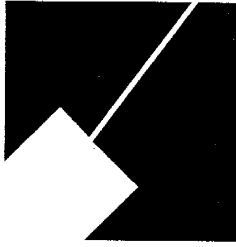


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
ITEM # 5
5/11/06



MEMORANDUM

DATE: April 25, 2005

TO: Montgomery County Planning Board

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

FROM: Catherine Conlon, Subdivision Supervisor (301) 495-4542
Development Review Division *CC*

REVIEW TYPE: Preliminary Plan of Subdivision Amendment

APPLYING FOR: Housing and related facilities for senior adults

PROJECT NAME: New Covenant Fellowship Church

CASE #: 11997044B (formerly 1-97044B)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-1

LOCATION: Located on the east side of Waring Station Road, approximately 350 feet north of Summer Oak Drive

MASTER PLAN: Germantown

APPLICANT: New Covenant Fellowship Church

ENGINEER: Macris, Hendricks and Glascock, P.A.

ATTORNEY: Shulman, Rogers, Gandal, Porody & Ecker

DATE FILED: July 1, 2005

HEARING DATE: May 11, 2006

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to 89 multi-family dwelling units of housing for the elderly.
- 2) The applicant shall comply with the conditions of approval of Special Exception Case No. S-2635 as noted in the Board of Appeals Opinion dated August 4, 2005.
- 3) Prior to the issuance of any building permit, the applicant shall provide documentation that it has reached an agreement with the Maryland Department of Transportation (MDOT) to grant an easement in perpetuity to MDOT, as generally described in their letter of October 27, 2005 (Attachment A), for the planned I-270 improvements, including the highway improvements, Corridor Cities Transitway (CCT) corridor, hiker/biker trail, and associated transitional slope area.
- 4) Prior to the issuance of any building permit, the applicant shall provide documentation that it has reached an agreement with MDOT that, upon the request of MDOT, the applicant shall grant MDOT a construction easement, as described in their letter of October 27, 2005, to be used for access, staging, equipment/material storage and other related construction activity during the construction phase of the project.
- 5) Within 120 days of the request of MDOT, and after community input is obtained, applicant shall also grant to MDOT an easement in perpetuity over the northwestern portion of the subject site for the possible location of a CCT transit station, including a total of no more than 50 auto (shared with church) parking spaces, two bus bays, and eight kiss and ride spaces. Access to the CCT transit station shall be limited to the drive aisle on the north side of the existing sanctuary building.
- 6) The applicant shall revise the preliminary plan drawing to reflect the approximate boundary of the CCT easements with a note that the exact alignment shall be determined by MDOT as per conditions 3-5, above.
- 7) The applicant shall comply with the revised conditions of approval of the forest conservation plan. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permit.
- 8) Prior to issuance of any building permit, the applicant shall comply with the recommendations of the February 2, 2006 Traffic Noise Analysis – New Covenant Village, including:
 - a) Determine the effects of building shielding on impacted outdoor recreational activity areas to determine the exact mitigation effects of building shielding and the necessity for noise barriers.
 - b) Conduct a building shell analysis when architectural plans become available to determine if modifications are necessary to the building elements (walls, doors, and windows) to ensure interior noise levels of 45 dBA Ldn or lower.
 - c) Prior to issuance of any building permit, the applicant shall provide a commitment by the builder to construct in accordance with the acoustical design criteria as specified in the February 2, 2006 Noise Analysis and the future building shell analysis. An acoustical consultant must approve any changes to the building shell construction that may affect acoustical performance in writing, with a copy to M-NCPPC staff prior to implementation.

- 9) The applicant shall comply with the conditions of the MCDPWT approval dated October 11, 2005, unless otherwise amended.
- 10) The applicant shall comply with the conditions of the MCDPS stormwater management approval dated April 1, 2005.
- 11) All previous conditions of the preliminary plan approval as contained in the Planning Board's Opinions dated January 23, 2002 and July 8, 1997 remain in full force and effect.
- 12) Other necessary easements.

SITE DESCRIPTION

The subject property is a 31.9 acre, triangular-shaped tract of land located on Waring Station Road in Germantown (Attachment A). The site contains an existing church with associated grade school and day care, a large surface parking lot, and an existing stormwater management facility. The church complex is visible from I-270, which is adjacent to the western boundary of the site. Access to the site is from Waring Station Road.

