



Trotters Glen: Limited Site Plan Amendment No. 82013006C

BCB Benjamin Berbert, Planner Coordinator, Area 3, Benjamin.Berbert@montgomeryplanning.org, (301) 495-4644

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

KRR Kipling Reynolds, AICP, Chief Area 3, Kipling.Reynolds@montgomeryplanning.org, (301) 495-4575

Staff Report Date 09/30/16

Description

Trotters Glen: Limited Site Plan Amendment No. 82013006C

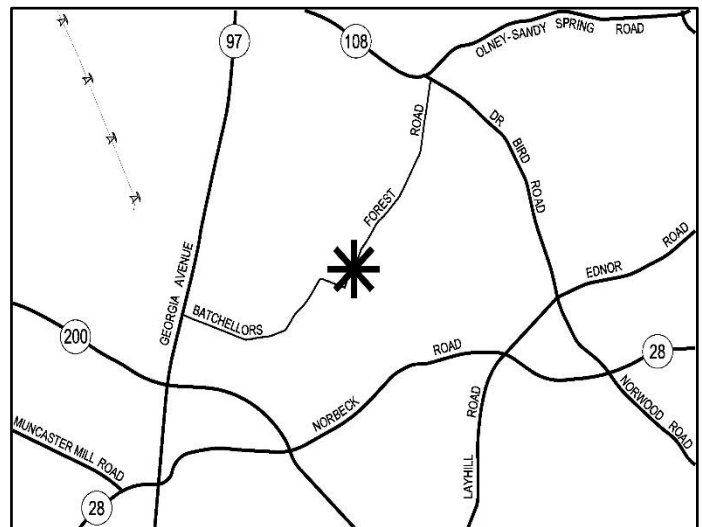
Request to raise the final grade and finished floor elevations on lots 31-46 as identified on the Site Plan, and to include additional landscape screening, located on the west side of Batchellors Forest Road, approximately 1,000 feet east of the intersection with Georgia Avenue (MD 97); 175.4 acres, RNC Zone, 2005 Olney Master Plan.

Staff recommendation: Approval

Applicant: Toll Brothers

Submittal Date: 5/4/2016

Review Basis: Chapter 59



Summary

- Existing lots 34-44, located at the end of Seabiscuit Drive, were approved in the original site plan using grinder pumps and pressure sewer to feed into the gravity sewer serving the remainder of the property. The Applicant is requesting an increase in elevation for lots 31-46 to eliminate the need for grinder and ejector pumps.
- The dwellings that will be constructed on the end of Seabiscuit Drive will be visible from Batchellors Forest Road, a Rustic Road, and their visibility may increase as a result of the amendment. The Applicant is providing additional landscaping as mitigation for the potential increase in visibility from the adjoining roads.
- The community has expressed concern over the possible negative impact the increased elevation will have on their visibility from Batchellors Forest Road and surrounding properties.
- Pursuant to the grandfathering provisions of 59.7.7.1.B.3 of the Zoning Ordinance, this application is reviewed under the Zoning Ordinance in effect on October 29, 2014.
- Rustic Roads Advisory Committee Letter recommends against approval of this Amendment, Staff disagrees with the assessment of the committee

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

RECOMMENDATION: Staff recommends approval of the limited site plan amendment to Site Plan No. 82013006C. All conditions from Site Plan No. 820130060 and Site Plan Amendment No. 82013006A and No. 82013006B remain in full force and effect.

SECTION 2 – SITE LOCATION AND PROJECT DESCRIPTION

SITE LOCATION

The subject property consists of 69 lots, and a number of open space parcels, recorded on record plat numbers 24839 – 24848, totaling 175.8 acres of land in the RNC zone. The property is located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue (Figure 1). The northern property boundary is defined by existing Emory Church Road and a section of unbuilt right-of-way. The eastern, southern and western boundaries are adjacent to existing residential dwellings.

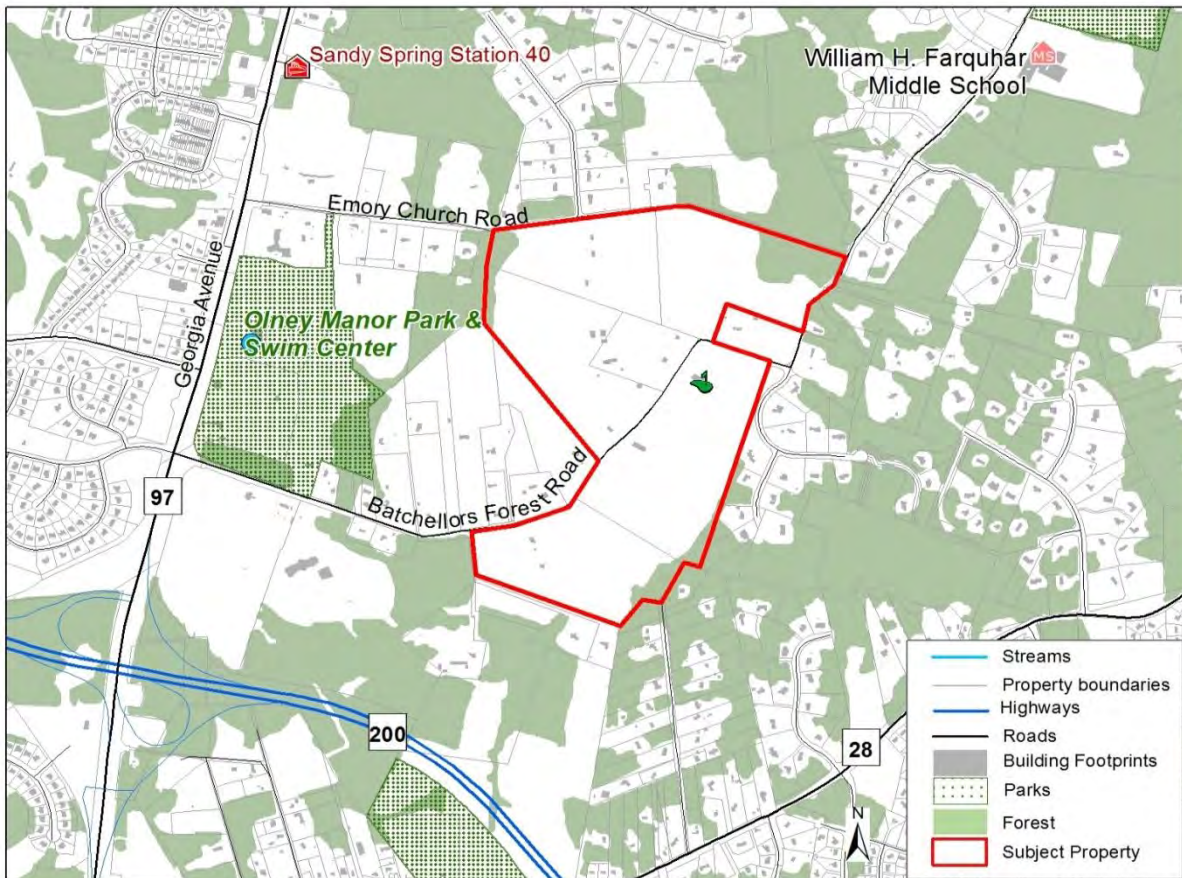


figure 1 – vicinity map

The surrounding residential development is primarily large lot, and is located in a mix of RE-2 and RC Zones. Many of the surrounding properties are extensively covered with tree canopy, and some are maintained with open lawns or pastoral areas. The Olney Manor Park is located less than half a mile to

the west of the property and the interchange with Georgia Avenue and the Inter-County Connector is less than a mile to the southwest. The subject property is located within the Batchellors Run portion of the Northwest Branch watershed, which is a Use IV stream.

