



Leisure World Clubhouse II Addition – Fitness Center, Limited Site Plan Amendment No. 81986028B

LS

Lori Shirley, Planner Coordinator, Area 2 Division, Lori.Shirley@montgomeryplanning.org, 301-495-4557

KA

Khalid Afzal, Planning Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650

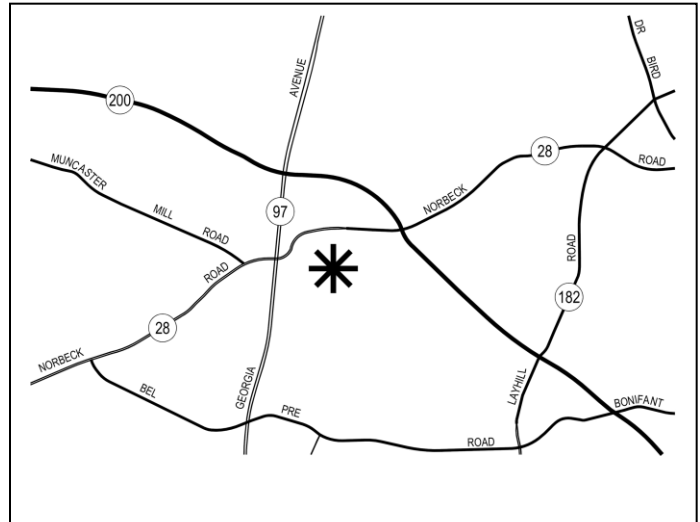
GK

Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed: 11/30/15

Description

- Request to expand the existing Leisure World Clubhouse II Fitness Center by up to 5,400-square feet, and associated landscape and hardscape improvements;
- 7.01 acres located in the southwest quadrant of the North Leisure World Boulevard/Interlachen Drive intersection;
- Planned Retirement Community (PRC) Zone, in the 1994 Aspen Hill Master Plan area;
- Applicant: Leisure World of Maryland Corporation;
- Submitted: 7/28/15.



Summary

- Staff recommends approval of Limited Site Plan Amendment No. 81986028B with conditions.
- The proposed Amendment was reviewed under the Zoning Ordinance Section 59-8. Zones Retained from Previous Ordinance.
- No correspondence has been received from noticed parties as of the date of this report.

SITE PLAN AMENDMENT RECOMMENDATION AND CONDITIONS

Staff recommends approval of Limited Site Plan Amendment No. 81986028B for up to 5,400 square feet of additional fitness center space to the existing Leisure World Clubhouse II, and associated landscape and hardscape improvements, including new segments of ADA-compliant sidewalks and upgrades to bicycle parking facilities. All site development elements shown on the latest version of Site Plan drawings submitted via ePlans to the M-NCPPC as of the date of this staff report are required, except as modified by the following conditions:

1. Zoning Map Amendment Conformance

The development must comply with the approval in Zoning Map Amendment No. C-1318.

2. Site Plan Conformance

The development must comply with the conditions of approval for all previous approvals including Site Plans 819860280 and 81986028A.

Transportation

3. The Applicant must install a new inverted-U bike rack, or its equivalent, for two bicycles in a weather-protected area near the main entrance.

4. The Applicant must provide one bike parking space in a bike locker near the Clubhouse II main entrance, in a weather-protected area.

5. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept acceptance letter dated October 14, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Stormwater Management easements and facilities.

6. Building Height

The maximum height for the Clubhouse II Fitness Center addition is 19 feet.

7. Landscaping

Prior to the issuance of the final Use and Occupancy Certificate, the Applicant must install all on-site amenities including, but not limited to: one bike rack and one bike locker, pervious pavement/patio features, landscaping plants, outdoor lighting, the fence segment, new sidewalks, and retaining wall materials.

8. Lighting

Prior to Certified Site Plan approval, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plan conforms to the Illuminating Engineering Society of North America (IESNA) exterior standards for a recreation facility.

9. Architecture

The final exterior architectural character, proportion, materials and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

10. Site Plan Surety and Maintenance Agreement

Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-7.3.4.G.1., of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the hardscape and landscape materials and bicycle facilities, which, upon Staff approval, will establish the surety amount. The cost estimate must include applicable Site Plan elements, including, but not limited to one new bike rack and one bike locker, pervious pavement/patio features, landscaping plants, outdoor lighting, the fence segment, sidewalks, and retaining wall materials shown on the Certified Site Plan (CSP). The surety must be posted before issuance of the building permit and will be tied to the development program.
- b) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for the single phase of development will be followed by inspection and potential reduction of the surety.
- c) The bond or surety for the single phase of development shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of the single phase.

11. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

12. Certified Site Plan

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

- a) Provide a general note to read: "The Applicant has satisfied the transportation Adequate Public Facility test and demonstrated the Clubhouse II addition will not increase the number of dwelling units in the development, and limits the use of the Clubhouse II to only residents of the Leisure World community and their guests, under County Council's Bill 62-14."
- b) Include the Forest Conservation Exemption approval letter, other agency approval letters (i.e., stormwater management concept approval), development program, and Site Plan and other applicable resolutions.

- c) Remove all reference on the plans to the word “preliminary” in relation to the limits-of-disturbance.
- d) In lieu of a Development Standards data table, add general notes to reflect the bicycle parking standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

The 618.5-acre Leisure World property is located east of Georgia Avenue and south of Norbeck Road, in the 1994 Aspen Hill Master Plan area (Attachment 1). Leisure World is bordered by single-family detached homes to the east and south, and is developed with a shopping center, office, an assisted living facility and single- and multi-family residential units.

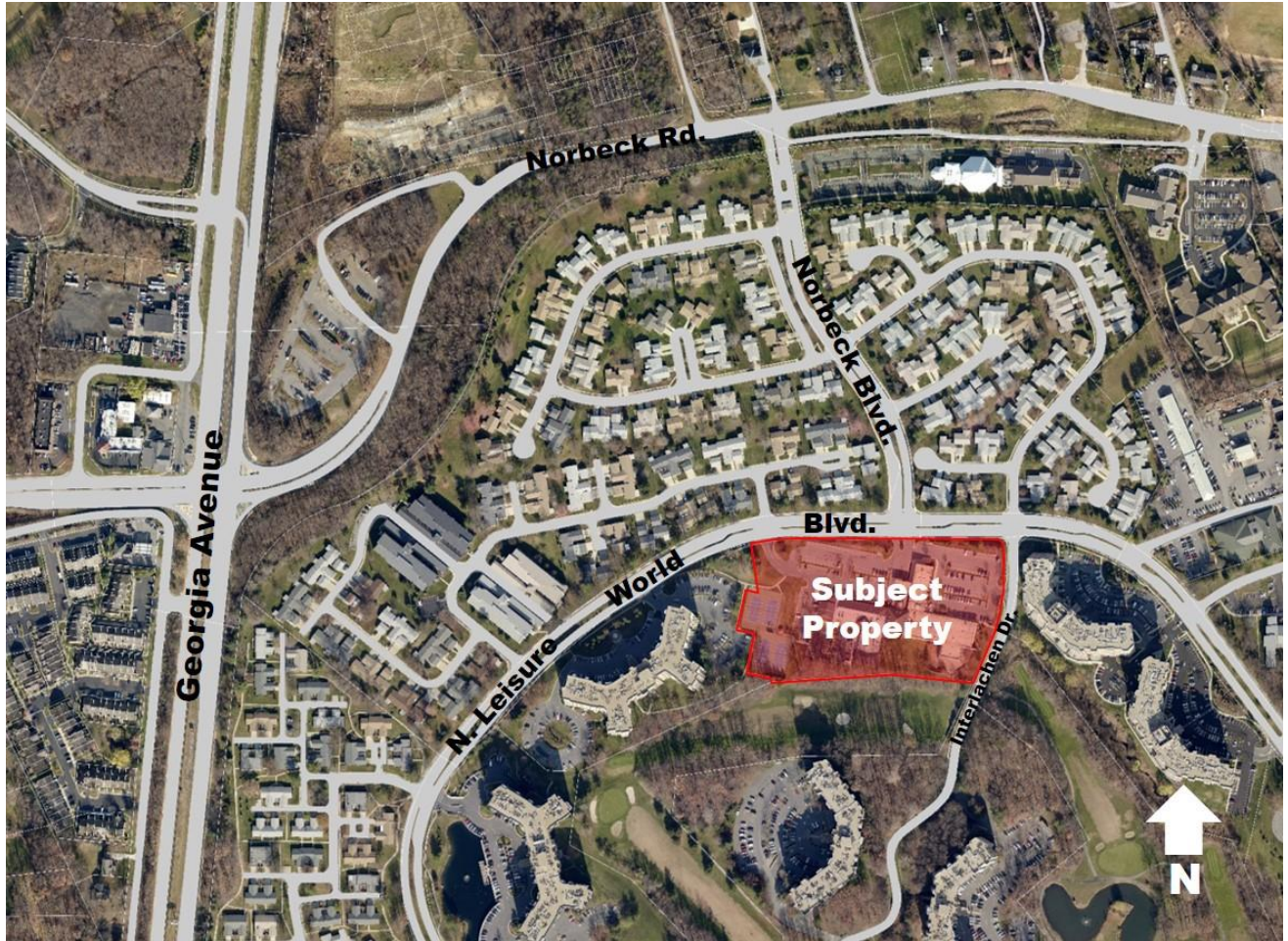


Figure 1: Vicinity Map

The Clubhouse II site (highlighted in red in Figure 1) is located in the center of the Leisure World property, on the south side of North Leisure World Boulevard (Subject Property). It is one of two privately-operated clubhouse facilities in the age-restricted portion of Leisure World that are available for use only by the Leisure World residents and their guests. The Site (highlighted with the red) is bordered to the south by the Leisure World community's golf course. There is a wooded buffer between the Site and the active portion of the golf course. The Site is in the Northwest Branch watershed, a Use Class IV stream, and it is not located within a Special Protection Area. There are no forest areas or trees on-site that are 24-inches in diameter-at-breast height (DBH) or greater.

PROJECT DESCRIPTION

Previous Approvals

Zoning Map Amendment

The Subject Property was rezoned Planned Retirement Community (PRC) on April 28, 1964, in Zoning Map Amendment Application No. C-1318. A Development Plan was not included in the Application. The 932 acres in C-1318 are designated as an age-restricted community.

Site Plan

The Site has two previous Site Plan approvals: 819860280 and 81986028A, in 1986 and 2005, respectively. In an Opinion mailed on June 5, 1986, the Planning Board approved the Clubhouse II facility. The Site Plan for a total of 49,500-square feet of community amenity in two phases: Phase I was for 27,000 square feet of Clubhouse II; and Phase II for approximately 22,500 square feet of clubhouse.

Minor Site Plan Amendment 81986028A was approved at Staff-level in 2005 to:

- 1) reduce the Phase II clubhouse's square footage from 22,500-square feet to 17,500-square feet;
- 2) modify the existing main entrance design for a vehicular drop-off area with canopy, and;
- 3) modify the clubhouse parking lot layout for handicap-accessible parking spaces for a total of 278 total parking spaces.

Current Proposal

The Applicant proposes to build up to 5,400-square-feet at the rear of the existing Clubhouse II to expand the facility with limited exterior improvements to the landscape and hardscape (Attachment 1). The Clubhouse II building currently contains 44,500-square feet for recreation uses, including an indoor swimming pool and locker rooms.

