



The Quarry: Project Plan No. 92004004A, Preliminary Plan No. 12004042A and Site Plan No. 82005029B

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### EXECUTIVE SUMMARY

Staff Recommendation: **Approval with conditions** for Project Plan Amendment No. 92004004A, Preliminary Plan Amendment No. 12004042A and Site Plan Amendment No. 82005029B, collectively known as The Quarry (“Application” or “Amendment”) to replace two previously approved multi-family buildings with 44 new one-family attached dwelling units. The Application was submitted by William Rickman, c/o Pearl Street, LLC (“Applicant”) and accepted on May 19, 2017. The Applications are being reviewed by Staff for conformance with Chapters 22A, 50 and 59.

The Amendments request the resubdivision of one condominium lot approved for 47 condominium units into 44 lots for 44 new townhouse units, plus the necessary private road and open space parcels. The Application is located on approximately 13.31 acres of land located on the north side of River Road, approximately 1,500 feet west of the intersection with Seven Locks Road (“Property” or “Subject Property”).



The Property is located in the 2002 Potomac Subregion Master Plan (“Master Plan”) and is currently zoned CRT-0.5, C-0.25, R-0.25, H-60 T, but is being reviewed under the development standards of the RMX-1 TDR-6 zone, pursuant to the Exemption section 59.1.1.1.B.3 of the zoning ordinance, for amendments to previously approved plans. The southeastern half of the Property is already improved with two condominium buildings consistent with the previous approvals, therefore the focus of review is on the undeveloped northwestern half of the Property.

The Amendments remain in substantial conformance to the Master Plan, and continue to meet the requirements of forest conservation under Chapter 22A. The Amendments will result in an increase of 11 required TDRs because one TDR purchases two multi-family dwelling units, but only one one-family attached dwelling unit. The Application also includes a new Adequate Public Facility (“APF”) review for transportation because the change in dwelling type and change in trip generation rates with the new 2016-2020 Subdivision Staging Policy results in more trips than were approved by the original development. The compatibility of the proposed development is similar to that already approved, however the Applicant has requested the Planning Board consider a reduction in minimum setbacks required for new residential construction from existing one-family development from 100 to 90 feet pursuant to section 59-C-10.3.8 which Staff supports and discusses further in the Site Plan zoning conformance section of this report.

The Amendment has been reviewed and recommended for approval by other County agencies including Montgomery County Department of Permitting Services (“MCDPS”) Fire Department Access, Water Resources, and Zoning divisions, and Montgomery County Department of Transportation (“MCDOT”). The Amendment was also reviewed by the Montgomery County Department of Housing and Community Affairs (“DHCA”). Consistent with the original Preliminary and Site Plan approvals, there will be no MPDUs developed on this Property and instead the Applicant will comply with the Alternative Compliance Measure Agreement to make a total payment of \$1.7 million to DHCA.



Figure 2 – Site Plan Amendment layout

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## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**Project Plan Amendment No. 92004004A:** Staff recommends approval with conditions for the Project Plan Amendment. All conditions of Project Plan No. 920040040 remain in full force and effect except for the deletion of condition 5, and as modified below.

1) Development Ceiling and Density

The proposed project density is limited to 94 residential units, including 50 multi-family and 44 one-family attached dwellings, and a clubhouse of 50,000 square feet for recreational use of the residents. This density is based on the gross tract area of 13.31 acres, and approximately 1,000 feet of road frontage along River Road.

2) Building Height and Mass

The height of the proposed buildings must not exceed 225 feet of elevation above sea level based on the Master Plan, with the building height measurement taken in the method as described in the Zoning Ordinance. Building mass articulation and setbacks shall be incorporated into the overall design scheme to provide visual interest at street level and to reduce the appearance of monolithic massing.

9) Transportation Planning

a. Limit total development under project plan and preliminary plan approvals to 94 dwelling units including 50 multi-family condominium units and 44 one-family attached units, and a community clubhouse.

**Preliminary Plan Amendment No. 12004042A:** Staff recommends approval with conditions for the Preliminary Plan Amendment. All conditions of Preliminary Plan No. 120040420 remain in full force and effect except for the deletion of condition 19, and as modified by the conditions below.

1) Approval under this Preliminary Plan is limited to 45 lots for 44 one-family attached dwellings and 50 multi-family condominium dwellings, a clubhouse facility, and necessary parcel(s) for private roads and alleys.

9) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated January 26, 2004, with the revised concept/Site Development Stormwater Management Plan on May 26, 2017, and reconfirmed on August 21, 2017 and on October 25, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

10) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 7, 2004, and updated in its later dated November 13, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 12) The record plat shall place the term “access denied” along the Subject Property frontage of River Road (MD 190) except for at the existing access location, and shall include a note on the plat stating that SHA may grant additional temporary access subject to SHA approval.
- 21) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty (61) months from the date of mailing of the Planning Board resolution for this Preliminary Plan Amendment.

The Preliminary Plan Amendment also approves the following new conditions of approval:

- 23) The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated November 6, 2017, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 24) The Applicant must provide the Private Road located in Parcel D as identified on the Preliminary Plan, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
  - a. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
  - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
  - c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- 25) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.

26) Prior to submission of any plat, Site Plan No. 82005029B must be certified by M-NCPPC Staff.

27) The certified Preliminary Plan must contain the following note:

*“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*

**Site Plan Amendment No. 82005029B:** Staff recommends approval with conditions of the Site Plan Amendment. All conditions of approval of Site Plan No. 820050290 and 82005029A remain in full force and effect except as modified by the conditions below. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan Amendment No. 92004004A, as approved concurrently with the Site Plan.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12004042A, as approved concurrently with the Site Plan.

4. Building Height

- a) The maximum height of the buildings must not exceed 225 feet of elevation above sea level based on the Master Plan.
- b) The maximum height of the multi-family buildings must not exceed 75 feet as measured from top of curb of the main drive way opposite the front door at each building to the mean of the gable roof, as defined in the Montgomery County Zoning Ordinance.
- c) The maximum height of the townhouse buildings must not exceed 50 feet as measured from top of curb of the main drive way opposite the front door at each building to the mean of the gable roof, as defined in the Montgomery County Zoning Ordinance.

5. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.

- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

6. Pedestrian & Bicycle Circulation

- a) In addition to the pedestrian and bicycle facilities built in Phase I, the Applicant must provide for the following pedestrian improvements as shown on the Certified Site Plan:
  - i. five-foot wide sidewalks along the private street
  - ii. a five-foot wide sidewalk connection in front of lots 29-36 that connect the private street to the clubhouse
  - iii. a five-foot wide sidewalk connection along the rear of lots 37-47 providing a connection to the open space amenities
  - iv. a five-foot wide sidewalk connection and ADA-accessible private street crossing that connects the private street sidewalk to the 8-foot shared use path within the River Road right-of-way, located on the west side of the site entrance.
  - v. An ADA-accessible private street crossing located just east of lot 4 connecting the two open space amenity areas
- b) The sidewalk shown on the certified site plan located between and on lots 40 and 41 must remain accessible to the public.

7. Recreation Facilities

The Applicant must provide at a minimum the following recreation facilities: one tot lot, two picnic/seating areas, one play area, one bike system, one pedestrian system, natural areas, one outdoor swimming pool, and one indoor community space.

10. Forest Conservation & Tree Save

The development must comply with the following conditions of the approved Final Forest Conservation Plan and/or Tree Save Plan that will be certified with the Site Plan Amendment:

- a) All previously approved conditions relating to the approved Final Forest Conservation Plan remain in full force and effect.

11. Noise Attenuation

- a) Before certification of the Site Plan, the Applicant must:
  - i. Provide an update to the 2005 traffic Noise Analysis from an engineer that specializes in acoustical treatments, that includes specific recommendations to attenuate noise impacting the exterior ground level living space on lots 17-19.
  - ii. Update the Site Plan drawings to reflect the recommendations from an engineer that specializes in acoustical treatments, that attenuate the noise in the exterior ground level living space on Lots 17-19.
  - iii. Provide a note on the Site Plan that the primary rooftop amenity space must be located on the north side of the penthouse level on Lots 20-36.
- b) Before issuance of the first building permit associated with this Amendment, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
  - i. The location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the ground level patio space on lots 17-19 is adequate.
  - ii. The building shell for residential dwelling units affected by exterior noise levels projected above 60 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- iii. For all residential dwellings on Lots 17-36, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification will be accomplished by inclusion of this information and any measures to reduce the impacts in all sales contracts, brochures and promotional documents, including: any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance; and by inclusion on all signature subdivision and site plans.
- c) Before the final inspection for any residential unit on Lots 17-36, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

12. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated January 26, 2004, with the revised concept/Site Development Stormwater Management Plan on May 26, 2017, and reconfirmed on August 21, 2017, and on October 25, 2017, and hereby incorporates them as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

15. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect and approve all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “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.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Provide porous pavers, or incorporate Silva cell technology, on the driveways and lead-in sidewalks of all front-loaded units in order to promote root growth of street trees and street tree health.

The Site Plan Amendment also approves the following new conditions of approval:

18. Density

The development is limited to 44 one-family attached dwellings and 50 multi-family condominium dwellings, and a clubhouse facility.

19. Transfer of Development Rights (TDRs)

- a) The Applicant must acquire 11 additional TDRs in order to fulfill the requirement of 39 TDRs for the overall development.
- b) The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

#### 20. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated August 31, 2017 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide for the equivalent of 15 percent MPDUs off-site by complying with the March 29, 2005 Alternative Compliance Measure Agreement, which requires paying the remaining balance of \$800,000 on the total \$1,700,000 payment to the County's Housing Initiative Fund, consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22% percent density bonus for providing the equivalent of 15 percent MPDUs off-site.
- b) Prior to certified site plan, the Applicant must provide M-NCPPC Staff with a Supplemental Agreement Letter between the Applicant and DHCA reconfirming that they are subject to the terms and conditions of the original 2005 Alternative Compliance Measure Agreement regardless of the type and count of housing units.

#### 21. Architecture & Compatibility

- a) For the 44 one-family attached units, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The architectural treatment of the rear facades of the townhouse units on Lots 37 – 47 must be similar to the front facades of those units in terms of character, proportion, materials, and articulation, as determined by M-NCPPC staff.
- c) The rear yards of the townhouses units on Lots 20-47 must not be enclosed by fences or other structures.

#### 22. Site Design

The Applicant must provide porous pavers, or incorporate Silva cell technology, on the driveways and lead-in sidewalks of all front-loaded units in order to promote root growth of street trees and street tree health.

#### 23. Green Area & Public Amenities

- a) The Applicant must provide a minimum of 383,692 square feet of green area (66% of net lot area) on-site.
- b) Before the Final Inspection of the last stick of townhouses, all public green area amenity space on the Subject Property must be completed.
- c) Before the Final Inspection of the last stick of townhouses, all on-site amenities shown on the Certified Site Plan including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, and recreation amenities must be installed.

#### 24. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to stream and associated pool areas and bridge crossings, play areas, tot lot, play lot, picnic/seating areas, bike system, pedestrian system, natural areas, swimming pool, indoor community space.

#### 25. Private Roads

- a) The Applicant must provide Private Road(s), including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road parcel, subject to the conditions of Preliminary Plan Amendment No. 12004042A.
- b) The Applicant must construct the private internal street to applicable Montgomery County tertiary residential street structural standards (MC-2001.01 OR MC-2001.02) and must construct all sidewalks to applicable ADA standards. Before the release of bond or surety, the Applicant must provide MCDPS Zoning Enforcement staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

#### 26. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements for the 44 townhouse units, including, but not limited to the unbuilt portions of the central amenity area between the multi-family buildings and the townhouse sticks, natural pool areas with a meandering path and bridge crossings, exterior water features, plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private alleys, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

## SECTION 2 – PROPERTY LOCATION, ANALYSIS & HISTORY

### Property Location

The Application is located on approximately 13.31 acres of land located on the north side of River Road, approximately 1,500 feet west of the intersection with Seven Locks Road. The Property is zoned CRT-0.5, C-0.25, R-0.25, H-60 T and is the location of the old Stoneyhurst Quarry. Surrounding the Property to the north and west is R-200 zoned land developed with one-family detached housing. South of the Subject Property, across River Road, is part of the Cabin John Stream Valley Park and Cabin John Creek. Immediately to the east is the Cabin John Fire Station, and the Riverhill townhouse community, which is located in the R-10 zone. The Property is about ½ mile from the interchange with River Road and I-495.



Figure 3 – Zoning Map

### Site Analysis

Currently, the Subject Property is partially improved with two condominium buildings with a total of 50 units, in conformance with Site Plan approval Nos. 820050290 and 82005029A. The entire Property is graded and stone retaining walls have been added along the old quarry walls along the northern and eastern perimeter, and a landscaped berm is located along most of the frontage on River Road. The Property also includes the existing monumental community entrance, the eastern half of the loop road, the clubhouse and pool, and areas of open amenity space and landscaping. Frontage improvements have been made along River Road including a dedicated left turn lane from east bound River Road into the Property, and acceleration and deceleration lanes on westbound River Road. The Applicant has already installed an eight-foot wide shared use path across the frontage.

The area specifically subject to the Amendments is the northwestern half of the Property, and measures approximately 5.5 acres in size. This portion of the Property has been graded and contains a temporary stormwater retention pond. The Property is located in the Cabin John Creek watershed, a use I-P watershed. There are no documented streams, wetlands, or rare or endangered species on the Subject Property, and Cabin John Creek is located in the stream valley park on the opposite side of River Road.



Figure 4 – Aerial – Google Earth

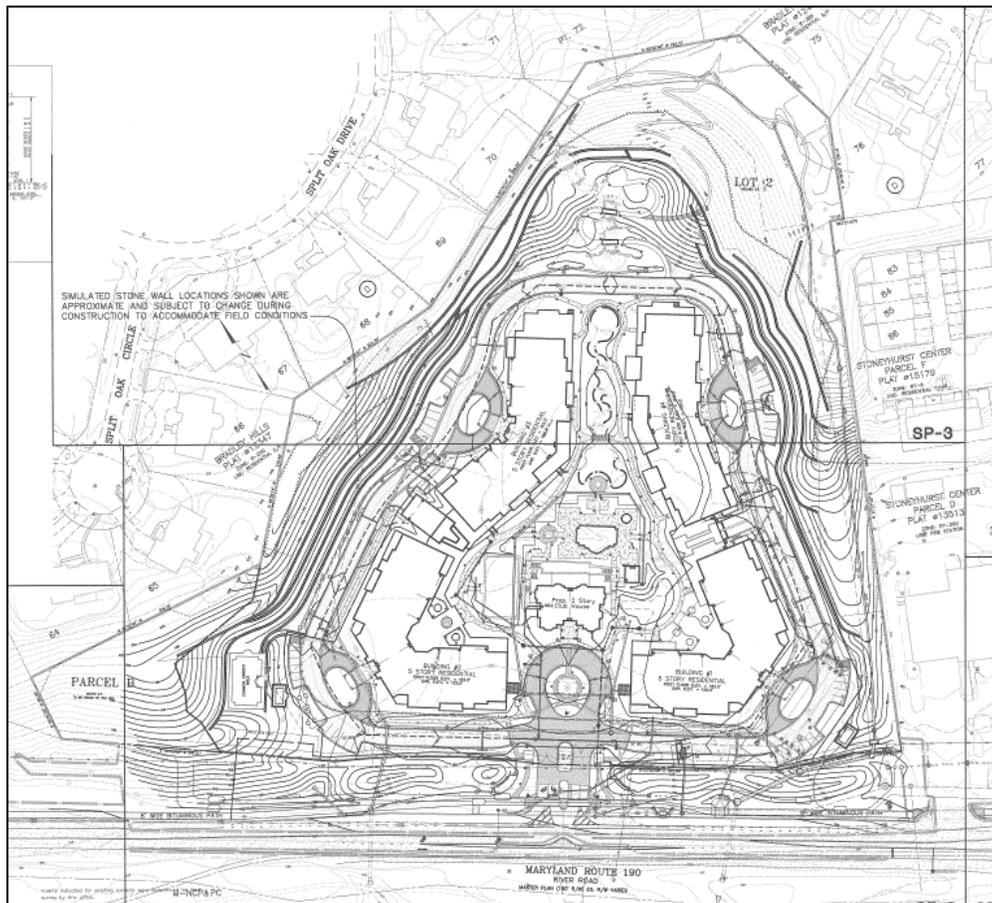
## History

### Project Plan 920040040 and Preliminary Plan 120040420

On May 20, 2004, the Subject Property had a public Planning Board Hearing for Project Plan No. 920040040 and Preliminary Plan No. 120040420. A Planning Board Opinion was mailed for the Preliminary Plan on June 7, 2004. The original approvals were for an optional method project in the RMX1/TDR-6 zone for up to 97 condominium dwelling units with 298 underground and 91 above ground parking spaces, in four structures, a clubhouse and pool area, extensive landscaping, and frontage improvements made along River Road. The Project Plan considered the size and location of the retaining walls located around the perimeter of the Property and the stability of the quarry fill material. Additional issues that were approved with the initial Project Plan included a Planning Board granted waiver to provide fewer than the minimum zoning required single-family detached dwelling units, permitting locating all necessary MPDUs off-site, and determining that TDRs would be required to achieve the full project plan density. The Preliminary Plan initially created one lot, and approved the private on-site loop road that would provide access to the condominium units and associated parking.