SITE DESCRIPTION

Currently the first phases of the site are being developed in accordance with the approved preliminary and site plans with one-family detached homes and associated open space amenities. Much of the approved open space on site has begun transforming into a meadow including tall grass and small shrubs. There are limited areas with existing forest cover in the southeast, northeast and western areas, and the Applicant will be planting additional forest in all stream valley buffers. Also on the property is the existing owner's conservation lot that includes the original farm house, fenced in horse paddocks and stables (Figure 2).



figure 2 –aerial map

The property has portions of three streams crossing through it, all generally flowing from the northwest to southeast. There are approximately 14 acres of existing forest on the property, located in the northeast, northwest and southeast corners, in stream valleys. Generally, the site is a mix of rolling uplands and stream valley lowlands, with the highest elevations near Emory Church Road, and the lowest elevations in the south, eastern and western edges in the stream valleys. There are wetlands in the northeastern portion of the property that run into a culvert that drains into a stream, and again along the edge of a stream feeding a man-made pond (which will be removed) in the southeast. The site also has 100 year FEMA mapped floodplains found in the stream valleys.

PROJECT DESCRIPTION

History

The site has been the subject of multiple previous Planning Board hearings and plan amendments.

Pre-Preliminary Plan 720120030

A Pre-Preliminary plan hearing was held on September 27, 2012 for non-binding advice on the lot layout as it related to providing open spaces, on the best alignment for the master planned bicycle facilities B-12 and B-13, and on whether a full street connection should be provided through the site between Batchellors Forest Road and Emory Church Road. The Planning Board and Staff engaged in a thorough discussion and the Applicant made final adjustments to their pending Preliminary and Site Plan submissions

Preliminary Plan 120130050 and Site Plan 820130060

A Preliminary Plan and Site Plan public hearing was held on July 22nd, 2013 with subsequent resolutions approved on August 12, 2013. These plans created 69 lots (including the owner's conservation lot) on the subject property. The lots and new roads were clustered on approximately 61 acres of the site, and the remaining 114.8 acres were placed in rural open space. These are the plans that established the existing grading and finished floor elevations.

12013005A and 82013006A

A Preliminary and Site Plan amendment was heard by the Planning Board on June 5, 2014 and approved by resolutions dated June 12, 2014 to modify the timing for the removal of the two existing dwellings to be required prior to first building permit, rather than prior to record plat.

82013006B

An administrative Site Plan amendment was approved by memo signed November 23, 2015 allowing minor modifications to the decorative signage, walls, fences and landscaping located at the community's two entrances on Batchellors Forest Road.

Current Amendment

The Applicant, Toll Brothers ("Applicant") has filed for a limited Site Plan amendment, No. 82013006C, Trotters Glen ("Amendment") to raise the finished grade, and the finished floor elevations of future homes on lots 31-46 as identified on the Site Plan drawings; which avoids the need to use grinder pumps and pressure sewer for those lots along Seabiscuit Drive. The Amendment provides additional landscaping to mitigate the visibility of the elevated dwellings from Batchellors Forest Road. All of the changes proposed by this Amendment are located in the westernmost portion of the subject property, west of Batchellors Forest Road along the southern end of Seabiscuit Drive (See dotted area in Figure 3).

