



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

MCPB No. 16-111  
Site Plan No. 82013006C  
Trotters Glen  
Date of Hearing: October 13, 2016

OCT 20 2016

**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; and

WHEREAS, on August 12, 2013, the Planning Board, by Resolution MCPB No. 13-92, approved Site Plan No. 820130060 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 and 2005 Olney Master Plan ("Master Plan") area; and

WHEREAS, on June 12, 2014, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82013006A (MCPB No. 14-42), to add a condition of approval establishing when certain existing structures located on the Subject Property must be removed; and

WHEREAS, on November 23, 2015, the Planning Director administratively approved an amendment to the previously approved site plan, designated Site Plan No. 82013006B, to modify the site entrance features, modify landscaping and to add free-standing entrance signs on the Subject Property; and

WHEREAS, on May 18, 2016, Toll Brothers ("Applicant") filed an application for approval of an amendment to the previously approved site plans to raise the final grade and finished floor elevations on lots 31-46, and provide additional landscaping on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013006C, Trotters Glen ("Site Plan," "Amendment," or "Application"); and

Approved as to  
Legal Sufficiency: 

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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 September 30, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 13, 2016, the Planning Board held a public hearing on the Application at which it 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 certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82013006C to raise the final grade and finished floor elevations on lots 31-46, and provide additional landscaping; and

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82013006C, Trotters Glen, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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. 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.*
- 2. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

**Buildings and Structures**

The location of buildings and structures will not change as a result of this Amendment, therefore the previous findings for safe, adequate and efficient location of buildings and structures remains.

Landscaping

The approved landscaping is adequate, safe and efficient to screen the building height and elevation increase on lots 31-46 located along the end of Seabiscuit Drive. The Applicant will provide additional landscaping to augment the previously approved landscaping to mitigate any negative visual impact the Amendment will have on the view from Batchellors Forest Road. The landscaping on sheet 25 of the Site Plan redistributes the previously approved landscape material to create a continuous row of evergreens behind lots 40-42, and increases the planting quantity to continue the planting along the full length of lot 40 rather than just the northern corner.

On sheet 26 of the Site Plan, the plantings will continue seamlessly onto the earth berm, eliminating the previous gap in this screening. Additionally, the height and length of the earth berm will be increased slightly to continue screening the dwellings approved for lots 39 and 40 from Batchellors Forest Road. Lastly, the Amendment provides a new planting area near Batchellors Forest Road, which will supplement the existing vegetation that has naturally grown in that area of open space.

Open Space and Recreational Facilities

There are no changes to the location, quantity or quality of public or rural open space, or recreational facilities and amenities as a result of this Amendment, therefore the previous findings remain valid.

Pedestrian and Vehicular Circulation

Pedestrian and vehicular circulation will not change as a result of the Amendment; therefore, the previous findings remain in effect.

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

The increase in elevation of lots and structures on lots 31-46 is compatible with the adjacent and confronting uses and will be compatible with future development plans, with the additional required landscaping. To demonstrate the height and location of the requested changes, the Applicant and Planning Board Staff submitted evidence of a balloon flying that occurred on the Subject Property. The scale of the requested building height and elevation changes are minimal and still compatible with adjacent properties.

The closest off-site structures are located to the south and west of the Amendment area, and are approximately 780 feet or further from the closest approved dwelling on the Site Plan. At that distance, the Planning Board does not consider the requested change in elevation significant. The downhill slopes will still be grass

covered as was previously approved, and the actual structure height will not any taller than before, only the base elevation of the structure is increasing.

Extra care was taken when evaluating this Amendment to the possible impacts to Batchellors Forest Road because it is a designated Rustic Road. Visibility from Batchellors Forest Road to the dwellings at the end of Seabiscuit Drive are limited to a section of road between a small stream crossing southwest of the Subject Property, to a location just northeast of an existing shed located on the conservation lot. Batchellors Forest Road is, at its closest, approximately 780 feet from the approved dwelling locations. Areas south of the area of greatest visibility are screened by existing vegetation, and areas north of this area have views blocked by the terrain. The Amendment includes areas of additional landscaping to screen views from Batchellors Forest Road.

Like many rustic roads, Batchellors Forest Road includes a number of individual houses that face directly onto the road. In addition, however, there are a number of newer subdivisions along the road that employ less traditional patterns. Norbeck Farm Estates, for example, features an access road located behind a berm. The Batchellors Forest community includes homes with side yards and rear yards set back less than 350 feet from Batchellors Forest Road, and the Stanmore development opposite Good Council High School includes similarly situated homes. In each of these projects, the new homes were set away from the rustic road, but are not completely screened from the road or existing development.

The Planning Board finds the physical distance of the dwellings from Batchellors Forest Road and the enhanced landscaping allow this Amendment to remain compatible with other uses and with existing development.

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

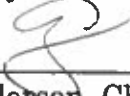
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCI 20 2016 (which is the date that this resolution is mailed to all parties of record); and

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 Commissioner Fani-González, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, October 13, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board