Two new sidewalk segments will be installed on the south and west sides of the addition. A portion of the south sidewalk will lead into a semi-circular-shaped patio with pervious pavement. The outer edge of the patio will have a concrete band with a retaining wall. A rear door will be located at the southeast side of the addition to the patio. The height of the addition will be 19 feet. The Applicant requested this increase from 16 feet to 19 feet, after submitting the application materials.

An existing concrete patio at the east side of the addition will be removed and approximately one-third of this area will be landscaped. No outdoor lighting is proposed near the patio, the retaining wall or at the rear door to the expansion or along the sidewalks. A six-foot high fence segment with gate door will be installed at the southeast corner of the addition, to connect with an existing fence at this location. A stormwater management facility will be located on the west side of the addition. Interior upgrades to the existing facility are also proposed to enhance Americans with Disabilities Act (ADA) compliance features (Attachment 2).



Figure 2: The Site

COMMUNITY OUTREACH

The Applicant has complied with the submittal and noticing requirements. No comments have been received from noticed parties as of the date of this report.

SECTION 2: ANALYSIS

Master Plan Conformance

The Subject Property is part of the 618.5-acre Leisure World site in the 1994 Aspen Hill Master Plan identified as Parcel 19, Figure 15 on page 50 in the Land Use section of the Plan (Attachment 3). Page 72 of the Plan describes Leisure World as having a maximum density of 10 units per acre. It is presently approved for development of 5,725 dwelling units, approximately 9 dwelling units per acre.

The Master Plan focuses primarily on residential development and highlights the importance of identifying the needs of the elderly and providing them with convenient access to community facilities

(Community Facilities chapter). Although the proposed development is not specifically addressed by the Master Plan, the general intent of the proposed project is consistent with Master Plan goals, which seek to increase opportunities for community interaction and reduce the social, and sometimes physical, isolation of the residents through both public investment and physical designs of private activity. The Plan also seeks to increase recreational and transportation options in a manner that improves the overall environment and the quality of life of residents and workers (page 3).

Development Standards

Because the PRC Zone's development standards were previously met at the Clubhouse II facility, only bicycle parking requirements from the current Zoning Ordinance and outdoor lighting industry standards were in the scope of review. Bicycle parking requirements are as discussed in the Pedestrian and Bicycle Facilities section of this report (below). Outdoor lighting considerations were based on safety for residents using the patio area during evening hours in the spring, summer and autumn months. Exterior building-mounted lighting should be provided on the south and west sides of the addition along the new sidewalk segments and the new rear door. The patio's retaining wall edge should be lit with LED lighting to define it and for pedestrian safety during evening hours.