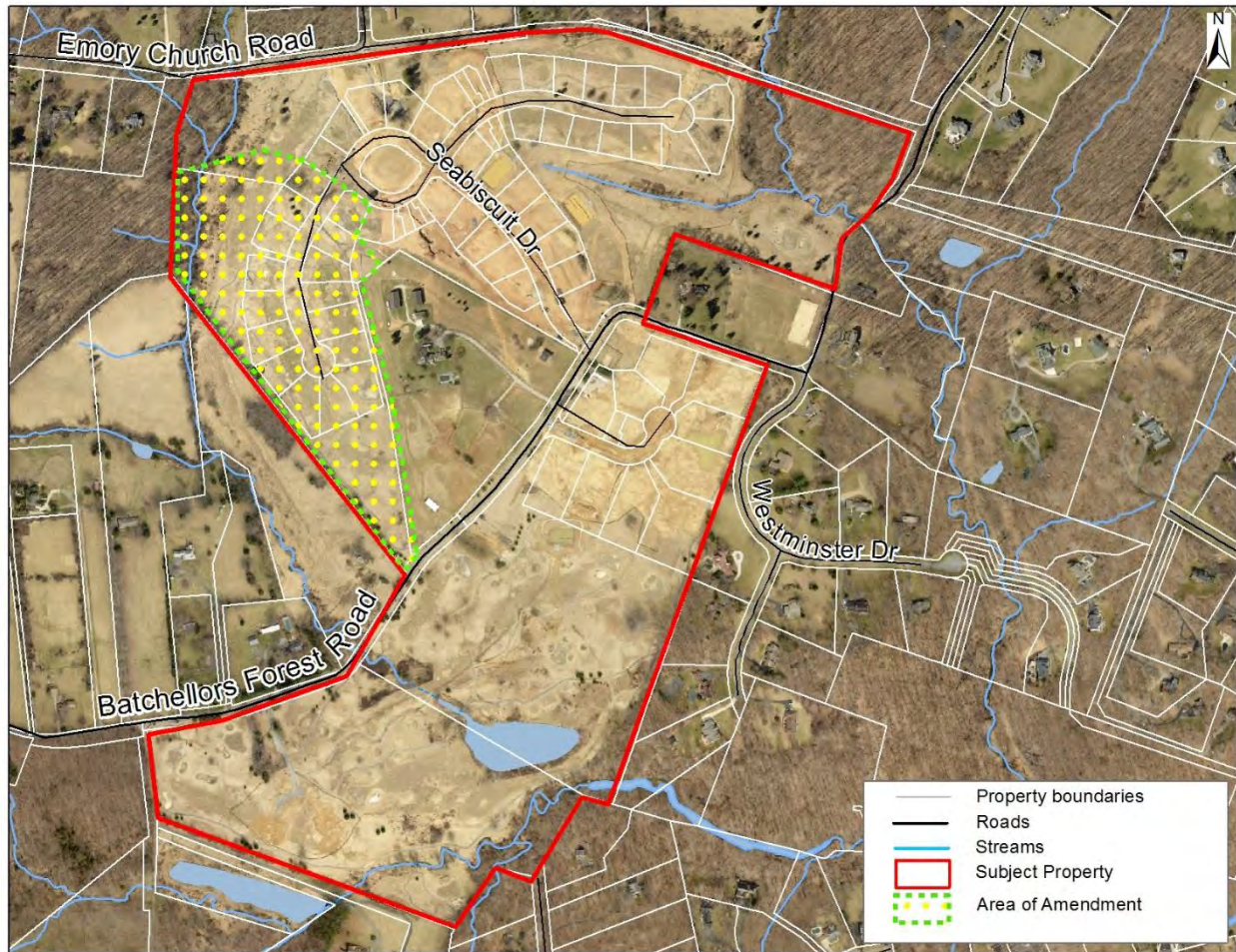


figure 3 – amendment map

The existing slopes in the area of this Amendment generally slope from higher elevation in the northeast down to a stream valley along the southwest. The approved grading would create a terrace in this hillside that accommodates Seabiscuit Drive and the approved lots along it. The Amendment would raise the elevation of this terrace, by as much as seven feet at the southernmost portion of Seabiscuit Drive (lots 38 and 39), and slowly tapering down the amount of elevation increase to tie into approved grades further north in the vicinity of lots 31 and 46. Figures 4 and 5 point out the finished floor elevation (FFE) currently approved in blue, and the proposed in red. The grading changes requested in this Amendment require less cutting on the uphill side of Seabiscuit Drive but slightly more fill and slope on the downhill side. The limits of disturbance does not change as a part of the Amendment.

Because Batchellors Forest Road is identified as a Rustic Road, Staff paid extra attention to any visual impacts this Amendment may have to the character of the road. This scrutiny led to the Applicant performing a balloon flight test to evaluate the impacts of the proposed amendment. The results of this analysis indicated that additional landscaping was necessary to mitigate for any increase in visibility created by the raised elevations. Along much of Batchellors Forest Road, the existing terrain and existing hedgerows provide natural screening. The proposed landscaping will fill in the areas near the road where the natural conditions do not adequately screen the views. Additional landscaping will be located in the rear of lots 40-42, and the berm that was included in the original Site Plan will increase one to two feet in height and about five feet in length. (Figures 6 and 7, page 9).



figure 4 – elevations, sheet 10

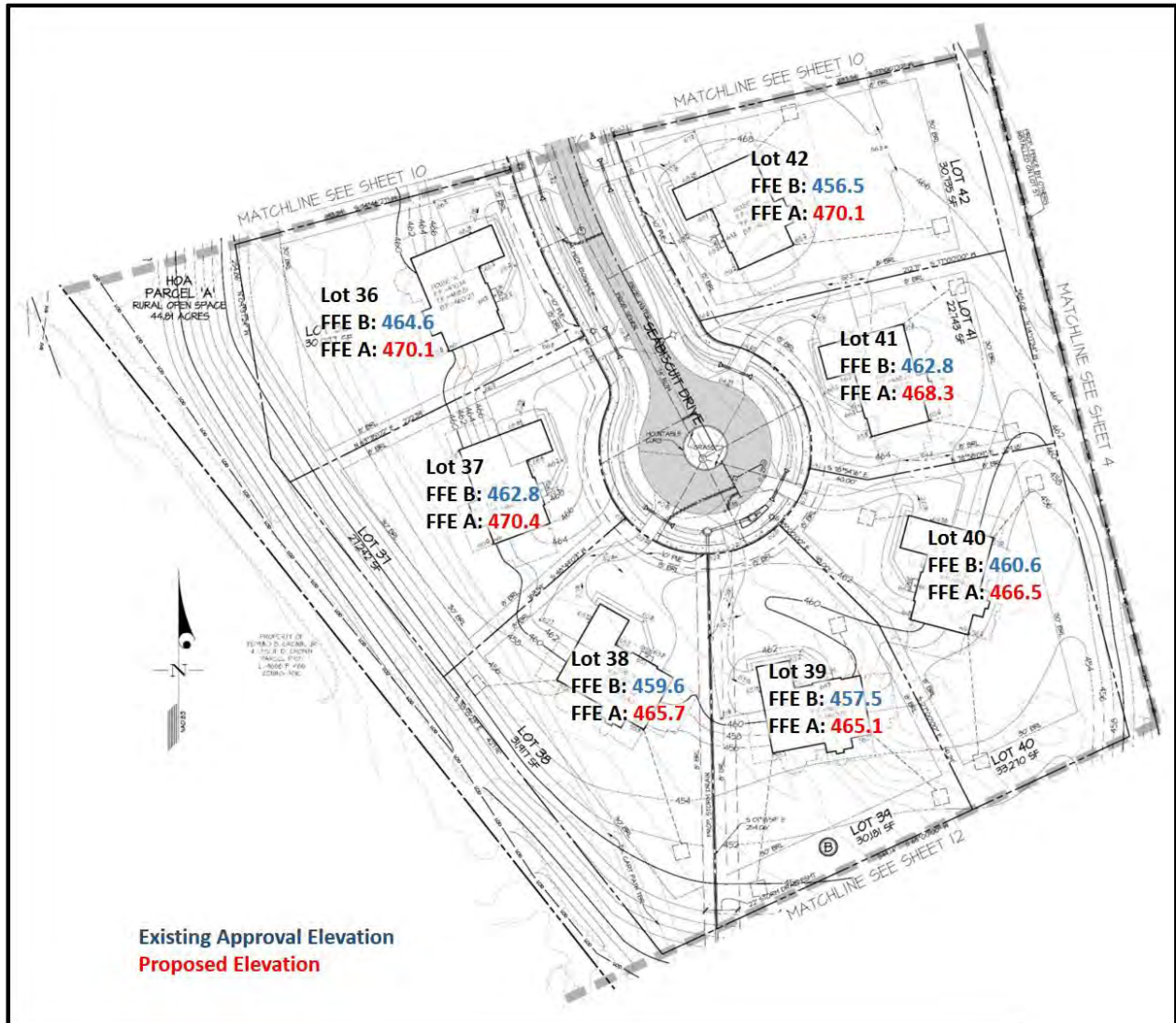


figure 5 – elevations, sheet 11

SECTION 3 – ANALYSIS AND FINDINGS SITE PLAN NO. 82013006C

ANALYSIS AND FINDINGS – Sec 59 D 3.4 (c)

This Amendment is being reviewed using the zoning ordinance in effect on October 29, 2014 pursuant to the grandfathering provisions in Section 59.7.7.1.B.3. The original site plan was approved on August 12, 2013. The changes proposed by this Amendment are limited to a small portion in the western part of the site, and only impact lot elevation and landscaping. Except as explicitly modified below, all previous findings made to the original site plan No. 820130060 and subsequent amendments remain valid.

