearly shown on the revised site plan and specifically noted within the Development Summary as stamped "Received" by the M-NCPPC on June 24, 2009.

APPENDICES

- A. Amendment A Approved Resolution (dated December 01, 2006)
- B. Correspondence (dated May 14, 2009)

Appendix A



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DEC 01 2006
MCPB No. 06-110
Site Plan No. 82004026A
River Quarry (Giancola Quarry)
Date of Hearing: July 27, 2006

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, the Planning Board, in reaching its decision on a site plan, must determine that the site plan meets all the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on March 31, 2006, River Quarry, Inc. ("Applicant"), filed an application for approval of an amended site plan for 15 one-family detached units and 15 one-family attached units, including 18 Transfer Development Rights (TDRs), on 6.16 acres of R-200/TDR-8 zoned land located in the northeastern quadrant of the intersection of River Road (MD 190) and Old Seven Locks Roads and within the *Potomac Subregion Master Plan* area ("Property" or "Subject Property"); and

WHEREAS, in April 2004, the Planning Board approved Preliminary Plan No. 120040210 (formerly 1-04021) for the proposed development; and

WHEREAS, in July 2004, the Planning Board approved Site Plan No. 820040260 (formerly 8-04026) for the proposed development; and

WHEREAS, the Applicant's amended site plan application was designated Site Plan No. 82004026A, River Quarry (Giancola Quarry) ("Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 27, 2006, Staff presented the Application to the Planning Board at a public hearing ("Hearing") for its review and action; and

WHEREAS, prior to the Hearing, on July 14, 2006, Staff had issued a memorandum to the Board setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report" or "Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Application and approved the Application on motion of Commissioner Robinson, seconded by Commissioner Wellington, with a vote of 4-0, Chairman Berlage and Commissioners Purdue, Wellington, and Robinson voting in favor of the motion and Commissioner Bryant being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 82004026A for 15 one-family detached units and 15 one-family attached units, including 18 Transfer Development Rights (TDRs), on 6.16 acres of land in the R-200/TDR-8 Zone, subject to the following conditions:

1. Prior Approval

The terms and conditions of all applicable prior regulatory approvals and agreements remain in full force and effect, except as affected by this site plan amendment.

2. Transportation

- a. Total development under the subject site plan is limited to 30 dwelling units (15 townhouses and 15 one-family detached).
- b. The applicant shall provide the physical intersection improvement as shown on the certified site plan to accommodate safe passenger car U-turn movements from westbound on River Road at Seven Locks Road. This improvement shall be completed prior to occupancy of the first dwelling unit.
- c. The applicant shall construct one right-in right-out entrance driveway on River Road, and a shared use path (Class I bikeway) along the entire River Road frontage, subject to State Highway Administration's approval. The path shall be 8-foot wide and meet county design standards for a shared use path.
- d. The shared use path along River Road shall be extended off-site from Old Seven Locks Road to Seven Locks Road subject to approval by the Historic Preservation Commission (HPC) and the owner of the adjacent historic property. If the adjacent property owner does not allow the shared use path to cross the property, and/or the applicant is unable to obtain a permit from the HPC, the applicant shall provide written confirmation that documents attempts to resolve the issue with the adjacent property owner and/or correspondence from the HPC denying the permit prior to issuance of 24th building permit.

3. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPCC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Street trees shall be planted as street construction is completed.

- b. Trees along the internal driveways shall be planted as the driveway is completed, but no later than six months after completion of the units adjacent to those driveways.
 - c. The proposed shared use path, pedestrian pathways, recreation facilities, and landscaping around recreation facilities shall be completed prior to issuance of 24th building permit.
 - d. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - e. Coordination of each section of the development and roads.
 - f. Phasing of stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.
4. Certified Site Plan
Prior to approval of the certified site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. A five-foot-wide sidewalk along the internal driveways.
 - b. Location and details of the proposed two sitting/picnic areas.
 - c. Correct square footage of the proposed open play area.
 - d. Lot area for each lot.
 - e. Revised Development Data table to show both proposed and previously approved development standards, including minimum lot area and minimum percentage of detached units.
 - f. The development program, inspection schedule, and site plan resolution.
 - g. Street trees between the curb and sidewalks at the proposed cul-de-sac and identification of the proposed street trees.
 - h. The median improvement on River Road at Seven Locks Road as required by M-NCPPC Transportation Planning staff.
 - i. Points of measurement for establishing the heights of all dwelling units.

BE IT FURTHER RESOLVED, that all site development elements shown on River Quarry (Giancola Quarry) plans stamped by the M-NCPPC on July 10, 2006, shall be required, except as modified by the above conditions of approval; 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, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Resolution, the Montgomery County Planning Board FINDS, based on uncontested evidence of record, that:

1. *The site plan meets all of the requirements of the zone in which it is located.*

The Planning Board finds that the Application, as amended by the conditions, meets all of the requirements of the R-200/TDR 8 Zone. In its Staff Report, Staff presented a project data table, which listed the Zoning Ordinance development standards requirements, the standards approved by the Board through Site Plan No. 8-04026, and the standards proposed for approval by the Applicant in the instant Application for amendment of the underlying Site Plan. The Board finds, based on the data table and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the R-200/TDR 8 Zone. The following table sets forth the development standards approved by the Board.