The surrounding land uses are mostly residential, with one-family detached dwelling units along the northwestern boundary and on the west side of Waring Station Road, townhouses along the southern boundary, and an existing middle school southwest of the property on Waring Station Road. The property is within the Great Seneca Creek watershed which is classified as Use Class I-P. There are existing streams, with associated wetlands and floodplain, along the south and southeast property boundaries.

PREVIOUS APPROVALS

The preliminary plan for the existing church was approved by the Planning Board on July 3, 1997 (Plan No. 1-97044) with the conditions of approval contained in the Board's Opinion dated July 8, 1997 (Attachment B). An amendment to the preliminary plan was subsequently granted on October 25, 2001 (Plan No. 1-97044A). The amendment permitted a K-5th grade private school with enrollment up to 300 students, and a day care center with enrollment up to 300 students. The conditions for this amendment are reflected in the Planning Board's Opinion dated January 23, 2002 (Attachment C).

In April 2005 the Planning Board reviewed and recommended approval of a request for a special exception (Case No. S-2635) to permit housing and related facilities for senior adults on a 3.77 acre leasehold area within the property. The special exception was subsequently reviewed and approved by the Board of Appeals for Montgomery County subject to the conditions specified in their Opinion of August 4, 2005 (Attachment D).

PROJECT DESCRIPTION

The current preliminary plan amendment reflects the addition of the 89 apartment unit, senior housing facility as approved by the Board of Appeals. The facility consists of a four story, “L-shaped” building located on the southeast side of the existing church building (Attachment E). The building will have access from Waring Station Road via the existing church driveway. Additional surface parking and an outdoor courtyard are also included in the proposal.

DISCUSSION

Master Plan Compliance

The Germantown Master Plan, approved and adopted in 1989, recommended moderate intensity office use or a major institutional building for the subject property. The existing institutional use is consistent with this recommendation. Development on the property is constrained by stream valley slopes and the future Corridor Cities Transitway (CCT) easements. The proposed preliminary plan amendment maintains an acceptable limit of disturbance in relation to the existing stream valley, and it will provide for the necessary CCT easements. Therefore, staff finds that the proposed plan is in conformance with the master plan recommendations.

Environment

The property includes streams, wetlands, and floodplains that were previously protected by a Category I Forest Conservation Easement by Preliminary Plan 1-97044. There are 8-acres of existing forest on the subject property, and the entire stream buffer and existing forest is within the forest conservation easement. The property is within the Great Seneca Creek watershed.

Forest Conservation

The property is subject to a Final Forest Conservation Plan approved March 24, 1999. The proposed preliminary plan amendment does not remove any forest, however, the preliminary plan amendment also amends the forest conservation plan. An amendment is necessary because of the change in the land use categories and the ensuing retention requirements. The amended plan will retain all existing forest and continues to generate no forest-planting requirement. Other changes to the forest conservation plan involve requiring permanent forest conservation signage along the easement boundaries, and a note on the plan identifying that the existing 4.43 acres of unforested stream buffer may be used for planting by others.

Environmental Buffers

The environmental buffers were delineated on the original preliminary plan and are contained within the existing Category I forest conservation easement. The amended plan

proposes no encroachment into environmental buffers. Therefore, *Environmental Guidelines* requirements have been met.

Noise

The applicant prepared and submitted a noise analysis for the proposed residential development on the subject property. The noise analysis dated February 2, 2006 indicates that the exterior recreation areas and the upper residential floors will experience unmitigated noise levels great than 70 dBA Ldn. This is considerably greater than the 65 dBA Ldn exterior noise guideline and the interior 45 dBA Ldn interior noise guideline established in the 1983 "*Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*". The noise analysis, prepared by a professional acoustics consulting firm, recommends that the applicant conduct a building shielding analysis to determine if additional noise mitigation, such as walls or fencing, is necessary to lower the exterior noise in the recreational areas to acceptable levels. The noise analysis also recommends a building shell analysis be conducted when the architecture for the building is known. This will enable the acoustical consultant to review the building elements and determine if sufficient noise damping will be accomplished to achieve an interior noise level of 45 Ldn dBA. If the building elements are not adequate, the acoustical consultant will recommend changes to ensure the interior noise level is achieved. To meet noise mitigation requirements, Environmental Planning recommends a condition requiring the builder to construct the building using the criteria established by the acoustical consultants.