Site Plan 820050290 and 82005029A

The Planning Board approved, by Resolution MCPB No. 06-10 dated September 7, 2006, Site Plan No. 820050290, The Quarry, to construct up to 97 condominium units in four separate buildings on the Subject Property (Figure 5), and to approve an Alternative Compliance Measure Agreement with DHCA providing credit for 15% MPDUs. The Site Plan among other things limited building heights to 75 feet, approved a package of on-site amenities, and required mitigation to control for transportation noise from River Road. This Site Plan has been partially implemented with construction of the first two buildings and the clubhouse. Site Plan Administrative Amendment No. 82005029A was approved by the Planning Director on October 30, 2015, to make minor adjustments to the approved landscaping, retaining walls and entrance signage.



*Figure 5 - Previously approved layout (Site Plan 820050290 and 82005029A)*

### SECTION 3 – PROPOSAL AND COMMUNITY OUTREACH

#### Proposal

The Applicant has submitted Amendments to the Project, Preliminary and Site Plans for review and Planning Board approval. The area that is subject to Amendment on the Property is approximately 5.5 acres of the total 13.31-acre Property. The Applicant requests to replace the unbuilt 47 condominium units with 44 one-family attached (townhouse) units on the northwestern half of the Property. The Preliminary Plan will create 44 new lots for the townhouse units, and will create a new parcel for the private street.



Figure 6 – Overall development with 5.5-acre Amendment area outlined in red

### Circulation and Parking

The Application will maintain the same general circulation pattern as previously approved by completing the internal private street loop. The location and layout of the dwelling units however is changed substantially because two multi-family buildings are being replaced with seven sticks of townhouse units. Rather than having all of the units located inside the loop road, there are now units located on either side of the loop road. This responds to the constrained nature of the Property between the retaining walls and the existing condominiums and clubhouse. In addition to completing the private street loop, there are two proposed alleys that will provide rear garage access to some of the dwelling units. The alley identified as Alley A will be a unique 30-foot wide alley that acts like a wide motor court, which will stretch the full width of the alley, have special pavement treatments, and will be more decorative than a traditional alley. Alley B is a more traditional designed alley that will run along the base of the retaining wall in the northern portion of the Property where space allows. The Applicant is providing sidewalks on both sides of the loop road where there are confronting townhouses, and is also completing a small network of sidewalks within and connecting to the existing site amenities including the clubhouse and pool. The existing two multi-family buildings have already provided 182 underground and 28 above ground parking spaces for the constructed 50 dwelling units. The Site Plan Amendment for the 44 one-family detached units will replace the remaining 116 underground spaces and 63 surface spaces with 88 on-lot garage parking spaces, plus an additional 20 visitor spaces.

### Building Design and Orientation

The proposed townhouse architecture is very similar to the architectural design of the existing condominium buildings and intends to promote a European village design with the central clubhouse, and narrow streets. The height of the townhouses will be one floor lower than the existing multi-family structures. Orientation of the townhouses is a combination of front loaded townhouses with the garage and primary door access both facing the street, and rear loaded townhouses with the garage access provided from behind in an alley. The Applicant provided as many units as possible as rear loaded, but the existing Property constraints precluded making every dwelling rear loaded. The dwellings that are front loaded have been designed to have short driveways that will not allow for vehicles to be parked in the driveway, and the driveways will have porous pavers, or incorporate Silva cell technology, to promote root growth and street tree health. Lots 37 through 47 as identified on the Site Plan are unique because they effectively have two fronts; with one front facing the loop road and the other facing open space and the pool and clubhouse area. The design of these units will feature 360-degree activation with attractive building facades and doorways on both frontages of the units.

### Lots, Open Spaces and Amenities

The lots the dwellings will be located on are not much larger than the footprint of the structures. The Applicants plan was to have most all exterior landscape work covered by the HOA, and is providing a substantial amount of outdoor amenity space in exchange for small individual property sizes. The dwellings have the option for rooftop decks and many also have space for a small patio in their rear. Many of the Property amenities have already been constructed including the clubhouse, pool, and gardens on the northern portion of the Property. With this Amendment additional lawn and garden space including a water feature will be built between the existing structures and the proposed townhouses.

### MPDU Alternative Compliance

The Original Site Plan No. 820050290 was approved with an *Alternative Compliance Measure Agreement to Build Moderately Priced Dwelling Units For a Permit of 35 or More Dwellings* which is dated March 29, 2005 ("MPDU Compliance Agreement"). As DHCA details in their Memo to the Planning Board Chair (Attachment E) the MPDU Compliance Agreement was between the Applicant and DHCA and was

consistent with Chapter 25A at the time, which allowed for such agreements when the amenity package of a property results in unaffordable condominium or HOA fees. Because the Applicant sought credit for 15% MPDUs and the awardable density bonus, the MPDU Compliance Agreement required payment for a total of 17 units. Although it is no longer a Planning Board policy to allow for off-site location of MPDUs on developments that are receiving a density bonus for providing MPDUs, it is DHCA's position that the original agreement is still valid because although the unit type is changing from condominium to townhouse, the spirit of the agreement including the unaffordability of the HOA dues remains the same. DHCA also points out that the Housing Initiative Fund would have to be drawn down by over \$100,000 per MPDU just to make the units dues affordable for the first time homebuyer, and would expire or need to be drawn from again once the units are re-sold. Staff accepts DHCA's position in this case because the existing agreement was approved over 12 years ago and the Applicant has already partially enacted the terms of the agreement.

### **Community Outreach**

The Applicant has met all noticing and outreach requirements as part of their Application, including properly posting signage along the Property frontage, providing notice to adjacent property owners and HOAs, and hosting a pre-submission meeting. The pre-submission meeting for the Project, Preliminary and Site Plan amendments were held simultaneously on January 4<sup>th</sup>, 2017 at the Potomac Library. According to meeting minutes, there were four citizens in attendance. The Applicant provided an overview of the Amendment and the anticipated process, and answered questions that were asked by those in attendance. As of the publishing of this Staff Report, Staff has not received any correspondence from the community regarding any of the Amendments.

## SECTION 4 – ANALYSIS AND FINDINGS PROJECT PLAN AMENDMENT 92004004A

The following analysis and findings are for Project Plan Amendment No. 92004004A. All analysis and findings previously made with Project Plan No. 92004004A remain except as modified below.

In performing Staff's Analysis, Zoning Ordinance Section 59-D-2.43, Basis For Consideration, requires that *in reaching its determination on the application for the optional method of development and in making the required findings, the Planning Board Must consider* the following 10 elements as part of the review:

- a. *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.*
- b. *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- c. *Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.*
- d. *Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreation areas, commercial and employment areas and public facilities.*
- e. *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type and use and neighborhood.*
- f. *The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- g. *The staging program and schedule of development*
- h. *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- i. *The adequacy of water resource protection measures proposed meets requirements under Chapter 19.*

- j. *Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.*

These basis' for consideration were considered by Staff as they made the following findings for a Project Plan, pursuant to Section 59-D-2.42 of the Zoning Code:

- a. *The proposal, as conditioned, would comply with all the intents and requirements of the zone*  
The Project Plan Amendment complies with the intents and requirements of the RMX-1/TDR-6 zone under which it was reviewed. The intent of the zone is to provide higher density residential uses that comply with the recommendations of the Master Plan, in exchange for providing public facilities and amenities, green area, and certain setbacks.

Green Area

Pursuant to Section 59-C-10.3.3 the minimum green area for the residential portion of an RMX-1/TDR property is 50%, with the Master Plan recommending a minimum of 60% green area. The Amendment is proposing 66% green area across the entire Property (Figure 7), which is in excess of the minimum requirements of the zone and the Master Plan and is adequate to meet the intent of the zone.



Figure 7 – Green Area exhibit

Maximum Density

The maximum density in any RMX zone must not exceed 30 dwelling units per acre and must not exceed the recommendations in the Master plan. The Project Plan proposes a density of approximately 7 dwelling units per acre, which is under the 30-dwelling unit per acre maximum,

and is consistent with the Master Plan recommended TDR 6 designation, after calculating the density bonus for providing 15% MPDU equivalent.

#### Minimum Setbacks

Section 59-C-10.3.8 establishes a minimum 100-foot setback of residential buildings in the RMX zoned property from any adjacent one-family residential zones. The Property is adjacent to R-200 zoned land located to the north. The Applicant has requested a minimum setback of 90 feet from this R-200 zoned property. Reducing residential setbacks by up to 50% is permissible by the Planning Board if they find that trees or other features on the site permit a lesser setback without adversely affecting the development on an abutting property. Between the proposed townhome dwellings and the existing R-200 zone is approximately 45 feet of elevation change, including 3 levels of retaining walls and areas of landscape trees, with the proposed townhomes located at the lower elevation generally below the sight line from the existing residential zone. Staff finds the inherent screening from such a substantial elevation change adequately protects the development on the abutting property from the proposed townhouse dwellings.

#### Public amenities

The Amendment is proposing no change to the previously provided public amenities. The Clubhouse and outdoor swimming pool have been built. The Amendment maintains the two natural pool areas that simulate a natural stream with a meandering path and bridge crossings. Additional public amenities proposed including a tot lot, play lot, seating areas, and meandering paths will complete the central core amenity area. The Applicant has completed installation of the landscape berm and shared use path along the Property frontage with River Road, and has protected the approximately 0.85-acre area identified as potential park dedication via a category I conservation easement, pursuant to direction from Parks during the original approval.



*Figure 8 – Photo of the Clubhouse and drop off area*

*b. It would conform to the approved and adopted Master Plan*

The Project Plan Amendment continues to conform with the 2002 Potomac Master Plan. All of the recommended public facilities and right-of-way improvements have already been implemented, and the general plan recommendations for minimizing impervious surfaces, incorporating stormwater management and providing green frontages continue to be met. The

change in use from all multi-family condominiums to a multi-family and townhouse building type split is also still in keeping with the Master Plan which contemplated both multi-family or townhouse development on the Subject Property.

There are numerous Property-specific Master Plan recommendations that are specific to the compatibility of development on the Subject Property. The original Project Plan consolidated these recommendations into general intents and themes, some of which are discussed below. The following themes within the Master Plan will continue to be met, but warrant further analysis because the Amendment does change how the Subject Property meets these recommendations.

a) Locate building at the street to create strong street definition and encourage pedestrian activity. Provide green frontage with extensive planting and streetscaping.

The Subject Property has already constructed heavily landscaped berms along the frontage of River Road to provide the green edge. The front of the proposed townhouse units, identified as lots 20 – 28 on the plan drawings are located parallel to and facing the direction of River Road, and are set back at a similar distance as the existing multi-family building. This maintains a building edge behind the green berm.

b) Design and locate parking facilities to minimize impervious surfaces

The required two parking spaces per townhouse dwelling will be met with integrated garages. The driveways are designed to be too short to allow for residents to park their cars outside of the garages, which also help keeping impervious surfaces down.

c) Enhance compatibility through building façade design and height, creation of vistas to rock formations and preservation of wooded buffers

The Amendment does not infringe on any protected wooded buffers, and the location of the central amenity area maintains vistas to the old quarry rock formations. The new townhouse dwellings include architecture that is very similar to the existing multi-family condominium buildings ensuring compatibility between the two development phases on the Subject Property. The existing and proposed structures all fall within the height limit set in the Master Plan of 225 feet above sea level.

d) Provide underground parking for residents and eliminate surface parking visible from River road

The required parking for the proposed townhouse dwellings is located in integrated garages, which is not underground, but is under the living spaces of the townhouses and is hidden from sight. The proposed surface visitor parking spaces are not visible from River Road because of the existing vegetated berm along the Subject Property frontage.

e) Restrict building coverage to no more than 18% of the land area, and to as little as 14% if feasible.

The building coverage for the entire Subject Property after the Amendment would be 18%, which meets the requirement of the Master Plan. The building coverage increased from the

previously approved 17% because the change in building type from multi-family to townhome typically has more building coverage.

- c. *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The Project Plan Amendment maintains a development intensity and a design that is compatible with and not detrimental to existing or potential development in the general neighborhood. The Master Plan specifically identified this Property as appropriate for townhouses or multi-family buildings in large part because the site is a basin, walled in by the walls of an old rock quarry. The density of the Amendment reduces the unit total from 97 to 94 units, and the building heights for the townhouses are lower than for the condominium buildings. From River Road, the building massing and setbacks remain similar to the existing condominium with a stick of townhouses facing river road, set back behind the existing berm and internal loop road.



Figure 9 – Illustrative 3D rendering of River Road frontage

- d. *It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The Project Plan Amendment changes 47 unbuilt condominium units to 44 townhouse dwelling units. This change would result in a small net increase of total vehicle trips. The Applicant has submitted a traffic study to satisfy the Local Area Transportation Review as part of the Subdivision Staging Policy, which is fully analyzed with the Preliminary Plan Amendment. The proposed increase in trips is expected to be small and not overburden existing public services. The Property is located within the Seven Locks Elementary, Cabin John Middle and Churchill High School boundaries. None of these schools are listed as in a development moratorium in the FY2018 school capacity test and each has adequate capacity to accommodate the development.

- e. *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Project Plan Amendment will continue to be more efficient and desirable than developing the Property as standard method. The Standard Method of the RMX1 zone would be the R-200 zoning standards, which has a 40% maximum for townhouse and multi-family dwellings. The RMX1 zone allows for much higher amounts of attached and multi-family dwellings which increases the green

area and the community amenity space area, and provides for a more dense and innovative use of the old quarry basin.

- f. It would include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that Chapter apply.*

The Application will continue to comply with Chapter 25A, under the direction of the Department of Housing and Community Affairs (DHCA). The original application entered into an agreement with DHCA to provide a payment to the housing initiative fund in-lieu of providing MPDUs on the Property, because of the high anticipated HOA fees. DHCA has reviewed the Amendment and continues to find that the existing agreement stands, and the Applicant shall continue to meet the requirements of Chapter 25A through this payment.

- g. When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352, the project plan may be approved by the Planning Board with additional findings.*

Not applicable

- h. Any applicable requirements for forest conservation under Chapter 22A*

The Property is currently covered by an approved Final Forest Conservation Plan, approved with Site Plan No. 820050290 which includes generally the limits of disturbance and the forest conservation mitigation that was required. The Final Forest Conservation Plan is in for an amendment with the concurrent Site Plan Amendment and will be reviewed in further detail in the Site Plan section of this Report.

- i. Any applicable requirements for water quality resource protection under Chapter 19*

The existing development on the Property is completed and was developed under the requirements of Chapter 19 at that time. The Applicant has submitted a new stormwater concept for the proposed 44 townhouse units that meet many of the current goals of ESD, but allow for some stormwater mitigation with existing non ESD structures because the Property is constrained and already partially developed. The MCDPS Water Resources section has issued an approved amended concept/site development stormwater management plan for the Amendment.