Approved Development Standards

Development Standard	Approved by Planning Board for Site Plan No. 82004026A and Binding on Applicant
Minimum Tract Area	6.16 acres
Density of Development	4.87 dwelling units/acre
Number of Dwelling Units	
Detached unit	15
Attached unit	15
Total	30
Minimum Building Setback	
From street	15 feet
Side yard	3 feet
Rear yard	20 feet
Minimum Deck Setback	
Lots 1-9	2 feet
Lots 10-30	8 feet
Green Area	68%
Maximum Building Height	50 feet*
Minimum Lot Area	
Detached unit	5,000 square feet
Attached unit	2,500 square feet
Parking (spaces)	
Detached units	47
Attached units	30
Visitors	6
Total	83

* As reflected in Condition No. 4.i., following discussion at the Hearing concerning the absence of the specification of points of measurement in the Staff Report data table, the Planning Board approved the Application subject to, among other things, Applicant's proffer to provide points of measurement on the Certified Site Plan for Staff review and approval.

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

The Planning Board finds that the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems proposed in the Application, as amended by the conditions, are adequate, safe, and efficient.

a. Buildings and Structures

The plan proposes a total of 30 dwelling units, including 15 one-family detached and 15 attached units. The units are distributed along two internal driveways perpendicularly to River Road. Most of the proposed units back up to open space areas. A six to seven-foot-high noise fence will be provided along the back of the lots near the east property line to mitigate noise from the Capital Beltway (I-495) and River Road.

b. Open Spaces

The plan proposed 4.29 acres of green area, or 68 percent of the property, between units and along the perimeter of the property. The open space along with existing trees will provide screening between the proposed development and the Capital Beltway. The proposed open play area and picnic/sitting areas are also located in the open spaces.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the internal driveways, around the central open space and recreational facilities, and along the road frontage. The proposed lighting plan shows street lights along the internal driveways and near the common parking area. The lighting poles are 12 feet in height. The lighting level is between 0.4 and 0.0 footcandle at the property line.

d. Recreation Facilities

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities, including picnic/sitting areas, an open play area, and a bikeway along the River Road frontage. Sections of pathways will be provided to connect these facilities with individual homes.

e. Vehicular and Pedestrian Circulation Systems

Access points to the site are to be provided from River Road (MD 190) as a "right-in right-out" and from Old Seven Locks Road. Additionally, the Applicant is required to extend the River Road median westward into the intersection with Seven Locks Road in order to accommodate safe U-turn movements.

An eight-foot-wide shared use path (Class I bikeway) along River Road from the entrance driveway westward to Seven Locks Road will be provided. Internal sidewalks will also be provided to facilitate pedestrian circulation throughout the development.

The Staff Report noted that Mr. Thomas Durek, Director, Riverhill Homeowners Association Board, had testified before the Planning Board on March 23, 2006, on a different site plan, The Stoneyhurst Quarry (Site Plan No. 820050290), which concerned a new residential development on River Road near the Subject Property. Staff relayed Mr. Durek's concerns about the road improvements required by the State Highway Administration ("SHA") for three new developments in this area (including the subject development) and informed the Board that he had requested coordination with SHA to implement a common standard access configuration to River Road for these three new subdivisions. At the Hearing on the instant Application, Mr. Durek contended that the requirement in the recommended conditions of approval for (1) extension of the median within River Road at Seven Locks Road, to accommodate U-turn movement and (2) construction of a right-in right-out entrance driveway on River Road, are inconsistent with Riverhill's request. Mr. Durek requested that the Board replace the requirement for extension of the River Road median with a condition that Staff's meetings with the SHA include specification of a standard development access and left-turn configuration in and out of River Road for the three new developments and the existing Riverhill development. Mr. Durek expressed his view that a channelized center left-turn acceleration/deceleration lane might be more cost-effective than the proposed U-turn, provide cost sharing for Stoneyhurst access, and assure traffic safety for Riverhill. Ms. Linda Guest also testified on behalf of Riverhill, reiterating concerns with the proposed development entrance configuration and River Road median extension; Ms. Guest illustrated Riverhill's concerns through aerial photographs, which were handed out to the Board at the Hearing.

In response to Board member questioning, the Applicant's traffic consultant discussed the history of the roadway improvements that were required as a part of the underlying project approvals, including the

problems with the cutting back of the "pork chop", or traffic island, in the southeast quadrant of the River Road/Seven Locks Road intersection. The traffic consultant explained how the extension of the River Road median—an alternative solution developed in consultation with TP and SHA Staff—would result in a safer and more efficient intersection and informed the Board that SHA had approved the concept. Transportation Planning ("TP") staff testified that it concurred with the Applicant's traffic consultant that the proposed median extension would result in a safer intersection and expressed Staff's view that SHA would not support a median break to permit a left turn into the subject development on River Road.