Transportation

Local Area Transportation Review

The Local Area Transportation Review (LATR) analysis was conducted at the time of the special exception review. The results of the analysis indicate the proposed plan amendment passes the APFO test for the LATR. Two intersections were identified as critical intersections to be affected by the proposed addition of the then proposed 94-unit elderly housing development to the existing church site, and were examined in the traffic study to determine whether they met the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown West Policy Area. The critical lane volume impacts of the proposed expansion on critical intersections in the vicinity of the site were analyzed and are summarized in Table 1.

As shown in the table, the two intersections analyzed are currently operating at acceptable CLVs (below 1,450), and this acceptable level will continue for the background development condition (existing traffic plus approved but not built subdivisions in the area) and the total development condition (background traffic plus traffic from the site) during both the AM and PM peak hours.

Table 1

Intersection Capacity Analysis with CLV During the Peak Hour						
Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Middlebrook Road/Waring Station Road	959	1,081	1,028	1,147	1,029	1,149
Waring Station Road/Wisteria Drove	555	666	571	668	571	668

Master Plan and Transit Requirements

The *Germantown Master Plan (July 1989)* under a subsection entitled “The Corridor Cities Transit Easement” states, “It is important to assure that the right of way for future transit service be protected.” The plan also refers to the parcel on which the church was eventually constructed as “one possible location” for a transit station. Table 17 (page 103) of the master plan lists I-270 as extending north-south through the planning area and consisting of a recommended eight travel lanes with a minimum right of way width of 300 feet.

The Planning Board’s original approval of Preliminary Plan 1-97044 included requirements for dedication of right of way for I-270 and the master plan alignment of the Corridor Cities Transitway (CCT). The subsequent record plat delineated the dedicated area as 182 feet west of the I-270 centerline along the entire eastern perimeter of the parcel. The first preliminary plan amendment included the addition of a grade school and daycare center on the property subject to all conditions of the previously approved plan remaining in full force and effect. The subsequent special exception for housing and related facilities for senior adults included a final condition stating that:

“(3) Petitioner shall seek amendment to the preliminary plan of subdivision [No. 1-97044 of July 1977 (sic)] prior to the issuance of any building permits to insure that the preliminary plan makes provisions for the possible location of a transit station for the Corridor Cities Transitway in the area, as may be required by the Montgomery County Planning Board.”

In May 2002, a Draft Environmental Impact Statement (DEIS) was completed for the I-270/US 15 Multi-Modal Corridor Study. This DEIS for a series of related improvements in the I-270 corridor includes a proposed roadway cross-section for I-270 southbound between MD 124 and Middlebrook Road (i.e., the segment where the church is located) consisting of four general-purpose lanes, two collector-distributor lanes, and one auxiliary lane.¹ The existing southbound

¹ *I-270/US 15 Multi-Modal Corridor Study Volume 1 of 2, Alternatives Retained For Detailed Study – Montgomery County, Figure II-1, Plate 2 of 2, May 2002.*

cross-section consists of four general-purpose lanes. The transitway alignment is parallel to the west side of I-270 south of Middlebrook Road. The study includes a plan map depicting the highway improvements and CCT alignment (including hiker-biker trail) adjacent to the church parcel.²

The DEIS documents impacts of the proposed widening, and while there is no mention of displacements on the west side of the corridor in the vicinity of the church parcel, there are anticipated displacements (26 to 35 single family residences) on the east side of I-270 directly across from the church parcel.³ The report notes this impact as a “ Non-Preferred Alternative” and recommends the placement of retaining walls that would reduce the residential impacts to between nine and 13 residences. More recent engineering analysis in this segment on the east side indicates the improvements can be made without displacing any residences.

Currently, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are requiring an Environment Assessment (EA) be completed by the Maryland Department of Transportation (MDOT) prior to the selection of a preferred alternative for the CCT. According to MDOT, it is anticipated that this assessment will be available in April 2007. A final Environmental Impact Study for the I-270/US 15 Corridor improvements is expected in June 2008.

There are four issues related to the proposed CCT improvements in the I-270/US 15 Corridor that are raised by this preliminary plan amendment.

I-270 Right of Way

The area dedicated for public use on the record plat is shown to be 182 feet from the I-270 centerline. MDOT’s current project planning effort indicates there is a need for an estimated 260 feet from the I-270 centerline to accommodate the ultimate planned improvements (additional roadway lanes, CCT alignment, hiker/biker trail alignment, and related grading slopes). The estimate of 260 feet varies slightly along the parcel’s eastern perimeter and is subject to further analysis and documentation by MDOT.