## SECTION 5 – ANALYSIS AND FINDINGS PRELIMINARY PLAN AMENDMENT 12004042A

The following analysis and findings are for Preliminary Plan Amendment No. 12004042A. The Preliminary Plan Amendment covers the entire 13.3-acre Property, however the analysis and findings generally apply only to the 5.5 acres of the Property that would be modified by this Amendment, with the exception of the Adequate Public Facilities transportation analysis which does apply to the entire Property. All previous findings of Preliminary Plan No. 120040420 remain in full force and effect except as modified below.

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

a. *The block design is appropriate for the development or use contemplated*

The block design proposed by this Amendment is appropriate for residential townhouse dwelling units. The Property is unique because it sits on the site of an old quarry. The Property entrance is on grade with River Road, but the natural hillside was cut down, creating a basin that prohibits access to any adjacent properties. The block design completes a partially built circular street within the Subject Property, providing access to all of the dwelling units and open space areas.

b. *The lot design is appropriate for the development or use contemplated*

The lot design proposed is appropriate for the proposed townhouse dwelling type and takes into consideration the existing topography and existing development on the Property. The Applicant proposes to create townhouse lots that are almost identical in size to the footprints of the townhouse dwellings. This maximizes open space amenity areas which is consistent with the amount of open and landscaped area around the existing condominium buildings, and allows increased flexibility to accommodate areas of visitor parking, alleys behind some of the units, and the necessary stormwater management facilities.

c. *The Preliminary Plan provides for required public sites and adequate open areas*

The Preliminary Plan amendment provides the appropriate public spaces and adequate amounts of open area. During the original Preliminary Plan approval, it was determined the Master Plan requested dedication to Parks was no longer a priority of the parks department, and that land was instead placed in its own parcel and protected with forest conservation easements. The Amendment maintains this parcel for forest conservation purposes. A new parcel is being created to accommodate the completion of the loop road and associated parking and sidewalks. There are also parcels being created to add to the existing on-site amenity areas and to accommodate stormwater management.

d. *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The proposed lots and use comply with the requirements of Chapter 59, the Zoning Ordinance. The Amendment is reviewed under the RMX-1/TDR-6 zone. One-family attached dwelling types are a permitted use within the RMX-1 zone and is consistent with Master Plan recommendations. The RMX-1 zone has a minimum setback of 100 feet from any adjacent one-family residential zoning, which does about the subject Property to the north and east. This Amendment is requesting the Planning Board reduce these minimum setbacks pursuant to Section 59-C-10.3.8, which allows the Planning Board to reduce the minimum setbacks by no greater than 50%, upon finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property. The Applicant has requested the 100-foot setback be

reduced to 90 feet along the northern Property boundary, to accommodate a stick of six townhomes. Between this row of townhomes and the adjacent one-family detached zoning are a series of three retaining walls, with the townhome elevation at 165 feet and the elevation of the one-family detached lot at 210 feet. Staff finds the 45-foot elevation drop, effectively fully screens the new townhouse dwellings from the existing development. The existing and proposed landscaping on top of the retaining walls, and maintaining a 90-foot setback from the adjacent property adequately maintains compatibility between uses.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Preliminary Plan amendment substantially conforms to the 2002 Potomac Master Plan. As discussed in this Report in the Project Plan Master Plan analysis section, the proposed Amendment to develop 44 townhomes instead of 47 condominiums continues to meet all of the general Master Plan recommendations as well as the Property specific recommendations, including density, green area, dwelling types and compatibility. The requirements of dedication, construction of the shared use path along River Road, and discussion about protecting the 0.85-acre parcel as parks or forest conservation have already been implemented.

3. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Other Transportation Facilities

The Subject Property has frontage along River Road (MD 190) which has a Master Plan recommended right-of-way of 150 feet, and is already fully dedicated as a result of the original Preliminary Plan approval. Frontage improvements have already been constructed including acceleration and deceleration lanes along River Road, and the construction of a shared use path across the entire frontage.

Local Area Transportation Review (LATR)

The Preliminary Plan originally approved the Property for a total of 97 multi-family condominium units. Fifty of the condominium units have already been built, but 47 have not. This Amendment to replace the unbuilt 47 condominium units with 44 townhouse units generates two more peak-hour trips than were approved in 2004, necessitating a new or amended traffic study. Because the existing APF expired in August of 2017, the additional trips need to be analyzed, and the built condominium units are new enough to still count as new rather than background trips, this Amendment is being reviewed like a new application for APF and will receive a new APF validity.

The Amendment as proposed with 50 condominium units and 44 townhouse units generates more than 50 peak-hour person trips during the typical weekday morning and evening peak periods, therefore a traffic study was submitted and reviewed to satisfy the LATR. The LATR Guidelines contain a provision that new development that is considered part of an application that is less than 12 years old must be counted as “new” trips rather than existing to avoid developers taking advantage of piecemeal development. Therefore, the total development will generate 63 peak-hour person trips during the weekday morning peak period, and 75 peak-hour person trips during the evening peak period based on the trip generation rates adopted in the LATR Guidelines (Table 1).

Table 2 shows a summary of the Capacity Analysis/Critical Lane Volume (“CLV”) analysis for the weekday morning and evening peak-hour periods. The Table shows that all of the intersections remain below both the 1,350 CLV threshold for when an additional delay based level of service analysis is required, and below the 1,450 CLV congestion standard for the Potomac Policy Area. Based

on the data presented in the traffic study and Staff's analysis, the Application as submitted satisfies the LATR requirements.

**Table 1: Site Trip Generation**

	Vehicle Trips		Person Trips		Auto-Driver Trips		Transit Trips		Non-Motorized Trips		Total Non-Auto Trips	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Quarry Phase II: 44 Townhouses	19	23	29	35	18	22	1	1	2	2	3	3
Quarry Phase I: 50 Condos	22	26	34	40	21	25	1	2	2	3	3	5
<b>TOTAL</b>	<b>41</b>	<b>49</b>	<b>63</b>	<b>75</b>	<b>39</b>	<b>47</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>8</b>

**Table 2: CLV Intersection Analysis**

Intersection	Traffic Conditions			
	Existing		Future*	
	AM	PM	AM	PM
River Road & Bradley Boulevard	835	1033	835	1035
River Road & Seven Locks Road	1208	1037	1220	1049

\* The Quarry's existing 50 condominiums were the only background project found therefore there is no background analysis. For future conditions, 30% of the condominium associated trips were removed because that's approximately the percent occupied at the time of the traffic counts.

Other Public Facilities and Services

Other public facilities and services remain available and will be adequate to serve the proposed Amendments dwelling units. The Amendment was reviewed by the Montgomery County Fire and Rescue Services who have determined that the Amendment provides adequate access for fire and emergency vehicles. Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Property is not located within a school cluster or attendance area currently under moratorium, therefore, school capacity is deemed adequate.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420040380 was approved on October 8, 2003 and identified 2.76 acres of existing forest, but no areas of stream, wetlands, 100-year floodplain, or environmental buffers.

The Property is covered by a Final Forest Conservation Plan (FFCP) No. 820050290, which was approved by the Planning Board by resolution dated September 7, 2006, with an amendment approved by resolution dated October 9, 2009. There are no substantial changes to the limits of disturbance with this Amendment. The FFCP will be amended with the Site Plan Amendment that is being reviewed concurrently with the Preliminary Plan, and can be found in the environmental

findings and analysis in the Site Plan Section of this Report. Therefore, the Preliminary Plan Amendment satisfies all requirements of Chapter 22A.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

The Preliminary Plan received an approved revision to combined stormwater management concept and site development stormwater management plan on May 20, 2017, with a reconfirmation of this approval after further amendments to the Property layout on August 21, 2017 (Attachment G). The Application will meet stormwater management ESD goals to the maximum extent possible for a partially developed site by installing micro-bioretenion facilities and one bio-swale. Stormwater unable to be treated with ESD facilities will be treated in an existing underground storage vault with a filter system that was installed with the first phase of development.

## **SECTION 6 – ANALYSIS AND FINDINGS SITE PLAN AMENDMENT 82005029B**

### **CHAPTER 59 D 3.4(C)**

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan Amendment is consistent with Project Plan 92004004A, which is being reviewed concurrently, in terms of density, public facilities and amenities, green area, and setbacks.

The Property is not subject to a development plan, diagrammatic plan, a schematic development plan certified by the Hearing Examiner.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan Amendment is not subject to an urban renewal plan approved under Chapter 56.

The Site Plan Amendment complies with the intents and requirements of the RMX-1/TDR-6 zone for which it was reviewed under. The intent of the zone is to provide higher density residential uses that comply with the recommendations of the Master Plan, in exchange for providing public facilities and amenities, green area, and setbacks.

#### Green Area

Pursuant to Section 59-C-10.3.3 the minimum green area for the residential portion of an RMX-1/TDR property is 50%, with the Master Plan recommending a minimum of 60% green area. The Amendment

is proposing 66% green area across the entire Property, which is in excess of the minimum requirements of the zone and the Master Plan and is adequate to meet the intent of the zone.

Maximum Density

The maximum density in any RMX zone must not exceed 30 dwelling units per acre and must not exceed the recommendations in the Master plan. The Project Plan proposes a density of approximately 7 dwelling units per acre, which is under the 30-dwelling unit per acre maximum, and is consistent with the Master Plan recommended TDR 6 designation, after calculating the density bonus for providing 15% MPDU equivalent.

Minimum Setbacks

Section 59-C-10.3.8 establishes a minimum 100-foot setback of residential buildings in the RMX zoned property from any adjacent one-family residential zones. The Property is adjacent to R-200 zoned land located to the north. The Applicant has requested a minimum setback of 90 feet from this R-200 zoned property. Reducing residential setbacks by up to 50% is permissible by the Planning Board if it finds that trees or other features on the site permit a lesser setback without adversely affecting the development on an abutting property. Between the proposed townhome dwellings and the existing R-200 zone is approximately 45 feet of elevation change, including 3 levels of retaining walls and areas of landscape trees, with the proposed townhomes located at the lower elevation generally below the sight line from the existing residential zone. Staff finds the inherent screening from such a substantial elevation change adequately protects the development on the abutting property from the proposed townhouse dwellings.

Public amenities

The Amendment is proposing no change to the previously provided public amenities. The Clubhouse and outdoor swimming pool have been built. The Amendment maintains the two natural pool areas that simulate a natural stream with a meandering path and bridge crossings. Additional public amenities proposed including a tot lot, play lot, seating areas, and meandering paths will complete the central core amenity area. The Applicant has completed installation of the landscape berm and shared use path along the Property frontage with River Road, and has protected the approximately 0.85-acre area identified as potential park dedication via a category I conservation easement, pursuant to direction from Parks during the original approval.

The following Table 3 shows the Project’s conformance to the development standards of the RMX-1/TDR-6, optional method of development.

**Table 3 – Data Table for RMX-1/TDR-6 Optional Method of Development**

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Approved 920040040, 120040420, 82005029A</b>	<b>Proposed</b>
<b>Site Area (acres)</b>			
Gross Tract Area (GTA)	n/a	13.31 (579,897 SF)	13.31 (579,897 SF)
River Rd Dedication	n/a	0	0
MNCPPC Parks Dedication	n/a	0	0
Net Tract Area	n/a	13.31 (579,897 SF)	13.31 (579,897 SF)
<b>Max. Density</b>			
Non-residential (Clubhouse)		50,000 SF (max)	50,000 SF (max)

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Approved 920040040, 120040420, 82005029A</b>	<b>Proposed</b>
Residential			
Density of Base Zone (R-200)	26 du (= 13.31 x 2)	26 du	26 du
Density with TDRs	80 du	80 du	79 du (= 13.31 x 6)
Density with MPDU Bonus (22%)	97 du	97 du	97 du (= 79 x 1.22)
MPDU Bonus Density	17 du	17 du	18 du (= 97 - 79)
Number of MPDUs provided <sup>1</sup>	15 MPDUs (15%)	15 MPDUs (15%)	15 MPDUs = (97 x 0.15)
Unit Mix			
- Multi-family		97	50 (53%)
- One-family attached		<u>0</u>	<u>44 (47%)</u>
Total		97	94
TDRs		See Resolution 820050290 (Attachment C)	
- Max TDRs allowed			53 (= 79 - 26)
- Min TDRs required			35 (= 2/3 x 53)
- Unit Mix adjustment			
53% Multi-family	1 TDR/2 DU		14 (= 53 x 0.53 / 2)
47% Townhouse	1 TDR/1 DU		<u>25 (= 53 x 0.47 / 1)</u>
Total TDRs required			39
Previously Purchased TDRs			-28
Remaining TDRs required			11
<b>Min. Green Area</b>			
(% of GTA)	60% (347,609 SF)	70% (405,544 SF)	66% (383,692 SF)
<b>Max. Building Coverage</b>			
(% of GTA)	18% (104,365 SF)	17% (94,280 SF)	18% (104,365 SF)
<b>Min. Setbacks (feet)</b>			
From one-family res. (R-200)	100	100	90 <sup>2</sup>
From other residential (RT-10)	30	30	30
From any street	30	30	30
<b>Max. Building Height (feet)</b>			
Overall	225 <sup>3</sup> (5 stories)	225	225
One-family attached		n/a	50
Multi-family		75 <sup>4</sup>	n/a
Clubhouse		35 <sup>4</sup>	n/a
<b>Parking</b>			
Phase 1: Multi-family (50 DU)	2 sp/3-bedroom unit		
Garage spaces		201	182
Surface spaces		48	28
Motorcycle spaces		4	4
Bicycle spaces		10	10

<sup>1</sup> See Alternative Compliance Measure Agreement with DHCA to provide fee-in-lieu for all MPDUs [Attachment E]

<sup>2</sup> The Planning Board may reduce the minimum setbacks, no greater than 50% upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property. The applicant requests a reduction of the minimum setback based on the topography of the Property.

<sup>3</sup> The maximum height of the proposed buildings shall not exceed elevation 225 feet above sea level to the median of the roof in accordance with the Master Plan (p. 61).

<sup>4</sup> As measured from the base of the mid-point of the building to the mean height level between eaves and ridge of gable, as defined in the Montgomery County Zoning Ordinance.

Development Standard	Permitted/Required	Approved 920040040, 120040420, 82005029A	Proposed
Phase 2: Townhouses (44 DU)	2 sp/ unit		
Garage spaces		n/a	88
Driveway spaces		n/a	1
Visitor spaces		n/a	20

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

### **Location of Buildings and Structures**

The location of buildings and structures is adequate, safe and efficient. The Amendment replaces the unbuilt 47 condominium units with 44 one-family attached (townhouse) units on the northwestern half of the Property. The 44 units, divided amongst seven sticks of townhouses, are located on both sides of the extended loop road. Orientation of the townhouses is a combination of front loaded townhouses with the garage and primary door access both facing the street, and rear loaded townhouses with the garage access provided from behind in an alley (Fig. 10). The Applicant provided as many units as possible as rear loaded, but the existing Property constraints precluded making every dwelling rear loaded. The dwellings that are front loaded have been designed to have short driveways that will not allow for vehicles to park in the driveway. Lots 37 through 47 as identified on the Site Plan are unique because they effectively have two fronts; one front facing the loop road and the other facing open space and the pool and clubhouse area. The design of these units will feature 360-degree activation with attractive building facades and doorways on both frontages of the units.



*Figure 10 – Illustrative 3D rendering of rear-loaded townhouses*

### **Location of Open Spaces, Landscaping and Recreation Facilities**

Open Spaces

The location of the open spaces is safe, adequate and efficient. The RMX-1/TDR-6 Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the tract area. This requirement was superseded by the Master Plan, which increased the requirement to minimum of 60 percent. The plan meets these requirements by providing a total of 66.2 percent (or 8.81 acres) of green space.

The open space is generally located on the periphery of the development and the central area. On the periphery, the open space encompasses a series of terraced retaining walls that brace the walls of the former quarry. The central area, encompassing the majority of the amenities and recreation facilities, include a 2-story clubhouse and associated swimming pool that are built, landscaped areas, tot lot and meandering paths. The Amendment maintains the two natural pool areas that simulate a natural stream with a meandering path and bridge crossings. The upper stream pool is located near the northern end of the loop road, winding down to a central gathering area near the pool. These various open spaces provide ample opportunity for recreation enjoyment, and contemplation.