Staff advised the Board that it has prepared a letter to SHA requesting an evaluation of the traffic situation on River Road and the concerns expressed by the citizens and the Planning Board at the hearing for the Stoneyhurst Quarry project. TP Staff testified that the letter generally states that TP and SHA Staff need to meet to review and consider traffic safety and operation issues in the vicinity of the Subject Property and that a meeting will be scheduled with SHA, which will include a discussion of the issues and proposals raised by the speakers. Staff noted that the recommended conditions of approval in the instant Application do not serve to constrain the future discussions between SHA and TP Staff on traffic safety and operational issues and that the proposals raised by the speakers would be a topic of discussion and that SHA has ultimate approval authority over such improvements on River Road.

Having carefully considered the positions of its Staff and all speakers on the roadway and site access issues, the Board finds that the roadway improvements required by the conditions of approval are adequate, safe, and efficient. Specifically, the Board is persuaded by the testimony and arguments of its TP Staff and the Applicant's traffic consultant that the proposed western extension of the River Road median into the intersection with Seven Locks Road; and, furthermore, notes that its approval of the instant application does not foreclose the consideration by SHA of alternative improvements proposed by Riverhill representatives. Noting the importance of the traffic safety and operational issues in the vicinity of the Subject Property, the Planning Board requested that Staff keep the Board apprised, through memoranda, of the discussions with SHA related to the above-discussed issues.

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

The proposed residential development includes both one-family detached and attached units. They are compatible with the adjacent houses in use, scale and

dwelling types. Across River Road from the site is Cabin John Park, which will provide off-site recreational opportunities for the future residents.

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 applicant is utilizing an optional method of development for this site and therefore must meet the appropriate threshold on site. The 6.16-acre site includes 0.7 acres of existing forest. Since the site includes less existing forest than the afforestation threshold the applicant must reforest to the afforestation threshold and preserve all existing forest. The applicant is proposing to retain the existing 0.7-acre forest onsite and plant an additional 0.2-acres of forest. This will be sufficient to meet the afforestation threshold and the planting requirements for the site.

The stormwater management concept for the proposed development was approved by the Montgomery County Department of Permitting Services with conditions on April 9, 2004. The approved concept consists of (1) on-site channel protection measures via underground storage; and (2) on-site water quality control via stormfilter and a water quality inlet pretreatment.

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

BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 07 2006 (which is the date that this Resolution is mailed to all parties of record); and

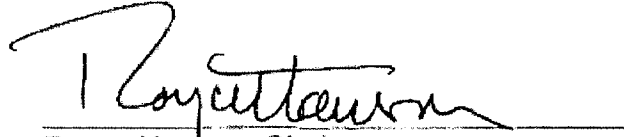
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland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

* * * * *

At its regular meeting, held on Thursday, November 9, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Wellington, seconded by Commissioner Robinson, with Commissioners Perdue, Robinson, and Wellington voting in favor, and Commissioners Hanson Bryant abstaining, ADOPTED the above

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Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82004026A - River Quarry (Giancola Quarry).

A handwritten signature in cursive script, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board

Appendix B

May 14, 2009

Mr. Robert Kronenberg
Maryland National Capital Park and Planning Commission
Development Review
8787 Georgia Ave.
Silver Spring, MD 20910

Re: Giancola Quarry
Site Plan 8-04026A
Request for Site Plan Amendment
RCI Job No.: 771-A4

Dear Robert,

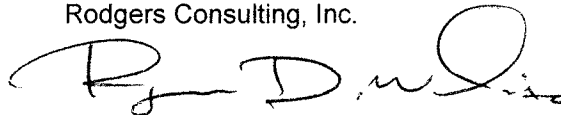
On behalf of our client River Quarry, Inc., we are submitting an Amended Site Plan for the Giancola Quarry, Site Plan # 8-04026A. As you may recall from our conversation, we are proposing very minor revisions to the plan as it was approved by the Montgomery County Planning Board. You indicated that due to those changes the plan will be required to be processed as a minor amendment, which would be taken to the Montgomery County Planning Board as a consent item.

The requested revision to the previously approved Site Plan includes revising the Development Standards chart to provide additional language with regard to the building restriction line setback, as it relates to townhouse Lot 20's rear yard. The standard setback for all rear yards was noted as 20 feet, this amendment would provide language that would allow the rear yard setback for Lot 20 to have a rear yard setback of not less than 11.5 feet from the rear property line at the Lot line truncation, shown on the original Site Plan. This modified setback is allowed, per the Montgomery County Zoning Ordinance Sect. 59-C-1.394 Development Standards Applicable to the Optional Method of Development. (b) "For TDR densities of 3 or more per acre, the lot sizes and other development standards will be determined at the time of Preliminary Plan and Site Plan for conformance with applicable Master Plan guidelines and in accordance with the purposes and provisions of the PD Zone, except as may be specified in section 59-C-1.395."

Again, the plan changes are very minor and do not represent a change in the character of the site as it was approved, but rather very fine adjustments that should have been noted on the previously approved plans.

Please review this information and call me at 240-912-2148 or email me at rwhite@rodgers.com to discuss any issue in more detail.

Sincerely,
Rodgers Consulting, Inc.



Ryan D. White
Planner / Associate

cc: Kim McCary
Erin May
Frank Bossong

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