**MCPB**

Items #8 & 9

Date: 10/5/06

MEMORANDUM

DATE: September 25, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RJK*

FROM: Carlton W. Gilbert, Zoning Supervisor (301-495-4576) *CWG*
Development Review Division

SUBJECT:

1. **Preliminary Forest Conservation Plan, S-914-C**
2. **Special Exception Modification, S-914-C:** request to modify existing special exception in order to make improvements to existing golf course facilities; RE-2C/TDR zone; located at 10000 Oaklyn Drive in Potomac.

Tournament Players' Club (TPC) at Avenel, Applicant
Potomac Subregion Master Plan

FILING DATE: December 22, 2005
PUBLIC HEARING: October 13, 2006, 9:30 at the Hearing Examiner

STAFF RECOMMENDATION:

1. **Approval of the Preliminary Forest Conservation Plan with the following conditions:**
 - The Applicant shall submit a Final Forest Conservation Plan (FCP) prepared by a qualified professional to the Environmental Planning Staff of the M-NCPPC prior to site plan approval. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, section 22A-12.
 - a. Final forest conservation plan will include, but is not limited to, the following items:
 - i. Permanent markers (such as fences or signs) that clearly identify the boundaries of forest retention, forest planting, and environmental buffers, particularly in the vicinity of residences, and heavy-use areas.

- ii. Plan to control invasive plants, deer and wildfowl predation, to minimize their adverse impacts on forest planting areas, stream buffers and floodplain reconstruction/wetland creation areas.
- iii. Tree protection plan for individual trees 24 inches and greater in diameter at breast height that are located outside a forest stand.
- b. Record plat to reflect a Category I easement over all areas of forest retention, forest planting, and environmental buffers that are not included in active play areas.

2. Approval of Board of Appeals Petition No. S-914-C, TPC at Avenel, with the following conditions:

- a. Prior to site plan approval, obtain all applicable MDE permit approvals, including waterway construction and wetland disturbance.
- b. Final stream restoration, floodplain reconstruction and environmental remediation plan shall include, but is not limited to, the following elements:
 - i. Existing and build-out stream discharges, and design discharge and shear stresses for stream improvements, particularly along the mainstream of Rock Run to ensure that stream restoration design is an improvement over current conditions
 - ii. Longitudinal profile before and after construction, and affects of proposed work on overall floodplain elevation and channel slope
 - iii. Existing and proposed sediment transport capacity, demonstrating improved downstream conditions
 - iv. Construction sequence and construction management plan that includes advice of design professional during key construction stages, and completion and submission of as-built surveys to be done section by section.
 - v. Integrated pest management plan to promote water quality, water conservation, and chemical use reduction.
 - vi. Maximization of the use of sod to quickly re-establish stable ground cover adjacent to stream restoration and renovation work, per June 16th PGA Tour correspondence.
- c. Prior to site plan approval, develop and obtain M-NCPPC, DEP and DPS staff approval of an inspection and maintenance plan for stream channel restoration practices and floodplain reconstruction areas, including regular field inspection schedule as well as inspections following significant storm events. Inspection and maintenance plan will cover minimum of three years post-construction, and may be extended to cover significant storm events that do not occur in that period. Plan shall include measures to implement basic repairs, and to remediate damage to parkland, such as from a sediment control failure. If substantial damage occurs, applicant or their assigns shall re-design and reconstruct the project.
- d. Prior to site plan approval, develop and obtain M-NCPPC, DEP and DPS staff approval of a pre- and post-construction stream monitoring plan that is consistent with monitoring protocols for watershed restoration projects established by Montgomery County Department of Environmental Protection. The monitoring plan will establish a monitoring schedule appropriate to the type of monitoring to be

- conducted, and include a quality assurance/quality control plan. Monitoring will be conducted prior to commencement of construction, and at one-year, three-years and five-years post-construction. Types of monitoring to be conducted may include: permanent benchmark monitoring of stream channel cross-sections; quantitative and/or qualitative habitat monitoring; BEHI; benthic macroinvertebrate community samples; herpetofauna community at wetland creation or enhancement site; fish community samples; wetland vegetation monitoring; streambank vegetation monitoring; water quality parameters.
- e. Final grading plan to delineate environmental buffer areas, including establishment of a variable width no-mow buffer area throughout the course that maximizes stream buffer and incorporates low-growing shrubs and grasses where trees would interfere with play.
 - f. Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 3, 2006, including review and approval of a final stormwater management concept prior to site plan approval.
 - g. Obtain DPS 100-YR Floodplain Study approval prior to site plan approval.
3. All evidence, testimony and exhibits of record shall bind the petitioners.
 4. The number of full time employees is limited to a maximum of 85 and the number employees is limited to a maximum of 50 on the site at any given time.
 5. Hours of operation are limited as follows:
 - a. Administrative Staff: 8 a.m. to 6 p.m., year round
 - b. Golf Course operations: April 1st – October 1st, Weekdays: 7:30 a.m. to sundown, and Weekends: 7:00 a.m. to sundown.
March 1st- March 31st & November 1st – November 30th : 8:00 a.m. to sundown, daily.
December 1st – February 29th: 10:00 a.m. to sundown, daily.
 6. Preparation and cleanup/breakdown time before and after a PGA Tour Event shall be allowed up to 3 weeks for preparation time and up to one week for cleanup/breakdown time.

Project Summary

The applicant, TPC at Avenel Inc., requests a modification to their existing special exception (Case No. S-914) for a private golf course in the RE-2C/ TDR Zone, located at 10000 Oaklyn Drive within the Potomac Subregion. The modification will permit: renovation and alteration to the existing golf course facilities; renovation and alterations to the existing structures and entry drive; modifications to golf course operations; and modification to the PGA Tour operations.

The special exception property consists of approximately 260 acres in the RE-2C/TDR zone and is commonly known as “TPC at Avenel”. This private golf course was first approved as a

special exception (Case No. S-914) by the Board of Appeals on June 13, 1984. This approval permitted the construction and operation of an 18-hole championship golf course and other structures, including a clubhouse with pro shop, locker rooms, administrative offices and a dining area, a maintenance building, four shelter / rest areas, a snack stand and parking areas. Additionally, the Board approved the use of the golf course as host for a PGA Tour event for one week of the year, plus necessary preparation and cleanup time.

Most of the issues associated with this modification application are environmental in nature. The existing golf course is subject to periodic severe inundation for several reasons. The golf course was originally constructed prior to adoption of the County's stream valley buffer guidelines and it is partially located in the floodplain of the Rock Runs stream. The project has an approved NRI/FSD and preliminary forest conservation plan and the Department of Permitting Services has approved a storm water management concept plan. Flooding, stream bank erosion and sedimentation pose ongoing problems, and the proposed modification provides an opportunity to rectify these problems and also to limit environmental impacts that occur during minor rainstorms.

SITE DESCRIPTION

The subject property consists of Part of Parcel A, Parcel B and Parcel C in Block J and portions of Parcel A in Block K of the Avenel Subdivision, located at 10000 Oaklyn Drive. The property is located in the Potomac Subregion Planning Area and 10th Election District of Montgomery County, Maryland. The property is situated south and west of Persimmon Tree Road and Oaklyn Drive (except for a portion of the property that crosses Oaklyn Drive), east of Brickyard Road and north of MacArthur Boulevard. Ingress and egress to the property are provided from Oaklyn Drive.

The applicant is the owner of approximately 228 acres of the subject property. The remainder of the property, consisting of portions of Parcel A in Block K of the Avenel Subdivision, is owned by the Washington Suburban Sanitary Commission (WSSC). The applicant has the right to use the WSSC portion of the property via easement agreements and parking agreements between WSSC and the applicant, dated December 29, 1988.

Neighborhood Description- The existing private golf course use is located in the RE-2C/TDR Zone. The majority of the property is located on the south side of Oaklyn Drive. The property is surrounded by the Avenel subdivision to the north and east, the Potomac Ranch (RE-2 zone) and River Falls (R-200) subdivisions to the west, and the Brickyard Meadows and Mazza Woods subdivisions (both RE-2 zone) to the south. The neighborhoods surrounding the subject site are bordered by River Road to the north, Persimmon Tree Road to the east, Falls Road to the west and MacArthur Boulevard to the south.

History of Special Exception Approvals on Property – As noted earlier, the applicant received special exception approval in 1984 to construct and operate the golf course. Since the original special exception approval, the Board has approved several modifications. In 1985, the Board

approved a modification to the golf course clubhouse building location, configuration and associated infrastructure. On August 14, 1986, the Board granted a modification to permit the applicant to host an additional professional golf tournament, a one-time event on the property. On December 16, 1995, the Board granted a modification to allow for a transfer of the special exception to the current owner, Tournament Players Club at Avenel, Inc. (TPC). This modification request also allowed the construction of a new PGA TOUR event storage building, the expansion of the maintenance building, the replacement of existing underground storage tanks with two above ground fuel tanks and the construction of a water quality structure.