Staff has met with the applicant regarding this issue, and the applicant has agreed to grant MDOT an easement in perpetuity for the area delineated in the MDOT memo dated October 27, 2005 (Attachment F). The area in the memo is essentially the area identified in the current DEIS as being required for the planned I-270 improvements, including the highway improvements, transitway corridor, hiker/biker trail, and associated transitional slope area. The easement would be in exchange for MDOT holding the applicant harmless from any costs and claims arising from the operation and construction of the highway, transitway, and hiker/biker trail. In addition, the applicant would grant MDOT a construction easement to be used for access, staging, equipment/material storage and other related construction activity during the construction phase of the project.

² I-270/US 15 Multi-Modal Corridor Study Volume 2 of 2 (May 2002) Sheet No. HWY 3A of 15

³ I-270/US 15 Multi-Modal Corridor Study Volume 2 of 2 (May 2002) Sheet No. HWY 3A of 15

Storm Water Management Facility

The additional right of way requirement impacts the church's storm water management facility, encroaching upon about one-half of the facility's area. Staff has met with both the applicant and representatives of MDOT, and the parties have agreed that I-270 improvements identified in the DEIS will require MDOT to replace the applicant's existing storm water facility and related functions at no cost to the applicant, and to do so without disturbing the area within the current conservation easement on the parcel.

Existing Church Parking

Staff estimates from the applicant's submitted plan that approximately 69 spaces located in the (east) perimeter row of the main church parking lot may be affected by the additional right-of-way requirement. The actual number could be more, or less, depending upon more detailed site engineering measurements. The one single row and two double rows of parking designated for use by residents and visitors to the senior housing do not appear to be within the I-270 right-of-way requirement. It was noted in the staff memorandum of April 6, 2005, related to the Special Exception, that existing parking capacity exceeds the amount required by ordinance (by 175 spaces) but is fully used on weekends during church services.⁴ Both the applicant and the MDOT are aware that it is likely that these perimeter parking spaces (approximately 69 in number) will be eliminated at the time of the construction of the I-270 improvements.

Noise

The analysis included in the DEIS reviewed noise impacts from the I-270 improvements at a location near the south end of the church parcel. The DEIS does not identify the parcel as near a location of concern, however, both the applicant and MDOT representatives have expressed concern about possible noise impacts on the proposed senior housing location. As noted above, a noise analysis was required by Environmental Planning staff as part of this preliminary plan amendment which identified unacceptable noise impacts. Conditions have been recommended to ensure that the proposed building and exterior use areas will meet county noise guidelines.

Future CCT Station

As noted above, the parcel was identified in the Germantown Master Plan as a potential location for a CCT station. The applicant has agreed to grant an easement in perpetuity to MDOT for the access to, and construction of, a CCT station including a total of no more than 50 auto (shared) parking spaces, two bus bays, and eight kiss and ride spaces. The granting of the easement for the station would take place only at such time as MDOT, or its successors, make the request for the easement and would be contingent upon MDOT holding the applicant harmless for any claims and costs resulting from the construction or operation of the station.

⁴ M-NCPPC Staff Memo From Joel Gallihue to Planning Board, April 6, 2005, Special Exception No. S-2635, page 3.

Access to the CCT transit station will be limited to the drive aisle on the north side of the existing sanctuary building.

Subdivision Regulations

In staff's opinion, the preliminary plan amendment meets the requirements of the Subdivision Regulations and the Zoning Ordinance. As noted above, the proposed development meets Forest Conservation Law requirements, and the current guidelines for environmental protection and noise mitigation. The proposed facility was found to meet the LATR guidelines and access to the site has been determined to be adequate. Applicable county and state agencies have reviewed the plan for adequacy of stormwater management, emergency access, and public water and sewer facilities. Their recommended approvals are noted in the preliminary plan data table (Table 2) and Attachment G.

Citizen Correspondence

No citizen comments or letters have been received concerning the proposed amendment as of the date of this staff memo.

CONCLUSION

The preliminary plan amendment conforms to all requirements of the Subdivision Regulations and is consistent with the recommendations of the Germantown Master Plan as specified in this report. The plan has been reviewed and received all necessary approvals from county review agencies. Therefore, staff recommends approval of the preliminary plan amendment with the specified conditions.

