



Limited Plan Amendment - Preliminary Plan No. 12013005A and Site Plan No. 82013006A: Trotters Glen

BCB

Benjamin Berbert, Senior Planner Area 3, Benjamin.Berbert@montgomeryplanning.org, 301-495-4644

RAW

Richard Weaver, Supervisor Area 3, Richard.Weaver@montgomeryplanning.org, 301-495-4544

JAC

John Carter, Chief Area 3

Completed: 05/23/14

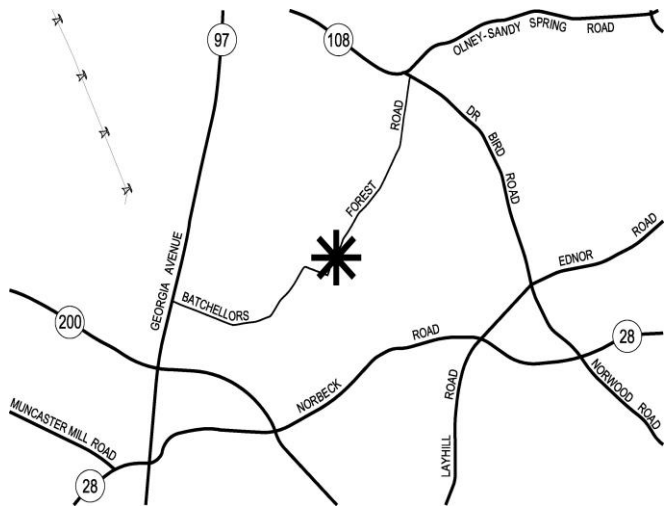
Description:

Limited Plan Amendment - Preliminary Plan No. 12013005A and Site Plan No. 82013006A: Trotters Glen A request to add a condition of approval to both the Preliminary Plan and Site Plan establishing a timing mechanism for the removal of certain existing structures located on the Subject Property; located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue on 175.8 acres; RNC Zone; 2005 Olney Master Plan.

Staff Recommendation: Approval with conditions

Applicant: Toll Brothers

Submittal Date: 04/03/2014



Summary

The Applicant wishes to record the record plats and record the Rural Open Space easements for the Subject Property prior to demolition of various existing structures. This amendment would create a condition allowing the recordation of the plat with the structures, but would require their removal prior to issuance of the first building permit.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 12013005A and Site Plan 82013006A with the addition of the following new condition. All previous conditions of approval of the Preliminary Plan 120130050 and Site Plan 820130060 will remain valid, unchanged, and in full force and effect:

Prior to the issuance of the first building permit, the Applicant must remove all existing structures located on the Subject Property, except for the one-family detached dwelling and associated agricultural structures located on Lot 57.

SITE DESCRIPTION

The Subject Property is 175.8 acres of RNC zoned land located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue in the Olney Master Plan area (Subject Property). As shown in the vicinity map (Image 1), the Property is currently improved with the Trotters Glen Golf Course, a regulation length 18-hole course, utilizing much of the total area on both sides of Batchellors Forest Road. The primary club house and parking lot for the golf course are located on the east side of Batchellors Forest Road. The Subject Property also includes three existing dwellings, one at the southern portion of the Property, a second directly across from the golf course club house that includes fenced in horse paddocks and stables, and a third in the north central part of the Property (Image 2). The northern boundary of the Property is formed by Emory Church Road, and an unimproved segment of the Emory Church right-of-way that contains public sewer mains. The Property is bisected by Batchellors Forest Road, designated as a rustic road within a prescriptive right-of-way.

