



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

CONSENT ITEM #
MCPB 11/09/06

MEMORANDUM

DATE: October 27, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
FROM: Joshua Sloan *JS*
 Development Review Division
 (301) 495-4597



REVIEW TYPE: Site Plan Amendment
PROJECT NAME: Churchill Community II
CASE #: 81975016A

APPLYING FOR: Site plan amendment to address violation of parking space widths.
REVIEW BASIS: Div. 59-D-3.7. Amendment of a site plan.
ZONE: R60
LOCATION: Pickering Drive, 2000 feet east of Father Hurley Boulevard.
MASTER PLAN: Germantown

APPLICANT: Vanguard Management Associates.
FILING DATE: September 21, 2006
HEARING DATE: November 9, 2006

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan 81975016 and approval of the attached draft Planning Board Resolution for Site Plan 81975016A.

BACKGROUND

Original Site Plan Approval

Site Plan 81975016 (formerly 8-75016) for Churchill Community II was approved with conditions by the Planning Board on January 23, 1976. The approved plan proposed 575 condominium dwelling units on 22.4 acres.

PROPOSED AMENDMENT

The applicant, Vanguard Management Associates, filed the subject site plan amendment 81975016A on September 21, 2006. The proposed amendment requests the following modifications:

1. Alteration of 15 parking spaces to increase their width from 8' to 8.5' in accordance with the requirements for standard perpendicular parking spaces. This amendment was precipitated by a notice of violation issued by the Montgomery County Department of Permitting Services on September 15, 2004 (Attachment B). The re-sizing of the parking spaces requires the removal and reconstruction of two curbs and a sidewalk.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on September 12, 2006 (Attachment C). The notice gave the interested parties 15 days to review and comment on the amended site plan as per Montgomery County Zoning Ordinance Section 59-D-3.7. Due to the fact that the notice did not include the required plan and community participation brochure, staff received several questions about the plan from the notified parties. A subsequent notice with complete and accurate enclosures was sent on October 3, 2006. Staff did not receive any further inquiry or comment regarding this amendment.

STAFF RECOMMENDATION

The proposed minor modifications to the development do not alter the overall design character of the development and do not affect the compatibility of the development to its surrounding neighborhood. Staff, therefore, recommends **approval** of Site Plan Amendment 81975016A.

ATTACHMENTS

- A. Vicinity Map
- B. Notice of Violation
- C. Public Notice
- D. Draft Planning Board Resolution

ATTACHMENT A: VICINITY MAP FOR SITE PLAN AMENDMENT 81975016A.

**ATTACHMENT B: NOTICE OF VIOLATION FOR SITE PLAN AMENDMENT
81975016A.**



MONTGOMERY COUNTY
 DEPARTMENT OF PERMITTING SERVICES
 255 Rockville Pike, 2nd Floor
 Rockville, Maryland 20850-4166

NOTICE OF VIOLATION

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, September 15, 2004 the recipient of this NOTICE, Churchill East Village Community Association, c/o Vanguard Management Associates, Inc.

P.O. Box 39 Germantown, Maryland 20875-3752
Street Address City, State, Zip

is notified that a violation of Montgomery County Code, Section: 59-E-2.22 (Size of parking spaces.)

exists at: in front of 13100-13108 Pickering Drive Germantown, Maryland 199917819
Location Case #

The violation is described as: Off street parking spaces that are improperly marked, with less than the minimum dimensions of 8 1/2 feet by 18 feet for the standard perpendicular parking spaces.

The following corrective action(s) must be performed immediately as directed: 1.) Re-stripe the parking spaces so that they are at least 8 1/2 feet by 18 feet .

Note: The site plan that you submitted, was scaled, to indicate each space was 8 1/2 feet wide
The number of spaces may be reduced to comply with this minimum requirement.

An inspection fee of \$ _____ is required in addition to any application fee(s).

Compliance Time: **(30) Thirty** Calendar days

Failure to comply with this notice will result in the issuance of one or more \$500.00 civil citations.

This Notice of Violation may be appealed to the Montgomery County Board of Appeals within 30 days of the issue date. The Board of Appeals is located in the Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland 20850, telephone 240-777-6600.

ISSUED BY: James C. Martin  September 15, 2004
Printed Name Signature Date

Phone No. 301-370-0042

RECEIVED BY: _____
Printed Name Signature Date

Phone No. _____ Sent by Registered Mail/Return Receipt On: _____

RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION

ATTACHMENT C: NOTICE OF APPLICATION FOR SITE PLAN AMENDMENT
81975016A.



Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors Environmental Services

1751 Elton Road • Silver Spring, MD 20903 • 301-434-7000 • Fax: 301-434-9394

NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

September 21, 2006

PRE-PRELIMINARY PLAN _____

PRELIMINARY PLAN _____

PROJECT PLAN _____

SITE PLAN AMENDMENT #81975016A

Name of Plan CHURCHILL COMMUNITY II

Plan Number 81975016A

Current Zoning T-S

Number of Proposed Lots/Area Included N/A

Geographical Location N/A

The above referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed plan is enclosed. This plan may change because of specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have any comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910-3760.

The Montgomery County Planning Board will hold a public hearing on the above referenced plan application to obtain public comment. Written notification of the public hearing date will be sent to you no later than ten days before the hearing.

If you have any questions, please contact the Park and Planning Commission's Development Review Division within fifteen (15) days of receipt of this notice. Refer all questions and/or concerns to Josh Sloan at (301) 495-4597.

ATTACHMENT D: DRAFT RESOLUTION FOR SITE PLAN AMENDMENT
81975016A.

MCPB No. _____
Site Plan No. 81975016A
Project Name: Churchill Community
Hearing Date: November 9, 2006

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on September 21, 2006, Vanguard Management Associates ("Applicant"), filed a site plan amendment application designated Site Plan No. 81975016A ("Amendment") for approval of the following modifications:

1. Alteration of 15 parking spaces from 8' to 8.5' in width; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated October 20, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on November 9, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81975016A; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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