Proposed Modifications to the Special Exception

The proposed modifications to the Special Exception generally fall into the following categories:

- A. Renovate and make alterations to the existing golf course facilities;
- B. Renovate and make alterations to the existing structures and entry drive;
- C. Modify general golf course operations
- D. Modify PGA Tour Event operations

Renovate and make alterations to the existing golf course facilities

The applicant requests approval in order to make improvements to the golf course facilities, specifically to fix significant flooding problems on holes, five, six, nine, ten, eleven, and twelve. Additionally, the improvements will upgrade the irrigation system throughout the golf course, rebuild all greens, tees and bunkers, replace fairway turf, redesign and reconfigure holes nine through thirteen, enhance the existing golf practice facility and make competitive enhancement modifications to the remaining holes. The applicant states that the proposed renovations of the golf course are designed to significantly reduce storm water runoff and flooding problems, and to restore and improve the stream valley beds that on the property. These improvements will also create a significantly enhanced golf course and PGA TOUR event site by making the competitive improvements throughout the golf course.

Renovate and make alterations to the existing structures and entry drive

The original special exception approved a 39,000 square-foot clubhouse. However, the clubhouse of this size was not constructed. According to the applicant, the size of the existing clubhouse is approximately 30,000 square feet. Specifically, the applicant proposes an addition to the existing clubhouse of approximately 3,600 square feet. The new space will be used for a player's dining area during a PGA TOUR event, and other uses as appropriate. In addition, the applicant proposes to reconfigure and renovate the existing interior layout of the building. On the exterior, the applicant proposes to rebuild the exterior patio to accommodate additional people to provide a more dramatic view for the final hole of the golf course. Additionally, the applicant proposes to replace exterior windows and doors, make minor façade changes and architectural improvements, construct a new roof, erect new signage and improve the building access walks and drop-off areas.

Tournament Office Building - The applicant has removed its request to construct a tournament office building on WSSC property.

Wash Pad - The applicant requests approval to install a roof structure on the existing wash pad portion of the maintenance structure.

Entry Drive – The applicant requests approval to widen and improve the existing drive to the property. Currently the entry drive is a two-lane (24-foot wide), two-way drive with grass and trees on both sides within an existing 50-foot easement. The applicant proposes to widen the paving to a 36-foot wide, three-lane drive to accommodate increased traffic during the PGA TOUR event and to enhance the landscaping, tree plantings and signage along the entry road in order to create an improved view for members, guests, and visitors to the PGA TOUR event as they enter the property. The applicant and WSSC is agreeable to a modification of the existing easement agreement between the two parties dated December 12, 1988 that would allow expansion of the existing access road easement width from 50 feet to 70 feet in order to construct an additional travel lane. (See Attached Letter from WSSC)

Modify General Golf Course Operations

The applicant is requesting approval to modify certain aspects of the general golf course operations. Currently the special exception limits hours of operation as follows:

Spring, Summer and Fall: Monday – Friday, 8 a.m. to sundown, Saturday and Sunday, 7 a.m. to sundown. Last players allowed on the course no later than 5 p.m.

Winter: Course is open only six days a week. Last players allowed on the course no later than 2 p.m.

The applicant proposes to revise these hours of operation to conform to standard hours for a private golf membership club and to adequately serve its golf membership. Specifically, the hours of operation are proposed as follows:

- a. Administrative Staff: 8 a.m. to 6 p.m., year round
- b. Golf Course operations: April 1st – October 1st, Weekdays: 7:30 a.m. to sundown, and Weekends: 7:00 a.m. to sundown.
March 1st- March 31st & November 1st – November 30th : 8:00 a.m. to sundown, daily.
December 1st – February 29th: 10:00 a.m. to sundown, daily.

The special exception currently limits the number of full-time employees on the property to 50, with no more than 40 persons working on the property at any given time. In order to operate the golf club with adequate levels of service and maintenance, the applicant requests approval to expand the number of full-time employees to 85 with no more than 50 persons working on the property at any given time.

The special exception states that all players must use electric carts and that no handcarts or caddies will be available. The applicant requests approval to allow players to walk while playing the golf course, with an option to provide caddies as part of special events.

Modify PGA Tour Event Operations

In addition, the applicant requests approval to modify certain aspects of the PGA Tour event operations. Specifically, the applicant requests that the special exception permit a PGA Tour event on the property, without reference to a specific sponsor by name, as the event sponsor is subject to change. Furthermore, the current special exception states that the event held each year begins on or about May 30 and runs for five days (Wednesday – Sunday). The applicant is requesting modification of the special exception to allow for a PGA Tour event, to last seven days (Monday – Sunday) and be held during any portion of the year between April and October in order to accommodate potential changes to the tournament sponsor.

Preparation and cleanup time frames

The special exception currently specifies that preparation time for the PGA Tour event is one week prior to the event and that cleanup is 2 to 3 days. According to the applicant, hospitality services and requirements have become more sophisticated and that the time to prepare and set up for an event has increased to more than one week and that the time to clean up and break down takes longer than 2 to 3 days. The applicant is requesting approval for a modification to the special exception that allows for increased preparation and cleanup time. Staff recommends an increased time of up to three weeks for preparation time and an increase of up to one week for break down time rather than the six weeks requested by the applicant for preparation and cleanup/breakdown.

ANALYSIS

Master Plan - Community-Based Planning staff finds the special exception modification to be compatible with the adjacent single-family residential development and recommends APPROVAL.

The property is within the area of the approved and adopted Potomac Subregion Master Plan of 2002. The Master Plan confirmed the existing zoning pattern but did not specifically address the golf course property. The property is surrounded by the Avenel subdivision (RE-2/TDR Zone) to the north and east, the Potomac Ranch (RE-2 Zone) and River Falls subdivisions (R-200 Zone) to the west, and the Brickyard Meadows and Mazza Woods subdivisions (both RE-2 Zone) to the south.

The project has an approved NRI/FSD and preliminary forest conservation plan and the Department of Permitting Services has approved a storm water management concept plan. Flooding, stream bank erosion and sedimentation pose existing problems and the modification offers an opportunity to rectify these and provide net environmental benefits. These include the

conversion of existing managed turf to floodplain and wetland vegetation, and increased stream buffer and upland forest conservation areas.

If the Board of Appeals ultimately approves the special exception modification, the site plan regulatory process will further address these issues and enable staff to review detailed mitigation proposals, which may, for example, include a reduction in the use of chemical fertilizers.

Transportation - Based on review of the site plan and the traffic analysis submitted by the applicant, staff recommends the following condition as part of the APF test related to approval of the subject special exception application.

- The number of full time employees is limited to a maximum of 85 and the number of employees working onsite at any given time is limited to a maximum of 50.

DISCUSSION

The existing site has a previously approved special exception (Board of Appeal Number S-0914) to permit a private golf course and country club, and the applicant desires to modify the special exception in order to specify current employee levels. The existing S-914 has a limitation on the number of employees – 50 full time employees and 40 employees working onsite at any given time. The applicant requests to increase the number of full time employees from 50 to 85 and the number of employees working onsite at any given time from 40 to 50. The applicant submitted a traffic study to support the proposed modification of the existing private golf course and country club.

Local Area Transportation Review

Three intersections were identified as critical intersections to be affected by the existing golf course and were examined in the traffic study to determine whether they met the applicable congestion standard. The congestion standard in the Potomac Policy Area is 1,475 Critical Lane Volumes (CLV). The critical lane volume (CLV) impacts of the proposed modification to the site on critical intersections in the vicinity of the site were analyzed and are summarized in Table 1.

Table 1

Intersection Capacity Analysis with CLV During the Weekday Peak Hour				
<i>Intersection</i>	Existing Traffic Volumes	Background and Total Future Traffic Volumes		
		<u>PM</u>	<u>AM</u>	<u>PM</u>
Falls Road (MD 189)/Oaklyn	1,051	1,065	1,051	1,066

Drive				
Persimmon Tree Road/ Bradley Blvd. (MD 191)/Oaklyn Drive	647	671	650	678
Oaklyn Drive/TPC at Avenel Access	233	276	244	290

As shown in the above table, all intersections analyzed are currently operating at acceptable CLVs (below 1,475) and this acceptable level will continue for the background (the existing traffic plus traffic from approved and unbuilt developments) and total future development condition during the weekday AM and PM peak hours. Since there is no approved and unbuilt development affecting the study area, the background traffic and total future traffic volumes remain the same. Based on the trip generation information provided by the applicant, the site currently generates 40 and 59 vehicle trips during the AM and PM peak hours, respectively. If the site were operating with the new limitation on the number of employees placed under the S-914-C, the site would be estimated to generate approximately 51 and 74 trips during the AM and PM peak hours, respectively.

Site Access and Vehicular/Pedestrian Circulation

Access to the site exists on Oaklyn Drive, and the existing site access is not to be changed. Staff reviewed the site plan and finds that existing access to the site and the internal traffic/pedestrian circulation system shown on the site plan are safe and adequate.

Transportation Planning staff concludes that the granting of the requested Special Exception to modify the statement of operations to increase (1) the number of full time employees from 50 to a maximum of 85 and (2) the number of employees working onsite at any given time from 40 to 50 at the TPC at Avenel would not have an adverse effect on the nearby road system.