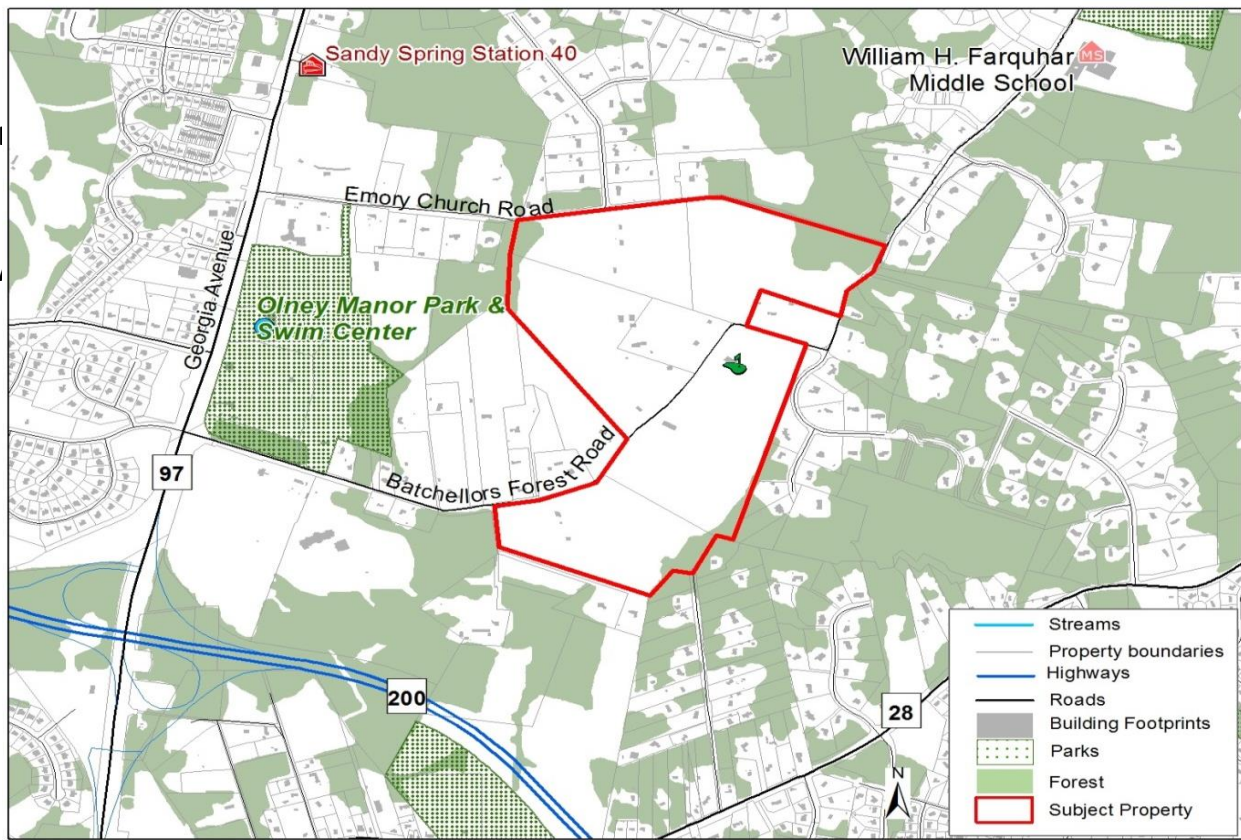


Image 1

Surrounding the Property, the predominant land use is large lot residential development, and the zoning is a combination of RE-2 and RC Zones. Many of the surrounding properties are forested or extensively covered with tree canopy, and some are maintained with open lawns or pastoral areas. The Olney Manor Park is located less than half a mile to the west of the Property and the interchange with Georgia Avenue and the Inter-County Connector is less than a mile to the southwest.

PREVIOUS APPROVALS

At a Planning Board hearing on July 22, 2013, the Planning Board approved Preliminary Plan 120130050 and Site Plan 820130060 to create 69 lots including 10 MPDUs in the Rural Neighborhood Cluster zone . As part of the open space requirements of the RNC Zone, the plan approvals established 114.78 acres of Rural Open Space and placed it in a Rural Open Space easement to be used as passive open space and to protect vistas and natural resources. The approvals also established a series of trails and seating areas as site amenities, provided for a Master Plan identified bikeway through the Subject Property, and required reforestation of all stream valley buffers. The resolutions MCPB No. 13-91 and No. 13-92 were mailed on August 12, 2013.

AMENDMENT DISCUSSION

On April 3, 2014, Toll Brothers (Applicant) filed applications for Preliminary Plan 12013005A and Site Plan 82013006A to amend both plans. The purpose of these Amendments is to establish a timing mechanism for when some of the existing structures located on the Subject Property are to be removed.

Staff policy typically requests all existing structures that will not be used as part of the approved use be demolished prior to the recordation of plats. This policy avoids the possibility that existing structures will become nonconforming structures because of potentially overlapping lot lines, not meeting new setbacks, or the placement of environmental or open space easements. Because this has successfully been implemented in the past as a staff policy, there was not a condition placed on the original approvals requiring the removal of existing structures on the Subject Property. The Subject Property has a number of existing structures including a club house, a maintenance barn for golf carts, three one-family detached houses, accessory sheds and horse barns (image 2) (attachment A). A substantial portion of the Subject Property will be placed in a Rural Open Space easement which does not allow for non-agricultural or non-passive uses, including housing or commercial golf courses.

