

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-035
Site Plan No. 82005029C
The Quarry
Date of Hearing: April 13, 2023

MAY 02 2023

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

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

WHEREAS, on September 7, 2006, the Planning Board, by Resolution MCPB No. 06-10, approved Site Plan No. 820050290 for the construction of 97 multi-family dwelling units, including 15 MPDUs and 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 the 2002 *Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, on October 30, 2015, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 82005029A, to make modifications to on-site retaining walls, landscaping, amenity details, and to add a pool pump room on the Subject Property; and

WHEREAS, on January 12, 2018, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82005029B (MCPB No. 17-128), to replace a total of 47 approved multi-family dwelling units with 44 single-family attached dwellings, including 15% MPDUs and 39 total TDRs on the Subject Property; and

WHEREAS, on January 26, 2023, Quarry Springs Residential, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

to convert a water feature to a 1,465 square foot green space with dog-play features, revise playground areas, install additional sidewalks, and plant more landscaping on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82005029C, The Quarry ("Site 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 March 30, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 13, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick seconded by Commissioner Pedoem, with a vote of 4-0; Commissioners Bartley, Hedrick, Pedoem, and Vice Chair Piñero voting in favor with Chair Zyontz being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82005029C to convert a water feature to a 1,465 square foot green space with dog-play features, revise playground areas, install additional sidewalks, and plant more landscaping by modifying the following conditions:¹

24. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to green space with dog-play features, play areas, tot lot, play lot, picnic/seating areas, bike system, pedestrian system, natural areas, swimming pool, indoor community space.

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:

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

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.

central amenity area between the multi-family buildings and the townhouse sticks, green space with dog-play features, 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 any building permit of development and will be tied to the development program.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82005029C, 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 of its Staff as presented at the hearing and/or 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 site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

- 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 Open Spaces, Landscaping, and Recreation facilities

Open Spaces

The locations of the open spaces are 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. However, the Master Plan recommended an increase to 60 percent. The Amendment does not decrease the amount of provided open space. As such, the Application continues to meet these requirements by providing a total of 66.2 percent (or 8.81 acres) of green space.

The approved changes to the open space area will provide more meaningful, usable open space and amenities for residents. The Homeowner's Association ("HOA") requested the changes to the water features to eliminate expenses associated with using and maintaining a water feature. The desire of the HOA is to provide a more practical, usable open space area that would foster greater interactions between residents. Even with the conversion of the water feature to additional open space, there are existing water features on the Subject Property. The approved open space will include dog play features, which were also requested by residents. The dog play features will be subtle and aesthetically pleasing within the landscape, by providing a sculptural hoop and weave poles. Additionally, there are minor refinements approved for two of the playground areas. The refinements focus on providing more aesthetically pleasing design and additional bench seating areas. Lastly, the Applicant will provide additional sidewalks to connect with the fire pit to accommodate greater access for residents, along with moveable chairs for additional seating options.

Landscaping and Lighting

The location of the landscaping is safe, adequate, and efficient on the Subject Property. The Application addresses minor changes to the landscaping along the existing terraced retaining walls to provide sufficient spacing for the new plantings. The approved landscaping is comprised of a mix of shade trees, ornamental trees, evergreens, ornamental grasses, and assorted shrubs. The landscaping will also efficiently provide screening and buffering along the west side of the Subject Property, which also helps to address concerns from neighboring residents.

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

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. Final Forest Conservation Plan 82005029B was approved on May 23, 2018 as part of the Site Plan. The Final Forest Conservation Plan approval satisfied the requirements of the Forest Conservation Law. The Application does not include any revisions to the approved onsite forest mitigation areas, including the conservation easements and individual trees credited towards meeting the requirements; therefore, the approved Forest Conservation Plan 82005029B remains valid and was not revised or amended as part of this Application.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 02 2023 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Pedeem, with a vote of 4-0-1; Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedeem, voting in favor of the motion, Chair Zyontz abstaining, at its regular meeting held on Thursday, April 20, 2023 in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board

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