



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

MCPB No. 08-97

Site Plan Amendment No. 81997014A

Project Name: Churchill Senior Living

Date of Hearing: July 17, 2008

MAR 14 2019

MONTGOMERY COUNTY PLANNING BOARD

CORRECTED RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on October 2, 2007, Oakwood Properties, Inc ("Applicant"), filed an application for approval of an amendment to revise the building footprint and unit mix, alter the building's elevations, and modify the landscape and parking plans ("Site Plan" or "Plan") of the 300-unit Senior Housing Facility sited on 5.486 acres of Town Sector zoned land; located on Father Hurley Boulevard 500 feet south of the intersection with Waters Landing Drive ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan amendment application was designated Site Plan Amendment No. 81997014A, Churchill Senior Living (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 11, 2008, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on July 17, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 17, 2008, the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson Presley and Robinson voting in favor.

Mattie Vella

Approved for legal sufficiency
M-NCPPC Office of General Counsel

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan Amendment No. 81997014A to revise the building footprint and unit mix, alter the building's elevations, and modify the landscape and parking plans of the 300-unit, Senior Housing Facility sited on 5.486 acres of Town Sector zoned land, subject to the following conditions:

1. Environmental Planning

The Applicant shall comply with the following conditions of approval from M-NCPPC's Environmental Planning in the memorandum dated June 23, 2008.

Applicant to pay \$11,250.00 to the "Churchill East Bridge and Stream Restoration Project" for 5,586 square feet of Stream Valley Buffer Encroachment before receiving a building permit for Phase II (the next building permit to be issued for this site).

2. Development Program

The Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule and incorporate the additional conditions for this Site Plan amendment:

- a. The handicap ramp must be installed prior to the issuance of a use and occupancy permit. Tree planting may wait until the next growing season.
- b. On-site sidewalks, benches and fences must be installed upon completion of the courtyard areas.
- c. The Development Program must provide phasing for installation of on-site landscaping.
- d. Provide an executed copy of the joint parking agreement prior to issuance of the building permit.

3. Moderately Priced Dwelling Units (MPDU's)

Applicant shall comply with the conditions of approval from the Department of Housing and Community Affairs in the memorandum dated June 5, 2008.

4. Transportation

- a. The Applicant shall extend the service commitment for the existing shuttle bus service to the residents of Churchill Senior Living from seven (7) years to nine (9) years (expiring on April 1, 2011). This commitment includes maintaining the current level of service (i.e. number of trips a day, number of days a week, size of vehicle etc).

- b. The Applicant shall construct a new handicap ramp to meet the Department of Public Works and Transportation ("DPWT") permitting requirements off-site, at the south driveway entrance.

5. Parking Agreement

The Applicant shall enter into a shared use/joint parking agreement with the owners of Waters Landing Association in accordance with Section 59-E-3.4 of the County Code.

6. Waiver to Parking

A waiver to the parking requirements may be granted for Phase III, either by the Planning Board through the site plan amendment process or by the Department of Permitting Services ("DPS") with a parking facilities plan, based upon a historical parking demand analysis provided by the Applicant. A site plan amendment "Director Level" can be submitted and processed for approval including the waiver to parking requirements and modifications to parking layout and landscaping.

7. Clearing and Grading

- a. The proposed sign to be installed on the site will be designed in accordance with DPS Signage Requirements and will be reviewed and approved by the Sign Review Board prior to installation.
- b. The construction details of the proposed, free-standing sign to be installed along Father Hurley Boulevard will be provided on the Certified Site Plan.

8. Clearing and Grading

No clearing or grading is permitted prior to Certified Site Plan.

9. Certified Site Plan

Prior to approval of the Certified Site Plan for this amendment the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Modify notes to include Staff approval required for planting plan substitutions.
- b. Show building height measuring points on Site Plan.
- c. Include a detail, cross-section, and cut-sheet for specific manufacturer for retaining walls on the Certified Site Plan.
- d. Include a detail for all fencing, enclosures and gates to be installed on the Certified Site Plan.
- e. Include a detail for all exterior handrails to be installed on the Certified Site Plan.
- f. Provide a supplemental planting plan to include landscaping associated with Phase III.

BE IT FURTHER RESOLVED that all site development elements as shown on Churchill Senior Living drawings stamped by M-NCPPC on June 2, 2008 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed Site Plan amendment conforms to the approved Development Plan Amendment, DPA 96-1. It contains the same number of units previously approved, while improving the functionality of the building and its compatibility with its surrounding landscape.

Neither a diagrammatic plan nor a project plan was required for the subject site.

2. *The site plan meets all the requirements of the underlying zone.*

The subject project continues to fulfill the purposes of the zone, and also provides projects (including Phases II and III), which exceeds the minimum open space requirement by 34%, exceeds the MPDU requirement by 10 additional units and does not seek to maximize the building's height (67' lower than the maximum permitted by the TS zone).

This Site Plan amendment continues to comply with the original Site Plan Enforcement Agreement and meets the requirements of Section 59-E-3.33(B) of the County Code for reductions in parking to include:

- Extension of the seven (7) year, private shuttle service requirement for the Churchill Senior Housing residents for an additional two (2) years beyond the current April 1, 2011 expiration date. This commitment includes maintaining the current level of service (i.e. number of trips a day, number of days a week, size of vehicle etc).
- Continuing to provide a dining facility large enough to serve meals to at least 5 percent of the residents of the assisted living facility as long as the property is in use as an assisted living facility. Any change in the use is

subject to site plan review by Staff for compliance with the Parking Ordinance.