Transportation

Master-Planned Roadway

North Leisure World Boulevard is not listed in the 1994 Aspen Hill Master Plan. North Leisure World Boulevard is a four-lane, private, internal ring road with a raised grass median and 22-foot wide travel ways in each direction.

Public Transit Service

Leisure World offers a free shuttle bus for residents to their destinations inside the community and the shopping areas in Aspen Hill and Olney outside its gates on Wednesdays. Along Georgia Avenue, Ride On bus 51 operates between the Norbeck Road Park & Ride Lot and the Glenmont Metrorail Station with buses every 30 minutes on weekdays. Ride On route 53 and Metrobus routes Y-5, Y-7, Y-8 and Y-9 also operate along Georgia Avenue. There are bus stops on each side of the intersection of International Drive.

Pedestrian and Bicycle Facilities

Along the Clubhouse's frontage on North Leisure World Boulevard, there are four-foot wide sidewalks with an approximately two to six-foot wide green panel on the site frontage of the ring road, and a six-foot wide sidewalk with no green panel on the opposite side of this ring road. Handicap ramps and marked pedestrian crosswalks are on all but the western leg of the 'T' intersection of North Leisure World Boulevard and Norbeck Boulevard-Clubhouse II driveway. Within the Clubhouse II Site, there are adequate handicap ramps at all three parking areas around the building.

One bike rack is located near the Clubhouse's rear entrance. This rack is a "floating ribbon" rack and is obsolete. The Applicant requests to retain this rack for employee bicycle parking and agrees to install a new inverted-U bike rack (or its equivalent) located near the main entrance, in a weather-protected area.

Local Area Transportation Review and On-Site Parking

The proposed expansion will not generate any additional peak-hour trips during the weekday morning and evening peak periods (6:30 to 9:30 a.m., and 4:00 to 7:00 p.m., respectively).

Transportation Policy Area Review

The Site is located in the Aspen Hill Policy Area that is inadequate for Transportation Policy Area Review (TPAR) roadway capacity, and adequate for TPAR transit capacity. The TPAR payment of 25% of the Development Impact Tax will not be required for the proposed Clubhouse II expansion to satisfy the TPAR test because County Council Bill 62-14, enacted on February 3, 2015, exempted expansion of an “ancillary building in a residential development” from the development impact tax (Attachment 4).

ENVIRONMENT

Forest Conservation

The Applicant obtained an exemption from Article II of Chapter 22A, granted on July 27, 2015 (Attachment 5).

Environmental Guidelines

The proposal will not disturb any sensitive areas and the proposed limits-of-disturbance will not impact the stream buffer of the Northwest Branch on the east side of the Site. With the approved exemption and no impacts to sensitive areas, the Applicant’s request complies with Chapter 22A and the Environmental Guidelines.

Stormwater Management

The Applicant obtained Stormwater Concept Plan acceptance from the Montgomery County Department of Permitting Services (DPS) in a letter dated October 14, 2015 (Attachment 5).

SECTION 3: SITE PLAN FINDINGS

Section 59.8.3.5.D.1. requires site plan approval under Section 7.3.4.

Section 7.3.4.E, Necessary Findings, states that to approve a site plan, *the Planning Board must find that the proposed development:*

- a. *Satisfies any previous approval that applies to the site;*

The proposed addition satisfies all previous approvals including Site Plan 819860280 and Site Plan Amendment 81986028A.

- b. *Satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

Not applicable; the Subject Property does not have a development plan, diagrammatic plan, schematic development plan, or project plan associated with it.

- c. *Satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

The proposed addition does not increase the green area, or any other open space, requirements for the Leisure World property. The current open space system in Leisure World provided as part of the previous approval remains in compliance with the applicable green area and open space requirements.

- d. *Satisfies applicable use standards, development standards, and general requirements under this chapter;*

The proposal will add 5,400 square feet of recreation space to the existing clubhouse, which is a required use as stated in Section 8.3.5.B.1.a.iv.(c).

Development Standards

The proposed addition satisfies all development standards under Section 59.8.3.5.C including: Tract area -no change in the area of the entire Leisure World property; Setbacks- the proposed addition does not violate any required setback for the entire property. There are no separate setback requirements for the clubhouse site; Coverage and Common Open Space- the proposed addition is within the maximum building coverage of 30% for the entire Leisure World property and it meets the minimum 30% open space requirement for the entire property; and Parking- the proposed addition does not require any new vehicle parking spaces. Industry outdoor lighting standards were also considered in this review, see finding *f.* below.