*Figure 11 – Recreation facilities and amenities provided*

Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. The Site Plan is providing a total of 94 dwelling units, including 50 hi-rise multi-family units and 44

townhouse units, and is therefore subject to the requirements of the 1992 Montgomery County Recreation Guidelines. The Applicant has calculated the demand for residential facilities based on the criteria in the Recreation Guidelines. To meet the required supply of recreation, the Applicant is providing for one tot lot, two picnic/sitting areas, one play lot, one bike system, one pedestrian system, and natural areas, a swimming pool and indoor community space as part of the on-site supply. Recreation facilities associated with the Clubhouse, including the outdoor swimming pool and indoor community space, have already been built as part of Phase I.

Although the Property is less than one-mile distance from the Cabin John Stream Valley Park and Cabin John Trail, the Applicant is not requesting off-site credit for these facilities. The recreation demand and supply is shown in Table 4.

**Table 4: Recreation Calculations**

Demand			D1	D2	D3	D4	D5
		Number of	Tots	Children	Teens	Adults	Seniors
Housing Type		Units	0 to 4	5 to 11	12 to 17	18 to 64	65+
TH		44	7.48	9.68	7.92	56.76	3.08
Hi-Rise (5 or more)		50	2.00	2.00	2.00	38.50	23.00
			9.48	11.68	9.92	95.26	26.08

On-Site Supply			D1	D2	D3	D4	D5
		Quantity	Tots	Children	Teens	Adults	Seniors
Recreation Facility		Provided	0 to 4	5 to 11	12 to 17	18 to 64	65+
Tot Lot		1	9.00	2.00	0.00	4.00	1.00
Play Lot		1	0.00	9.00	3.00	4.00	1.00
Picnic/Sitting		2	2.00	2.00	3.00	10.00	4.00
Bike System		1	0.47	1.17	1.49	14.29	2.61
Pedestrian System		1	0.95	2.34	1.98	42.87	11.74
Natural Areas		1	0.00	0.58	0.99	9.53	1.30
Swimming Pool		1	0.52	2.39	2.03	23.82	3.91
Indoor Community Spa		1	0.95	1.75	2.98	28.58	10.43
		total:	13.89	21.23	15.47	137.08	35.99

Adequacy of Facilities		D1	D2	D3	D4	D5
a.	Gross Total Supply	13.89	21.23	15.47	137.08	35.99
b.	35% of Total Supply	4.86	7.43	5.41	47.97	12.59
c.	Max Off-Site Supply	0	0	0	0	0
	Total Supply	13.89	21.23	15.47	137.08	35.99
	90% Demand	8.54	10.52	8.93	85.74	23.48
	Adequate?	yes	yes	yes	yes	yes

### Landscaping and Lighting

The location of the landscaping and lighting is safe, adequate and efficient on the Subject Property. The landscaping provided, with an emphasis on native species, is appropriate for this residential development by achieving several objectives. It provides canopy coverage and shade on the loop road and open space areas. The loop road was designed to maximize the number of large trees provided, which resulted in a variety of large deciduous trees lining up both sides of the road. As conditioned, the Applicant will use porous pavers, or incorporate Silva cell technology, on the driveways and lead-in sidewalks of front-loaded units in order to promote root growth of street trees and street tree health.

Smaller plant material, including understory trees and shrubs, are used to delineate spaces, such as play areas and sitting areas, and to highlight specific features, such as entrance signs and piers. Additionally, the landscaping provided efficiently adds screening and buffering at key locations within the community and along the Property's frontage on River Road.

All stormwater management facilities, which are dispersed throughout the development, will be heavily planted with a variety of native plant material to achieve ESD goals. These facilities and associated landscaping are reviewed and approved by DPS-SWM.

The lighting shown on the lighting plan and accompanying photometrics plan meets all the requirements for protecting the surrounding properties from excessive light spillage or glare. The lighting proposed will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. Street lighting consists of pole mounted light fixtures with a maximum height of 8 feet located on the private loop street, and bollard lights with a maximum height of 3 feet located along pathways on open space areas.

## **Pedestrian and Vehicular Circulation**

### Pedestrian Circulation

The location and design of the pedestrian circulation on the Subject Property is safe, adequate, and efficient. Pedestrians and bicyclists access the Property through a direct sidewalk connection from the existing hiker/biker trail along the Property's frontage on River Road. Within the Property, a five-foot sidewalk provides access to the front door of all units and amenity areas. The sidewalk system runs along both sides of the loop road, except for the short segment parallel to River Road where the sidewalk is only on the side where the units are located. The sidewalk system is also completing a small network of sidewalks within and connecting to the existing site amenities including the clubhouse and pool.

### Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is safe, adequate and efficient. The Application will maintain the same access off River Road and general circulation pattern as previously approved by completing the internal private street loop. In addition to completing the 22-foot-wide private street loop, there are two proposed alleys that will provide rear garage access to some of the dwelling units. The alley identified as Alley A will be a unique 30-foot wide alley that acts like a wide motor court, which will stretch the full width of the alley, have special pavement treatments, and will be more decorative than a traditional alley. Alley B is a more traditional designed alley that will run along the base of the retaining wall in the northern portion of the Property where space allows.

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

The proposed Amendment of use and structures remains compatible with other uses, site plans, existing, and proposed development on adjacent properties. The Property was previously approved with four separate multi-family structures, two of which are being replaced with seven sticks of townhouses. The Master Plan contemplated both types of residential units when making the plan recommendations including the capped building heights and the extensive landscaping. The unique basin like topography with the approximately 45-foot elevation drop, and the landscape berm along River Road allow this high intensity residential development to not have a major visual impact to the community. The height of the townhouses will be one floor lower than the existing multi-family structures, which will further reduce the visual impacts from the road and surrounding properties. Additionally, the existing wooded buffer, along with the additional forest planting requirement, provide for an added buffer between the existing communities and the proposed development, offering a more desirable relationship.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

Forest Conservation

The Site Plan Amendment meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. The Subject Property is currently developed under the FFCP No. 820050290 which was adopted by Planning Board resolution dated September 7, 2006, and was amended to approve additional forest clearing and modify on-site forest conservation easements approved by resolution dated October 9, 2009. The 2009 amendment was a result of the Maryland Department of Environment identifying that the mine reclamation work was inadequate and additional work was required to mitigate from future quarry wall failures.

The total forest clearing on the Property was 2.76 acres, which resulted in a 5.78-acre planting requirement, which has been mostly satisfied, with the remaining requirement to be covered as part of the current Site Plan and Forest Conservation Plan Amendments. The following Table 5 shows how the total 5.78 acres of planting has or will be met.

**Table 5: Status of FCP Mitigation**

<b>Method</b>	<b>Acreage</b>	<b>Satisfied</b>
On-site Forest Planting	2.67	Partially, Category I conservation easement recorded but not all areas planted
On-site Landscaping	0.41	Partially, Category II conservation easement recorded but not all areas planted
On-site Individual Tree 20-year Canopy Credit	0.55	Partially, additional landscape trees to be planted as part of the Site Plan
Off-site Forest Bank	2.15	Yes, Certificate of Compliance recorded
<b>TOTAL</b>	<b>5.78</b>	

The Amendments do not contain any changes to the limits of disturbance, therefore, the forest clearing, or planting requirements are not amended. The Amendment does propose a change in the location and type of on-site individual tree credit being approved to accommodate the new layout of the Property, but the quantity of plant material remains the same. Therefore, staff finds that as conditioned the FFCP amendment satisfies the requirements of Chapter 22A.

### Noise

A traffic noise analysis was originally prepared in 2005 and mitigation recommendations were updated in 2006. The analysis showed that vehicle noise in excess of 60 dBA Ldn would impact development on the Subject Property under the future conditions, and the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* stipulate that a 60 dBA Ldn maximum for outdoor recreation areas and 45 dBA Ldn maximum for interior spaces should be met. A landscaped berm was located along the River Road frontage, which significantly reduced the noise at the ground level, but did not mitigate for elevated noise as shown in the original noise analysis.

The buildings proposed by the Amendment on lots 17-36 fall within the elevated noise impacted area and would require mitigation construction techniques. This Amendment does not include an update to the noise study to show the impacts the new development layout would have on noise. The Applicant however has agreed to retain an engineer that specializes in acoustical treatments to certify that the building shell for all units on lots 17-36 that they are designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant has also agreed to place the primary rooftop amenity spaces on the tops of units 20-36 on the sides of the dwellings facing away from River Road, which will allow for the top floor penthouse space to act as a noise barrier. The dwellings on Lots 20-28 may have a secondary outdoor space as a 2<sup>nd</sup> floor balcony that would be located on the front of the units that do face River Road, but Staff has determined this is not the primary outdoor space and there would not be any practical mitigation techniques for these spaces. Staff is requesting an amended noise analysis to look at lots 17-19, because in this location it is unclear if the existing berm would adequately block future traffic noise, and these lots have a ground level back yard. The Site Plan proposes the rear yards of these three lots to be below grade, by a retaining wall, and proposes to place any necessary additional wall to mitigate noise on top of the retaining wall. A condition will also require that all units on lots 17-36 include in their sales contract a full disclosure that these units are located in an identified noise impacted area. As conditioned, Staff finds the Amendment to adequately address the concerns of transportation noise impacts.

The Site Plan received an approved revision to combined stormwater management concept and site development stormwater management plan on May 20, 2017, with a reconfirmation of this approval after further amendments to the Property layout on August 21, 2017 (Attachment 6). The Application will meet stormwater management ESD goals to the maximum extent possible for a partially developed site by installing micro-bioretenement facilities and one bio-swale. Stormwater unable to be treated with ESD facilities will be treated in an existing underground storage vault with a filter system that was installed with the first phase of development.

## **SECTION 7 – CONCLUSION**

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lots, the use conforms with the Master Plan and the general requirements of Chapter 59, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Project Plan, Preliminary Plan, and Site Plan Amendments, with the conditions as enumerated in the Staff Report.

### **ATTACHMENTS**

- A. Project Plan Opinion for 920040040
- B. Preliminary Plan Opinion for 120040420
- C. Site Plan Resolution MCPB No. 06-10 for 820050290
- D. Final FCP
- E. DHCA letter
- F. Fire Marshal letter
- G. MCDPS Stormwater letter
- H. MCDOT letter

MONTGOMERY COUNTY PLANNING BOARD

OPINION

**DATE MAILED:** August 20, 2004

**PROJECT PLAN REVIEW:** #9-04004

**PROJECT NAME:** The Quarry

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*Action: Approval of Project Plan 9-04004 subject to conditions. A motion was made by Commissioner Robinson, seconded by Commissioner Bryant, with a vote of 4-0, Commissioners Robinson, Bryant, and Perdue voting for. Commissioner Wellington was necessarily absent.*

*Action: Approval of a Waiver of the requirement for 15% one-family homes, per Section 599-C-1.395. A motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Robinson, Bryant, and Perdue voting for. Commissioner Wellington was necessarily absent.*

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The date of this written opinion is August 20, 2004 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before September 20, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until August 20, 2006, contingent on the timely submission and approval of a site plan application, as provided in Section 59-D-2.7.

On May 20, Project Plan Review #9-04004 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

**(a) *It would comply with all of the intents and requirements of the zone.***

1. Required Public Amenities §59-C-10-3-9 Montgomery County Zoning Ordinance  
*“The size, location and nature of the public facilities and amenities must be shown as part of any development proposed under this optional method and must be shown on the required concept plan, project plan and site plan.*

The subject project plan for The Quarry (9-04004) is in conformance with in intent and requirements of the optional method of development for the RMX/TDR-6 zone as stipulated in the zoning ordinance. The plan provides for multi-family development, adequate public facilities and amenities, generous green area, appropriate residential density and minimum building setbacks. As recommended in the Master Plan, the project seeks to utilize Special Provisions for TDR Development under Section 59-C-1.395, footnote 2, for relief from the requirement for 15% one-family homes, as permitted. The development will feature 100% multi-family residential dwelling units.

Public facilities provided as associated amenities include dedication of 0.85 acres of natural forested land as parkland to MNCPPC, pedestrian trails and paths associated with the parkland and other natural areas of the site, and the design and installation of approximately 2,400 feet of bike path along the River Road ROW frontage.

2. Green Area §59-C-10.3.3

*The zone requires a minimum of 50% green space within the residential portion of an RMX development.*

The proposal provides 70% green space. [See *Issues of Project Plan Review, Impact of the Quarry Wall Locations on the Development*, page 9, for a discussion of forest preservation.]

3. Minimum Density §59-C-10.3.7

*Maximum residential density in an RMX zone must not exceed 30 dwellings units per acre for residential areas shown on the project plan.*

The proposed plan provides 7.2 dwelling units per acre.

**(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.***

The project proposed conforms to the approved and adopted 2002 Potomac Subregion Master Plan. Specific recommendations of the master plan incorporated into the proposed submission include: multi-family housing development, increased density over standard method density, greater open space, pedestrian access to off-site greenway systems, and dedication of park land.

1. Master Plan Concept, Plan Framework, Plan Goals

The subject Project Plan incorporates many elements recommended by the 2002 Potomac Subregion Master Plan. The site was rezoned by the Sectional Map Amendment in October 2002, pursuant to Master Plan recommendation. The subject plan conforms with respect to density, building height, storm water management, view sheds, pedestrian links, green area, park dedication, streetscape on River Road, and underground parking.

a. *Design Principles*

Preserve the subregion's green and rural character, while creating a pedestrian and bicycle-friendly environment. The principals are intended to foster cohesive, attractive, and efficient community centers that provide needed goods and services and establish an enduring community image.

i. *Locate buildings at the street to create strong street definition and encourage pedestrian activity; provide green frontage with extensive planting and streetscaping.*

The residential buildings are sited to establish a consistent building line that will define the street's character and enhance the presence of the development in its

relationship to River Road. The two forward buildings will present attractive facades to the public streets, while the central gatehouse and clubhouse beyond will mediate the scale and spacing of the more uniform buildings. The berms aligned with River Road will provide opportunity for generous plantings of wildflowers and indigenous seasonal species.

ii. *Design and locate parking facilities to minimize impervious surfaces.*

The proposal provides for adequate, efficient 289 underground parking spaces. Surface parking for 91 cars is currently proposed. Staff recommends further review at site plan to reduce the amount of surface parking and to increase landscaping and pervious area.

iii. *Provide Storm water management to incorporate alternative techniques that increase filtration and enhance natural hydrology, including bioretention areas, alternative paving materials, soil amendments and other landscaping techniques. Minimize and manage stormwater runoff to Cabin John Creek to ensure the stability of the creek banks.*

Stormwater management will be accommodated by on-site channel protection measures via an underground pipe detention system. On-site water quality control will be met by the installation of a Stormfilter. Additionally, the proposed sidewalk on River Road will be constructed using pervious material or sheet flow directed to grass swales. The proposal does not include a landscaped wet pond, as recommended by the Master Plan.

b. *Alternate Transit Options*

Provide facilities to promote transit use, walking, and biking as alternatives to automobile use.

The proposed plan includes the design and installation of a 10-foot shared use path (Class I bikeway) along the east side of River Road, including the project frontage itself, and connections from the site eastward to Seven Locks Road and from the site westward to the MNCPPC Parking Lot. The bike path will be sited and constructed to accommodate pedestrians and bicycles and provide an important connection to Park facilities. Pedestrian trails will be field located within the natural conservation areas, and provide links to adjacent subdivisions and connections to the Cabin John Park. The location of bus shelters on River Road will be reviewed at site plan.

2. Master Plan: Land Use and Design Guidelines for Stoneyhurst Quarry Site:

The subject plan conforms substantially to the Master Plan recommendations with respect to density, building height, storm water management, view sheds, pedestrian links, green area, park dedication, streetscape on River Road, and underground parking.

a. *Compatibility*

i. *Provide 60% green area, and up to 75 % green area if feasible.*

The master plan recommends 60% green area, and the generous use of conservation easements. The proposal provides 70% green space, of which 0.85 acres will be dedicated to MNCPPC for parkland. A Category I Conservation Easement will be applied to 3.09 acres on-site to preserve the existing significant forestation. It should be noted that the stabilization of the quarry walls would impact the boundaries of the forest areas. [See discussion, *Issues of Review*, page 9.] The exact location of the walls, and hence, the forest boundaries will

not be determined until site plan with further upon field-testing. However, based on preliminary review by geotechnical and structural engineers and DPS, the applicant has provided a plan showing the forestation boundaries locations that reflect the greatest amount of forest loss that may be expected from the wall stabilization—or the minimum amount of forest to be retained. The final plan, as approved at Site Plan, is expected to render more forestation that estimated by the current plan.

