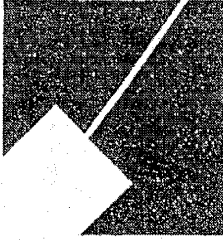


APPENDIX A

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: August 20, 2004

PROJECT PLAN REVIEW: #9-04004

PROJECT NAME: The Quarry

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.

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.

RECEIVED

PP Opinion #9-04004

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

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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

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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

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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

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(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.

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- (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 (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.]

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

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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

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- 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

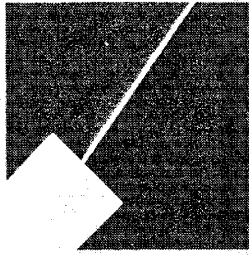
6. Environmental Planning

- 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;

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- 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.

APPENDIX B



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 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