- e. *Satisfies the applicable requirements of:*
- i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*
 - ii. *Chapter 22A, Forest Conservation.*

The Applicant obtained Stormwater Concept Plan acceptance from the Montgomery County Department of Permitting Services (DPS) in a letter dated October 14, 2015 (Attachment 6).

The Application is exempt from the requirements of submitting a Forest Conservation Plan based on the Forest Conservation Exemption letter, #42016005E, dated July 27, 2015. There are no sensitive natural resources on or in the vicinity of the Subject Property. Therefore, the Applicant's request is in compliance with Chapter 22A and the County's Environmental Guidelines.

- f. *Provides safe, well integrated parking, circulation patterns, building massing and, where required, open space and site amenities;*

The existing clubhouse has concrete sidewalks connecting to the sidewalk system at Leisure World. A new four-foot wide concrete sidewalk is proposed along the west and south sides of the proposed addition. The proposed addition's building massing will be consistent with the existing facility. Pedestrian safety should be provided with building-mounted exterior lighting on the south and west sides in relation to the sidewalks and at the new rear door.

LED fixtures should be incorporated in the patio retaining wall to define it during evening hours.

The proposed addition does not require any new vehicle parking spaces. The existing bicycle parking facilities are below current PRC Zone standards and must be upgraded as stated in the conditions of approval.

Three short-term bicycle parking spaces are located in a 'floating ribbon' bike rack on the rear side of the building; there are no long-term bicycle spaces. The existing bike rack is an obsolete facility; the Applicant must make two modifications to these facilities as recommended in the conditions of approval.

An open space area behind the proposed Clubhouse II addition will remain accessible as part of the existing Leisure World Golf course. This open space area was previously designed when the Subject Property was developed in the 1960's, and the proposed Amendment does not alter or change this or other open spaces. As a result, the existing open space area remains adequate, safe, and efficient for access by Leisure World residents.

The proposed landscaping on the east side of the addition provides a variety of native plants and shade and ornamental deciduous trees.

Based on the proposed limits-of-disturbance for the Clubhouse II addition, construction activity will not impact the existing Leisure World Golf Course operation (Hole #3) abutting the Site to the south.

- g. Substantially conforms with the recommendation of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The proposed addition is located in the Aspen Hill Master Plan area and conforms with the recommendation of the Master Plan as demonstrated on pages 7 and 8 of this report.

- h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The proposed addition to the existing clubhouse will not require any new public services and facilities. All public facilities and services serving the current Leisure World property are adequate. No new adequate public facilities test is required; all streets in the Subject Property are privately-maintained.

- i. On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The proposed addition will expand the existing Clubhouse's building footprint, and will be located at the rear of the current building. Its height and massing will be consistent with the existing facility. One other structure is located nearby. The proposed addition is small and expands the existing use, which is compatible with other uses nearby. There are no other proposed developments in vicinity of the Site.

- j. On a property in all other zones, is compatible with the existing and approved or pending adjacent development.*

Not applicable.

CONCLUSION

Based on the review by Staff and other relevant agencies, and the analysis contained in this report, Staff finds that the proposed Limited Site Plan Amendment meets all the required findings, it is in conformance with the Aspen Hill Master Plan guidelines for the Leisure World retirement community and it is consistent with the applicable Zoning Ordinance standards. Staff recommends approval of this Limited Site Plan Amendment 81986028B, subject to the conditions at the beginning of this report.

Attachments

1. Statement of Justification
2. Site Plan
3. Aspen Hill Master Plan - pages 50 and 72
4. County Council Bill 62-14
5. Forest Conservation exemption letter
6. DPS's Stormwater Management Concept Plan letter

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

June 12, 2015

Barbara A. Sears
bsears@linowes-law.com
301.961.5157

Scott C. Wallace
swallace@linowes-law.com
301.961.5124

Mr. Khalid Afzal
Team Leader, Area 2
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Leisure World – Clubhouse II – Application for Limited Site Plan Amendment No.
81986028B

Dear Mr. Afzal:

This firm represents Leisure World of Maryland Corporation (“LWMC”), the Applicant for the referenced Limited Amendment to Site Plan No. 81986028A for Clubhouse II at the Leisure World senior adult community (the “Site Plan”). On LWMC’s behalf, we are submitting this Application to (a) reconfigure the rear of the existing Clubhouse II building to increase the space by up to 5,400 square feet for a larger fitness center to serve the existing residents; (b) provide interior upgrades for Americans With Disabilities Act (“ADA”) compliance; and (c) make landscape and hardscape modifications associated with these building changes.

The Site Plan for the existing Clubhouse II building was originally approved by Planning Board Opinion dated June 5, 1986 for the development of a total of 49,500 square feet of community amenity space in two phases. A minor amendment to the Site Plan to alter the parking lot layout and the design of the building entrance was approved by staff in 2005.

