



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

MCPB No. 17-127  
 Preliminary Plan No. 12004042A  
 The Quarry  
 Date of Hearing: December 21, 2017

JAN 12 2018

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 7, 2004, the Planning Board approved Preliminary Plan No. 120040420, creating one lot for up to 97 multi-family condominium units on 13.31 acres of land in the RMX-1/TDR-6 zone, located *on* the north side of River Road, approximately 1,500 feet west of the intersection with Seven Locks Road (“Subject Property”), in the Potomac Policy Area and 2002 Potomac Subregion Master Plan (“Master Plan”) area; and

WHEREAS, on May 24, 2017, William Rickman (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan to subdivide one lot approved for 97 multi-family condominiums into one lot for 50 existing multi-family condominiums and a clubhouse, 44 lots for 44 one-family attached units, an open space parcel and a private road parcel on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan No. 12004042A, The Quarry (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 8, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 21, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 21, 2017, the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 5-0. Commissioners Andersen, Cichy, Dreyfuss, Fani-Gonzalez and Patterson, voting in favor.

Approved as to  
 Legal Sufficiency

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12004042A to subdivide one lot approved for 97 multi-family condominiums into one lot for 50 existing multi-family condominiums and a clubhouse, 44 lots for 44 one-family attached units, an open space parcel and a private street parcel on the Subject Property by fully eliminating condition 19, and modifying the following conditions:<sup>1</sup>

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.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

**BE IT FURTHER RESOLVED** that the Planning Board **APPROVES** Preliminary Plan No. 12004042A to subdivide one lot approved for 97 multi-family condominiums into one lot for 50 existing multi-family condominiums and a clubhouse, 44 lots for 44 one-family attached units, an open space parcel and a private road parcel on the Subject Property by adding the following new conditions:<sup>2</sup>

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.

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<sup>2</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- 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.”

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

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 is appropriate for residential townhouse dwelling units. The Property is unique because it sits on the site of an old quarry 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 is appropriate for the townhouse dwelling type and takes into consideration the existing topography and existing development on the Property. The Preliminary Plan creates lots that are almost identical in size to the footprints of the townhouse dwellings, maximizing open space amenity areas which is consistent with the amount of open and landscaped area around the existing condominium buildings. The increased open space also allows increased flexibility to accommodate areas of visitor parking, rear 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 used for 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 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 abut the subject Property to the north and east. The Planning Board reduced the minimum setbacks to 90 feet 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 90foot setback is to a stick of six townhomes along the northern Subject Property boundary. 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. The Board finds adequate compatibility because the 45-foot elevation drop effectively screens the new townhouse dwellings from the existing development, along with existing and required additional landscaping on top of the retaining walls.

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. The Master Plan contemplated a high intensity residential development

in the old Stoneyhurst Quarry that included options for townhomes or multi-family development. The Preliminary Plan Amendment contains both dwelling types and continues to meet specific land use and design guidelines, many of which are already implemented. These including the implementation of stormwater management, dedication of River Road, and constructing a shared use path within the right-of-way. The Master Plan did recommend dedication of approximately 0.85 acres of land to Parks, however during the original Site Plan process it was determined by Parks that dedication was not desirable, and the land is instead protected in environmental easements.

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

#### Roads and Other Transportation Facilities

The Subject Property frontage along River Road (MD 190) 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)

This Amendment replaces the unbuilt 47 multi-family units with 44 townhouse units, which generates two more peak-hour trips than were approved in 2004 with 97 multi-family units, necessitating a new or amended traffic study. Because the existing APF expired in August of 2017, the additional two trips need to be analyzed, and the built condominium units still count as new rather than background trips based on the *LATR Guidelines*, the Preliminary Plan Amendment is reviewed like a new application for APF and will receive a new APF validity.

The Amendment with 50 multi-family 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*.

All of the intersections remain below both the 1,350 Critical Lane Volume (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 this data, the Board finds the Amendment satisfies the LATR requirements.

Other Public Facilities and Services

Other public facilities and services remain available and will be adequate to serve the Preliminary Plan Amendment. 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 and changes to the layout to the development on the Subject Property will be done to the FFCP in accordance with the regulations, therefore all requirements of Chapter 22A are satisfied.

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. 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.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 12 2018 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, January 11, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board