



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

**AUG 12 2013**

MCPB No. 13-92  
 Site Plan No. 820130060  
 Trotters Glen  
 Date of Hearing: July 22, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on November 27, 2012, Tom Mateya ("Applicant"), filed an application for approval of a site plan for 69 dwelling units, including 10 MPDUs on 175.8 acres of RNC zoned-land, located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue ("Subject Property"), in the Olney Policy Area, 2005 Olney Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130060, Trotters Glen ("Site Plan" 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 July 11, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130060 for 69 dwelling units, including 10 MPDUs on the Subject Property, subject to the following conditions:<sup>1</sup>

<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.

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Approved as to  
 Legal Sufficiency *Christina Sand* 7/18/13  
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 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

### Conformance with Previous Approvals

1. Preliminary Plan Conformance

- a. The development must comply with the conditions of approval for Preliminary Plan No. 120130050 as listed in the Planning Board Resolution. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

### Parks, Open Space, & Recreation

2. Common Open Space Covenant

- a. Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC Staff prior to issuance of the 48th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

3. Recreation Facilities

- a. The Applicant must provide the following recreation facilities: Two Open Play Areas, Six Picnic/Sitting Areas including one gazebo, a Pedestrian System, Natural Area Trails, and a Natural Area.

4. Maintenance of Public Amenities

- a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to: two Open Play Areas, six picnic/sitting Areas including one gazebo, sidewalks, asphalt and natural surface trails, multi-use asphalt path, four board wooden fences, stone walls, landscaping, and all Rural Open Space not in a category 1 easement.

### Transportation and Circulation

5. Transportation

- a. The Applicant must construct a 12 foot wide asphalt emergency access road, and provide four feet of grasscrete pavers on either side of the asphalt, for a total cross-section of 20 feet, located between Emory Church Road and Public Road B.

6. Pedestrian Circulation

- a. The Applicant must relocate the current pedestrian crossing shown on Batchellors Forest Road at the north side of Public Road B to the south side of Public Road B

## Density & Housing

### 7. Density

- a. This Site Plan is limited to 69 dwelling units, including 58 new one-family detached units, 10 one family semi-detached units, and one existing one-family detached unit.

### 8. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 14.49 percent MPDUs on-site as shown on the Site Plan and approved by Department of Housing and Community Affairs letter dated May 15, 2013. The Applicant is receiving a density bonus of 1.19 for providing 14.49 percent MPDUs on-site.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits.

### 9. Orientation

- a. The houses constructed on lots 1, 5, 6, and 12 as shown on the Site Plan must be oriented with building fronts or sides facing Batchellors Forest Road.

## Site Plan

### 10. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide 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:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, recreational facilities, emergency access road, multi-use trails, site furniture, stone walls and fencing within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

**11. Development Program**

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
- c. Provide each section of the development with necessary roads.
- d. Street lamps and sidewalks must be installed within six months after each segment of public street construction is completed.
- e. Street trees shall be planted within 6 months after the completion of each phase of development
- f. Landscaping on individual lots shall be planted within 6 months of the issuance of the use and occupancy permit for the corresponding lot. Landscaping located on Open Space parcels within each phase shall be completed within 6 months, or the next planting season, of the issuance of the first building permit within the corresponding phase.
- g. Community-wide pedestrian pathways and recreation facilities, including the relocation and reconstruction of all asphalt or natural surface paths in the Rural Open Space, construction of the gazebo, and the construction of the off-road multi-use asphalt trail must be completed prior to issuance of the 48<sup>th</sup> building permit. The location of the off-road multi-use asphalt trail is to be determined at Certified Site Plan.
- h. The Open Play area on Parcel C, also known as the Village Green, and associated seating areas, must be completed prior to the issuance of the first building permit of phase 2 of development, as labeled on the Site Plan.
- i. The Open Play area on Parcel E, and associated seating area, located on Batchellors Forest Road must be completed prior to the issuance of the 8<sup>th</sup> building permit in that section.
- j. Relocation of the four board wooden fences and construction of stone walls along Batchellors Forest Road as shown on the Site Plan must be completed prior to the issuance of the 48<sup>th</sup> building permit.