As shown on the enclosed plans, LWMC requests approval of a modest addition to the rear of the existing Clubhouse II building to allow for expanded fitness facilities and programs for residents of Leisure World. LWMC is also seeking approval for upgrades to the interior of the building to enhance ADA compliance features. Finally, the Application proposes landscape and hardscape modifications, also shown on the enclosed plans, to accommodate the changes to the building noted above.

**L&B 4941528v3/12206.0003

Mr. Khalid Afzal
June 12, 2015
Page 2

The minor modifications to the Site Plan proposed in the Application do not conflict with any conditions of approval of the Site Plan and are appropriate for approval as a Limited Site Plan Amendment.

Please let us know if you need any additional information. Thank you for your continued assistance in this matter.

Very truly yours,

LINOWES AND BLOCHER LLP


(scw)

Barbara A. Sears



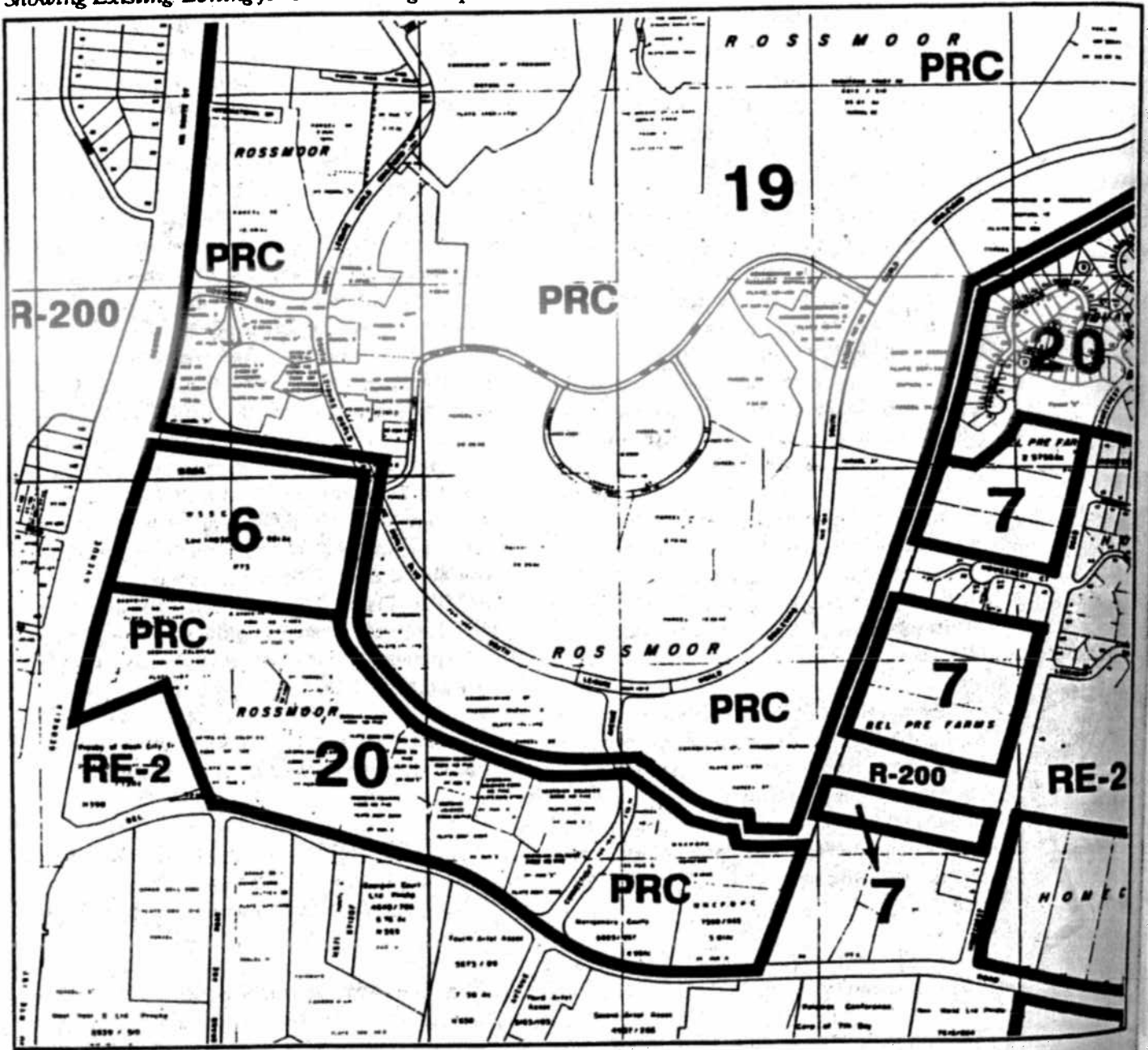
Scott C. Wallace

cc: Ms. Jolene King
Ms. Nicole Gerke
Mr. John Sekerak, Jr.