The Applicant is a contract purchaser of the Subject Property. Under the terms of the negotiated contract of sale, the Subject Property cannot be conveyed to the Applicant prior to recordation of the record plats. The present owner of the Property is not inclined, nor obligated, to permit structures to be demolished (which include rented tenant structures) until the property is conveyed. On proposed Lot 57, the one-family detached house, sheds and horse barn are proposed to stay with the Site Plan (shown in blue), however the Applicant's intention is to remove the remaining structures (shown in orange and red). Lot 57 was approved as a conservancy lot and was sized to allow the various agricultural outbuildings to remain as accessory to the existing house and to allow them to be used for continued equestrian uses.



Image 2

The Applicant requests a new condition be added to both the Preliminary Plan and the Site Plan requiring that prior to issuance of the first building permit, all existing structures on the Subject Property, except for those structures located on Lot 57, be removed. This condition would, for a time, allow nonconforming structures to be located on new lots and in the Rural Open Space easement but provide a strong incentive to remove these nonconforming structures in a timely manner once they assume full ownership of the Subject Property.

FINDINGS

All previous findings and conditions of approval for Preliminary Plan 120130050, and Site Plan 120130060 remain valid and are not modified by the approval of this Application. All previously approved validity periods also remain unchanged.





COMMUNITY OUTREACH

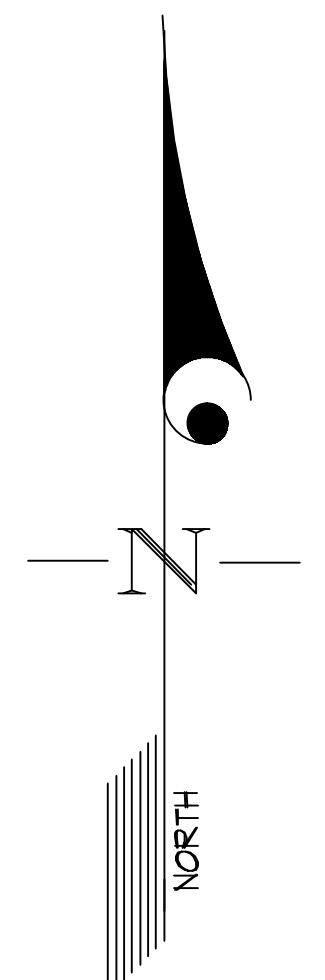
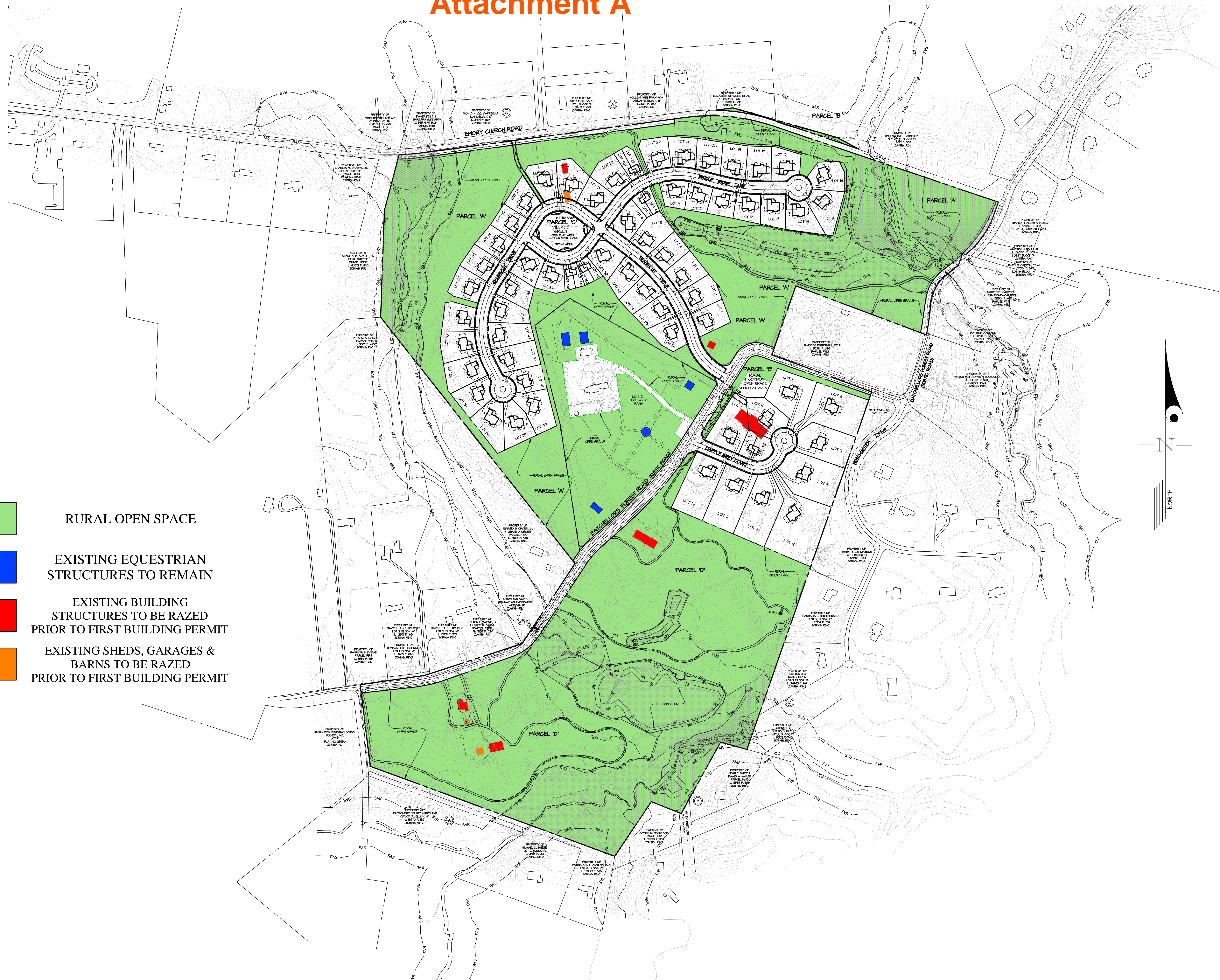
The Applicant has complied with all submittal and noticing requirements of the Planning Board. Notice was sent out on April 3, 2014 and Staff has not received any correspondence as of the date of this report.