Attachments:

- A – Vicinity Map
- B – July 8, 1997 Preliminary Plan Opinion
- C – January 23, 2002 Preliminary Plan Amendment Opinion
- D – August 4, 2005 Special Exception Opinion
- E – Preliminary Plan Amendment
- F – MDOT memo dated October 27, 2005
- G – Agency Correspondence

Preliminary Plan Data Table and Checklist

Plan Name: New Covenant Fellowship Church				
Plan Number: 11997044B (formerly 1-97044B)				
Zoning: RE-1, Institutional Use				
# of Lots: 1 Existing				
# of Outlots: 0				
Dev. Type: Multi-family dwelling units of housing for the elderly				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq.ft.	31.9 acre existing lot	CAC	4/27/06
Lot Width	125ft.	Must meet minimum	CAC	4/27/06
Lot Frontage	25ft.	Must meet minimum	CAC	4/27/06
Setbacks				
Front	50ft. Min.	Must meet minimum	CAC	4/27/06
Side	17ft. Min./35ft. total	Must meet minimum	CAC	4/27/06
Rear	35ft. Min.	Must meet minimum	CAC	4/27/06
Height	Established by Special Exception	May not exceed maximum	CAC	4/27/06
Max Resid'l d.u. or Comm'l s.f. per Zoning	N/a	Elderly Housing associated with an Institutional Use		
MPDUs	N/a			
TDRs	N/a			
Site Plan Req'd?	No		CAC	4/27/06
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes		CAC	4/27/05
Road dedication and frontage improvements	Future CCT Easement		Agency letter	10/27/05
Environmental Guidelines	Yes		Staff memo	3/21/06
Forest Conservation	Yes		Staff memo	3/21/06
Master Plan Compliance	Yes		Staff memo	10/19/01
Other (i.e., parks, historic preservation)	N/a			
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes		Agency letter	4/1/05
Water and Sewer (WSSC)	Yes		Agency comments	8/1/05
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	8/1/05
Well and Septic	N/a			
Local Area Traffic Review	Yes		Staff memo	4/12/06
Fire and Rescue	Yes		CAC	4/27/06
Other (i.e., schools)	N/a			

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
(Motion of Comm. Richardson, seconded
by Comm. Holmes with a vote of 4-0;
Comms. Holmes, Richardson, Baptiste
and Hussmann voting in favor, Comm.
Aron absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

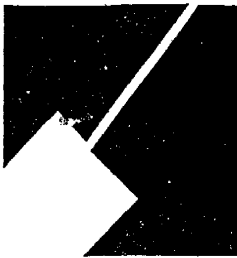
Preliminary Plan 1-97044
NAME OF PLAN: GUNNERS LAKE VILLAGE

On 12-11-96, NEW COVENANT FELLOWSHIP CH, submitted an application for the approval of a preliminary plan of subdivision of property in the R~~B~~1 zone. The application proposed to create 0 lots on 33.94 ACRES of land. The application was designated Preliminary Plan 1-97044. On 07-03-97, Preliminary Plan 1-97044 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97044 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97044, subject to the following conditions:

- (1) Agreement with Planning Board to limit development to a house of worship and associated uses including religious education. No day care or private school is permitted onsite. Any modification to the uses described may require further Planning Board review
- (2) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (3) Prior to MCPB release of building permit, technical staff must approve of a lighting landscape and parking facilities plan. The parking facilities plan shall include a final grading plan which demonstrates that all disturbance will take place outside the area of the conservation easement. Eliminate approximately one hundred (100) parking spaces in the area adjacent to Lots 1-8 at the southern property line
- (4) Dedication for Interstate 270 and Master Plan alignment of Transitway as shown on revised plan dated 5-16-97
- (5) Record plat to reference a construction slope easement along the Transit right-of-way and Category I conservation easement over the stream buffer, wetlands, and forest conservation areas

- (6) Conditions of MCDPS stormwater management approval dated 1-3-97
- (7) Access and improvements as required and approved by MCDPW&T
- (8) Necessary easements
- (9) This preliminary plan will remain valid until August 8, 2000 (37 months from the date of mailing, which is July 8, 1997). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

Attachment C

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: January 23, 2002

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 4-0;
Comms. Bryant, Holmes, Robinson
and Wellington voting in favor
Comm. Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97044A

NAME OF PLAN: NEW COVENANT FELLOWSHIP CHURCH

On 08/02/01, NEW COVENANT FELLOWSHIP CHURCH submitted an amendment to the previously approved preliminary plan in the RE-1 zone. The previous application proposed to create 1 lot previously approved (House of Worship) on 33.94 acres of land. The application was designated Preliminary Plan 1-97044A. On 10/25/01, Preliminary Plan 1-97044A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97044A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97044A.