This Site Plan meets the development standards for the Town Sector zone as outlined on the Project Data Table on the following page.

Project Data Table for Town Sector (TS) Zone

Development Standards	Approved in Original Site Plan	Approved by the Planning Board and Binding on the Applicant
Total Site Area	5.486 acres (230,013 sq. ft.)	No Change
Building Coverage	54,975 sq. ft (23%)	65, 900 sq. ft. (27.6%)
Open Space (10% min. requirement)	49%	44%
Building Height (120' max. allowable)	53'	53'
Number of Dwelling Units (300 approved)²	300	300
Independent Living	225	254
Unit Mix: One Bedroom	218 units	132 units
Two Bedroom	7 units	122 units
Assisted Living	75	46
MPDU's (45 required - 20%)³	55	55
Building Setbacks (feet)		
From Street (no requirement)	174'	174' 171'
Side - West (no requirement)	20'	20'
Side - East (no requirement)	120'	120' 100'
Rear (no requirement)	50'	30'
Parking Tabulation		
Phases 1 and 2	171	182
Phases 1, 2 and 3 (Original Site Plan Required: 181 spaces)	207	2204
HC Parking	6 (Required 6 previously)	8 (Requires 7 spaces)
Motorcycle	4 (Required 4 previously)	4 (Requires 4 spaces)
Loading Space	1 (Required 1 previously)	1 (Requires 1 space)
Required Parking for Amended Plan		
Phases	1 BR 2 BR Total Base Pkg	Less 10% Less 20% Less 20% Total
		Shuttle MPDU ASST Living
Phase I - Independent Senior Living	103 18 121 127.3	114.6 91.7 73.3 73.3
Phase II - Independent Senior Living	29 104 133 169.4	152.5 121.9 97.6 170.9
Phase III - Assisted Living	0 46 46 62.1	55.9 44.7 35.8 206.7
Total	132 122 300 358.8	326.3 261.1 206.7 207.0
¹ Measuring point based on definition of building height as described in Zoning Ordinance. Location of building measuring point is the first floor height as established at the front of the existing building. ² Maximum number of units was outlined in the Development Plan Amendment approved by the District Council (DPA No 96-1). ³ MPDU requirement is based on non-Assisted living units. ⁴ This number includes the utilization of 30 parking spaces on the Waters Landing Association parking lot per shared use/joint parking agreement, construction of 30 new spaces on the subject site and the construction of 6 optional spaces, if needed.		

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

This Application does not propose to alter the location of the subject building and its proposed additions as approved by the Board in the original Site Plan. However, the design of the additions will be altered through minor changes to their footprint, elevations and height. The goals and vision of the original Site Plan approval will not be negatively impacted by these changes. As such, the existing building and its additions will be safe, adequate and efficient.

The recreation facilities were not altered by this Application.

The proposed site and landscape plans will retain 44% open space on-site, exceeding the 10% requirement by 34%. To augment the existing landscape plan, two additional courtyards, formally designed and landscaped, are being provided for the Churchill resident's enjoyment.

The new handicap ramp to be constructed at the south driveway entrance will improve pedestrian circulation and provide accessibility for the Churchill residents along Father Hurley Boulevard.

The existing vehicular circulation pattern on-site will be enhanced by an extension to the adjacent Water's Landing parking lot providing access to a new loading dock, below grade on the South façade of the Phase II addition.

The proposed change to the parking plan, which includes construction of an additional 38 spaces on-site and provides an additional 30 spaces off-site in the adjacent community pool parking lot, with the options to provide an additional 6 spaces on-site and 10 spaces offsite, exceeds the parking requirement for the zone.

The extension of the shuttle service for an additional two (2) years beyond the current April 1, 2011 expiration date, with a commitment to maintain the current level of service (i.e. number of trips a day, number of days a week, size of vehicle etc.), continues to provide transportation alternatives for the Churchill residents.

The open spaces, landscaping, pedestrian and vehicular circulation systems, as well as the site details adequately and efficiently address the intent of the original Site Plan approval and the recommendations of the Master Plan, while providing a safe and comfortable environment.

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

The proposed development is compatible with the adjacent residential and community uses, as the majority of the development is being sited to the rear of an existing structure, and down slope from most of the existing roadways and buildings which surround it. The rear elevation of the new addition will face the existing townhouse community; however, there is a significant tree stand, between the community and the new addition, which will not be altered, to provide a natural buffer. Finally, this Application will increase the amount of affordable senior housing that is pedestrian accessible to the nearby shopping center.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Subject Property contains no forest, wetlands, or streams; however, the Stream Valley Buffer carries onto the Subject Property. The Stream Valley Buffer Encroachment will be mitigated through the Applicant's contribution of \$11,350.00 to the Churchill East Bridge and Stream Restoration Project.

Under Section 22A-5 of the Montgomery County Code the Property is exempt from submitting a Forest Conservation Plan. The Applicant submitted a Forest Conservation Exemption request (42008158E), which was approved on February 22, 1995.

The project's stormwater management concept plan was reconfirmed by the DPS - Water Resources division in a memorandum dated May 29, 2008.

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 Resolution is MAR 14 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board