CONCLUSION

Staff recommends approval of the submitted Preliminary Plan and Site Plan amendments.

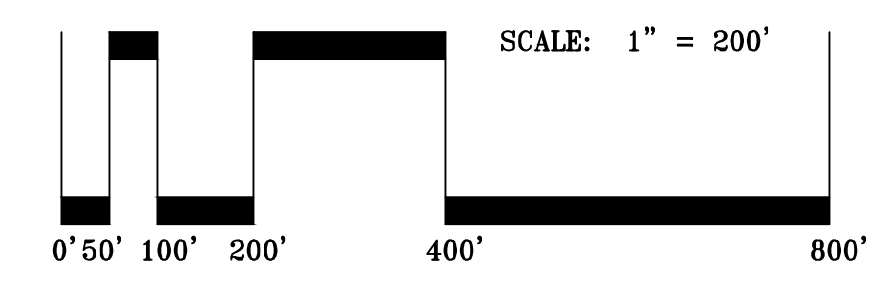
Attachment A

-  RURAL OPEN SPACE
-  EXISTING EQUESTRIAN STRUCTURES TO REMAIN
-  EXISTING BUILDING STRUCTURES TO BE RAZED PRIOR TO FIRST BUILDING PERMIT
-  EXISTING SHEDS, GARAGES & BARNES TO BE RAZED PRIOR TO FIRST BUILDING PERMIT



GLWGUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 FAX: 301-421-4186

DATE: _____ DES: _____ DRN: WEG CHK: _____
 REVISION: _____ BY: _____ APPR: _____



PREPARED FOR:
 TOLL BROTHERS, INC.
 7164 COLUMBIA GATEWAY DRIVE
 SUITE 230
 COLUMBIA, MD 21046
 ATTN: MR. TOM MATEYA

SCALE	ZONING
1"=200'	RNC
DATE	TAX MAP - GRID
MARCH 2014	HS-563
	WSSC 222 NW3

RURAL OPEN SPACE EXHIBIT
TROTTERS GLEN
LOTS 1 THRU 12, BLOCK 'A', LOTS 1 THRU 57, BLOCK 'B'
PARCELS 'A'-'E'

G. L. W. FILE No.
 11098
 SHEET
 1 OF 1