Environment

Discussion

The 226-acre site (260 acres including WSSC parcel) is the location for an existing 18 hole Avenel golf course developed in the 1980's, prior to the existence of the County's current stream valley buffer guidelines. The active area of the course covers much of the stream valley buffer area that would be protected under today's standards. When the course was originally built, stream buffers were only partially implemented on the site in order to accommodate the golf course, and the loss of stream buffer area was offset by a stormwater management approach that was considered to be innovative for its time, including extended detention wet ponds, grass swales, and open section roads. Despite these on-site controls, flooding and stream erosion has become a concern in the operation of the golf course for a number of reasons, including the inherent issues associated with locating the course in the floodplain, along with changes in hydrology that have occurred from upstream development. Channel downcutting has resulted in

entrenched streams that are unstable and prone to erosion. Geomorphic studies that have been conducted to prepare restoration plans for the streams have found that the area had been significantly altered (before the golf course construction) by gold mining operations and the build up of sediments in the floodplain from agricultural activities.

The current condition includes a stream that is in the process of downcutting and active channel adjustment. The proposed stream restoration and floodplain reconstruction project would reconnect the stream to a wider floodplain by removing the built-up sediments and re-establishing wetlands and native vegetation in the more frequently inundated areas along the stream edges in a new floodplain. This process would provide more storage capacity alongside the stream channel for high flows to spread out, slow down, and filter out sediment and pollutants. The restoration technique includes a great deal of research to determine the appropriate floodplain elevation, based on historic data and soil borings; and the appropriate channel dimension to handle the current flows in a non-erosive manner.

The stream restoration and floodplain reconstruction elements of the project are still under design. Staff has participated in a number of briefings on the proposed restoration technique, and visited stream restoration sites that have been constructed by this environmental design and construction team. The proposed floodplain reconstruction technique is not something that we would recommend in typical stream valleys in the County, due to the need, under most circumstances, to remove a lot of riparian tree canopy. The golf course, however, is a very suitable location to conduct this type of work, and the technique holds a great deal of potential to reduce flow velocities and erosion on the golf course, as well as providing downstream benefits by reducing storm flows and sediment loads.

Basis for Recommendation

With the recommended conditions for additional modeling, rigorous construction inspection and monitoring efforts, and long-term environmental performance monitoring, staff believes that the proposal offers an improvement over existing conditions on the site. Approximately 2.6 acres of managed turf will be converted to floodplain and wetland vegetation, and the project will result in a net improvement in stream buffer area and upland forest conservation area.

Forest Conservation

The project has an approved NRI/FSD (4-06060) and preliminary forest conservation plan (S-914-C). The preliminary FCP meets all requirements on-site, with a total of 39 acres of forest: 27.8 acres of existing forest is retained, .86 acres is cleared, and 11.3 acres of forest will be planted, with approximately .5 acre to be planted within the stream valley buffer, and the remainder planted along the periphery of the golf course.

Environmental Guidelines

The original special exception and site plan for the golf course permitted the placement of the course within the stream valley buffer. The current plan keeps the tees, greens and fairways generally in the same locations and proposes to restore 2.7 acres of the stream valley to wetlands. Attachment A outlines the specific areas of work. Approximately 125 acres will be disturbed,

including reconditioning of the fairways. The site plan will further characterize permanent, avoidable and unavoidable buffer encroachments, along with proposed mitigation measures. Staff will be reviewing the site plan to ensure that avoidable encroachments are minimized and fully mitigated. Such mitigation measures may include enhanced reforestation utilizing larger planting stock, and efforts to make the golf course as “environmentally friendly” as possible, with expanded no-mow fringes around the streams, and an advanced integrated pest management and chemical use reduction plan.

Regional Water Quality

The project is located in the Rock Run watershed, a small tributary to the Potomac River. These streams are identified as Watershed Restoration areas in the Countywide Stream Protection Strategy, with fair biological condition and good habitat conditions in the mainstem, and poor conditions in the tributaries. The plan proposes to restore approximately 470 linear feet of the Rock Run mainstem, and approximately 3,700 linear feet of eroding stream banks on the tributaries, thereby reducing downstream sediment loads. Staff has requested that the downstream benefits, in terms of sediment load and storm flow attenuation, be further quantified as part of the site plan.

Stormwater Management

A stormwater management concept was approved by DPS on July 3, 2006. There are three existing stormwater management wet ponds on the course that provide water quantity and quality control for parts of the site. Areas of the golf course that are not controlled by the ponds will be addressed through a combination of nonstructural stormwater management methods and credits derived from the additional floodplain storage that will be created. Other improvements on the site, including renovations to the clubhouse, and entrance road widening, will be treated through biofiltration, and grass channels.

Attachment A: Description of Proposed Stream Restoration Areas and Proposed Impacts

DESCRIPTION OF RESTORATION AREAS

1. Stream Creation Site A – Removal of three drainage pipes in order to restore approximately 414 linear feet of stream channel. Adjustments to the existing channel between the pipes will be necessary to obtain the proper channel dimensions, plan form and profile.
2. Stream Restoration/Mitigation Site B – The existing channel banks/floodplain of a tributary to Rock Run are comprised of “legacy sediments” and fill material from the golf course adjacent to the tee boxes on existing hole #6. This site will consist mostly of removing the recent and legacy floodplain sediments while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation will be planted as a wetland creation area.
3. Stream Restoration/Mitigation Site C and Wetland Creation Sites D and E- The existing channel banks/floodplain of a tributary to Rock Run are comprised of “legacy sediments” and fill material from the golf course adjacent to the fairway on existing hole #6. This site will consist mostly of removing the recent and legacy floodplain sediments while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation will be planted as a wetland creation area.
4. Stream Restoration/Mitigation Site F – The existing tributary to Rock Run has been ditched and is entrenched with severe erosion of its bed and banks. The channel is cutting into the erodible bedrock and the sediments from the ditched material adjacent to the club house (east of the clubhouse) confluencing with Rock Run at the fairway of existing hole #10. This site will consist mostly of removing the recent and legacy floodplain sediments while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation will be planted as a wetland creation area.
5. Stream Restoration/ Mitigation Site H and Wetland Creation Site G- The existing channel banks/floodplain of Rock Run are comprised of “legacy sediments” and fill material from the golf course adjacent to the tee boxes on existing hole #10. This site will consist mostly of removing the recent and legacy floodplain sediments while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation will be planted as a wetland creation area.
6. Wetland Creation Site I – Approximately 30,127 square feet of wetlands will be created as a result of removing the recent golf course fill and legacy floodplain sediments. The floodplain area under excavation will be planted as a wetland creation area and the majority of the abandoned length of Rock Run (relocated) will remain as oxbow bend features. This site is located along the green of hole #10 and the fairway of existing hole #11.
7. Wetland Creation Site J – Approximately 35,691 square feet of wetlands will be created as a result of removing the recent golf course fill and legacy floodplain sediments. The floodplain area under excavation will be planted as a wetland creation area and the

majority of the abandoned length of Rock Run (relocated) will remain as oxbow bend features. This site is located along the tees of existing hole #12.

8. Stream Restoration/Mitigation Site L – Rock Run has been previously ditched and is entrenched with severe erosion of its bed and banks. The channel is cutting into the floodplain legacy sediments and golf course fill adjacent to the green of existing hole #12. This site will consist mostly of removing the recent and legacy floodplain sediments while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation will be planted as a wetland creation area. This restoration location will be an extension of the Waters of the U.S. Impact at Site 8.
9. Stream Restoration/Mitigation Site M – A tributary to Rock Run has been previously ditched and is entrenched with severe erosion of its bed and banks. The channel is cutting into the floodplain sediments and bed features adjacent to the tees of existing hole #13. This site will consist mostly of removing the floodplain sediments, sloping the banks and installation of bank and bed stability measures while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation and sloped banks will be planted as a wetland/riparian area.
10. Stream Restoration/Mitigation Site N – A tributary to Rock Run has been previously ditched and is entrenched with severe erosion of its bed and banks. The channel is cutting into the floodplain sediments and bed features adjacent to the tees of existing hole #16. This site will consist mostly of removing the floodplain sediments, sloping the banks and installation of bank and bed stability measures while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation and sloped banks will be planted as a wetland/riparian area.
11. Stream Restoration/Mitigation Site O – A tributary to Rock Run has been previously ditched and is entrenched with severe erosion of its bed and banks. The channel is cutting into the floodplain sediments and bed features (including bed rock) adjacent to the tees of existing hole #14 and the fairway and green of existing hole 13. This site will consist mostly of removing the floodplain sediments, sloping the banks and installation of bank and bed stability measures while potentially leaving the majority of channel length in its existing location. The floodplain area under excavation and sloped banks will be planted as a wetland/riparian area. This restoration site is an extension of the impact to Waters of the US site 9.

DESCRIPTION OF PROPOSED IMPACTS

The proposed impacts to Jurisdictional Waters of the U.S. (including wetlands) resulting from the golf course modifications typically occur as a result of the following changes to a hole to make competitive enhancement modifications and improve the quality of the golf course, (1) reduce flooding to the area in play, (2) reduce maintenance as a result of bank erosion and debris from flooding, and (3) improve aesthetics and water hazards as part of play. Overall, 1,208 square feet of emergent, non-tidal wetlands and 2,418 linear feet of stream channel will be permanently impacted by this project.