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

Locations of Buildings, Structures, Open Spaces, Landscaping and Recreation Facilities

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 landscaping proposed by this Amendment is adequate, safe and efficient to screen any perceivable increase in lot and building height for lots 31-46 located along the end of Seabiscuit Drive. Currently, there are approved, but unplanted, landscaping requirements which were intended to provide a naturalized, partial screening of the new homes along Seabiscuit Drive from Batchellors Forest Road. This includes scattered clusters of deciduous and evergreen trees in an area of open space in the rear of lots 40 – 42 as seen on the site plan landscaping sheet 25. There is an additional area of landscaping and an earth berm that has yet to be installed, shown on sheet 26. With this Amendment, Staff requested the Applicant provide additional quantities and locations of landscaping to mitigate any negative visual impact the Amendment would have from Batchellors Forest. As shown in Figures 6 and 7, the landscaping proposed on the new sheet 25 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 proposed sheet 26 of the Site Plan, the plantings would continue seamlessly onto the proposed earth berm, eliminating the previous gap in this screening. Additionally, the height and length of the earth berm are both 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. These changes to the landscaping plan sheets will adequately mitigate for any potentially increased visibility of the homes on Seabiscuit Drive from Batchellors Forest Road.

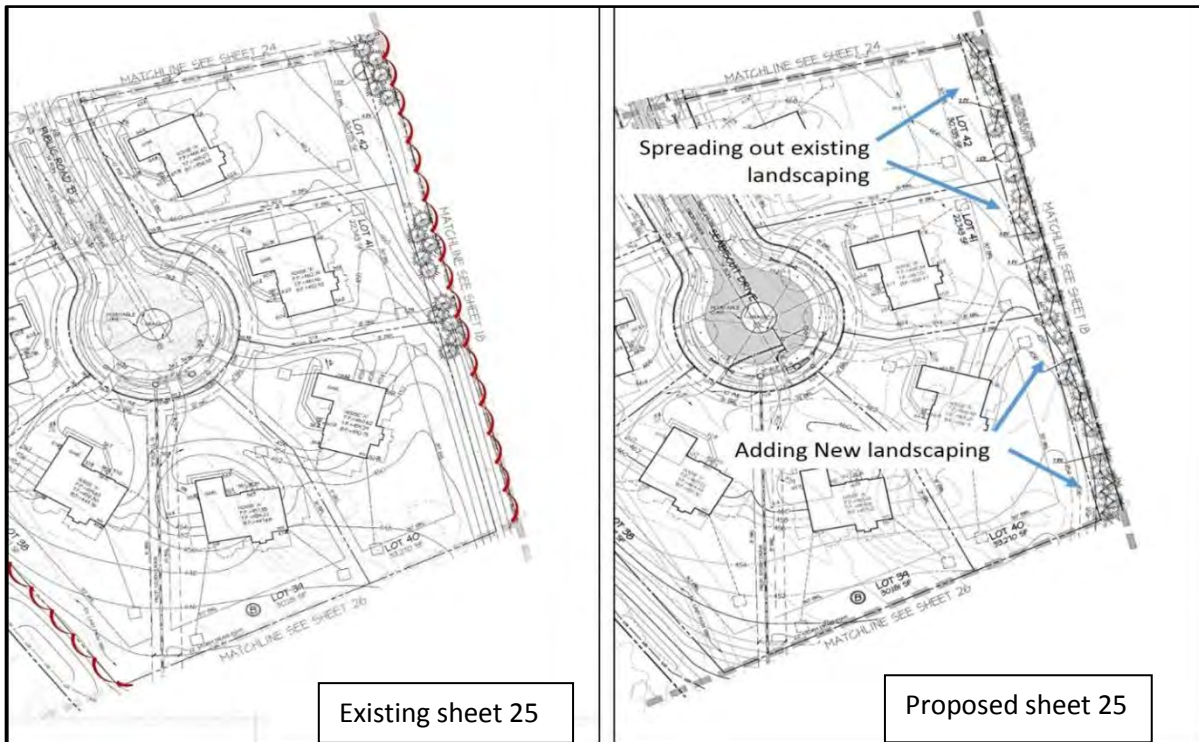


figure 6 – landscaping sheet 25

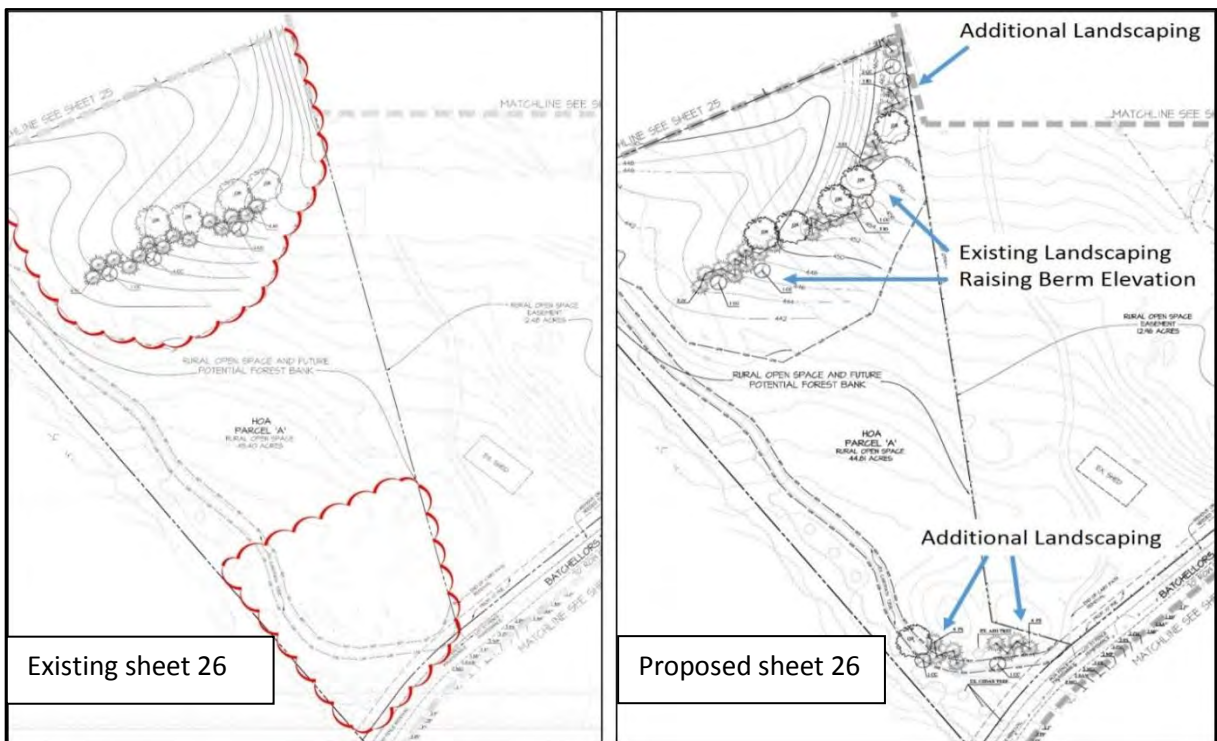


figure 7 – landscaping sheet 26

Open Space and Recreational Facilities

There are no proposed 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 Systems