Surprisingly, with respect to its compatibility with the adjoining residential neighborhoods, the proposed development of multi-family buildings offers a higher level of compatibility for this singular site than would be achieved by duplication of the existing surrounding development patterns. The use of this industrial site, with its scarred topography, as a single family home development would result in, at best, weak parody of a 1980's R-200 Zone development. Either that, or an R-200 plan with site and grading restoration costs that would render a standard development economically infeasible. The master plan's consideration of such denouement points to the clear desirability of multi-family typology for this site and the forestation that this plan will preserve for the residents and the neighborhood in general.

- ii. *Dedicate parkland along the western edge of the site that incorporates the site's natural rock formations.*

The proposal incorporates 0.85 acres of parkland dedication along the northwest portion of the site, contiguous with MNCCP parkland, and providing an extension of parkland street frontage along River Road.

- iii. *Enhance compatibility through building façade design and height, creation of vistas to rock formations and preservation of wooded buffers.*

The plan, as currently proposed provides attractive placement of the residential buildings and clubhouse within the quarry "crater," and organized around a "central park," or green area that is aligned axially with the site's longitudinal axis. The buildings fit snugly, end-to-end, within their prescribed envelope, defined by the ring road that essentially follows the quarry walls.

The Master Plan recommends that buildings heights remain within the elevation 225 feet; and no greater than five stories; the plans accomplish this by setting the 5-story buildings at the quarry bottom, which allows the buildings to clear the quarry top at a height less than 225, with compatible relationship to the surrounding homes. The building fronts facing River Road present well-modulated facades to the street; along with the small gate house and lower central clubhouse, the combined effect achieves compatible scale and massing that will enhance the views from the public realm.

The forestation follows the property line perimeter, at 80-100 feet in width, providing an effective wooded buffer between the development and the existing residential lots.

- iii. *Give special consideration to management of vehicular traffic relating to the development of the site, including signalization and service roads.*

The State Highway Administration reviewed the applicant's request for a signalized entrance at River Road. The first level of review did not render a favorable response and the applicant has filed for secondary review. Traffic

planning for the interior of the site has been addressed by connecting the ring road at the rear of the site, allowing greater ease of movement and maneuvers via two directions; in addition, traffic islands define specific loading and drop-off areas at the front of each residential building.

- iv. *Provide underground parking for residents and eliminate surface parking visible from River Road*

The majority of parking spaces (194) are accommodated in the secure, underground garages that form the foundation of each building's structure. The remaining surface parking spaces are distributed throughout the site, interspersed with attractive landscaping. The proposal currently includes 16 surface head-in parking spaces at the entrance and 16 head-in spaces at each corner of the site adjacent to River Road. Staff recommends that the disposition and number of these parking spaces be re-considered at Site Plan review, to decrease their visibility, and increase the compatibility aspects of the site from River Road.

- v. *Restrict building coverage to no more than 18% of the site land area, and to as little as 14% if feasible.*

The project plan proposes a building coverage of 70,184 square feet, or 12 % of the site land area.

- vi. *Prohibit the installation or use of telecommunication towers or high utility structures on any building roof or portion of the site (excluding satellite dishes serving occupants of the building).*

The project plan does not propose any telecommunication towers or utility structures.

- (c) ***Because of its location size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The Master Plan has identified the site as an area appropriate for multi-family housing. Physical site constraints and access to major roads justify the required intensity of the plan. The size and design of the site is dictated by the constraints of the quarry operation and the location of the existing, excavated quarry walls. The shear cliff surrounding the "quarry bowl," that is, the buildable area on three sides, limits substantially any further disturbance of the site with respect to excavation, grading or forestation. The existing wooded buffers that surround the "bowl" at its lip, along with the required 100-foot setbacks diminishes the impact of this multi-family housing on the surrounding single family homes and townhouses. As a result, the proposed development is entirely contained within the defined working quarry area, 50+ feet below the grades of the established neighborhoods; the existing forest, to be protected under conservation easement, surrounds the working quarry ("the bowl") at the higher elevation and provide a buffer up to 100 feet in width between the grade-depressed development and the surrounding neighborhoods.

- (d) ***As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.***

Local Area Transportation review and Policy Area Review

For Local Area Transportation Review (LATR), the proposed 97 condominiums generate 39 and 45 total peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period

(4:00 to 7:00 p.m.), respectively. However, the site-generated traffic would not impact the seven LATR-requiring intersections in the Annual Growth Policy. Thus, the proposed development does not require an LATR analysis.

For Policy Area Transportation Review, the site is located in the Potomac Policy Area where the development is controlled by the zoning, and water and sewer constraints, not by the staging capacity constraint.

Schools

The 2004 Annual Growth Policy indicates adequate school capacity available within the Winston Churchill School cluster Area.

Water and Sewer

Water and sewer service is available, each at Category 1 Level of Service.

- (e) ***The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.***

Use of the optional method of development for this project allows greater residential densities and flexibility in development, thus making the project more economically feasible in the face of significant engineering requirements demanded by site conditions. The features and benefits offered by this project as an optional method of development are markedly greater than if the project were developed as a standard method project. Significant residential opportunities within the Potomac Subregion are limited, particularly under the standard method of development.

Deficiencies of the Standard Method

With respect to the subject site, the standard method of development would promote inefficient use of a site with significant development impediments, including its excavated grades, rock shear walls, and the required stabilized construction grades. The standard method would promote low-density housing for a site with excellent access to major roadway systems, and would not conserve the significant natural areas and forest.

Advantages of the Optional Method

The ability to achieve superior architectural and landscape architectural design as proposed for this unique, challenging site, is possible only through the optional method because: 1. The site, with its unique man-made topography, demands a high level of engineering study and rigorous construction standards, and; 2. The proposed higher densities (97 units for optional method vs. 26 units for standard method) provide the economic return to support the substantial engineering required.

The 70 percent green space achieved for recreational use exceeds the requirements of the zone for optional method of development. The associated pedestrian and bike paths will improve the visual appearance of this road for better over all development and contribute valuable elements to the region's transportation and recreational facilities. The dedication of parkland to M-NCPPC will provide substantial amenities for the future residents and for the general public.

- (f) ***The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.***

The proposal provides 15 MPDUs, as required by the proposed maximum residential density available through the use of the optional method. *See Development Standards Table Calculation.* According to the Department of Housing and Community Affairs (DHCA), the applicant will pay a fee to the Housing Initiative Fund (HIF), in lieu of the 15 MPDUs to be calculated at 10% of the average sales price of all market rate units for each of the 15 MPDUs. The applicant will make additional payment to HIF equal to two extra units (above the required 15 MPDUs) to assure compliance with Chapter 25A requirement to provide significantly more MPDUs within the same or adjoining planning area in exchange for approval for off-site MPDUs.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

Not Applicable.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The proposed plan meets forest conservation requirements as defined by Chapter 22A. The forest conservation plan minimizes forest removal and maximized on-site forestation and/or afforestation.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

A preliminary Stormwater Management Concept for the proposed development has been reviewed and approved by the Montgomery County Department of Permitting Services (DPS) January 26, 2004. [See attached *Letter from Richard Brush, MC Department of Permitting Services, dated January 25, 2004*, stipulating conditions of approval and recommendations for amendment of the FEMA 100-year Floodplain Map and requirements for structural fill placement and foundation systems.]

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Therefore the Montgomery County Planning Board **APPROVES** Project Plan #9-04004 for: 97 Residential Units, 28 including Transfer Development Rights, 15 MPDUs (15%) which are provided per the applicant's pending agreement with the Department of Housing and Community Affairs for a payment-in-lieu to the Housing Initiative Fund (for an amount no less than 10% of the average sales price or market rate units, or \$100,000.00 per unit adjusted for present-day valuation as of May 20, 2004), Recreational Clubhouse of 50,000 square feet, 289 underground parking spaces and up to 91 surface parking spaces, subject to the following conditions:

### **PROJECT PLAN CONDITIONS**

1. Development Ceiling and Density  
The proposed project **density** is limited to 97 residential units, 298 underground parking spaces, and up to 91 surface parking spaces and a clubhouse of 50,000 for recreational use of the residents. This density is based on the gross tract area of 13.31 acres (also net area), and approximately 1,000 feet of road frontage along River Road.
2. Building Height and Mass  
The **height** of the proposed building must not exceed +225 feet per the definition of building height as described in the zoning ordinance. Building mass articulation and setbacks shall be incorporated into the overall design scheme to provide visual interest at street level and to reduce the appearance of monolithic massing.
3. On-Site Common Space  
The proposed **common spaces** are to be easily accessible and readily used for the resident's enjoyment. These spaces must foster the creation of a discrete character within a unifying theme. The design must create an inviting environment that will promote day and evening activities. The

Common Space shall be reviewed in detail at the time of Site Plan, and shall address the following features:

a. Design Elements

The building **facades** that form project's public front must be designed to achieve a unified design. The **design** of the gatehouse, lead walks, and entry court must incorporate attractive pedestrian amenities. The residential common spaces must provide recreational amenities successfully integrating the amenities with high quality materials and landscaping. Particular attention must be given to the design of the building fronts facing River Road as well as the entry features and courtyard.

The **design elements** to be addressed at Site Plan Review include the following:

- Benches of special materials, such as stone or mixed metals
- Street Lights
- Street Trees on internal roads and driveways
- Special Paving for Pedestrian Spaces and Mixed-Use Spaces
- Site Furnishings and Fixtures
- Bicycle Racks
- Site Lighting design, including Photometric Study and Night Lighting
- Stone Retaining Walls, Seat Walls, and Terraces
- Railings and Decorative Elements
- Recreational Elements
- Surface Parking
- Extensive Planted Areas, including Terraces and Slopes
- Seasonal Landscaping as referenced in the Master Plan

b. Structural and Functional Elements

The **structural and functional elements** to be addressed at Site Plan Review include the following:

- Exact design dimensions and grading of the ring road
- Exact locations of the stabilized quarry walls
- Materials, finishes, details for the finished walls, including elevation points
- Projected grading after removal of existing fill
- Projected grading after structural fill placement, i.e., finished grades
- Green Roof suitable for Stormwater Management, or other efficient roof SWM systems
- Roof and Terrace Landscaping
- Screening for Penthouses and Rooftop Equipment (Satellite Dishes)
- Building materials and finishes for the Quarry Walls
- Noise mitigation walls and interior/exterior noise level evaluation
- Safety Railings and Fences

These features shall be used to enhance the quality of the common space, establish its identity, promote public residential use, complement residential use, and facilitate pedestrian activity. The features shall be used to enhance the views from River Road.

4. Off-Site Public Amenities and Streetscape.

**Off-site improvements** including the shared-use bikeway and River Road streetscape shall be defined in detail at Site Plan review to successfully integrate the amenities to encourage public use.

The **design elements** to be addressed at Site Plan Review include the following:

- Streetscape standards for River Road, including street trees and lighting

- Berm design, dimensions, and plantings
- Bus shelter(s)
- Landscape materials specific to the Master Plan

5. Parkland Dedication

At or prior to recording of plats, the applicant shall convey, subject to Parks staff acceptance, approximately 0.85 acres of the property, as shown on the project and preliminary plan drawings, to Maryland-National Capital Park and Planning Commission (M-NCPPC), as part of portion of the Cabin John Stream Valley Park northeast of River Road;

- a. Prior to conveyance of the 0.85-acre parkland, the applicant shall:
  - i. Install permanent property markers along the common property line between the proposed subdivision and the park; the location and detail of the markers shall be determined at Site Plan review;
  - ii. Remove all debris and trash, if any, from the area to be dedicated.
- b. **Off-site amenities** associated with the dedication of 0.85 acres parkland and parking shall be defined in detail at Site Plan review to successfully integrate the amenities and encourage public use.

The **design elements** to be addressed at Site Plan Review include the following:

- Construction of surface parking area improvements for the adjacent Cabin John Valley Stream Park north of River Road
- Trail Connection to the Park acreage from the proposed development and the existing neighborhood(s)
- Trail signage and other signage
- Review of M-NCPPC Parks design and construction standards as applicable to improvements

6. Environmental Planning

- a. Comply with the conditions of approval for the preliminary **forest conservation plan**; satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits;
- b. Submit a **noise analysis** to determine the noise impact level of traffic on River Road on the proposed development as part of the site plan submission; include as part of the study baseline noise conditions, 20-year projected noise levels, and appropriate noise mitigation if determined necessary from the noise analysis.
- c. Provide an **arborist's report** for existing significant trees; appropriate tree protection will be addressed at Site Plan Review;
- d. Construct **fill placement** and **quarry wall securing systems** under the supervision of a DPS-approved technical engineer licensed in the State of Maryland. Fill placement and quarry wall systems must comply with all DPS requirements; the engineer must certify and submit reports on the compaction and soil bearing capacity of the fills and the quarry wall securing system must meet all DPS requirements for these systems.
- e. Comply with conditions of approval as delineated by the *Montgomery County Department of Permitting Services letter, dated April 12, 2004*, concerning **Special Inspections/Complex Structures**, including:
  - i. Applicant must obtain building permit for excavation and fill placement for any building pad site;
  - ii. Construction, excavation and fill placement activity are subject to special inspection /complex structures provisions of the building code;
  - iii. Earth retention systems are subject to building permit and special inspection;
  - iv. Applicant must ensure that the adjoining properties are protected from damage in accordance with the provision of the Montgomery County Building Code;

- v. Appropriate notice must be given to adjoining property owners in accordance with the Montgomery County Building Code.

7. Staging of the Public Amenities and Project Phasing

- a. The construction or installation of **all public amenities**, as delineated above in Items #3, #4, and #5 for on-site and off-site features, must be complete prior to the issuance of any occupancy permits.
- b. A detailed (revised) project **phasing plan** shall be submitted as part of Site Plan Review application; the phasing must address the completion of all amenities, and the sequence for streetscaping and landscaping installation, as well as site preparation, grading, pedestrian and vehicular access; the phasing plan shall address building massing and façade presentation as viewed from River Road through all phases of development; the phasing plan shall provide alternatives for landscape and façade treatment contingencies.

8. Moderately Priced Dwelling Units

Moderately Priced Dwelling Units (**MPDUs**), shall be provided in accordance with Chapter 25A of the Montgomery County Code. The maximum bonus density proposed for the subject development requires 15% MPDUs, or 15 MPDUs; the applicant must fulfill the requirements for off-site provision of MPDUs by providing an additional payment-in-lieu equal to two additional units. [See *letter from Elizabeth Davison, Department of Housing and Community Affairs, dated April 6, 2004*, attached.]

9. Transportation Planning

The applicant must fulfill these conditions as part of the APF test related to approval of the subject project plan:

- a. Limit **total development** under project plan (and preliminary plan) approvals to 97 condominium residential units and a community clubhouse;
- b. Build the following **ten-foot shared use paths** (Class I Bikeways), consistent with both the Potomac Subregion and Countywide Bikeways Master Plans along the north side of River road (MD190):
  - 1. A path along the site's frontage on the north side of River Road (MD 190), a distance of approximately 1,000 feet;
  - 2. A path extending a distance of approximately 1,200 additional feet to the east up to the Seven Locks Road intersection;
  - 3. A path extending approximately 300 feet to the west up to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) parking lot to the west.
- c. The applicant, at their expense, shall design and install a **traffic signal** at the entrance on River Road (MD 190) if the traffic signal is warranted and approved by the Maryland State Highway Administration.