Impact 1 – consists of filling a portion of the water hazard (pond) as part of the modifications to enhance competitive play. The pond area will increase as a whole with a small area being filled adjacent to the fairway at existing hole #4.

Impact 2 - Consists of filling a small, man-made intermittent drainage ditch as part of the modifications to enhance competitive play. The jurisdictional ditch is approximately 2 feet wide and conveys runoff from the golf cart underpass at Oaklyn Drive adjacent to the tees at existing hole #6 to an unnamed tributary to Rock Run.

Impacts 3 & 4 – Results from the relocation of an existing stream channel and minor filling of an emergent wetland pocket dominated by cattail to enhance competitive play, to reduce flooding in the play area, to reduce maintenance, and to improve aesthetics and water hazards.

Impact 5 – In order to enhance competitive play and improve aesthetics of existing hole #9, the applicant proposes to relocate the green. Relocation of the green will require permanent impacts to 315 linear feet of a 3-foot wide, grass-lined ditch that currently connects existing pond #6 to the existing pond adjacent green #9. As part of this impact the existing grass-lined channel will be piped from the upstream pond directly to the downstream pond.

Impact 6 – Consists of encroaching upon the existing 25-foot wetland buffer adjacent to the tees at existing hole #10. The encroachment is necessary to enhance competitive play and to improve aesthetics. The buffer area to be disturbed is currently maintained as mowed grass.

Impact 7 - Consists of filling a stream channel as part of the (1) modifications to enhance competitive play, (2) reduce flooding in the play area, (3) reduce maintenance and (4) improve aesthetics and water hazards. The stream channel being filled is Rock Run adjacent to the fairway and green at existing hole #10. The waters will be relocated and restored to a more stable condition. The existing condition includes steep high vertical banks, tight meander bends, tree fall and debris jams. The majority of the existing waters will remain as oxbow features after the stream relocation/restoration. The proposed stream will be designed and stabilized based upon natural channel design techniques and structures.

Impacts 8 and 12- Consists of filling stream channel as part of the (1) modifications to enhance competitive play, (2) reduce flooding in the play area, (3) reduce maintenance and (4) improve aesthetics and water hazards. The waters being filled is Rock Run adjacent to the green at existing hole 11 and the tees at existing hole #12. The waters will be relocated and restored to a more stable condition. The existing condition includes steep high vertical banks, tight meander bends, tree fall and debris jams. The majority of the existing waters will remain as oxbow features after the stream relocation/restoration. The proposed stream will be designed and stabilized based upon natural channel design techniques and structures.

Impact 9 – A portion of the Rock Run stream channel adjacent to existing hole #12 green will be reconfigured in order to enhance competitive play, reduce maintenance from bank erosion, and to improve aesthetics and water hazards. The stream will be relocated and restored to a more

stable condition. The existing condition includes steep high vertical banks and tight meander bends. A portion of the existing waters will be filled and relocated. The proposed stream will be designed and stabilized with rock and log structure to remain stable during high flow events. The minimal width available for floodplain and pattern will require the rock and log structures to maintain stability.

Impact 10 – The lower segment of an intermittent stream channel where it empties into existing pond #3 will be filled as part of the modifications to enhance competitive play, to reduce maintenance from bank erosion, and to improve aesthetics and water hazards. The stream channel being filled is a tributary to Rock Run and is also the farthest extent of backwater from a stormwater management pond adjacent to the fairway at existing hole #13. The waters will be relocated and restored to a more stable condition. The existing condition includes steep high vertical banks and tight meander bends. A majority of the existing waters will be filled and relocated. The proposed stream will be designed and stabilized with rock and log structure to remain stable during high flow events. The minimal width available for floodplain and pattern will require the rock and log structures to maintain stability.

Impact 11 – Results from the installation of a stone bulkhead around the perimeter of the existing stormwater management pond #5 adjacent to hole #17 green. The modifications are necessary to enhance competitive play and improve aesthetics and water hazards. It should also be noted that the pond will be expanded slightly by excavating adjacent upland areas.

**TPC AT AVENEL
SPECIAL EXCEPTION MODIFICATION S-914-C**

DEVELOPMENT STANDARDS CHART

Pursuant to Section 59-G-2.24(b) of the Zoning Ordinance governing development standards for golf course special exceptions, the standards of the applicable zone apply (RE/2C-TDR) with the exception of building coverage, main building setback, accessory building location and frontage, which are specifically addressed by Section 59-G-2.249(b). Applicable development standards to the golf course and its associated buildings are addressed below:

<i>RE-2C/ TDR Zone</i>	<i>Required (feet)</i>	<i>Existing (feet)</i>	<i>Proposed (feet)</i>
Accessory structure setbacks			No changes to accessory structures
Street line	80	100	100
Rear lot line	10	100 minimum	100 minimum
Side lot line	15	300	300
Maximum Building Height	50	36	36

<i>Separately Addressed in Section 59-G-2.24(b)</i>	<i>Required (feet)</i>	<i>Existing (feet)</i>	<i>Proposed (feet)</i>
Maximum Building Coverage	3%	0.32%	0.39%
Minimum Setback for Main Building	50	406.85	406.85
Minimum Frontage on an arterial road	200	981.03	981.03

Parking

On-site parking is provided in the clubhouse surface parking lot. The original special exception (June 13, 1984) approved the 39,000 square foot clubhouse with 250 surface parking spaces. Only 30,000 square feet of clubhouse space was constructed. This was modified slightly to an increase of 251 surface parking spaces by amendment to the special exception (Oct. 17, 1985). The proposed special exception site plan reflects what is currently at the clubhouse, which is 259 parking spaces. As discussed earlier, the addition to the clubhouse (3,600 square) is within the originally approved amount.

Regarding tournament parking, the PGA Tour utilizes the parking easement areas on WSSC property and also utilizes off-site parking and shuttle buses from Montgomery Mall and other locations. Upon return of a tournament and tournament operations, TPC would continue to use the WSSC parking areas and the off-site parking arrangements to adequately address tournament parking.

Community Concerns – Staff received a letter from representatives of the Brickyard Road Citizens Association and the Mazza Woods Citizens Association expressing concern about the environmental impact of the special modification request on the nearby Rock Run spring. (See Attached Letter)

Conclusion – Staff recommends **Approval** of the modification request for the reasons as stated in Staff’s Recommendation.

Compliance with Specific and General Special Exception Provisions

Sec. 59-G-1.2. Conditions for granting.

59-G-1.2.1. Standard for evaluation.

A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical and operational characteristics not necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects, adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

All inherent effects of the proposed modifications to the special exception are with respect to size, scale, scope, lighting and are no different from the effects of other golf courses or from the existing special exception as it exists prior to the requested modifications. The subject property has been used as a private golf club and host of a PGA Tour event since the original special exception approval. At that time, the additional impact of the PGA Tour event on the general neighborhood found the special exception to be in compliance with all applicable regulations. There is minimal additional lighting or noise impacts. Increases in traffic will not be significant as noted in Transportation staff's analysis. The proposed modifications are designed to improve the environmental conditions on the property and will improve management of the environmental impacts.

Sec. 59-G-2.24. Golf Course and country club.

- (a) The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.

The subject property contains a dining area in the existing clubhouse. In addition, there are on-course refreshment stations and beverage carts to serve players while on the golf course. The proposed modification proposes the addition of a players' dining area as part of the improvements to the existing clubhouse. According to the applicant, the provision of food, refreshments and entertainment has not caused an excessive amount of traffic through local residential streets since the inception of the club, nor since the prior modification to the special exception in 1989 that permitted nightly dining and social events for club members.

(b) All standards of the applicable zones must apply except:

(1) Maximum building coverage – 3%

The proposed modification complies with the maximum building coverage requirement. There is an existing total building coverage of 0.32 percent. With the 3,600 square feet addition, the total building coverage is approximately 0.39 percent.

(2) Maximum setback for a main building – 50 feet

The clubhouse structure is the main building on the subject property and is located approximately 406 feet from the nearest property line.

(3) The Board may waive the provisions of Sec. 59-C-1.326(a) regarding the location of accessory structures.

The applicant is not requesting any waivers from this section of the Zoning Ordinance regarding the location of accessory buildings. The applicant states that all accessory buildings comply with the street line, rear lot line and side lot line setback requirements.

(4) The site must have a minimum of 200 feet of frontage on a road of arterial or higher classification in a residential zone.

The property has approximately 981 feet of frontage on Oaklyn Drive.

(c) All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into any residential areas.

Because of the nature of the use of subject property, there is minimal outdoor lighting on the site. The outdoor lighting is concentrated around the structures, including the clubhouse and the adjoining parking lot. This structure is interior to the site and is buffered from surrounding residential areas by the golf course and large trees.

(d) All major outdoor activity areas, such as tennis courts, swimming pools, and golf course playing surfaces must be set back at least 100 feet from property lines adjoining a one-family residential use. The Board may reduce this setback where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the adjoining residential use.