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

4. 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 landscaping being required. As part of the preparation for this Amendment, the Applicant flew a large helium balloon on the subject property in the vicinity of the cul-de-sac for Seabiscuit Drive on March 1st of 2016. The balloon was 5½ feet tall when inflated from top to bottom, representing the average change in elevation and finished floor (total range is between one and seven feet). The balloon was tethered to have the base of the balloon approximate the height of the current maximum building elevation, with the top of the balloon representing the height of the proposed maximum building elevation. The Applicant, and Staff went to the site to see the balloon, and several pictures were taken of the balloon from various locations along Batchellors Forest Road and surrounding properties (Attachment 3). As shown in the attached images, the size of the balloon is very small as viewed from the various observation points. Because of the existing topography in the vicinity of the Amendment, the only adjacent or confronting properties with possible visual impact from the Amendment are located to the south and southwest of the Amendment area.

As shown in Figure 8, the existing development to the south and west of the Amendment area is approximately 780 feet or further from the closest proposed dwelling. At that distance, Staff does not consider the requested change in elevation to have a significant visual impact. The downhill slopes will still be grass covered as currently approved and the actual dwellings will not physically be any taller than before, only the base elevation of the structure is increasing.

Staff took extra care to evaluate this Amendment from the perspective of Batchellors Forest Road because it is a designated Rustic Road. Visibility to the dwellings at the end of Seabiscuit Drive are limited to a section of road between a small stream crossing southwest of the Site, to a location just northeast of an existing shed located on the conservation lot. Figure 8 shows how this section of 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. As described in the landscaping section of this Report, the Amendment includes additional landscaping near the rear of lots 40-42, increases the berm height and landscaping between lots 39-40 and Batchellors Forest Road, and adds landscaping near Batchellors Forest Road. Staff believes the physical distance of the dwellings from Batchellors Forest Road, and the enhanced landscaping being provided allow this Amendment to remain compatible with other uses and with existing development.

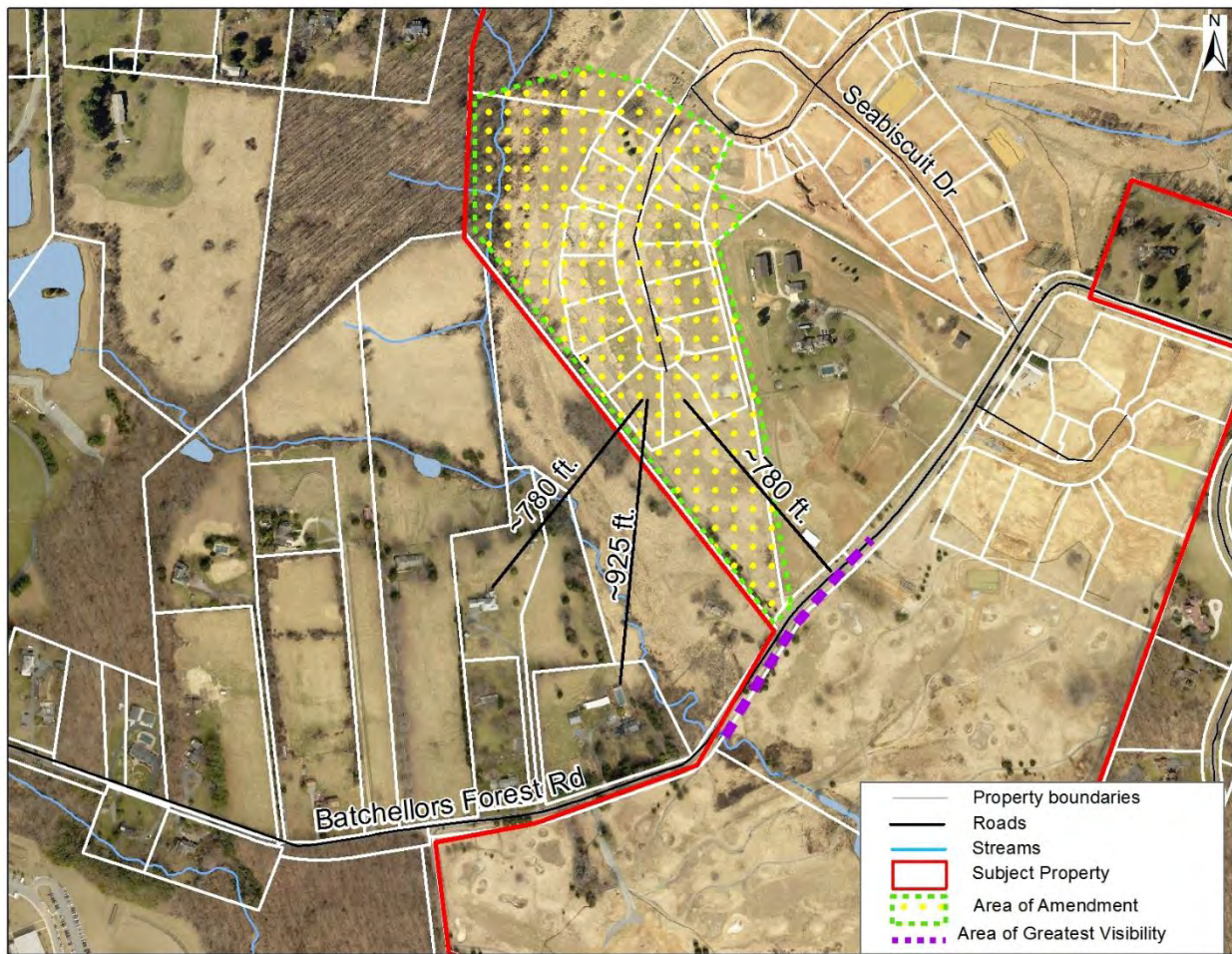


figure 8 – development distances

Additionally, Staff asked the Applicant to submit a copy of the Amendment to the Rustic Roads Advisory Committee (RRAC) so ensure they were aware of the requested changes, and to solicit any opinions they had. The Committee discussed the Amendment at their September meeting and forwarded a written opinion dated September 27, 2016 (Attachment 2). The Committee does not support the Site Plan amendment because it believes that the already approved impacts are substantial and that any additional change, no matter how minor, or how mitigated, creates a conflict with rustic roads policy. Planning staff acknowledges the Committee’s concerns, but believes that providing additional landscaping can limit the impact of these houses and meet the intent of the Rustic Roads policy.