**12. Certified Site Plan**

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Clearly label blocks A and B on the Site Plan and Landscape sheets
- c. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".

BE IT FURTHER RESOLVED, that all site development elements as shown on Trotters Glen drawings uploaded to the M-NCPPC on May 01, 2013, shall be 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 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:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located*

The Subject Property is zoned RNC and the intent of the RNC Zone, paraphrased from Section 59-C-23 is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional large-lot development. The Zone is also meant as a tool to achieve goals in a master plan that desire maintaining vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources.

The provision of Rural Open Space is a major component of the RNC Zone, and has its own requirements identified in Section 59-C-9.572. Rural Open Space may be managed with reforestation, meadows, wetlands, agriculture and non-structural stormwater, or may be allowed to return to a natural state without human intervention. Passive recreation is allowed, including natural trails or other amenities recommended in the Master Plan, but no active recreation is permitted.

The Site Plan is being developed under the optional method of development, detailed in Section 59-C-9.574, which has specific minimum criteria on minimum development area, requires a diversity of new lot sizes, encourages a diversity of housing sizes and has specific development standards that differ from the standard method of development. Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the RNC Zone.

<b>Development Standard and the specific citation</b>	<b>Permitted/Required</b>	<b>Approved</b>
<b>Area of Development</b>	10 acres	175.8 acres
<b>Density</b>		
Total density (units per acre/No. of units)	0.39 / 69	0.39 / 69
MPDU's	10	10
One-family detached	59	59
One-family semi-detached	10	10
<b>Building Height (feet)</b>	35	35 or less
<b>Lot Area (sq. ft.)</b>		
One-family detached (SFD)	4,000	4,000 or greater
One family semi-detached (SFSD)	3,500	3,500 or greater
<b>Building Setbacks (feet)</b>		
Front (from public street)	15	15 or greater
Side (SFD only)	8	8 or greater
Rear (Abuts RNC Zoned land)	30	30 or greater
Rear (Abuts RE-2 Zoned land)	35	35 or greater
<b>Percent Open Space</b>		
Rural Open Space	65%	65.3%
Common Open Space	Required, no minimum	1.34 acres
<b>Lot Coverage</b>		
Single Family Detached	35%	35% or less
Single Family Semi-detached	Not specified	60% or less
<b>Parking</b>		
SFD (2 spaces/dwelling unit)	118	118 (59 two car garages)
SFSD (2 spaces/dwelling unit)	20	20 (10 one car garages + 1 space/driveways)

<b>Accessory Structures Setbacks (feet)</b>		
Front (from street)	60	60 or more
Side	5	5 or more
Rear	5	5 or more

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. **Buildings and Structures**

The location of buildings and structures on the Subject Property is adequate, safe and efficient. The locations of new homes are shown lining the three public streets to create a traditional community feel. The layout of the community adequately avoids disturbance to all the stream valley buffers, wetland buffers and other environmental features. The proposed houses on the northwest side of Batchellors Forest Road are located away from Batchellors Forest and around the conservancy lot in a layout that efficiently provides room landscaping and screening on HOA owned property. The location of the proposed homes also allows for the paved multi-use trail to cross Public Road C in a landscaped open space area by creating a minimum 25 foot wide open space between lots, with an additional 8 foot minimum setback on each side for the buildings. Four of the proposed homes on the southeast side of Batchellors Forest Road are located closer to Batchellors Forest than homes northwest of the road, and are efficiently oriented in a way that either the front or side of the buildings are visible to the road.

The Site Plan also contains a series of fences, stone walls and a gazebo as decorative elements across the Subject Property. New four board wooden fences are located along portions of both sides of Batchellors Forest Road approximately 25 feet from centerline along the frontage of the Subject Property. Two low stone walls are also shown along Batchellors Forest Road on either side of the intersection with Public Road B. These features are mostly for aesthetics and to keep with the rustic character of Batchellors Forest Road. Setting these features 25 feet from centerline enhance safety for vehicles driving on the road, while adequately maintaining features important to the rustic character of the road.

b. **Open Spaces**

The location and quantity of open spaces are adequate, safe and efficient. The Site Plan provides 114.78 acres (65.3%) Rural Open Space, which

exceeds the required 114.27 acres (65%) of Rural Open Space in the RNC Zone. Rural Open Space is supposed to be contiguous and provide for the protection of natural features. The Rural Open Space protects all stream valleys and environmental features, and preserves a large natural area recommended for preservation in the Master Plan. The Applicant is providing some of the Rural Open Space as part of the 15 acre conservation lot, which is permissible under the Zone and achieves the purpose of protecting the horse paddocks on the conservation lot.