In certain areas on the property, golf playing surfaces adjoin single-family residential properties and are not set back a full 100 feet from the property lines. However, the Board has approved these reduced setbacks in its prior special exception approvals and has taken into account that the subject property and the surrounding single-family residential development were designed and constructed as part of a single development agreement for the entire Avenel Farm parcel.

- (e) Any golf course established by special exception before May 6, 2002 is a conforming use and may be modified in accordance with the special exception standards in effect at the time of modification.

The Board originally approved the special exception on June 13, 1984. Therefore, it is a conforming use and may be modified in accordance with the current special exception standards.

59-G-1.21. General conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

Golf courses and country clubs are a permissible special exception use in the RE-2C/TDR Zone.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

The proposed modifications complies with all of the standards and requirements set forth in Section 59-G-2.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The site is located within the area of the approved and adopted Potomac Subregion Master Plan of 2002. The Master Plan recommends that the property remain in the RE-2C/TDR zone and continue to be used as a private recreation facility.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The special exception modification proposes an addition (3,600 square feet) to the existing clubhouse structure, and an increase in the number of employees on the property. These modifications do not substantially intensify or alter the nature of the activity on the site. No traffic study is required.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed modifications will have no permanent effect on the use, peaceful enjoyment or development of the surrounding properties.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed modifications will not cause any objectionable noises, fumes or other negative impacts. During the construction phase of the addition, the applicant has noted that measures will be taken to ensure that the construction complies with all County noise standards and minimizes the impact on the surrounding community.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

There are no other special exceptions in the immediate area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed modifications will not adversely affect the health, safety, security, morals or general welfare of residents in the area. The purpose of the request is to enhance the existing use of the site as a championship golf course and to improve the environmental conditions of the existing special exception.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

Adequate police, fire and other public services are available to serve the special exception and the proposed modifications on the property.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

All public facilities, including roads, remain adequate. The proposed addition to the existing facility and the increase to the number of employees on the property will not diminish the adequacy of public services and facilities for the special exception property.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

ATTACHMENTS:

Vicinity Map

Site Plan

Elevations

Letter from WSSC

Letter from Citizens Association

Photographs

Attachment 1

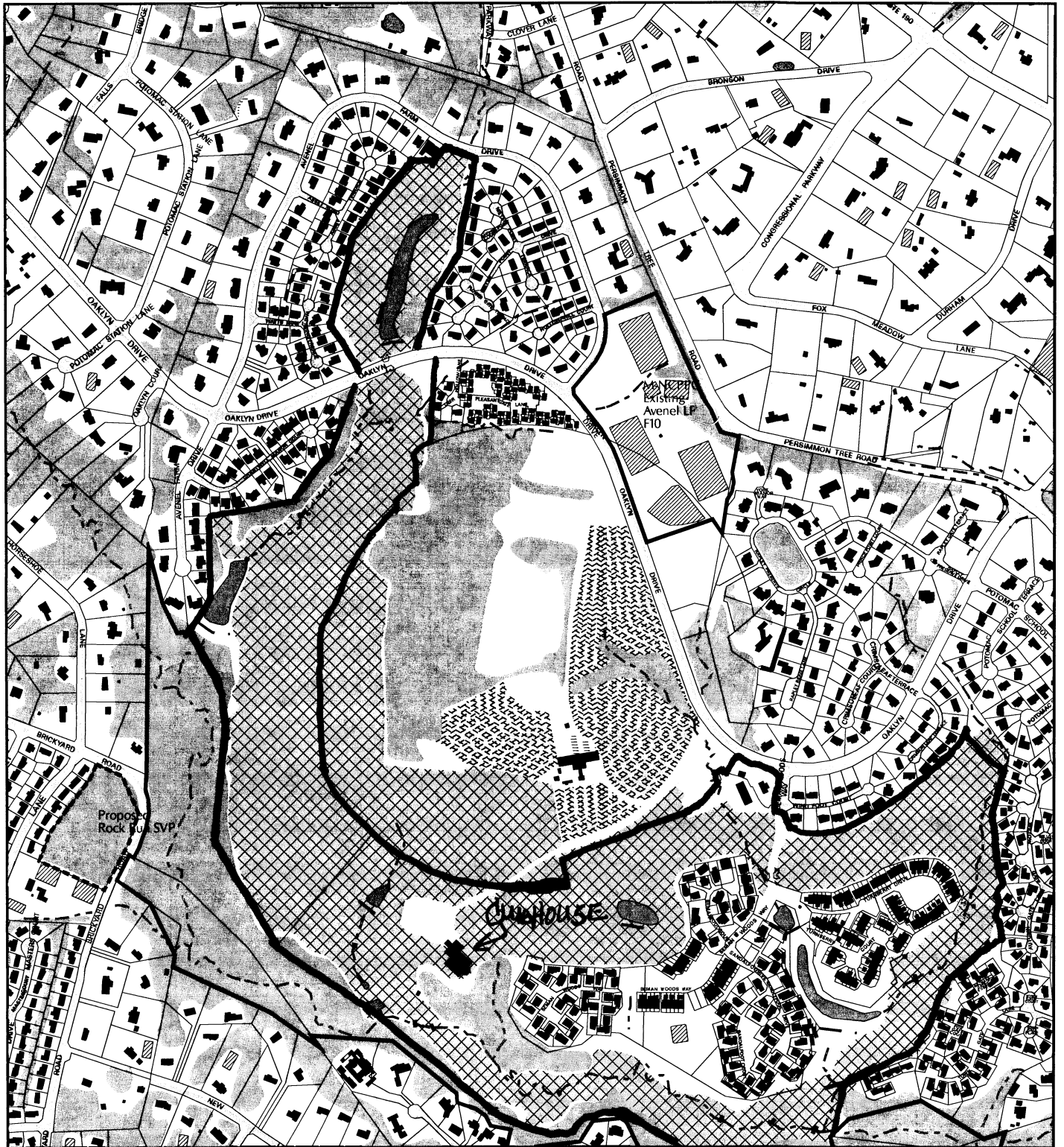
Attachment 2

Attachment 3

Attachment 4

Attachment 5

Attachment 6



Map compiled on September 25, 2006 at 6:33 PM | Site located on base sheet no - 210NW10

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



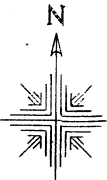
Research & Technology Center



1 inch = 1000 feet
1 : 12000



TOURNAMENT PLAYERS CLUB AT AVENEL



Scale: 1" = 200'

LEGEND:

	EXISTING WETLAND & BUFFER
	LAKE DREDGING
	PROPOSED POND EXPANSION
	PROPOSED REFORESTATION
	WETLAND CREATION
	PROPOSED TEE
	PROPOSED GREEN
	LIMITS OF DISTURBANCE
	TPC AT AVENEL BOUNDARY
	SPECIAL EXCEPTION BOUNDARY
	EXISTING DRIVING RANGE EASEMENT
	PROPOSED SPECIAL EXCEPTION EXPANSION
	PROPOSED DRIVING RANGE EASEMENT EXPANSION
	CONCEPT STREAM WORK
	CONCEPT STREAM WORK