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 whose side yards and rear yards are 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.

SECTION 4 – Community Outreach

Notice was sent to all neighbors and surrounding community groups and signs were posted along the property's frontage with Batchellors Forest Road and Emory Church Road in accordance with Planning Board procedures. The elements shown in this Amendment were first proposed as part of a previous site plan amendment No. 82013006B, which was approved administratively by the Planning Deputy Director on November 23, 2015. When the B amendment was filed, the community objected to the change in elevations to lots 31-46 being handled administratively and wanted the item brought before the Planning Board as a full hearing. The Applicant and the community agreed to let modifications to signage and landscaping to progress administratively, and that the issue of raising the elevations of lots 31-46 would come in the form of a limited amendment.

Relating to this Amendment, Staff has received one formal letter submitted by the Southeast Rural Olney Civic Association (SEROCA) against the requested change in lot elevation (Attachment 1). The letter makes four points; all of which suggest great concern among the community that the character of the community has changed immensely in a negative way with the development of the homes associated with the original site plan approval, including impacts to views from Batchellors Forest Road and from neighboring properties. Additionally, Staff has talked to multiple neighboring property owners over the phone and through informal e-mail correspondence regarding the negative impacts the new homes are having to their properties and how any increase in lot elevation would only exacerbate the sale of the houses.

Staff understands the concerns the community is raising regarding views from surrounding properties and from Batchellors Forest Road; however, Staff does not believe the current Amendment will create a perceivable change from the current approved plans, and that the required additional landscaping adequately screens what minimal impacts there are. As stated before, the location of the dwellings that will have their elevations increased are over 780 feet from both Batchellors Forest Road and the nearest neighboring dwellings. The perceived increase in top of building height, as demonstrated by the balloon floats, is minimal at that distance. The additional landscaping will be adding additional screening in areas that were not being screened before, both close to Batchellors Forest Road, and close to the rear of the lots that are part of this Amendment.

SECTION 5 – Conclusion

The changes requested in the Amendment are allowed within the Zoning Ordinance, continue to substantially conform to the recommendations of the Olney Master Plan, and will continue to function in a safe, adequate and efficient manner. Additionally, citizen concerns have been heard and addressed to the best of Staff's ability. Therefore, Staff recommends approval to the Site Plan Amendment, as conditioned.

Attachments

- 1 – Citizen Correspondence
- 2 – Rustic Roads Advisory Committee Letter
- 3 – Balloon Float pictures and map

South East Rural Olney Civic Association

C/o Secretary

16740 Batchellors Forest Road,
Olney, MD 20832

March 16, 2016

Mr. Ben Berbert
Planning Area 3
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Trotters Glen Proposed Elevation Changes and Site Development

Dear Ben:

At the most recent SEROCA general meeting, members voted to oppose Toll's proposed site amendment to raise the current elevation of a limited number of homes so that these homes will not require grinder pumps and can feed into the gravity-fed sewer. Toll's argument is that eliminating the need for grinder pumps would make their homes more marketable, according to statements their representative made at the SEROCA general meeting. SEROCA believes that the developer was fully aware of the engineering considerations during Site Plan review, and their design failings (or new market research) should not come at any further impact to existing homeowners' views and property values.

1. Elevation numbers and drawings do not do justice to the impact on neighbors and residents of Batchellors Forest Road from the proposed elevation increase of 9 new houses. It is the impact of the already constructed houses, and the balloon test conducted on March 2nd, 2016 that really brought home the fact that our lovely neighborhood was being usurped for the profits of Toll Brothers, a huge corporation which has no regard for our community. The balloon altitude, which we understand did not even represent that maximum elevation increase requested, made it visible above the tree line to most of the homes that are accessed from the west end of Batchellors Forest Road. SEROCA would have opposed the layout of Trotter's Glen from the beginning had we understood how high the homes would stand.
2. SEROCA, residents of Batchellors Forest Road and Emory Church Road, and many residents of greater Olney are very disappointed with development you have approved along Batchellors Forest Road. Many of the view sheds that were preserved now belong exclusively to the new houses, and are no longer available to residents of Batchellors Forest Road or recreational users.

For example, the beautiful open-sky views at the 90° curve have been completely eliminated for everyone traveling along Batchellors Forest Road. Clustering new homes at that intersection clearly served the developer's purposes to take advantage of the

Page Two
Trotters Glen Site Plan Amendment
March 14, 2016

elevation for gravity-fed sewer lines and does not conserve vistas for anyone except the new home owners. The clustering and layout at the 90° curve has produced a visual wall over 40' high and a quarter mile long; the open pastoral views of that section of the road are now only available to new houses, and no longer available to Olney residents.

3. Toll is advertising an "enclave" environment surrounded by "natural landscapes" and sign renderings of new homes with trees taller than the new houses. Existing home owners should not accept a lesser standard, or further impacts from this development, on their views or properties.



4. The views of established homes along Batchellors Forest have been compromised. The charm of the neighborhood is now the view benefitting only the new houses. Many established homeowners may now face challenges in selling our homes, several of which are historic properties.

The community is left with great distrust that our properties and views carried any importance or that they will be adequately and respectfully protected. We strongly urge Planning to not approve the proposed changes to Toll's approved site plan to raise the elevations.

Sincerely,

Janice Snee
President



RUSTIC ROADS ADVISORY COMMITTEE

September 27, 2016

Tom Mateya
Toll Brothers Inc.
7164 Columbia Gateway Drive
Columbia, MD 21046

RE: Trotters Glen site plan amendment 82013006C
Batchellors Forest Road, rustic

Dear Mr. Mateya:

At the RRAC meeting on September 13, 2016, our committee reviewed the site plan amendment information we received from Messrs. Foster and Berbert. The amendment proposes to raise the grades on lots 31-46 by 1.3 to 7.6 feet to eliminate the need for a pressure sewer system. To mitigate for the additional visual impacts created by raising the grade, the amendment proposes raising and lengthening a currently-approved berm, and providing extra landscaping along the road edge to screen the view of the backs of these houses from the rustic road.

We do not support this site plan amendment.

Although the houses will be at a considerable distance from the rustic road, their elevation will make them very prominent in the landscape. In addition, the houses will present their backs to the rustic road, making the impact that much greater. (As you may recall from one of your earliest meetings with us, we seek to have new houses front on rustic roads in development patterns that are compatible with the traditional patterns seen on that particular road.) We consider the negative visual impact to the road by the currently approved elevations and heights of houses to be very significant, so we cannot recommend additional impacts, even with mitigation.

