



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

MCPB No. 17-126
Project Plan No. 92004004A
The Quarry
Date of Hearing: December 21, 2017

JAN 12 2018

RESOLUTION

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

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect on October 29, 2014, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, on October 20, 2004, The Planning Board, by resolution, approved Project Plan No. 920040040 for up to 97 multi-family dwellings in four buildings, including 15% MPDUs and up to 28 TDRs on 13.31 acres of RMX-1/TDR-6 zoned-land, 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 in the 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 project plan to replace 47 approved multi-family dwelling units with 44 one-family attached dwellings, including 15% MPDUs and 39 total TDRs on the Subject Property; and

WHEREAS, Applicant's project plan amendment application was designated Project Plan No. 92004004A, The Quarry ("Application" or "Project Plan"); 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

Approved as to
Legal Sufficiency:

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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Project Plan No. 92004004A to replace 47 approved multi-family dwelling units with 44 one-family attached dwellings, including 15% MPDUs and 39 total TDRs on the Subject Property, by deleting previous condition 5 in its entirety, and modifying the following conditions:¹

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 building must not exceed 225 feet of elevation 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.

BE IT FURTHER RESOLVED that all elements shown on the latest electronic version of Project Plan No. 92004004A, The Quarry, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

¹ 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.

the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

1. *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 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 Subject Property is adjacent to R-200 zoned land located to the north. The Applicant 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 townhomes located at the lower elevation generally below the sight line from the existing residential zone. The Board finds the inherent screening from such a substantial elevation change adequately

protects the development on the abutting property from the proposed townhouse dwellings and permits a 90 foot setback.

Public amenities

The Amendment is proposing no change to the previously provided public amenities and the type and quantity remain adequate to serve the development. 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 as category I conservation easement, pursuant to direction from Parks during the original approval.

2. *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 some Property specific Master Plan recommendations that are specific to the compatibility of development on the Subject Property, which have been consolidated below. These recommendations 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 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 helps keep impervious surfaces minimized.

- 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 multi-family and approved townhouse 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 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 surface visitor parking spaces will not be 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 is 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.

3. *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.

4. *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 Subject 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.
5. *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 Subject 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.
6. *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 MPDU's on the Subject 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, and the Planning Board has accepted DHCA's recommendations.
7. *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

8. Any applicable requirements for forest conservation under Chapter 22A

The Subject 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. Any necessary changes to the Final Forest Conservation Plan will be addressed through a Site Plan Amendment.

9. 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.

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

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board and that 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.



Casey Anderson, Chair
Montgomery County Planning Board