ATTACHMENT 2

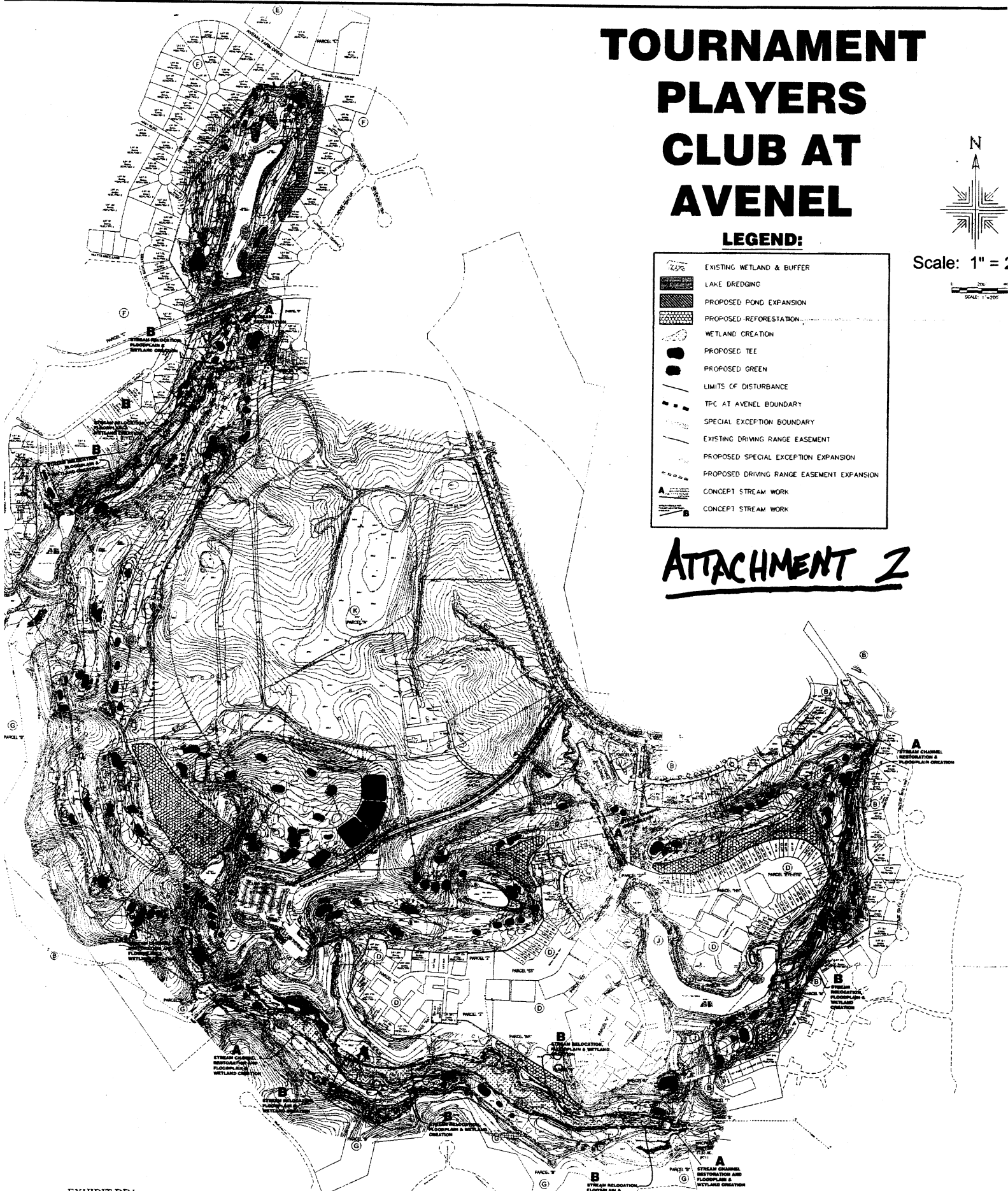


EXHIBIT DD1

SITE PLAN FOR SPECIAL EXCEPTION MODIFICATION

Tournament Players Club at Avenel

2ND ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

OWNER
TOURNAMENT PLAYERS CLUB
AT AVENEL
1000 GAZD TOWNERS
POTOMAC, MD 20854
Phone: (301) 460-2700
Fax: (301) 469-9056

LEGAL DESCRIPTION
P.L. 16, 12,
7 AND 8ND CSD
PARCELS A, B & C, BLOCK 1
PARCELS A, BLOCK 1

Scale & Signature

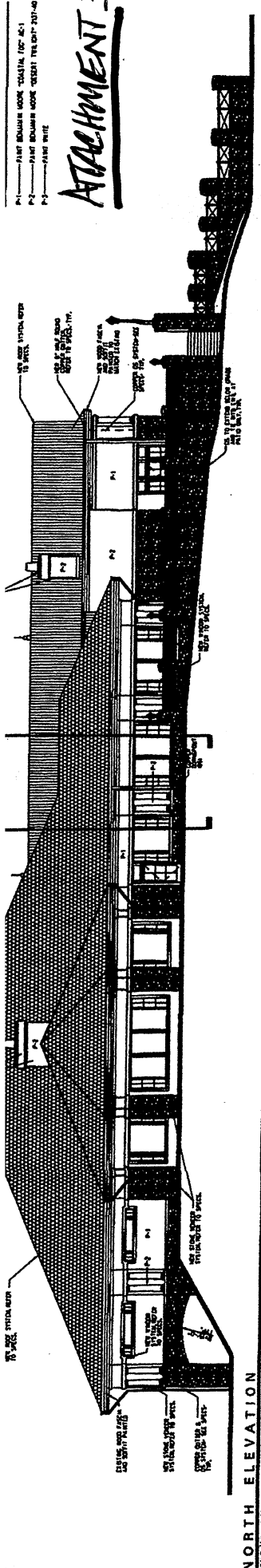
Dewberry

303 Perry Parkway, Suite 1
Gaithersburg, MD 20878
(301) 948-4300 Fax: (301) 254-7607

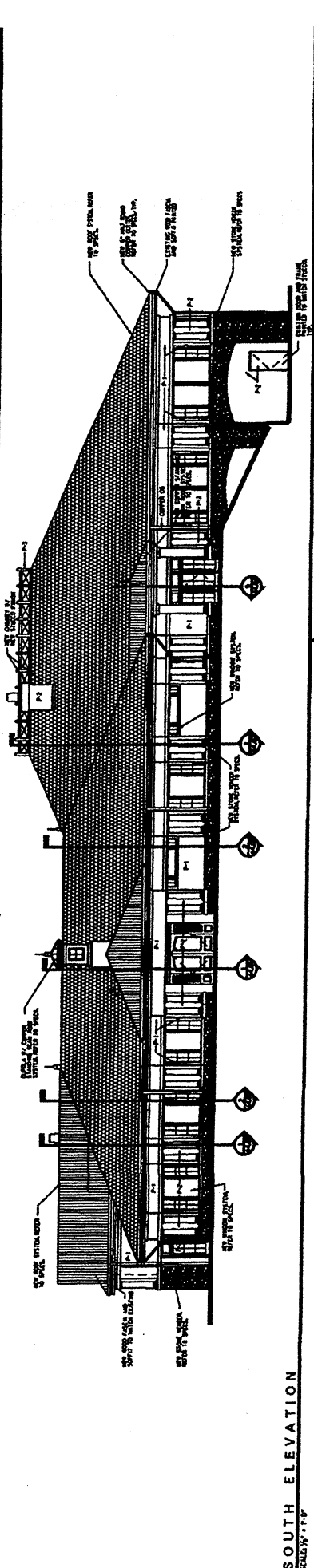
Engineers
Planners
Surveyors
Landscape Architects

ATTACHMENT 3

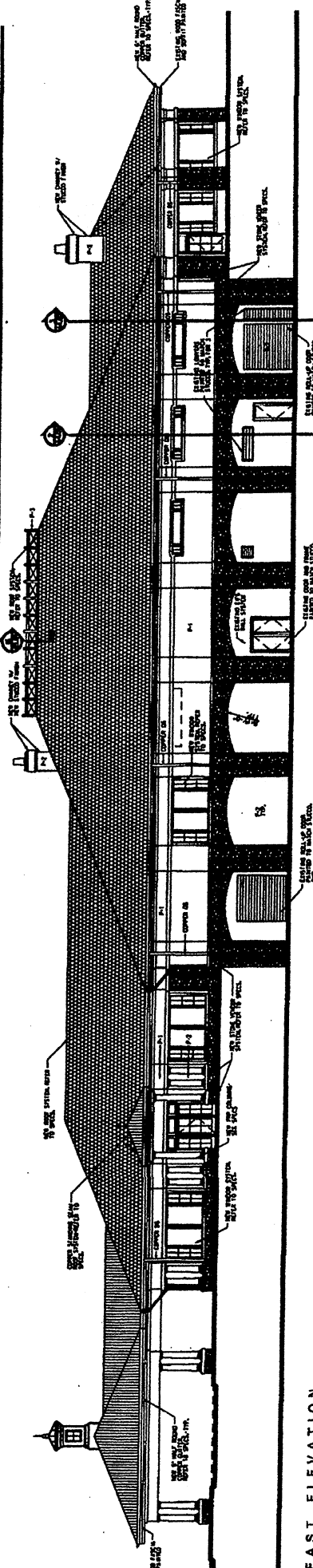
- P-1 - PAINT BRUSHWOOD, COASTAL, (COP. AC-1)
- P-2 - PAINT BRUSHWOOD, WOODS, (COP. AC-1)
- P-3 - PAINT WHITE



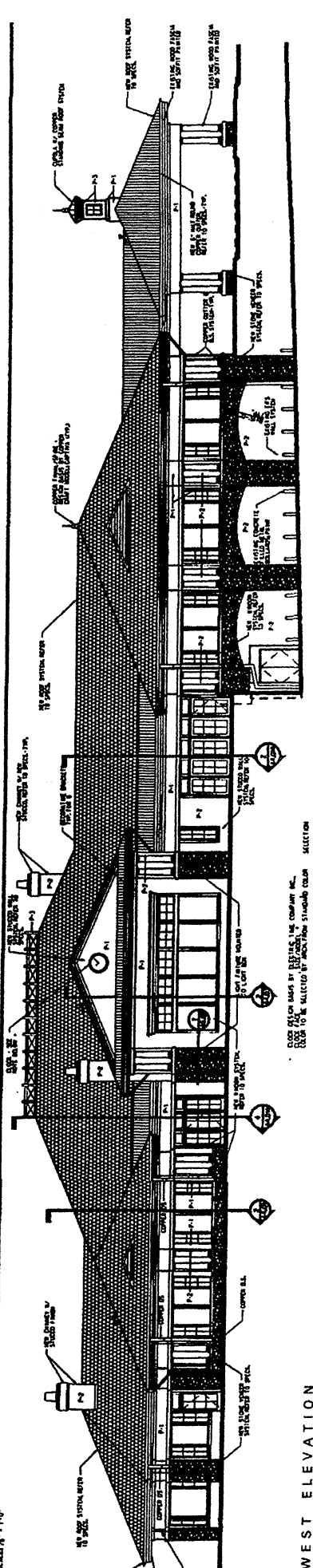
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