The Site Plan also establishes two areas of Common Open Space for active recreation. The RNC Zone requires Common Open Space in all communities with more than 10 dwellings. The larger 0.95 acre Common Open Space is centrally located and is proposed as an open play area and Village Green, which is further discussed in the recreational facilities section. The Applicant has also agreed to provide a smaller 0.39 acre Common Open Space and open play area on the southeast side of Batchellors Forest Road, which will serve the 12 lots of Public Road "A".

c. Landscaping and Lighting

The landscaping provided on the Site Plan is adequate, safe and efficient. The Applicant is providing significant amounts of landscaping on open space parcels across the Subject Property to create naturalized screening of the new houses from surrounding development and from Batchellors Forest Road without blocking all views in or out of the community. Open space buffers were intentionally left along the northern perimeter of the Property adjacent to Emory Church Road to provide open space for plantings that will screen views of new houses from the road. Landscaped buffers are also shown in an open space parcel along the southeast side of Batchellors Forest Road, screening the twelve lots proposed along Public Road "A" from the road. Additional plantings are located along the rear property lines of lots on the south side of Public Road "A", and the western cul-de-sac of Public Road "B" to minimize views of new homes from Batchellors Forest Road while traveling northeast. Landscaping is also provided between the residential lots along Public Road B and the 15 acre conservation lot to provide privacy and screening for the conservation lot. Landscaping is also shown in sections along the shared use path ( B-13) to naturalize the path in the open space setting. All of these landscaping buffers have natural breaks so that a wall of vegetation is not created, which could completely block views or inhibit wildlife movement.

Additionally, landscaping will be located on some private lots, especially corner lots, and around the MPDU's to ensure compatibility and to provide for



private back yards. The Applicant has agreed to provide additional plantings pending approval from MCDOT along the southeast side of Batchellors Forest Road, from the western Property boundary up until the four-board wooden fence begins to keep the feeling of Batchellors Forest Road narrow and rustic, and to provide some separation between the road and the path

The Site Plan contains no private lighting, and all public lighting is regulated and approved by MCDOT.

d. Recreation Facilities

The location and quantity of the Recreational Facilities are adequate, safe and efficient for the number of lots on the Site Plan. The Applicant is providing a variety of recreational amenities throughout the Subject Property, including sitting areas, open play areas, natural areas and an extensive trail network. The passive recreational amenities such as the sitting areas, natural areas and pedestrian and trail networks provide amenities that greatly benefit adults and seniors, and the open play areas provide maintained open space for children of all ages to play a variety of games. The quantity of recreational facilities is adequate for the size of the Site Plan.

The location and design of the recreational amenities are provided in a safe and efficient way. The larger of the two open play areas is 0.95 acres and is shown as the Village Green on the Site Plan. This Village green is centrally located among the 56 lots that are on the northwest side of Batchellors Forest Road. The second, smaller open play area is 0.39 acres in size and is designed to serve the twelve lots that are southeast of Batchellors Forest Road. This area is accessible by an asphalt path that is part of the larger pedestrian network, and is set back nearly 60 feet from the edge of pavement along Batchellors Forest Road, with a fence, landscaping and an asphalt path all acting as adequate buffering from traffic. Four of the six sitting areas are part of the larger Village Green and are located in a way that will help frame the open play area in the center. An additional sitting area is provided along the pedestrian trail next to the smaller open play area. The final sitting area is a gazebo located along part of the large network of walking trails in the southern portion of the Subject Property. This gazebo is situated on a knoll to provide for views and a quiet area to relax or picnic. The pedestrian system and natural trails take advantage of the existing golf cart paths located on the southern half of the Subject Property.