Figure 15

SIGNIFICANT PARCELS & AREAS SITE NOS. 6, 7, 19 & 20

Showing Existing Zoning for Surrounding Properties



Locational Reference Map

 THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

 Parcel Boundary



0 300 600
Feet



utility line crossing, should be done with great care and only after consultation with the Maryland Department of Natural Resources, the surrounding community and local civic organizations.

19 PRC - Age-Restricted Area (Leisure World and the Surrounding Area)

This 618.5-acre site is located east of Georgia Avenue and south of Norbeck Road (Figures 15 and 16). It is bordered by single-family detached homes to the east and south. The site is developed with a shopping center, office, an assisted care facility and the Leisure World Community.

The age-restricted portion of the PRC zone is limited to residents who have attained a minimum age of 50. There is a maximum density of 10 dwelling units to the acre. It is presently approved for development of 5,725 dwelling units, approximately 9 dwelling units per acre. If a new development plan is submitted and approved, an additional 460 dwelling units can be constructed, which is permitted by right in the zone. Leisure World is an appropriate location for permitting additional elderly housing units to be built in the planning area.

This Plan recommends that the unbuilt portion of Connecticut Avenue (between Bel Pre Road and South Leisure World Boulevard) be built.

The age-restricted portion of the PRC is located in an area that is near its water and sewer capacity and may have some deficiency in the distribution system. The pressure for fire flow is weak. The system can handle the residual capacity of 460 dwelling units in the age-restricted area with careful attention to the need for additional relief sewers. The capacity of the system should be checked and adjusted with the submission of each new building phase prior to construction.

A Zoning Ordinance text amendment for the PRC zone should be considered to take into

account the Fair Housing Amendments Act of 1988, which requires 80 percent of the dwelling units to have at least one occupant who is a minimum of 55 years in order to be exempted from the federal provisions of discrimination against children. Leisure World and its component mutuals have already made this change.

If density is transferred from this part of the PRC to the WSSC site, that density should be subject to the 20 percent MPDU requirement.

20 PRC - Unrestricted Portion (Georgian Colonies, Aquarius and Longmead Crossing subdivisions)

The 383.9-acre portion of the PRC zone is located south of Norbeck Road, west of Layhill Road, north of Argyle County Club and east of Leisure World (Figures 16, 17 and 30). There is a portion of the unrestricted area that is located between Bel Pre Road, Georgia Avenue, Leisure World and the extension of Connecticut Avenue. The unrestricted portion of the PRC is made up of Georgian Colonies, Aquarius and Longmead Crossing subdivisions.

The unrestricted portion of the PRC zone differs very little from any other planned development zone. The permitted and special exception uses in the age-restricted and unrestricted portions of the PRC zone are the same. Such uses as a hospital or nursing home are permitted by right anywhere in the zone. However, they would require a special exception in any other residential zone. A hospital or a nursing home is consistent with the purposes of an age-restricted planned retirement community and can reasonably be permitted by right. However, these uses seem inappropriate for the unrestricted section of the zone. In the unrestricted section of the zone, such uses should be subject to the same special exception evaluation that these uses would receive in any other conventional residential area.

This Plan also recommends that a wider range of permitted and special exception uses

Bill No. 62-14
 Concerning: Taxation -- Development
Impact Taxes -- Exemptions --
Ancillary Facilities
 Revised: 1-30-15 Draft No. 2
 Introduced: November 25, 2014
 Enacted: February 3, 2015
 Executive: _____
 Effective: October 30, 2014
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President Rice, Council Vice President Leventhal, and Councilmembers Floreen, Katz,
 Rierner, and Navarro

AN ACT to:

- (1) exempt from development and school impact taxes certain ancillary facilities in certain residential developments; and
- (2) generally amend the law governing impact taxes.

By amending

Montgomery County Code
 Chapter 52, Taxation
 Sections 52-47, 52-49, 52-57, and 52-89

| | |
|------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

28 ~~[(2)]~~ (3) any building that replaces an existing building on the same site
29 or in the same project (as approved by the Planning Board or the
30 equivalent body in Rockville or Gaithersburg) to the extent of the
31 gross floor area of the previous building, if:

32 (A) construction begins within one year after demolition or
33 destruction of the previous building was substantially
34 completed; or

35 (B) the previous building is demolished or destroyed, after the
36 replacement building is built, by a date specified in a
37 phasing plan approved by the Planning Board or
38 equivalent body.

39 However, if in either case the development impact tax that would
40 be due on the new, reconstructed, or altered building is greater
41 than the tax that would have been due on the previous building if
42 it were taxed at the same time, the applicant must pay the
43 difference between those amounts.