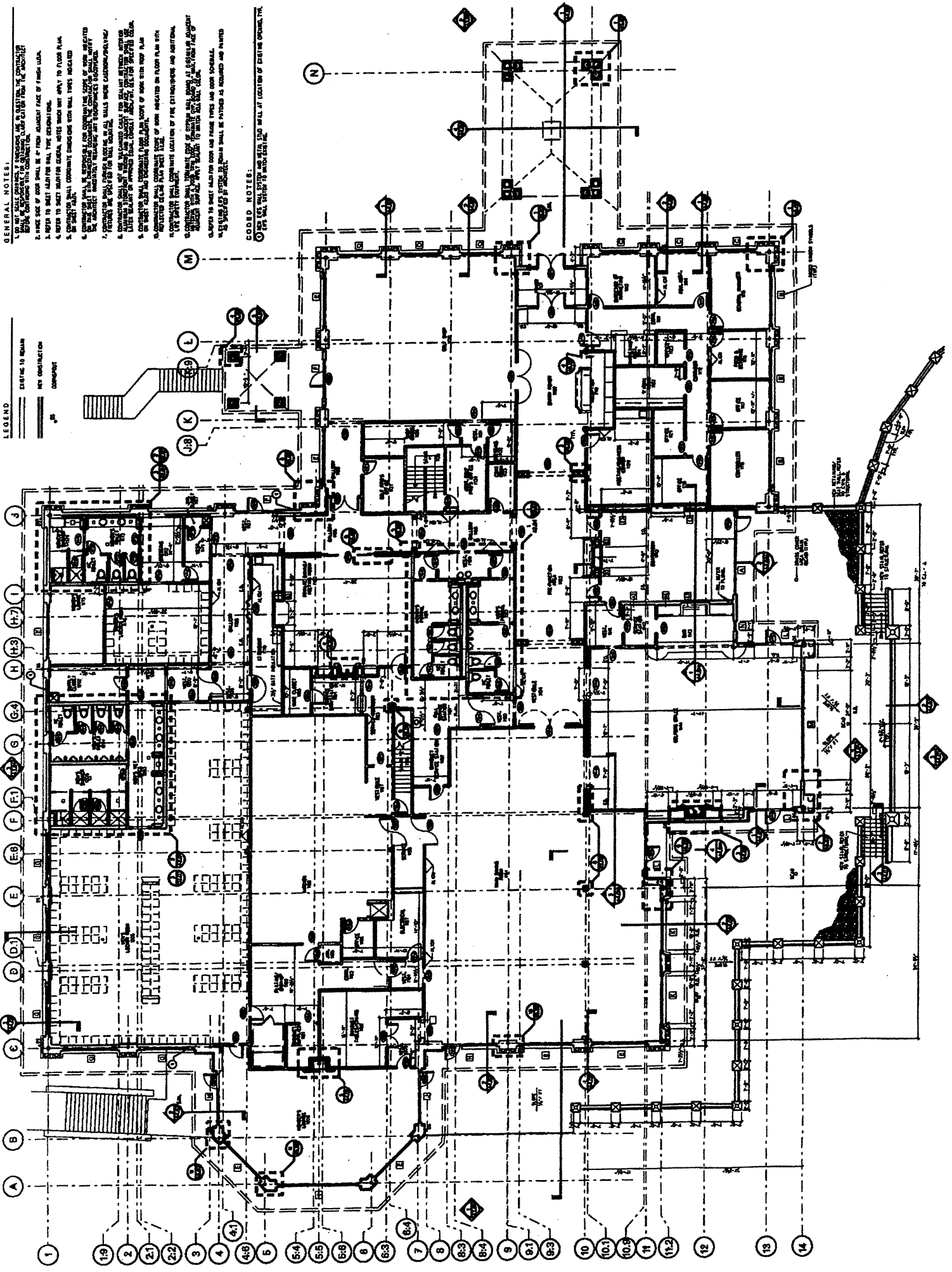


EAST ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

DO NOT SCALE DRAWING FOR MATERIALS SELECTION
DO NOT SCALE DRAWING FOR MATERIALS SELECTION

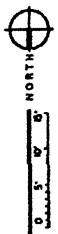
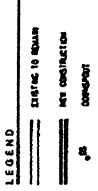


GENERAL NOTES:

1. ALL WALLS, PARTITIONS, AND CEILING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND THE LATEST EDITION OF THE BUILDING CODES AND REGULATIONS.
2. FINISH SIDE OF WORK SHALL BE AS INDICATED UNLESS OTHERWISE NOTED.
3. REFER TO SHEET FOR GENERAL NOTES AND SPECIFICATIONS.
4. REFER TO SHEET FOR GENERAL NOTES AND SPECIFICATIONS.
5. CONTRACTOR SHALL PROVIDE SCHEDULED WORK SHALL BE INDICATED BY SHEET TITLE.
6. CONTRACTOR SHALL PROVIDE SCHEDULED WORK SHALL BE INDICATED BY SHEET TITLE.
7. CONTRACTOR SHALL PROVIDE SCHEDULED WORK SHALL BE INDICATED BY SHEET TITLE.
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12. CONTRACTOR SHALL PROVIDE SCHEDULED WORK SHALL BE INDICATED BY SHEET TITLE.
13. CONTRACTOR SHALL PROVIDE SCHEDULED WORK SHALL BE INDICATED BY SHEET TITLE.
14. CONTRACTOR SHALL PROVIDE SCHEDULED WORK SHALL BE INDICATED BY SHEET TITLE.

CODED NOTES:

- FOR WALL, PARTITION, AND CEILING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND THE LATEST EDITION OF THE BUILDING CODES AND REGULATIONS.
- FOR WALL, PARTITION, AND CEILING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND THE LATEST EDITION OF THE BUILDING CODES AND REGULATIONS.



MAIN LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"



WASHINGTON SUBURBAN
SANITARY COMMISSION

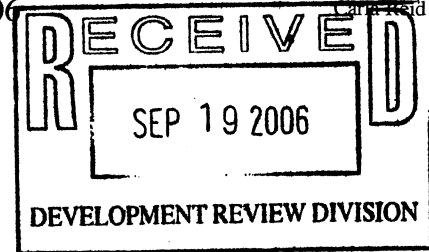
COMMISSIONERS
Prem P. Agarwal, Chair
Stanley J. Botts, Vice Chair
Sandra A. Allen
Marc P. Lieber
Dr. Juanita D. Miller
Joyce Starks

GENERAL MANAGER
Andrew D. Brunhart

DEPUTY GENERAL MANAGER
Lara Reid Joyner

14501 Sweitzer Lane • Laurel, Maryland 20707-5902

September 15, 2006



Mr. Royce Hanson, Chairman
Montgomery County Planning Board
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Tournament Players Club at Avenel
Special Exception Modification Case No. S-914-C

Dear Mr. Hanson:

Representatives of the Tournament Players Club at Avenel, Inc. ("TPC at Avenel") met with the General Manager of the Washington Suburban Sanitary Commission ("WSSC") and me on September 7, 2006 to discuss the proposed modifications to the Avenel golf facility. WSSC has committed to working with TPC at Avenel to allow the modifications requested over the WSSC property as discussed further below. It is our understanding that the Planning Board public hearing is scheduled for October 5, 2006 and the Hearing Examiner public hearing is scheduled for October 13, 2006. While I will be unable to attend the hearings, WSSC will make every effort to have a representative present on those dates.

WSSC has reviewed the proposed modifications shown in a drawing prepared by Dewberry entitled "CONSTRUCTION ACCESS & STAGING AREA OVER WSSC PROPERTY", dated September 2006. Specifically, WSSC has agreed to allow the following:

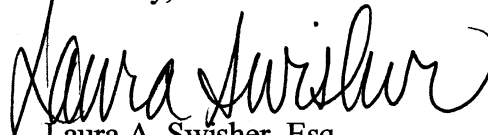
- ***A Temporary Construction Staging area along Fairway #2 and temporary access and paths of movement through the WSSC property for the period necessary to perform all golf course improvements.*** It is anticipated that the temporary easement will need to be in place for 18-24 months. Two separate construction access routes are shown and WSSC would like to retain both routes to preserve flexibility and balance the impacts associated with the use of each route.



- ***Increasing the width of the existing entry drive easement from 50' to 70' to accommodate an additional travel lane and other enhancements:*** WSSC is agreeable to an amendment to the existing Easement Agreement between TPC at Avenel, Inc. and WSSC dated December 29, 1988 (the "Easement Agreement") to expand the existing access road easement width from 50' to 70' in order to construct an additional travel lane with associated other street enhancements.
- ***Alteration of the configuration of the current golf practice facility:*** The WSSC has agreed to allow TPC at Avenel to reconfigure the existing golf practice facility, and incorporate the area currently designated as the "Alternate Driving Range" area by the existing Easement Agreement. In the event WSSC needs to utilize the property for construction of an Advanced Water Treatment Plant ("AWT") Plant, TPC at Avenel understands that the golf practice facility would need to be moved to exist solely within the Alternate Driving Range area or other similar area.
- ***Establishment of a fixed and defined television pad location to replace those currently used during PGA TOUR tournament play:*** WSSC is agreeable to the establishment of a fixed television pad location on WSSC property, to be located within the Temporary Construction Staging area, provided that such television pad will not be constructed as a permanent facility. WSSC will retain the right to relocate the television pad in the future as required for WSSC operations or maintenance purposes to a mutually acceptable location between WSSC and TPC at Avenel.