e. Vehicular and Pedestrian Circulation

Pedestrian and vehicular circulation as provided by the Site Plan is adequate, safe and efficient for the number of proposed lots, and the location of the lots on the Subject Property,

*Pedestrian*

The Site Plan provides adequate, safe and efficient pedestrian circulation within the community and with adjacent uses. All public streets internal to the community will have five foot wide sidewalks located on both sides of the street, ensuring all lots except the 15 acre conservation lot will have direct access to a sidewalk. Because Batchellors Forest Road is a designated Rustic Road there will not be sidewalks directly built along the road, but a 5 foot wide asphalt path will be built along the east side of the road for a short segment. This pedestrian path is set back further than a normal sidewalk and will provide pedestrian connections between the new homes and the Rural Open Space trails. Pedestrian circulation is also provided along the off-road multi-use trail (B-13), built as part of a Master Plan shared use path. This will provide for a future connection to Olney Manor Park, and will connect to Batchellors Forest Road. Recreational pedestrian circulation is provided for both with the multi-use trail and with the nature trails located in the southern Rural Open Space. Safety is ensured by using crosswalks and handicap ramps at all internal street crossings, and by planting only street trees approved by MCDOT within the public right-of-ways.

*Vehicular*

Vehicular circulation is adequate, safe and efficient for the development shown on the Site Plan. The developable lots are located in two separate groupings, with 56 lots sharing one access point on the northwest side of Batchellors Forest Road, and 12 lots sharing a second access point on the southeast side of Batchellors Forest Road. Due to topographical and visibility concerns raised by MCDOT, the two intersections were unable to be located directly across from each other and are instead are staggered approximately 400 feet apart along Batchellors Forest Road. This separation of entrances allows for the maximum of site distance at each intersection. The lots on the northwest side of Batchellors Forest Road are served by two public streets, currently identified as Public Road "B" and Public Road "C" on the Site Plan. The two roads intersect twice, once at a four way intersection, and again at a 'T' intersection, creating the Village Green. These intersections are designed with stop signs and have adequate site distance given the operating vehicle speeds.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and uses shown on the Site Plan are compatible with the adjacent and confronting uses and will be compatible with future development plans. The layout of lots on the Site Plan is done to provide lot size compatibility with adjacent development and to provide adequate buffer space for landscaping. With the exception of the two MPDU units proposed, the lots located along Public Road "A" are the largest lots on the Site Plan, and this was done to be compatible with the existing homes built to the east in the RE-2 Zone along Westminster Drive and Cross Timber Terrace. Locating larger lots along Public Road "A" also reduce the total number of lots in this corner of Batchellors Forest Road, minimizing visual impact and allowing for ample landscaping. The houses on the lots that are most visible to Batchellors Forest Road are shown as having their fronts or sides visible to the road, and rears and garages turned away from the road. This design is aesthetically more appealing and will be more compatible with the rustic character of Batchellors Forest Road.

The lots located along Public Roads "B" and "C" are generally smaller than the lots along public road "A", and were designed to maximize clustering, creating for more Rural Open Space and room for landscaping and buffering of the surrounding properties. There is little redevelopment anticipated north of the Subject Property along Emory Church Road, and the Master Plan shows land to the west of the Subject Property as potential future Park property, therefore the layout of lots and homes is adequately anticipating future surrounding development by not providing room for new road connections.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The development is subject to the forest conservation law and meets all the applicable requirements for forest protection under Chapter 22A. The Subject Property has a Final Forest Conservation Plan that was approved as part of the Preliminary Plan for Trotters Glen. The Site Plan is subject to Chapter 19 regarding water resource protection and stormwater management, and a stormwater concept was approved as part of the Preliminary Plan for Trotters Glen.

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

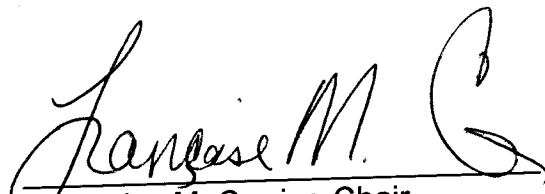
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 12 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Dreyfuss voting in favor, with Commissioner Anderson voting against, and Commissioner Presley absent, at its regular meeting held on Monday, July 22, 2013, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board