Approval to Revise Conditions as Follows:

- 1) Compliance with conditions of Transportation Planning memorandum dated October 19, 2001 as follows:
 - Limit the preliminary plan amendment to K-5th grade school with enrollment up to 300 students and a day care center with enrollment up to 300 students
- 2) All previous conditions of the preliminary plan approval as contained in the Planning Board's Opinion dated July 3, 1997 remain in full force and effect
- 3) Applicant to submit final landscaping plan to address screening along the I-270 right-of-way for technical staff review and approval
- 4) Necessary easements

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2635

PETITION OF NEW COVENANT VILLAGE, LLC

OPINION OF THE BOARD
(Opinion Adopted July 13, 2005)
(Effective Date of Opinion: August 4, 2005)

Case No. S-2635 is an application pursuant to Section 59-G-2.35 of the Zoning Ordinance to permit a special exception for housing and related facilities for senior adults.

The Hearing Examiner for Montgomery County convened a public hearing on the application on May 9, 2005. The record in the case closed on June 17, 2005, and on June 23, 2005, the Hearing Examiner issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **granted**, subject
to the conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on July 13, 2005. After careful consideration, and a review of the record in the case, the Board adopts the Report and Recommendation, and grants the special exception with the following clarification, and subject to the following conditions:

The Board wishes to clarify that the special exception area consists of the 3.77 acre leasehold area depicted on Exhibit No. 12.

Conditions of Approval:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel

identified in the Hearing Examiner's Report and Recommendation and in the Board's opinion.

2. No more than eighty-nine apartment units are permitted in the proposed senior housing.
3. Petitioner shall seek amendment to the preliminary plan of subdivision (No. 1-97044 of July 1977) prior to the issuance of any building permits to insure that the preliminary plan makes provision for the possible location of a transit station for the Corridor Cities Transitway in the area, as may be required by the Montgomery County Planning Board.
4. Petitioner shall comply with Final Forest Conservation Plan No. 1-97044 of March 1999, and all applicable stormwater and sediment control regulations.
5. Upon its execution, a copy of the ground lease will be provided to the Board of Appeals.
6. Petitioner shall submit its planned signs for review by the Sign Review Board, and diagrams of the approved signs, as well as copies of any permits and/or waivers, shall be submitted to the Board of Appeals.
7. Petitioner shall obtain and maintain all appropriate licensing from Montgomery County and the State of Maryland for operation of an age-restricted, rental housing facility for independent seniors.
8. Petitioner shall construct, staff and operate this senior housing facility in accordance with all federal, state and local requirements.
9. Petitioner shall obtain a written agreement from the New Covenant Fellowship Church that the first three rows (a single row and two double rows) on the southeastern edge of the main church parking lot (approximately 39 spaces) will be marked and reserved for residents and visitors of the new senior housing. A copy of that agreement should be filed with the Board of Appeals within 60 days, but the terms need not be carried out until the new senior housing building is operational.

On a motion by Angelo M. Caputo, seconded by Donna L. Barron, with Louise L. Mayer, Wendell M. Holloway and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

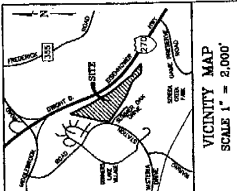
Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 4th day of August, 2005.