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**Date Mailed: June 7, 2004**

**Action:** Approved Staff Recommendation  
**Motion** of Comm. Bryant, seconded by  
Comm. Perdue with a vote of 4-0;  
Comms. Berlage, Bryant, Perdue and  
Robinson voting in favor; Comm.  
Wellington absent

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-04042

NAME OF PLAN: THE QUARRY

On 11/19/03, W.M. RICKMAN CONSTRUCTION submitted an application for the approval of a preliminary plan of subdivision of property in the RMX-1/TDR-6 zone. The application proposed to create 2 lots on 13.31 acres of land. The application was designated Preliminary Plan 1-04042. On 05/20/04, Preliminary Plan 1-04042 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-04042 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-04042.

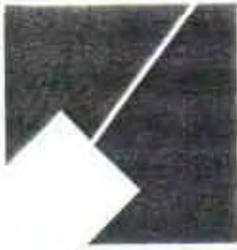
Approval, including a waiver of the minimum number of single-family detached units, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 97 condominium units and a clubhouse facility
- 2) Build the following shared use paths (Class I Bikeways), consistent with both the Potomac Subregion Master Plan and Countywide Bikeways Master Plans along the north side of River Road (MD190):
  1. A path along the site's frontage on the north side of River Road (MD 190), a distance of approximately 1,000 feet;
  2. A path extending a distance of approximately 1,200 additional feet to the east up to the Seven Locks Road intersection;
  3. A path extending approximately 300 feet to the west up to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) parking lot to the west
- 3) The applicant, at their expense, shall design and install a traffic signal at the entrance on River Road (MD 190) if the traffic signal is warranted and approved by the Maryland State Highway Administration.
- 4) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 5) Record plat to reflect a Category I easement over all areas of forest conservation

- 6) Submit a noise analysis to determine the noise impact level of traffic on River Road (MD 190) on the proposed development as part of the site plan submission; include as part of the study baseline noise conditions, 20-year projected noise levels, and appropriate noise mitigation if determined necessary from the noise analysis
- 7) Comply with conditions of approval as delineated by the Montgomery County Department of Permitting Services letter, dated April 12, 2004, concerning Special Inspections/Complex Structures
- 8) Construct fill placement and quarry wall securing systems under the supervision of a DPS-approved technical engineer licensed in the State of Maryland
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 10) Compliance with conditions of MCDPWT letter dated, May 7, 2004, unless otherwise amended
- 11) All roads shown on the preliminary plan to be dedicated to the full width recommended by the Potomac Subregion Master Plan.
- 12) The term "denied access" is to be placed on the final record plat along the property that abuts River Road (MD 190), except at the approved entrance
- 13) Access and improvements as required to be approved MDSHA prior to issuance of access permits
- 14) Moderately Priced Dwelling Units (MPDUs), shall be provided in accordance with Chapter 25A of the Montgomery County Code. The maximum bonus density proposed for the subject development requires 15% MPDUs, or 15 MPDUs; the applicant must fulfill the requirements for off-site provision of MPDUs by providing an additional payment-in-lieu equal to two additional units
- 15) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 16) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 17) Final number of MPDU's/TDR's to be determined at the time of site plan
- 18) Provide an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved preliminary plan. Include a note referencing affidavit on record plat
- 19) Prior to recording of plats, the applicant shall convey, subject to Parks Department acceptance, approximately 0.85 acres of the property, as shown on the project and preliminary plan drawings, to Maryland-National Capital Park and Planning Commission (M-NCPPC), as part of the Cabin John Stream Valley Park northeast of River Road (MD 190). Conveyed property to be free of trash or unnatural debris and to have appropriate signage.
- 20) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 21) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 22) Other necessary easements

SEP 07 2006

M-NCPPC



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

SEP 07 2006

MCPB No. 06-10  
Site Plan No. 820050290  
Project: The QuarryRESOLUTION<sup>1</sup>

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

WHEREAS, pursuant to Montgomery County Code § 59-D-3.4(b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions or disapprove a proposed site plan; and

WHEREAS, on March 24, 2005, W.M. Rickman Construction c/o Woodside Ventures ("Applicant"), filed an application for approval of a Site Plan for 97 multi-family dwelling units, including 15 MPDUs and 28 TDRs on 13.31 gross acres in the MXPD Zone on River Road, approximately 2000 feet west of the intersection with Seven Locks Road in Potomac, Maryland, an operational stone quarry, improved with temporary structures consisting of trailers and sheds ("Property" or "Subject Property"); and

WHEREAS, on June 10, 2005, the Planning Board approved Project Plan No. 920040040 and Preliminary Plan No. 120040420 for the proposed development; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820050290, The Quarry (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 23, 2006, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on March 10, 2006, Staff had issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

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<sup>1</sup> This Resolution satisfies the requirement for an opinion under the former language of § 59-D-3.8.

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application and approved the Application on the motion of Commission Bryant, seconded by Commissioner Wellington, with Commissioners Perdue, Bryant, Wellington, and Robinson voting in favor of the motion and Chairman Berlage absent, at its regular meeting held on Thursday, March 23, 2006, in Silver Spring, Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Site Plan No. 820050290 for 97 multi-family dwelling units, including 15 MPDUs and 28 TDRs, on 13.31 gross acres in the MXPB Zone, based on the uncontested evidence of record, subject to the following conditions:

1. Project Plan Conformance

The proposed development shall comply with the conditions of approval for Project Plan No. 920040040 as listed in the Planning Board opinion dated August 20, 2004.

2. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan No. 120040420 as listed in the Planning Board opinion dated June 7, 2004.

3. Landscaping

- a. Provide masonry screening for each generator proposed on the site to complement the exterior façade of each building. Evergreen trees shall also screen the generators with dedicated access points to the private road.
- b. Provide 2.5" caliper shade trees at 50 feet on center within the proposed lawn panel that separates the curb and the 8-foot-wide path along River Road, in accordance with standards of approval from the MD State Highway Administration.

4. Building Height

- a. The maximum height of the proposed buildings shall not exceed 225 feet above sea level to the median of the roof as shown on Applicant's Exhibit 1, Building Height, attached hereto.
- b. The height of the proposed buildings shall not exceed 75 feet as measured from the base of the mid point of the building to the mean height level between eaves and ridge of gable, as defined in the Montgomery County Zoning Ordinance.

5. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures or able to be equipped with shields, refractors or reflectors.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
- e. The height of the light poles shall not exceed 14 feet including the mounting base.

6. Pedestrian Circulation

- a. Provide an 8-foot-wide bituminous path parallel to River Road along the frontage of the property, extended north and west to the existing gravel parking area and extended south and east to the intersection with Seven Locks Road, in accordance with the approvals from the Maryland State Highway Administration.
- b. Provide a 5-foot-wide paved path from the north end of the private ring road to the sunrise terrace and fountain. Alignment of the path shall be coordinated and field walked by the Applicant and M-NCPPC.
- c. Provide a 5-foot-wide internal paver walkway that links the proposed buildings with the proposed clubhouse and pool area.
- d. Provide a 5-foot-wide paved walk from the internal ring road to the 8-foot-wide bituminous path along River Road.

7. Recreation Facilities

- a. Provide the recreation calculations in accordance with the M-NCPPC Recreation Guidelines.
- b. Provide a clubhouse, outdoor pool and associated deck and seating areas, indoor community space and pedestrian system.
- c. Provide verification that the indoor community space satisfies the square footage requirements for the number of units proposed as outlined in the M-NCPPC Recreation Guidelines.

8. M-NCPPC Park Facility

The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated March 6, 2006:

- a. Applicant to construct parking area improvements to the existing gravel parking area within the state right-of-way, located at the new hard surface trail's western terminus, by paving the existing gravel parking area, which will be sufficiently sized to accommodate at least six (6) cars. Paving of parking area is contingent on SHA approval, which approval Applicant agrees to use reasonable effort to secure.
- b. Applicant to adequately sign the newly constructed trail to direct the user to existing park trails located north and south of River Road. Trail signage to be acceptable to M-NCPPC park staff.
- c. Land that was identified for possible park dedication in the Project Plan (lot 2) to be owned by the project's Homeowner Association.

9. Public Utility Easement

Applicant to provide conduit, as required by utilities within the public utility easement (PUE) adjacent to the public right-of-way, in accordance with Pepco and Verizon approval letter dated March 3, 2006.

10. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 3, 2006:

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
- b. Record plat of subdivision shall reflect a Category 1 conservation easement over all areas of stream buffers and forest conservation.
- c. The Applicant shall develop and implement a non-native and invasive management plan as part of the final forest conservation plan.

11. Noise Attenuation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 3, 2006:

- a. The proposed development shall comply with the recommendations of the March 22, 2005 noise analysis, as refined on January 20, 2006. Applicant to mitigate the noise levels as recommended with the noise analyses.
- b. The Applicant shall comply with the conditions of approval as delineated by the Montgomery County Department of Permitting Services letter dated January 26, 2004 concerning Special Inspections/Complex Structures.

12. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated January 26, 2004.

13. Fire Marshall

The proposed development shall comply with the approval dated February 15, 2006 and based only upon information contained on the plan submitted February 20, 2006.

14. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 3rd building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

15. Development Program

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

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the buildings adjacent to those streets.
- b. Community-wide recreation facilities including the clubhouse, pool, and multi-function lawn area shall be completed prior to issuance of the 3rd building permit.
- c. Community-wide pedestrian pathways, including the 8-foot-wide bituminous path parallel to River Road from the existing gravel parking area to the intersection with Seven Locks Road and the 5-foot-wide sidewalk connection

- from the Ring Road to the 8-foot-wide bituminous path shall be completed prior to issuance of the 3rd building permit.
- d. Perimeter retaining walls shall be completed upon completion of the Ring Road
  - e. Landscaping associated with each parking lot and building shall be completed as construction of each parking lot and building is completed.
  - f. Pedestrian pathways including the 5-foot-wide internal paver walkway shall be completed as construction of buildings 2, 3 and 4 is completed. The 5-foot-wide internal paver walkway for Building 1 (southeast corner) shall be completed upon completion of this building.
  - g. The entry courtyard fountain shall be installed upon completion of the circular drive between buildings 1 and 2.
  - h. The sunrise terrace and decorative fountain, as well as the 5-foot-wide hard surface path leading from the Ring Road to the terrace, shall be completed upon completion of the Ring Road.
  - i. Upper and lower stream pools and associated pool shoulders and rock/masonry retaining walls shall be constructed upon completion of buildings 3 and 4.
  - j. The 5-foot-wide connector wooden bridge shall be constructed upon completion of the stream pools to connect buildings 3 and 4 via the 5-foot-wide internal paver walkway.
  - k. Provide the necessary roads with the construction of each development phase.
  - l. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

#### 16. Clearing and Grading

Clearing, site grading and stormwater management facility construction, in addition to that already permitted under the existing reclamation mining permit issued by the Department of Natural Resources, will be allowed prior to M-NCPPC approval of the certified site plan, provided the Montgomery County Department of Permitting Services has approved the Soil Erosion, Sediment Control and Stormwater Management Plans and M-NCPPC has approved the Forest Conservation Plan.

#### 17. Certified Site Plan

Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.

- d. Forest Conservation easement areas.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. Location of outfalls away from tree preservation areas.
- g. Provide the 45 dBA Ldn demarcation line to the impacted buildings.
- h. Provide details of the generator enclosure.
- i. Provide detailed specifications of the wooden footbridge, the picket fence connections to the masonry piers, and the trellis.
- j. Provide detail specifications of the proposed lighting poles and fixtures.
- k. Provide a letter from the appropriate utility company indicating approval of the conduit within the public utility easement.

BE IT FURTHER RESOLVED, that all site development elements shown on The Quarry (March 3, 2006) plans stamped by M-NCPPC on March 8, 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 the Planning Board's approval of the Application is based on the following findings:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.*

With the approved conditions, the proposed development is consistent with the approved Sectional Map Amendment (G-800) and Project Plan No. 920040040 in land use, density, location, building height and development guidelines. The number of parking spaces and the building coverage are consistent with the Master Plan caps and the requirements of the zone.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan provides for multi-family development, adequate green area, appropriate density, minimum building setbacks and maximum height limitations and meets all of the requirements of the RMX-1/TDR-6 Zone with the binding limitations on development as set forth in the following project Data Table:



		<b>Development Standards Approved by Planning Board and Binding on the Applicant</b>
--	--	--

Max. Building Height (ft.): Buildings 1-4	225 ft. elevation* Above sea level (75 feet)**
Clubhouse	225 ft. elevation* Above sea level (35 feet)**
Parking Spaces	
Multi-family units (97 3-bdrm @ 2 sp/du)	201 spaces
Surface/visitor parking	48 spaces
Motorcycle	<u>4 spaces</u>
Total Parking Spaces	253 spaces
Bicycle Spaces	10

\* The maximum height of the proposed buildings shall not exceed 225 feet above sea level to the median of the roof. For Buildings 1-4, the measurement at height shall be in accordance with Applicant's Exhibit 1, Building Height, attached hereto.

\*\*The height of Buildings 1-4 shall not exceed 75 feet and the Clubhouse shall not exceed 35 feet as measured from the base of the mid point of the building to the mean height level between eaves and ridge of gable, as defined in the Montgomery County Zoning Ordinance.

**Transfer Development Rights (TDRs)**

Maximum TDRs Required:	79 TDRs
Maximum Density Permitted:	97 dwelling units (80 x 1.22)
Base Density (R-200 Zone) subtracted:	<u>-26 dwelling units</u> (2 dwelling units/acre)
Subtotal of Required TDRs:	71 TDR units
MPDUs (15%) Subtracted:	-15 dwelling units
Subtotal of Required TDRs:	56 TDR units
Credit (50%) for Multi-family	<u>-28 TDR units</u>
<b>Total TDRs Required:</b>	<b>28 TDR units</b>

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

a. Buildings and Structures

The locations of the buildings and structures are adequate, safe, and efficient. The proposed Site Plan includes four 5-story (approximately 75 feet) multi-family buildings that conform to the shape of the developable area on the site. The site is irregularly shaped due to the rock face walls created during the quarry activity on the site. The two buildings closest to River Road are U-shaped with the primary entrances to those buildings at the corners of the site. The remaining buildings to the north are linear in nature; however, the midsection of the buildings is bumped out conforming to the internal ring road, which corresponds to the lot configuration.

The guardhouse is located at the entrance to the site, flanked by columns that emphasize the vehicular and pedestrian access into and out of the site. The guardhouse is also the foreground to the 2-story clubhouse framed by the two ends of buildings 1 and 2. The clubhouse is proposed for up to 50,000 square feet and is not calculated in the residential density of the development. The Planning Board expressly finds that the Project Plan approved a clubhouse of up to 50,000 square feet and that the clubhouse proposed as part of this Site Plan is, therefore, in conformance with the Project Plan approval.

Proposed structures, including the terraced rock face walls, are located at the perimeter of the north, west and eastern portion of the site, adjacent to the ring road. The walls range in height from 8 feet to over 30 feet. As part of the approval from DPS, the Applicant is required to stabilize the existing and proposed rock quarry walls. The stability of the walls will require a review under special inspections of complex structures, pursuant to DPS approval dated January 26, 2004.

The Site Plan specifies building coverage of approximately 17%, consistent with the binding element of the zoning case.

The measurement of the building shall not exceed an elevation of 225 feet above sea level as conditioned in the binding elements of the zoning case and project plan, and as consistent with the zoning ordinance. The height is measured to the median of the roof. Based upon the 225-foot elevation, the maximum building height for proposed 5-story buildings will be 75 feet, as measured from the front of the building on the ring road.

b. Open Spaces

The open spaces are adequate, safe, and efficient. The Site Plan specifies that 70 percent of the net tract area will be green area. The binding elements of the approved zoning case and the Project Plan conditions of approval require that a minimum green area of 60 percent and 70 percent, respectively, be provided on the site. The underlying zone (RMX-1) requires a minimum of 50 percent of green area to be attributed toward the application.

Park staff has fully evaluated the 0.85 acres of land that was proposed for dedication in the Project Plan, subject to park staff acceptance. Park staff concluded and the Planning Board agrees that the proposed dedication would be of no benefit to the park system and in fact, would likely be a maintenance liability due to its close proximity to existing homes and steep walls of the quarry. This land will, therefore, be included as HOA property.

