



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

MCPB No. 14-41  
 Preliminary Plan No. 12013005A  
 Trotters Glen  
 Date of Hearing: June 5, 2014

JUN 12 2014

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on August 12, 2013 the Planning Board approved Preliminary Plan 120130050 (MCPB Resolution No.13-91), creating 69 lots for 69 dwellings (including 10 MPDUs) on approximately 175.8 acres of RNC zoned property located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue ("Property"), in the Olney policy area, Olney Master Plan ("Master Plan") area; and

WHEREAS, on April 3, 2014, Toll Brothers ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to add a condition of approval to establish when certain existing structures located on the Property must be removed; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12013005A, Trotters Glen ("Preliminary 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 May 23, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 5, 2014, 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 Preliminary Plan No. 12013005A to establish when certain existing structures located

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Approved as to  
 Legal Sufficiency: *Christina M. 5/28/14*  
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 M-NCPPC Legal Department  
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on the Property must be removed, by adding the following condition:<sup>1</sup>

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

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

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:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 12 2014 (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

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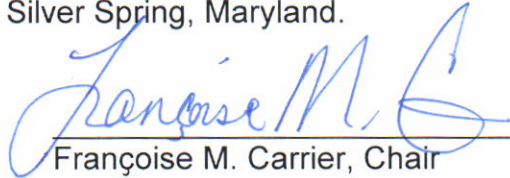
<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor, and Commissioner Presley absent, at its regular meeting held on Thursday, June 5, 2014, in Silver Spring, Maryland.



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Françoise M. Carrier, Chair  
Montgomery County Planning Board