44 **52-57. Tax rates.**

45 (a) The tax rates for each impact tax district, except as provided in
46 subsection (b) are:

| | | | |
|--|-------------|-------------|-------------|
| | * | * | * |
| <u>Cultural institution</u> | <u>0.20</u> | <u>0.50</u> | <u>0.40</u> |
| <u>Charitable, philanthropic institution</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| | * | * | * |

51 **52-89. Imposition and applicability of tax.**

52
53 (d) The tax under this Article does not apply to:

4 (1) any reconstruction or alteration of an existing building or part of

55 a building that does not increase the number of dwelling units of
56 the building;

57 (2) any ancillary building in a residential development that:

58 (A) does not increase the number of dwelling units in that
59 development; and

60 (B) is used only by residents of that development and their
61 guests, and is not open to the public; and

62 ~~[(2)]~~ (3) any building that replaces an existing building on the same site
63 or in the same project (as approved by the Planning Board or the
64 equivalent body in Rockville or Gaithersburg) to the extent of the
65 number of dwelling units of the previous building, if:

66 (A) construction begins within one year after demolition or
67 destruction of the previous building was substantially
68 completed; or

69 (B) the previous building is demolished or destroyed, after the
70 replacement building is built, by a date specified in a
71 phasing plan approved by the Planning Board or
72 equivalent body.

73 However, if in either case the tax that would be due on the new,
74 reconstructed, or altered building is greater than the tax that
75 would have been due on the previous building if it were taxed at
76 the same time, the applicant must pay the difference between
77 those amounts.

78 * * *

79 Sec. 2. This Act takes effect as of October 30, 2014.

80 *Approved:*

81 

2/5/2015

George Leventhal, President, County Council

Date

82 *Approved:*

83

Isiah Leggett, County Executive

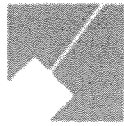
Date

84 *This is a correct copy of Council action.*

85

Linda M. Lauer, Clerk of the Council

Date



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

July 27, 2015

Mr. Devin Kennedy, PLA
Stantec
20410 Century Blvd., Ste. 200
Germantown, MD. 20874

Re: 42016005E; Forest Conservation Exemption Parcel 61; Leisure World; Clubhouse II; Site plan 81986028A

Dear Mr. Kennedy:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42016005E, located on Parcel 61, is confirmed. The existing conditions plan which was submitted on July 14, 2015, is in compliance with Chapter 22A-5(l) of the Forest Conservation Law.

The activity qualifies for an exemption (l): any planned unit development for which a development plan was approved by the District Council or for which a project plan was approved by the Planning Board Before January 1, 1992, and which has received site plan approval before July 1, 1992, as measured by the total acreage subject to the planned unit development that has received site plan approval. A development plan or project plan amendment approved after January 1, 1992, as measured by the total acreage subject to the planned unit development that has received site plan approval. A development plan or project plan amendment approved after January 1, 1992, is not exempt if it results in the cutting of more than 5,000 additional square feet of forest.

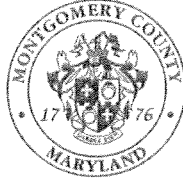
The property owner should contact this inspector for a pre-construction meeting to verify the limits of disturbance. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

If you have any questions regarding these actions, please feel free to contact at david.wigglesworth@montgomeryplanning.org or at (301) 495-4581.

Sincerely,


David Wigglesworth
Sr. Planner
Development Application and Regulatory Coordination Division

CC: Nicole A. Gerke (LWMC)



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 14, 2015

Ms. Kim Currano, PE
Stantec Consulting Services, Inc.
20410 Century Boulevard Suite 200
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Leisure World Clubhouse II
Preliminary Plan #: na
SM File #: 276615
Tract Size/Zone: 6.7 Acres
Total Concept Area: .42
Lots/Block: N/A
Parcel(s): 49
Watershed: Northwest Branch

Dear Kim Currano:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goal via Microbioretention.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Provide safe conveyance of the ten year storm through the overflow structure of the micro-bioretention practice.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

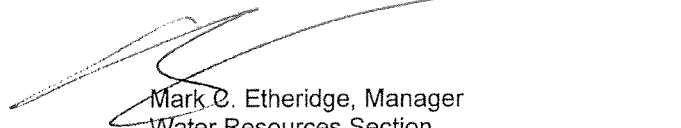


Ms. Kim Currano
October 14, 2015
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN276615

cc: C. Conlon
SM File # 276615

| | |
|-------------------|------|
| ESD Acres: | 0.42 |
| STRUCTURAL Acres: | 0.00 |
| WAIVED Acres: | 0.00 |