We appreciate the considerable time and attention that you have given to the rustic road during this project. We believe that the unique history and character of Batchellors Forest Road is an asset for your project, and to the existing and future residents along the rustic road. We appreciate your consideration of our comments. If you have any questions, you can reach the committee through our staff coordinator, Michael Knapp, at 240-777-6335 or Michael.Knapp@montgomerycountymd.gov.

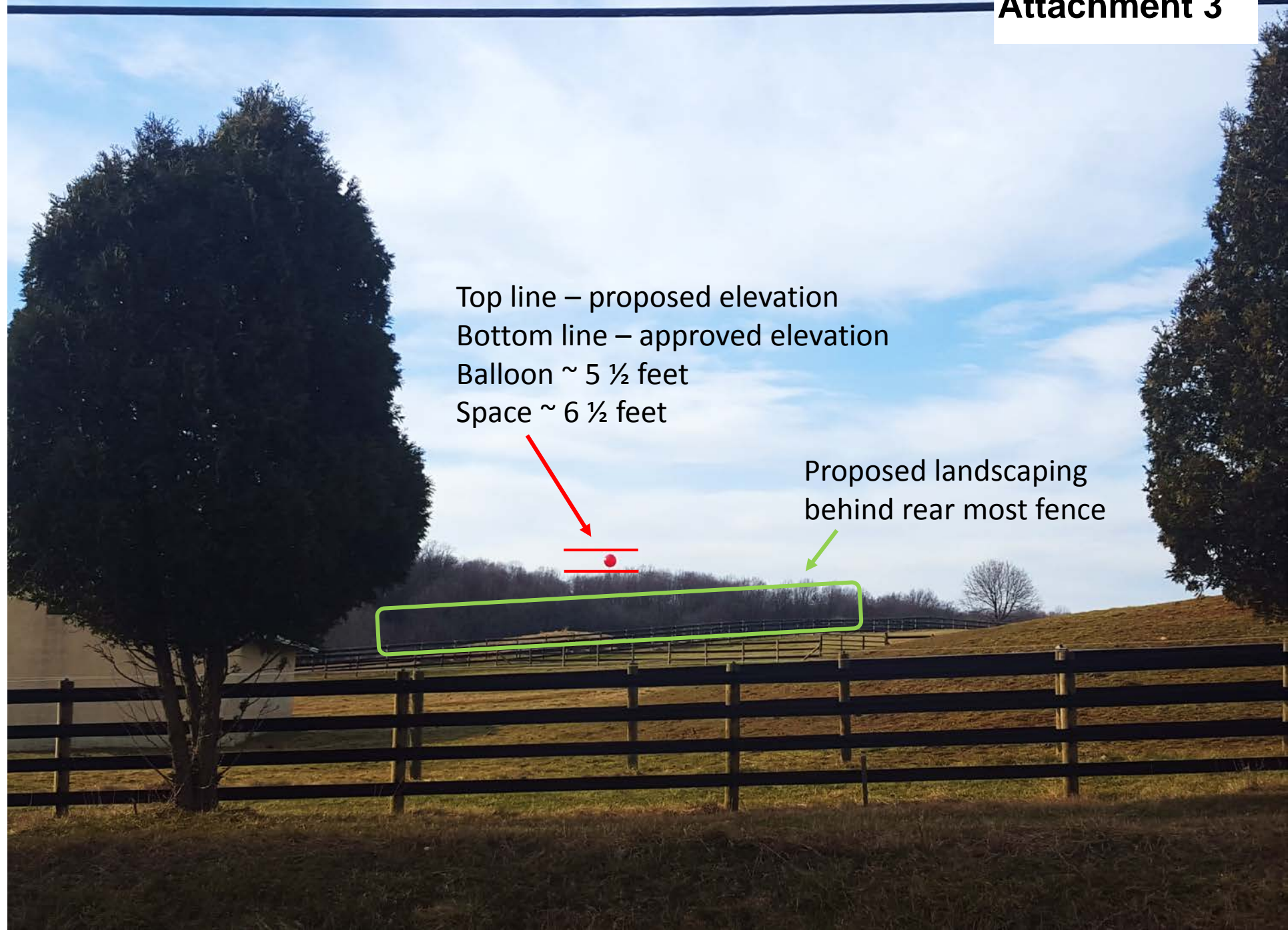
Sincerely,

A handwritten signature in dark ink, appearing to read "Ch H Marston".

Christopher H. Marston, Chair
Rustic Roads Advisory Committee

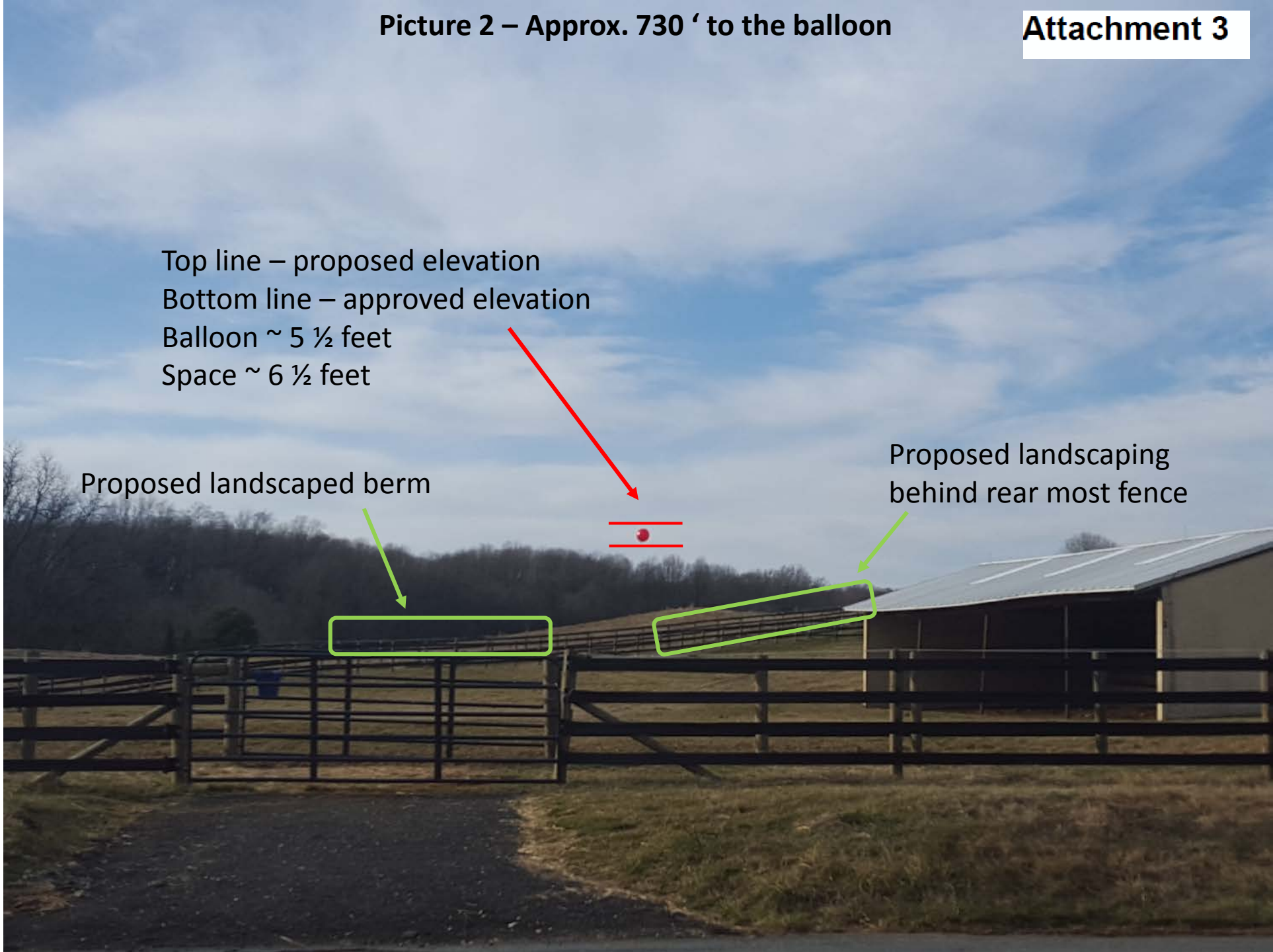
Committee Members: Todd Greenstone, Thomas Hartsock, Sarah Navid, Audrey Patton, Jane Thompson, Robert Tworkowski