The proposed stormwater management concept consists of on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

c. Landscaping and Lighting

The landscaping and lighting is adequate, safe, and efficient. The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the frontage of the Subject Property between the 7-foot-tall picket fence with masonry piers on the property line and the improved 8-foot-wide bituminous path adjacent to River Road. The entrance to the site is ornately landscaped with flowering shrubs as a foreground to the stone entry signs and a masonry and picket fence stretching along the entire frontage of the site. The entrance to the site frames the clubhouse and presents a fountain in the center island.

The Planning Board required the Applicant to amend the Site Plan to include street trees within the variable lawn panel along the frontage of the Subject Property adjacent to River Road that separates the curb and proposed 8-foot-wide path.

The circular ring road around the perimeter of the buildings contains Red Oaks spaced approximately 40 feet on center within a minimum 6-foot-wide lawn panel, except where head-in parking disrupts the pattern and spacing. The entry to the proposed buildings is accentuated with flowering trees and marked with special pavers that announce the primary pedestrian access. A mixture of shrubs, shade, flowering and evergreen trees have been integrated into the design of the terraced rock face walls to further break up the shear height of the walls. The rear of lot 65 in the adjacent Bradley Hills subdivision to the northwest also includes additional planting to buffer the development and soften views.

The lighting plan consists of two separate pole mounted fixtures ranging in height from 10 to 12 feet. The majority of the upright fixtures are located around the private ring road and at the entrance to the site. The plan also provides for bollard lighting for pedestrian safety adjacent to the sidewalks and uplighting for illumination of the landscape material. Light fixtures have been selectively placed to illuminate key areas of the site and have been minimized in terms of height to negate glare or direct focus on the adjacent communities.

d. Recreation Facilities

The recreation facilities are adequate, safe, and efficient. Recreation demand is satisfied in accordance with the Recreation Guidelines. The recreation provided with this application consists of a 2-story clubhouse and associated swimming pool, lawn area and seating areas and internal community space in building 2. The clubhouse area has an internal paved pedestrian system and wooden footbridge that connects the recreation facilities and residences. Two natural pool areas are being created between buildings 3 and 4 to simulate a natural stream and meandering path. The upper stream pool is located near the northern end of the ring road, winding down to a central gathering area near the pool.

An additional 5-foot-wide pedestrian path is situated to the north of the ring road that switchbacks upward to a sunrise terrace and decorative fountain that will overlook the development and is oriented toward River Road.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient. A single vehicular access point to the site is being provided from River Road. Vehicular access into the site consists of a dedicated and protected left turn lane into the site on eastbound River Road, as well as an 11-foot-wide deceleration lane on westbound River Road. The outbound traffic from the site onto River Road is proposed for a dedicated and protected turn lane into eastbound traffic and an acceleration lane merging into westbound traffic.

The proposed access point at the site entrance is 22-foot-wide inbound and 25-foot-wide outbound, with wider tapers near the intersection with River Road. The monumental entrance contains a guardhouse and immediately spurs off to the east and west into the internal 22-foot-wide ring road. A one-way circular drop-off with parallel parking is located between buildings 1 and 2, terminating at the entrance to the clubhouse and pool area. The ring road completely encircles the proposed buildings on the site and is located at the base of the rock face walls on the northern, eastern and western perimeters of the site.

Pedestrian access includes an 8-foot-wide bituminous path that parallels the improvements on River Road along the frontage of the Property and extends to a gravel parking area on the northwest end to the intersection with Seven Locks Road to the southeast. The gravel parking area is within the River Road right-of-way. A 5-foot-wide sidewalk is being extended

internally from the ring road to the aforementioned 8-foot-wide bituminous path. The inside of the ring road contains a continuous 5-foot-wide sidewalk that provides access from the visitor parking area to the individual buildings. A 5-foot-wide pedestrian paver walkway is proposed within the interior building envelope to provide for pedestrian linkages throughout the site.

Additionally, a meandering 5-foot-wide path is located at the northern end of the Property connecting the internal development to an outdoor terrace that contains a fountain. A 4-foot-wide natural surface path is located on Lot 2 (M-NCPPC property) providing a scenic overlook to the proposed path along River Road. This path does not connect to the proposed development.

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

The Site Plan is compatible with other uses and existing developments within the surrounding vicinity and adjacent communities in terms of height, massing, building location and density.

The building configuration of the proposed multi-family dwellings offers a higher level of compatibility than would have been permitted under a standard one-family detached type of development in terms of an appropriate setting for the buildings and level of scale to the surrounding communities. The views from River Road are enhanced through a compatible scale.

The wooded buffer of approximately 80-100 feet in depth, along with the additional forest planting requirement, provide for an effective buffer between the existing communities and the proposed development, offering a more desirable relationship.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was prepared by the Applicant and approved by staff in January, 2004. The NRI/FSD indicates there are no streams, wetlands, floodplains or environmental buffers on the site. The Subject Property contains 2.76 acres of existing forest.

The site contains more forest than the afforestation threshold; therefore, it must be reforested up to the conservation threshold, under the optional method of development. The Applicant will be removing 0.50 acres of forest for stabilization efforts and has a planting requirement of 0.76 acres. The Applicant will meet

these planting requirements on-site through on-site reforestation, landscape credits and supplemental plantings within existing forest.

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 the date of this written opinion is SEP 07 2006 (which is the date that this opinion 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).

\* \* \* \* \*

At its regular meeting, held on Thursday, July 27, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, and Commissioner Robinson abstaining, and Commissioner Bryant necessarily absent, ADOPTED the above 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. 820050290, The Quarry.

Adopted by the Montgomery County Planning Board this 27<sup>th</sup> day of July, 2006.



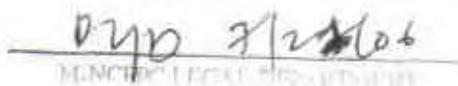
Derick P. Berlage  
Chair, Montgomery County Planning Board



Trudye M. Johnson  
Executive Director

DPB:TMJ:dyd:df

APPROVED AS TO LEGAL SUFFICIENCY



8/2/06

# Attachment D

6. OWNER AND/OR DEVELOPER RESERVES THE RIGHT TO MAKE FUTURE MODIFICATIONS TO FENCE DESIGN VIA STAFF APPROVAL. STAFF MAY APPROVE DIFFERENT FENCE WITHOUT THE NEED TO MODIFY OR REAPPROVE PLAN.

7. NATURAL SURFACE/MULCH ACCESS TRAILS TO BE WITHIN FOREST CONSERVATION EASEMENTS. EXACT LOCATION TO BE DETERMINED WITH COORDINATION WITH MNGPPC INSPECTOR. PATH IS NOT PART OF RECLAMATION AND WALL STABILIZATION REQUIREMENTS.

NOTES:  
1. ALL EXISTING FENCES, WALLS, AND STRUCTURES TO BE REMOVED FROM FOREST CONSERVATION EASEMENTS PRIOR TO PLANTING OF REFORESTATION MATERIAL.

2. QUARRY RETAINING WALL LOCATIONS SUBJECT TO CHANGES AS CONDITIONS ON THE GROUND DICTATE DURING CONSTRUCTION. ANY CHANGES TO WALL MUST MAINTAIN THAT SLOPES THAT ARE TO BE PLANTED AND PUT INTO A FOREST CONSERVATION EASEMENT AT A MAXIMUM OF A 3 TO 1 SLOPE. WALLS MUST STAY A MINIMUM OF 3-5 FEET AWAY FROM THE FOREST EASEMENT BOUNDARY.

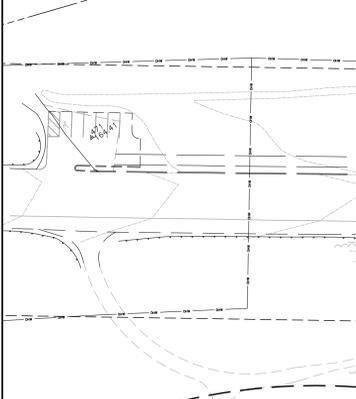
3. INDIVIDUAL TREES ALONG THE PERIMETER OF THE QUARRY EDGE ARE SUBJECT TO REMOVAL DURING CONSTRUCTION FOR SAFETY REASONS. REMOVAL CAN ONLY OCCUR WITH PRIOR APPROVAL FROM A MNGPPC SITE INSPECTOR.

4. The initial Subdivision Plat No. 23709 outlining the category one forest conservation easements was recorded on October 4, 2007. In response to the Maryland Department of Natural Resources April 14 and 16, and June 5, 2008 documents included in the MNGPPC staff report, re-approval and re-recording of the forest conservation easements modified by this revised forest conservation plan is not required for issuance of fence, building, or other permits by the Department of Permitting Services or MNGPPC permits or bonds. The applicant may enter into the existing forest conservation easements and proceed with fence relocation to the property line, clearing, grading, storm water management and wall stabilization work and other necessary work in accordance with this plan upon the planning board approval issued on the hearing date.

5. THE LIMITS OF DISTURBANCE HAS BEEN MAXIMIZED TO THE PROPERTY BOUNDARY FOR SAFETY REASONS IN ORDER TO COINCIDE WITH THE LIMITS OF DISTURBANCE OF THE MDE MINING RECLAMATION PERMIT TO ENABLE PROPER STABILIZATION OF THE QUARRY WALL AS REQUIRED BY MDE AND IN ORDER TO MEET MNGPPC PRE-CONSTRUCTION REQUIREMENTS. EXACT RETAINING WALL LOCATIONS SUBJECT TO CHANGE IN ORDER TO MEET SAFETY CONCERNS PER MDE REQUIREMENTS. DISTURBANCE TO FOREST AND TREES SHOULD BE MINIMIZE WHEN POSSIBLE. WHEREVER POSSIBLE TREE PROTECTION FENCE, ROOT PRUNING, AND OTHER TREE STRESS REDUCTION MEASURES SHOULD BE USED IN ORDER TO MAXIMIZE FOREST AND TREES SAVED. TREE PROTECTION FENCING AND STRESS REDUCTION MEASURES MAY BE SHIFTED IN FIELD FROM WHAT IS SHOWN IN ORDER TO SAVE MORE TREES AND FOREST IF GRADING REQUIREMENTS ARE LESS THAN THE LIMITS OF DISTURBANCE AS SHOWN. TREES MARKED TO BE REMOVED SHOULD BE SAVED IF POSSIBLE. WHEREVER DISTURBANCE CROSSES THE CRITICAL ROOT ZONE OF A TREE, ROOT PRUNING AND OTHER STRESS REDUCTION MEASURES SHOULD BE PERFORMED.

DESCRIPTION	SIZE
Total Tract Area	13.30 Acres
Tract remaining in Agricultural Use	0.00 Acres
Road & utility ROW (unimproved)	0.00 Acres
Existing Forest	2.76 Acres
Total Forest Retention	0.00 Acres
Land Use Category	Mixed Use
Reforestation Threshold	15%
Forest in Wetlands Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in 100-year Floodplain Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in Stream Valley Buffer Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in other Priority Areas Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Stream Valley Buffer Length	0 Feet
Avg. Width	0 Feet

DESCRIPTION	SIZE
Total Tract Area	2.86 Acres
Tract remaining in Agricultural Use	0.00 Acres
Road & utility ROW (unimproved)	0.00 Acres
Existing Forest	0.00 Acres
Total Forest Retention	0.00 Acres
Land Use Category	Mixed Use
Reforestation Threshold	15%
Forest in Wetlands Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in 100-year Floodplain Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in Stream Valley Buffer Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in other Priority Areas Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Stream Valley Buffer Length	0 Feet
Avg. Width	0 Feet



**FINAL FOREST CONSERVATION PLAN CERTIFICATION**

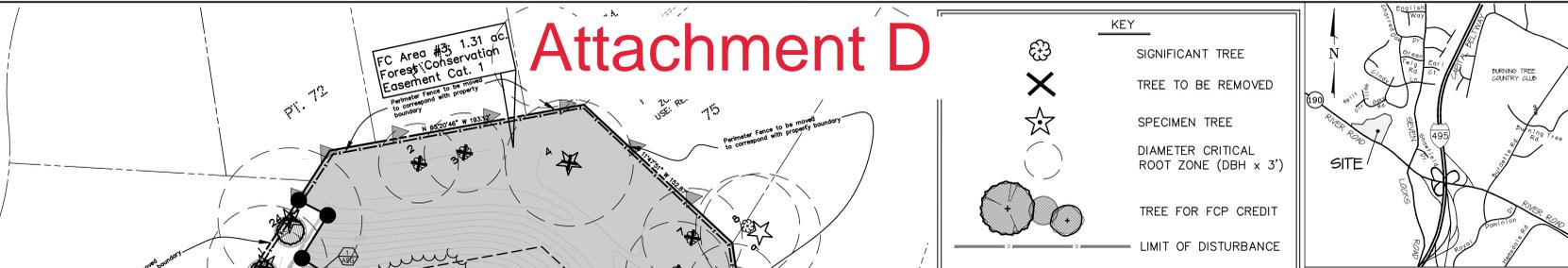
I, the undersigned, certify that the information shown herein is correct and true to the best of my knowledge and belief, and that I am a duly licensed professional engineer in the State of Maryland. I am not aware of any material omissions or misstatements of fact in this plan.

DATE: \_\_\_\_\_  
 NAME: Frank D. Johnson  
 REGISTERED PROFESSIONAL ENGINEER  
 NO. 10123, STATE OF MARYLAND

Call "Miss Utility"  
 Telephone 1-800-257-7777  
 For Utility Locations At  
 Least 48 Hours Before  
 Beginning Construction

ID	COMMON NAME	SIZE	BOTANICAL NAME	CONDITION/REMARKS
1	White Pine	12"	Pinus strobus	Good, REDUCE
2	Virginia Pine	12"	Pinus virginiana	Good - Leaning to NE, REDUCE
3	Starbuck Red Oak	12"	Quercus palustris	Good, REDUCE
4	Starbuck Red Oak	12"	Quercus palustris	Good - Off-side
5	Red Maple	12"	Acer rubrum	Good - Same side, REDUCE
6	Tulip Poplar	12"	Liriodendron tulipifera	Good, REDUCE
7	Bittersweet	12"	Alopecurus	Good, REDUCE
8	Black Locust	12"	Rhynchospora	Good - Off-side
9	Black Locust	12"	Rhynchospora	Good - Off-side
10	Virginia Pine	12"	Pinus virginiana	Good, REDUCE
11	Tulip Poplar	12"	Liriodendron tulipifera	Good - Off-side
12	Tulip Poplar	12"	Liriodendron tulipifera	Good - Off-side
13	Starbuck Red Oak	12"	Quercus palustris	Good - Off-side
14	Tulip Poplar	12"	Liriodendron tulipifera	Good - Off-side
15	Virginia Pine	12"	Pinus virginiana	Fair - Heavy limbs - Point SW
16	Tulip Poplar	12"	Liriodendron tulipifera	Good - 10' diam. Altimeter, REDUCE
17	Bittersweet	12"	Alopecurus	Good - Off-side/ROW, REDUCE
18	Bittersweet	12"	Alopecurus	Good - 1' dia., REDUCE
19	Black Locust	12"	Rhynchospora	Fair - Contained bank
20	Red Elm	12"	Ulmus rubra	Fair - Leans to River SW Off-side/ROW, REDUCE
21	Virginia Pine	12"	Pinus virginiana	Good, REDUCE
22	Tulip Poplar	12"	Liriodendron tulipifera	Fair - 6' four trunks at dist and some plant
23	Tulip Poplar	12"	Liriodendron tulipifera	Good - Leans tree from adjacent grading, REDUCE
24	Bittersweet	12"	Alopecurus	Good - also contained, REDUCE
25	Bittersweet	12"	Alopecurus	Good - also contained, REDUCE

Notes: 1. Specimens are shown for each tree to indicate size. Trees shown with a star are to be saved. 2. If a tree is marked for removal, it should be removed within 60 days of the start of construction. 3. If a tree is marked for retention, it should be retained until the end of construction. 4. If a tree is marked for retention, it should be retained until the end of construction. 5. If a tree is marked for retention, it should be retained until the end of construction.