Katherine Freeman
Executive Secretary to the Board

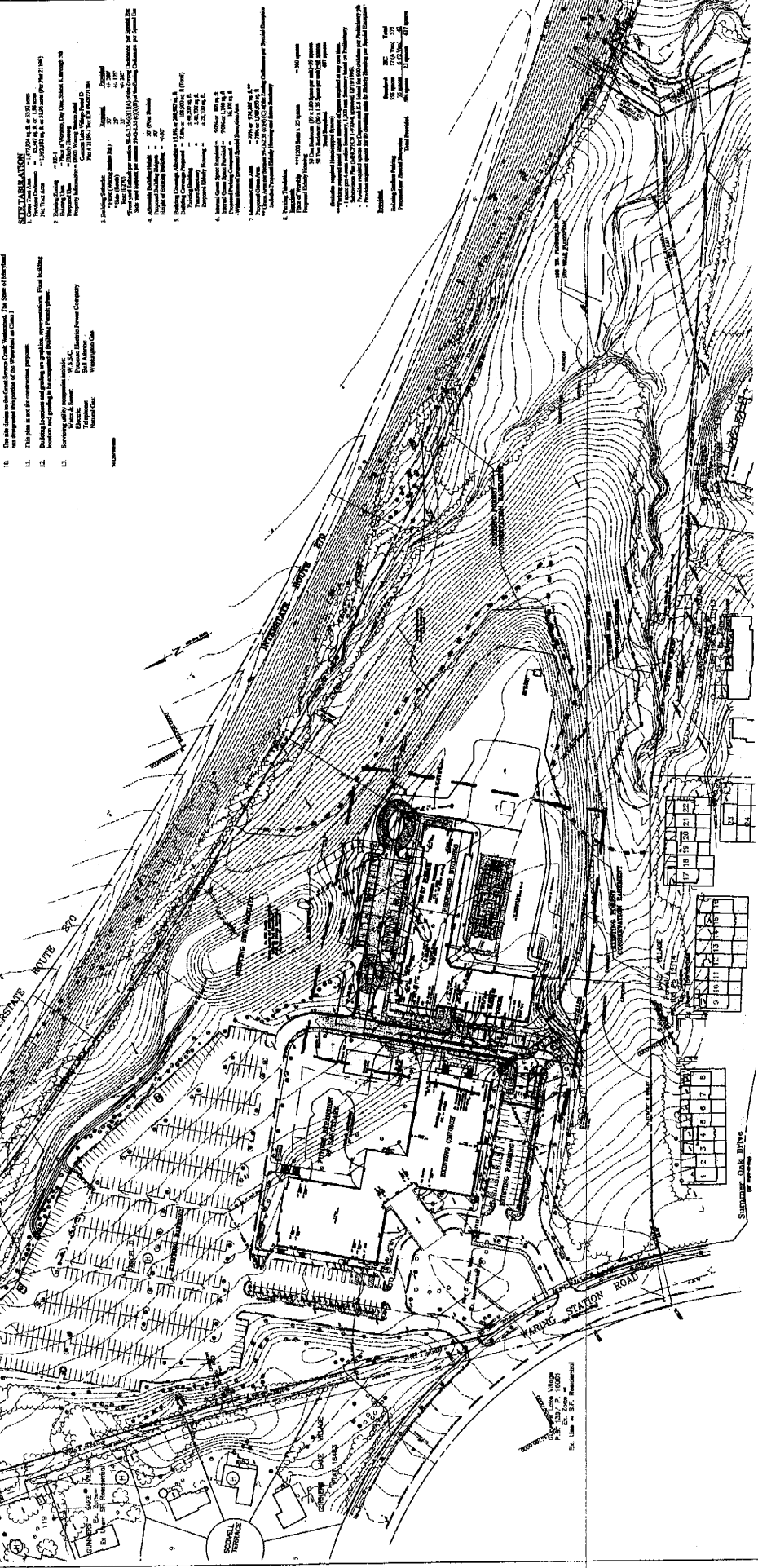
NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.



- NOTES:**
- Topography from aerial photography with contour intervals.
 - Boundary information from recorded deeds and plans.
 - Water and sewer mains in 10' and 30' S.P. easements.
 - Number of lots proposed by this plan. One.
 - A National Resources Inventory (NRI) General Land Classification Plan has been prepared for this site by the U.S. Department of Agriculture, Forest Service, Washington, D.C., 1972/73, approved 10/27/76.
 - A Final Forest Classification Plan has been approved by HANCOCK, U.S. Department of Agriculture, Washington, D.C., 1976/77, dated 10/19/76.
 - A Site Specific Management Concept has been approved by HANCOCK, U.S. Department of Agriculture, Washington, D.C., 1976/77, dated 10/19/76.
 - This site is within Contamination, F.A. 19 (General Land Usage 01-23).
 - The site abuts the Great Seneca Creek Watershed. The State of Maryland has designated this portion of the Watershed as Class I.
 - This plan is not for construction purposes.
 - Building location and grading are graphical representations. Final building location and grading to be completed by Electrical System Plans.
 - Surveying and utility easements are shown as follows:
 - Electric: National Electric Power Company
 - Gas: National Electric Power Company
 - Water: National Electric Power Company
 - Wastewater: National Electric Power Company