WSSC hopes that these accommodations will be of assistance in maintaining the TPC at Avenel as a premier facility in both the local and national market. Please feel free to contact me at (301) 206-8153 should you have any questions or concerns regarding this matter.

Sincerely,



Laura A. Swisher, Esq.
Associate Counsel

cc: Wendy C. Perdue
Allison Bryant, Ph.D.
John M. Robinson
Meredith K. Wellington
Carlton Gilbert ✓
Steven Z. Kaufman, Esq.
Joseph P. Lapan, Esq.
James C. Triola
Richard S. Brogan
Michael D. Sullivan
Andrew D. Brunhart

ATTACHMENT 5

FROM :OZAH

FAX NO. :2407776665

Sep. 25 2006 11:52AM P2

Board of Appeals for Montgomery County
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

September 23, 2006

RECEIVED

SEP 25 2006

Letter of Application to be a Party of Standing
Case No. S-914-C

**OFFICE OF ZONING AND
ADMINISTRATIVE HEARINGS**

Rock Run is an historic stream that was the site of a brick factory, gold mines, and beautiful homes. In 1857, the brick factory made the bricks that still line the conduit providing water to Washington DC. Recreational gold panning continues to this day. The stream contains fish such as the Rosyside Dace and amphibians such as the Marbled Salamander and is the food and water supply for wildlife throughout the region. Rock Run contains some of the last oak ridge and river bottom ecology close-in to Washington DC. It is one of the last areas in the Maryland suburbs where the wood thrush still sings.

Citizens throughout Montgomery County come to Rock Run to enjoy its beauty. On a daily basis local residents walk these streambeds. Members of adjacent communities including homeowners on abutting properties, like us, do not want any changes that would hamper their enjoyment of the topography and ecology of Rock Run and Rock Run Park.

We favor actions that preserve the ecology and environment of Rock Run, its tributaries, its adjacent land ownership, its associated communities, and Rock Run Park.

We oppose actions that degrade or threaten to degrade the ecology and environment of Rock Run, its tributaries, its adjacent land ownership, its associated communities, and Rock Run Park.

In particular, we oppose the widening, deepening, straightening, canalization, or shifting of the stream bed of Rock Run or its tributaries. We oppose efforts to remove native ground cover, shrubs, and trees from the streamside, or natural obstacles in the stream such as dead falls and rock formations, whose removal would tend to accelerate the flow of water. We oppose any actions that would accelerate the flow of storm water downstream, thus threatening homes and property and the pristine quality of Rock Run Park. We reject measures that would increase sediment into the Creek or its tributaries or that would add nutrients, pesticides, herbicides, or fertilizer, degrading water quality.

To our knowledge, Tournament Players of Avenel, Inc. has made no effort specifically to inform the landowners adjacent to Rock Run, and their respective homeowners associations, regarding the nature of its problems, its proposed solutions, and associated environmental impacts. Its very first task should be to do so. We further request that we be granted standing in this proceeding and as such that the applicants give us notice of all stages of these proceedings and that the Board of Appeals formally take our views into account in deciding the merits of this matter.

Respectfully submitted,

Charles Doran
Claudia Nagan
Michael Nagan

Brickyard Road Citizens Association

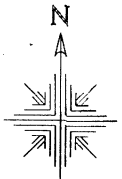
301-983-3298; Charles.Doran@att.net

Daniel Wacker
Yon Wacker

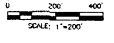
Mazza Woods Citizens Association

EXHIBIT NO. 25
REFERRAL NO. S-914-C

TOURNAMENT PLAYERS CLUB AT AVENEL



Scale: 1" = 200'



LEGEND:

	EXISTING WETLAND & BUFFER
	LAKE DREDGING
	PROPOSED POND EXPANSION
	PROPOSED REFORESTATION
	WETLAND CREATION
	PROPOSED TEE
	PROPOSED GREEN
	LIMITS OF DISTURBANCE
	TPC AT AVENEL BOUNDARY
	SPECIAL EXCEPTION BOUNDARY
	EXISTING DRIVING RANGE EASEMENT
	PROPOSED SPECIAL EXCEPTION EXPANSION
	PROPOSED DRIVING RANGE EASEMENT EXPANSION
	CONCEPT STREAM WORK
	CONCEPT STREAM WORK

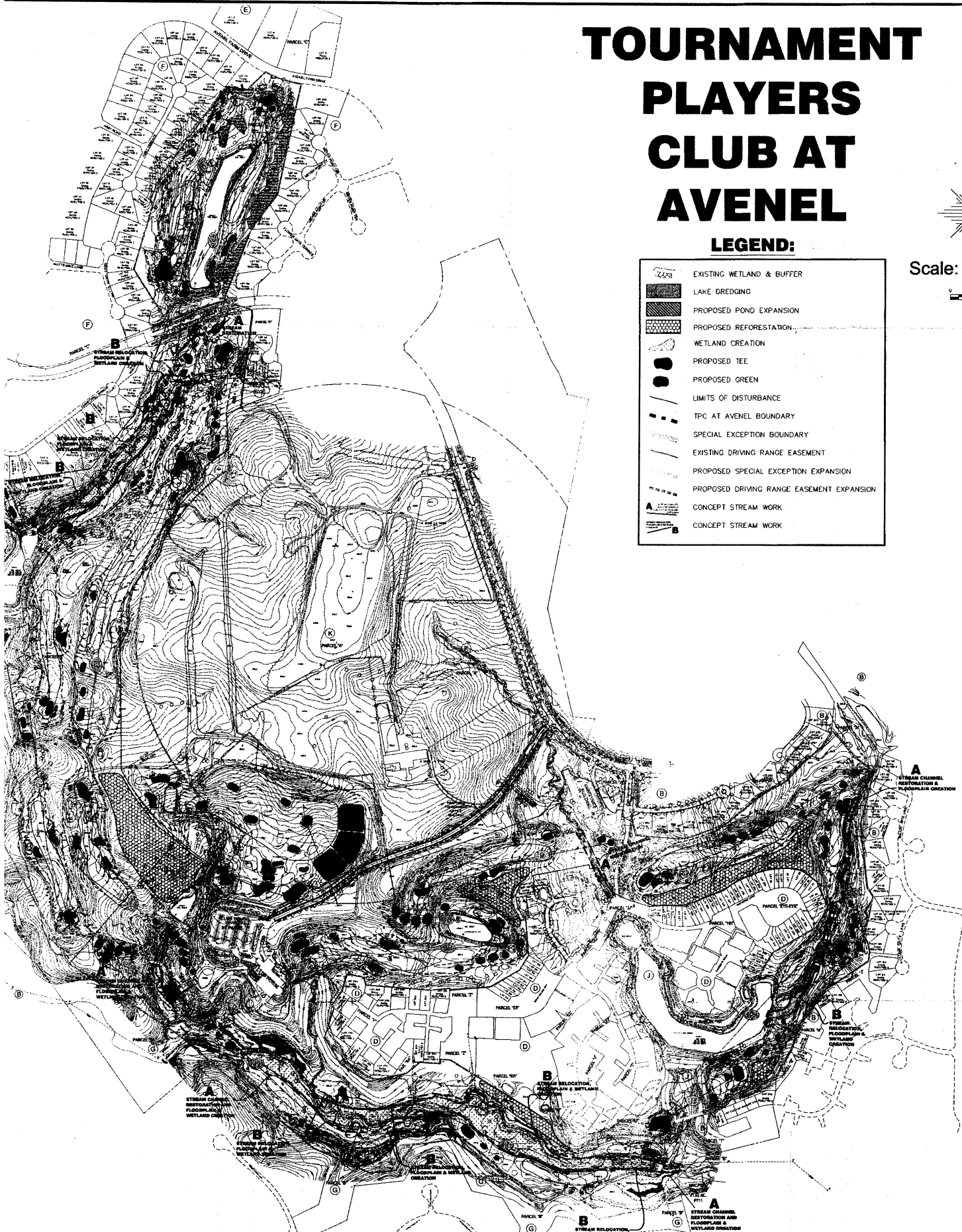


EXHIBIT DD1

SITE PLAN FOR SPECIAL EXCEPTION MODIFICATION

Tournament Players Club at Avenel

OWNER
TOURNAMENT PLAYERS CLUB
AT AVENEL
1000 WALKER DRIVE
KRYONAC, MD 20884
Phone: (301) 460-7700
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LEGAL DESCRIPTION
P15.15, 17.1
P16.0, 16.0A, 17.0A
PARCELS A, A.P.A.C. BLOCK 1
PARCELS A, BLOCK 1

Seal & Signature

Dewberry

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Engineers
Planners
Surveyors
Landscape Architects
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2ND ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

Avenel Hole 6 flooding, September 2006



Avenel tributary, March 2005 Pond 2, Hole 6



Avenel Rock Run, March 2005, between 9th and 10th hole



Lititz Run, PA, June 2006 after restoration