Cc: Casey Anderson, Chair, Montgomery County Planning Board
Kevin Foster, GLW
Ben Berbert, M-NCPPC
Leslie Saville, M-NCPPC



Top line – proposed elevation
Bottom line – approved elevation
Balloon ~ 5 ½ feet
Space ~ 6 ½ feet

Proposed landscaping
behind rear most fence



Top line – proposed elevation
Bottom line – approved elevation
Balloon ~ 5 ½ feet
Space ~ 6 ½ feet

Proposed landscaped berm

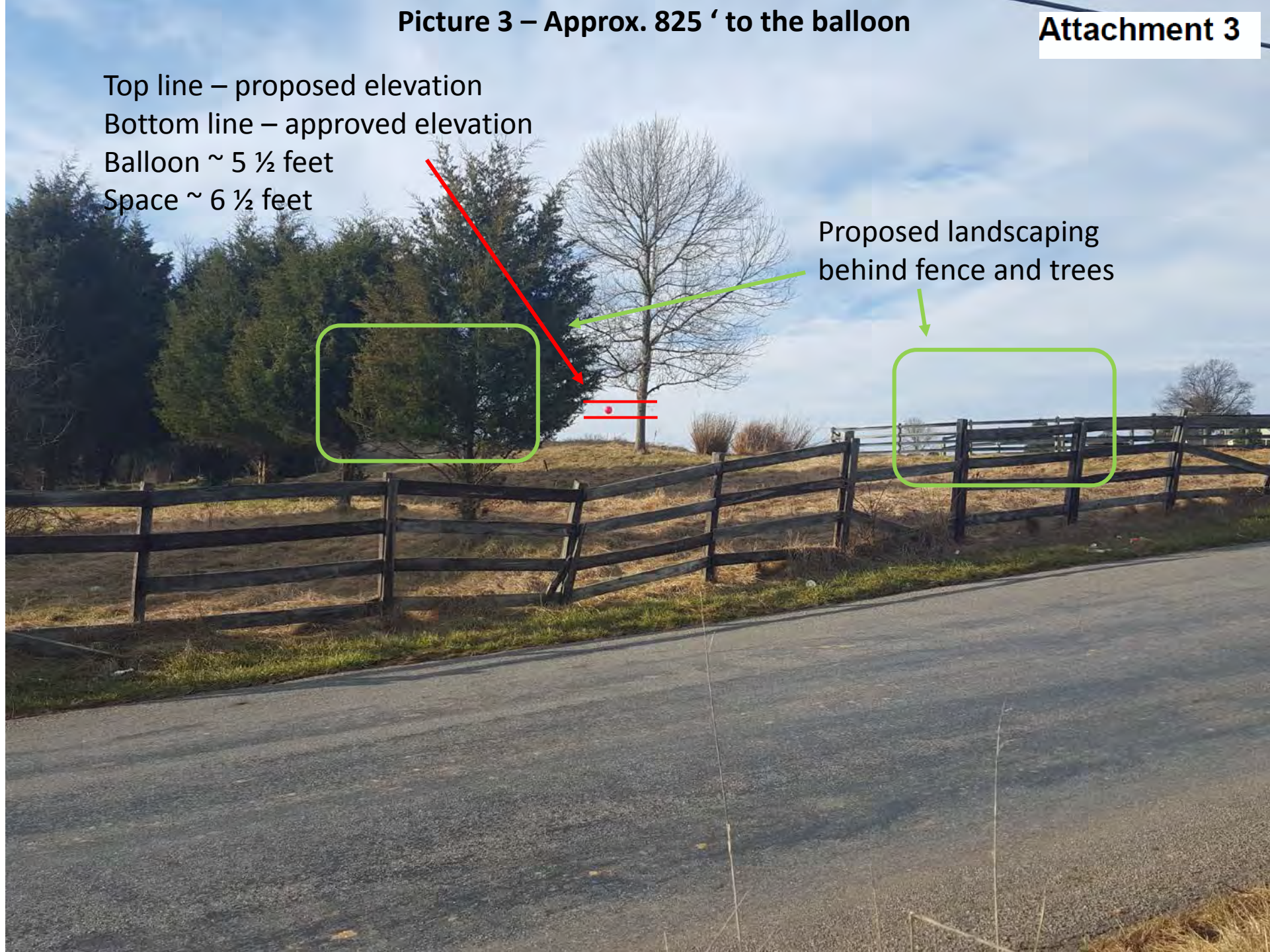
Proposed landscaping
behind rear most fence

Picture 3 – Approx. 825 ' to the balloon

Attachment 3

Top line – proposed elevation
Bottom line – approved elevation
Balloon ~ 5 ½ feet
Space ~ 6 ½ feet

Proposed landscaping
behind fence and trees



Top line – proposed elevation
Bottom line – approved elevation
Balloon ~ 5 ½ feet
Space ~ 6 ½ feet





Top line – proposed elevation
Bottom line – approved elevation
Balloon ~ 5 ½ feet
Space ~ 6 ½ feet