PRELIMINARY SUBDIVISION PLAN
 PARCEL "D"
NEW COVENANT FELLOWSHIP CHURCH
 PLAT 21195
 9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 MGH
 MONTGOMERY COUNTY
 LAND DEVELOPMENT DEPARTMENT
 1000 EAST WISCONSIN AVENUE
 BETHESDA, MARYLAND 20814
 PHONE: 301-279-7000
 FAX: 301-279-7001
 DATE: 04/28/12

GRAPHIC SCALE
 1" = 100' ±

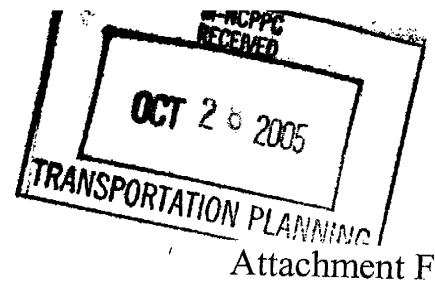
NO.	DATE	DESCRIPTION	BY

PREPARED FOR:
 Washington New Covenant Fellowship Church
 1801 Waring Station
 Germantown, MD 20874
 Phone: 301-530-3220
 Attn: Tina K. Kim

CONTRACTOR'S CERTIFICATE
 I hereby certify that the information furnished to me by the applicant is true and correct to the best of my knowledge and belief, and that the same has been used in the preparation of this plan. I am a duly Licensed Professional Engineer in the State of Maryland.
 Date: 04/28/12
 Signature: [Signature]
 Title: Professional Engineer

Call "Miss DUBBY"
 Telephone 1-800-257-7777
 For Utility Locations At
 Construction Sites
 Beginning Construction





MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor • Michael S. Steele, Lt. Governor • Robert L. Flanagan, Secretary • Lisa L. Dickerson, Administrator

October 27, 2005

Mr. Thomas Autrey
Montgomery County Department of Park and Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Mr. Autrey,

This letter serves to acknowledge our participation in an October 20, 2005 meeting at M-NCPPC and understanding of the agreed-to terms related to the New Covenant Fellowship Church. Meeting attendees included the property owner, a lawyer for the owner, M-NCPPC staff and Maryland Transit Administration (MTA) staff including MaryAnne Polkiewicz, Rick Kiegel (consultant for MTA) and myself.

The Corridor Cities Transitway (CCT) is proposed to run along I-270 adjacent to the church. In an earlier development approval, a 70' wide strip of right-of-way, abutting the existing I-270 right-of-way line, was designated and transferred to the County for future use of the transitway. However, further engineering has been completed on the transitway alignment, which places the proposed CCT right-of-way line approximately 60' farther west onto the church property. This additional right-of-way need was presented at the October 20th meeting. The property owner requested to retain ownership of the transitway area but agreed to grant a perpetual easement for the transitway. The exact dimensions will be determined in the future when the transitway right-of-way needs are more defined. In addition, the property owner agreed to grant temporary construction easements for earthwork grading, construction access, and a possible construction staging area in the north corner of the property next to the parking lot. The perpetual and temporary easements will be granted at no cost to the State or County.

The project is expected to impact the existing parking lot and stormwater management (SWM) pond. These impacts will be mitigated by the project as necessary. Any reconstruction of the SWM pond could incorporate the SWM needs of a portion of the transitway.

Attached are the following graphic exhibits that show the transitway right-of-way construction needs adjacent to the church property:

- CCT Plan sheet
- Cross-sections at CCT alignment stations 472+00, 475+00, and 478+00

Mr. Thomas Autery
Page 2

Thank you for including MTA in these discussions and allowing us to provide input to the development review process. If you have any questions, please contact me at 410-767-3752 or Ms. MaryAnne Polkiewicz, MTA's Project Manager, at 410-767-3426.

Sincerely,



Ernie Baisden, Manager
Project Development Division
Office of Planning

cc: Ms. MaryAnne Polkiewicz, Project Manager, Maryland Transit Administration
Mr. Rick J. Kiegel, McCormick Taylor, Inc.