	SIGNIFICANT TREE
	TREE TO BE REMOVED
	SPECIMEN TREE
	DIAMETER CRITICAL ROOT ZONE (DBH x 3')
	TREE FOR FCP CREDIT
	LIMIT OF DISTURBANCE
	TREE PROTECTION FENCE & ROOT PRUNING
	2.67 ACRE REFORESTATION CATEGORY 1 FOREST CONSERVATION EASEMENT
	0.41 ACRE LANDSCAPE CREDIT, CATEGORY 2 FOREST CONSERVATION EASEMENT
	PERMANENT FOREST CONSERVATION SIGNAGE
	PERMANENT FOREST CONSERVATION MONUMENT
	QUARRY PERIMETER FENCE
	QUARRY WALLS
	PROPOSED CONTOURS
	EXISTING CONTOURS

**VICINITY MAP**  
 SCALE 1" = 2,000'

NOTE:  
 ON-SITE DISTURBANCE: (6.35 AC. REQUIRED)  
 0.53 AC. LANDSCAPE/TREE CREDITS  
 2.67 AC. OF REFORESTATION  
 3.20 AC. TOTAL ON-SITE PLANTINGS  
 2.15 AC. TO BE MET VIA OFF-SITE FOREST BANKING  
 OFF-SITE DISTURBANCE: (0.43 AC. REQUIRED)  
 0.43 ACRES OF TREE CREDITS

**OWNER/APPLICANT**  
 W.M. RICKMAN CONSTRUCTION CO., LLC  
 C/O PEARL STREET, LLC  
 4421 EAST WEST HIGHWAY  
 BETHESDA, MD 20814  
 PHONE: 202-297-8317

A. Total tract area	13.30
B. Land dedication areas (parks, county facility, etc.)	0.00
C. Land dedication for roads or utilities (not being constructed by the plan)	0.00
D. Area to remain in commercial agricultural production	0.00
E. Other dedications (specify)	0.00
F. Net Tract Area	13.30

Area	MGR	GA	HER	MFD	CR
0	0	0	0	0	0

I. Existing forest cover	2.76
J. Area of forest above afforestation threshold	0.77
K. Area of forest above conservation threshold	0.15

L. Forest retention above threshold with no mitigation	2.68
M. Clearing permitted without mitigation	0.08

N. Total area of forest to be cleared	2.76
O. Total area of forest to be retained	0.00

P. Reforestation to clearing above conservation threshold	0.02
Q. Reforestation for clearing above conservation threshold	5.32
R. Credit for retention above conservation threshold	0.00
S. Total afforestation required	5.34
T. Total reforestation required	0.02
U. Credit for landscaping (may not exceed 20% of "S")	0.53
V. Total reforestation and afforestation required	4.82

Category	Area	MGR	GA	HER	MFD	CR
1	0	0	0	0	0	0

I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00

Category	Area	MGR	GA	HER	MFD	CR
1	0	0	0	0	0	0

I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00



**DEVELOPER'S CERTIFICATE**

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 82005029B, including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: PEARL STREET, LLC      JOHN FITZGERALD  
 Company      Contact Person

Address: 4421 East West Highway  
 Bethesda, MD 20814  
 Phone: 202-297-8317  
 Email: john@1788holdings.com

Signature: \_\_\_\_\_

**Final Forest Conservation Plan**  
**The Quarry**  
 Residence at Donald's Park  
 Parcel 318  
 10TH ELECTION DISTRICT  
 MONTGOMERY COUNTY - MARYLAND

**SP-16**  
 WSSC 210NW08

TAX MAP GN123

Macris, Hendricks & Glascock, P.A.  
 Engineers ■ Planners  
 Landscape Architects ■ Surveyors

9220 Wightman Road, Suite 120  
 Montgomery Village, Maryland  
 20886-1279

Phone 301.670.0840  
 Fax 301.948.0693  
 www.mhga.com

NO.	DATE	DESCRIPTION	BY
3	08-15-17	Rev. per DRC comments	FCJ
2	03-31-17	Adjusted site plan and landscaping for FC credit	FCJ
1	11-10-15	Adjusted landscaping for FC credit	FCJ

Proj. Mgr. Designer  
 MDP FCJ  
 Date Scale  
 7-29-08 1" = 50'  
 Project No. Sheet  
 01.205.42 1 of 2



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

August 31, 2017

Mr. Casey Anderson, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: The Quarry  
Preliminary Plan No.: 1-04042 (granted 6/7/2004)  
Project Plan No.: 9-04004 (granted 8/20/2004)  
Site Plan No.: 820050290 (granted 9/7/2006)  
(Collectively referred to as the "Previous Entitlements")

Dear Mr. Anderson:

This letter follows up on a recent meeting with staff and legal counsel for the Department of Housing and Community Affairs ("DHCA") and the Planning Department concerning an "Alternative Compliance Measure Agreement to Build Moderately Priced Dwelling Units For a Permit of 35 or More Dwellings" by and between W.M. Rickman Construction Company LLC and Montgomery County dated March 29, 2005 ("Agreement"). W.M. Rickman Construction Company LLC and assigns are referred to herein as "developer". The meeting call concerned the implementation of the Agreement in light of the developer's desire to amend the Previous Entitlements by replacing two approved but unbuilt multifamily structures containing 47 condominium units with 44 townhomes.

As discussed during the meeting, the Agreement was executed in accordance with Chapter 25A of the Montgomery County Code ("MPDU Law") at the time it was executed. The MPDU Law permitted developers to enter into a payment arrangement, in lieu of constructing the units on site, if the package of services to be offered at the development resulted in condominium fees that are so high the proposed MPDU units would be unaffordable to MPDU participants. The MPDU Law also required that an alternative payment agreement provide for more MPDUs than would otherwise be required if constructed on site. In the case of the Quarry, 15 MPDUs were required as part of the development approvals and the Agreement requires payment from the developer in an amount equal to 17 units.

**Office of the Director**

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3791 FAX  
[www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

Mr. Casey Anderson, Chair  
August 31, 2017  
Page 2

DHCA wishes to have the developer fulfill its requirements under the Agreement, as opposed to having the remaining MPDUs constructed on site following an amendment to the Previous Entitlements. If amended, the Site Plan would merely change the style of housing from condominium to townhomes, but not the total percentage (15%) of the MPDUs required under the Previous Entitlements. Most importantly, any change in the Previous Entitlements will not change the very high level of services and condominium fees at The Quarry, and hence, the high cost of the units, to prospective MPDU owners.

Requiring that MPDUs be constructed on site as part of an amendment to the Previous Entitlements serves no public purpose. The cost of the MPDUs, along with the condominium fees, will not be affordable to prospective MPDU buyers. If any MPDUs constructed at The Quarry are not sold to MPDU buyers during the priority sales period established under Chapter 25A, the law permits the MPDUs to be sold to market rate purchasers, albeit at the reduced sales price and governed by the MPDU covenants. See Section 25A-8(a).

As demonstrated by the enclosed spreadsheet, the MPDUs will be unaffordable to eligible households if no subsidy is provided. Even with a subsidy using over \$700,000 from the Housing Initiative Fund ("HIF"), or over \$100,000 per MPDU, the MPDUs at the Quarry would only be "affordable" to initial purchasers at the upper end of MPDU pricing (prospective buyers whose household income is at 70% of area median income). Undoubtedly, \$700,000 is a substantial and extraordinary contribution, but even if DHCA committed to using HIF funds to assist in making the MPDUs affordable, that contribution would be of very limited utility. Once the condominium fees start to increase, or when the MPDUs are resold (usually within a period of 5 to 10 years), the MPDUs at The Quarry would no longer be affordable to MPDU buyers.

The issues presented by The Quarry concerning the construction, or not, of the MPDUs on site is an anomaly because of the long period of time that has passed since the development started in 2004-05 and the future date at which it will be completed. Because of this extended period of time, the development spans changes to both the MPDU Law and the zoning ordinance. Any difficulties we are experiencing in interpreting the law concerning this development will not be repeated. However, in this case, the County wishes to permit the developer to fulfill its obligations to a legal agreement to avoid the construction of unaffordable MPDUs and to permit the construction or acquisition of MPDUs in the same or an adjacent planning area.

Therefore, DHCA wishes to express a strong desire to permit the developer to fulfill its contractual responsibilities under the Agreement, which requires a payment to the County's Housing Initiative Fund ("HIF") in the amount of \$1,700,000.00. This payment is in lieu of the

Mr. Casey Anderson, Chair  
August 31, 2017  
Page 3

developer constructing MPDUs at the site. The developer paid \$900,000.00 of the \$1,700,000.00 in November 2016 for the first phase of the project. Once received in full, DHCA will aggressively seek to use the funds from the developer's payment to provide MPDUs with three bedrooms, suitable for families, in the near future.

Thank you very much for your interest in this matter. If you have any questions concerning The Quarry or the issues presented here, please contact Jay Green, Chief, Division of Housing, at 240-777-3704.

Sincerely,



Clarence J. Snuggs  
Director

CJS:sek

Enclosure: Affordability for MPDU Purchasers

cc: Vickie Gaul, Associate County Attorney  
Jay Greene, Chief, Division of Housing, DHCA  
Stephanie Killian, Manager, Affordable Housing Section, DHCA  
Carol Rubin, Principal Counsel, Montgomery County Planning Department  
Sandra Pereira, Area 3 Acting Supervisor, Montgomery County Planning Department  
Benjamin Berbert, Area 3 Planner Coordinator, Montgomery County Planning Department

## Affordability for MPDU Purchasers at 70% of Median Income - Quarry Springs (assumes 30% of income toward housing)

MPDU Maximum Incomes:			
HH Size	70% Max. Income	70% Rounded	100% Rounded
		(Nearest \$500)	(Nearest \$500)
1	\$54,047	\$54,000	\$77,210
2	\$61,768	\$62,000	\$88,240
3	\$69,489	\$69,500	\$99,270
4	\$77,210	\$77,000	\$110,300
5+	\$83,387	\$83,500	\$119,124

Assumptions:			
Unit Sizes	3 BR	1,200	sq. feet
% Monthly Income to Housing =	30%	Homeowners insurance (per year)	= \$480
Downpayment =	3.5%	Property Taxes (% of property value)	= 1.15%
HOA Fee Per Sq Ft =	\$0.80	PMI (% of Amount Financed 90.0-95%)	= 0.90%
Mortgage Term (months) =	360		

Interest rate = 4.25      4.25      INCOME      Est. Actual price      \$220,000.00

Household Size	70% Maximum Income to Purchase	Monthly Income	30% of Income Towards Housing	Monthly Condo/HOA Fee	Monthly Taxes & Insurance	PMI Private Mortgage Insurance	Remaining Available for Principal & Interest	Enter # from Left Until Both are the Same	Approx Max Mortgage that can be supported at 4.25%	Sq. Ft.
3	\$69,500	\$5,792	\$1,738	\$960	\$150	\$83	\$545	\$545	\$110,684	1,200

MPDU Price		Relation to Affordability (+ number means is affordable)	
100% of Max price	\$114,699		\$0
1 resale actual price with 5% CPI and no RE	\$120,434		-\$5,735
2nd resale with 5% CPI and no RE	\$126,455		-\$11,757
		Cost to pay down 7 units	\$ 737,109



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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

---

**DATE:** 06-Nov-17  
**TO:** Adam Rufe  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** The Quarry  
82005029B 12004042A

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 06-Nov-17. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* 82005029 was approved 10/8/2015 \*\*\***



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

May 26, 2017

Mr. Dylan Macro  
Macris, Hendricks & Glascock, PA  
9220 Wightman Road, Suite 120  
Montgomery Village MD 20886

Re: **REVISION TO COMBINED STORMWATER  
MANAGEMENT CONCEPT/SITE  
DEVELOPMENT STORMWATER  
MANAGEMENT PLAN** for Quarry Spring –  
Phase II  
Preliminary Plan #: 12004042A  
Site Plan #: 82005029B  
SM File #: 210273  
Tract Size/Zone: 13.3 ac. (8.4 in Phase I) / RMX-  
1/TDR-6  
Total Concept Area: 4.9 ac  
Lots/Block: Lots 1 and 2  
Parcel(s): n/a  
Watershed: Cabin John

Dear Mr. Macro:

Based on a review by the Montgomery County Department of Permitting Services (MCDPS) Review Staff, the revision to the combined Stormwater Management Concept/Site Development Stormwater Plan for the above mentioned site is **acceptable**. The concept proposes to meet Environmental Site Design to the Maximum Extent Practicable stormwater management goals via micro-bioretenion facilities and one bio-swale. Volume not able to be treated in ESD measures will be treated in an existing underground concrete storage vault with a cartridge filter system that was built under permit SC#219535 with Phase I of the project.

The following items will need to be addressed during the detailed sediment control/stormwater management (SC/SWM) plan stage:

1. A detailed review of all computations will occur at the time of SC/SWM plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media manufactured best management practices must consist of MDE approved material.
4. The walls of the micro-bioretenion planters must be concrete. The submission can include either structural details and computations or the facility can be shown as pre-cast which will require shop drawings to be reviewed by the engineer and accepted by MCDPS prior to fabrication.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

Mr. Dylan Macro  
May 26, 2017  
Page 2 of 2

5. The submission must demonstrate that the volume of runoff to be treated can be captured and conveyed without bypassing the micro-bioretenion facilities.
6. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the SC/SWM plans by MCDPS, Water Resources Section.
7. Prior to submission the applicant must conduct an as-built survey of the existing vault to confirm the facility is constructed in general conformance with the design and the volume being used to treat the runoff from this phase of the project is available. This information must be reflected in the submission. This will not take the place of the as-built MCDPS requires at the end of the project.
8. Prior to MCDPS' approval of the SC/SWM plan the applicant must obtain confirmation from MSHA to that the receiving storm drain system in the River Road (MD 190) right-of-way is adequately sized for runoff from the revised development.

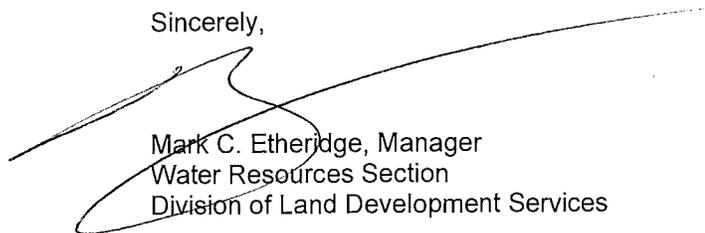
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is** required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at [mary.fertig@montgomerycountymd.gov](mailto:mary.fertig@montgomerycountymd.gov).

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

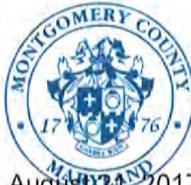
MCE: MMF

cc: C. Conlon  
SM File # 210273

ESD: 11,200 CU FT/ Equivalent PE=1.29"

STRUCTURAL : 13200 CU FT

WAIVED : 800 CU FT



August 24, 2017

DEPARTMENT OF PERMITTING SERVICES

Isiah Huggins  
County Executive  
Mr. Dylan Macro  
Macro, Hendricks & Glascock, PA  
9220 Wightman Road, Suite 120  
Montgomery Village MD 20886

Diane R. Schwartz Jones  
Director

Re: RECONFIRMATION OF **COMBINED STORMWATER  
MANAGEMENT CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for Quarry  
Spring – Phase II  
Preliminary Plan #: 12004042A  
Site Plan #: 82005029B  
SM File #: 210273  
Tract Size/Zone: 13.3 ac. (8.4 in Phase I) / RMX-1/TDR-6  
Total Concept Area: 4.9 ac  
Lots/Block: Lots 1 and 2  
Parcel(s): n/a  
Watershed: Cabin John

Dear Mr. Macro:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated May 26, 2017 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

This letter and the May 26, 2017 approval letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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Water Resources Section  
Division of Land Development Services

MCE: MMF

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Mr. Benjamin Berbert  
Preliminary Plan Amendment No. 12004042A  
November 13, 2017  
Page 2

Sharepoint/DOT/director's office/development review/Rebecca/Potomac subregion/the quarry/12004042A the quarry DOT  
Prelim plan ltr.docx

cc: William Rickman W.M. Rickman Construction Co.  
Vic Bryant Macris, Hendricks & Glascock  
John Fitzgerald Pearl Street LLC  
Adam Rufe Macris, Hendricks & Glascock  
Barbara Sears Linowes and Blocher LLP  
Laura Hodgson M-NCPPC Area 3  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR