



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

Staff Report: Site Plan 81991014A Churchill Senior Living

ITEM #:

MCPB HEARING

DATE: July 17, 2008

REPORT DATE: June 11, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Supervisor *RAK*
 Development Review Division

FROM: Michele Oaks, Planner Coordinator *MO*
 Development Review Division
 301.495.4573
 michele.oaks@mncppc-mc.org



APPLICATION DESCRIPTION: Proposal to amend an approved Site Plan, building, parking, and unit mix modifications to the 300-unit, Senior Housing Facility in the Town Sector Zone (no increase in number of units). Located on Father Hurley Boulevard 500 feet south of the intersection with Waters Landing Drive; within the Germantown Master Plan.

APPLICANT: Churchill Senior Housing II, LP

FILING DATE: October 2, 2007

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY: The Applicant is requesting changes to the approved site plan including revising the building footprint and unit mix, altering the building's elevations, increasing the height of the rear extension to accommodate steep slopes, and modifying the landscape plans to include the interior courtyard.

The amendment also includes a modification to the parking plans, including design changes and adding an option to construct carports on the site.

TABLE OF CONTENTS

SITE DESCRIPTION	
Vicinity	3
Site Analysis	4
PROJECT DESCRIPTION	
Previous Approvals	5
Amendment Proposal	5
PROJECT ANALYSIS	
Master Plan	7
Transportation	8
Environment	9
Development Standards	10
COMMUNITY OUTREACH	12
FINDINGS	12
RECOMMENDATION & CONDITIONS	14
APPENDICES	15

ILLUSTRATIONS & TABLES

<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>South Elevation Illustrative Plan</i>	6
<i>Proposed Amendment</i>	7
<i>Pedestrian Circulation</i>	9
<i>Project Data Table</i>	11

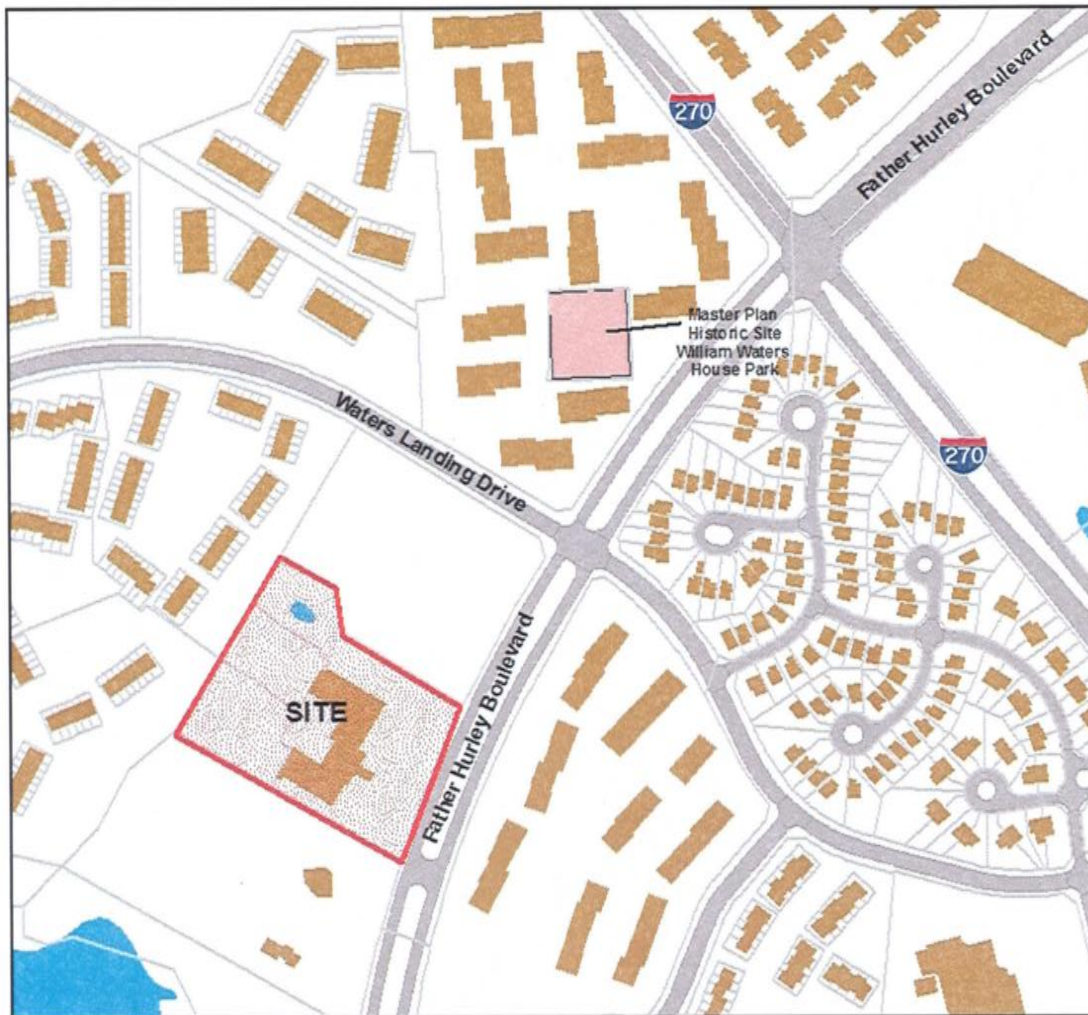
SITE DESCRIPTION

Vicinity

The subject site is located on the west side of Father Hurley Boulevard, 500 feet south of Waters Landing Drive. Surrounding land uses include townhouses to the west, a community pool facility to the south and multi-family homes to the east. All are within the Town Sector Zone.

The general character of the site and the surrounding built environment is suburban in form, with Father Hurley Boulevard being a significant North/South Road connecting residents to I-270 and ultimately as the road changes into Route 27, up-county into Damascus.

The site is flanked along the western property line by a tree stand and a stream valley buffer which is punctuated by Lake Churchill, a man-made lake located southwest of the site.



Vicinity Map (Looking North)

Site Analysis

The subject site currently contains a 121 unit senior (62 years and up) housing facility on 5.486 acres. The existing facility is "U" shaped, with vehicular access via two (2) driveways from Father Hurley Boulevard. The northern driveway entrance measures 24' wide and provides direct access to the site. The southern entrance shares a 35' wide curb cut with the adjacent community pool facility. A secondary entrance into the senior housing facility is provided off this main driveway. A double-loaded parking lot with a circular drop off area is located at the front of the senior housing facility. An additional single loaded parking lot can be found on the north side of the building.

The site contains a limited internal sidewalk network primarily focused at the front of the site. Additionally, an eight (8) foot wide shared-use path currently runs along the property frontage. Adjacent to the property, to the south, is the Waters Landing community pool. The facilities on this property include a forty (40) car parking lot, tennis courts, clubhouse and an existing path connecting the southern senior living parking lot to this facility. Existing mature deciduous and evergreen trees and shrubs define this boundary.

The elevation at the rear of the site drops significantly by approximately 28 feet towards the tree stand within the stream valley buffer. Additionally, it is currently void of formal landscaping except for a gazebo in the rear courtyard. There are no known rare, threatened, or endangered species, and no historic properties or features identified on the site. The site is currently served by public water and sewer.



Aerial Photo (Looking North)

PROJECT DESCRIPTION

Background

Churchill Senior Housing is currently a U shaped building with 121 independent living units, intended for seniors aged 62 years old or older. The site is approved for a total of 300 units with a mix of both assisted and independent living units. The Applicant plans to construct an additional 179 units in the next two, future phases of development. The major revisions to the approved site plan include changes to the building footprint, parking plans, and a change to the unit mix.

Previous Approvals

The District Council approved a Development Plan Amendment (DPA No 96-1) and land use plan Ex. No 2 as amended by Exs. No 6 and 27 for this property on January 30, 1996. A formal resolution was issued on March 14, 1996. The development plan authorized the development of "300 units of senior housing and a church and related facilities under three phases in the Town Sector Zone on 10.27 acres known as Parcel X and Parcel P540, located at 21000 Father Hurley Boulevard."

The Planning Board approved the original Site Plan (819970140) for this property for 300 units and 181 parking spaces at its Public Hearing on January 30, 1997. A formal resolution was issued on February 5, 1997.

During the original Site Plan review, the conditions of approval included providing a private shuttle bus for a minimum of seven (7) years and a dining facility large enough to serve meals to at least fifty (50) percent of the residents of the assisted living facility as long as the property is in use as an assisted living facility. The approval also noted that a change in use would be subject to site plan review by staff for compliance with the parking ordinance.

Proposed Amendment

The proposed site plan amendment includes modifications to the approved 300 unit senior housing facility. The requested changes to the approved site and landscape plans are:

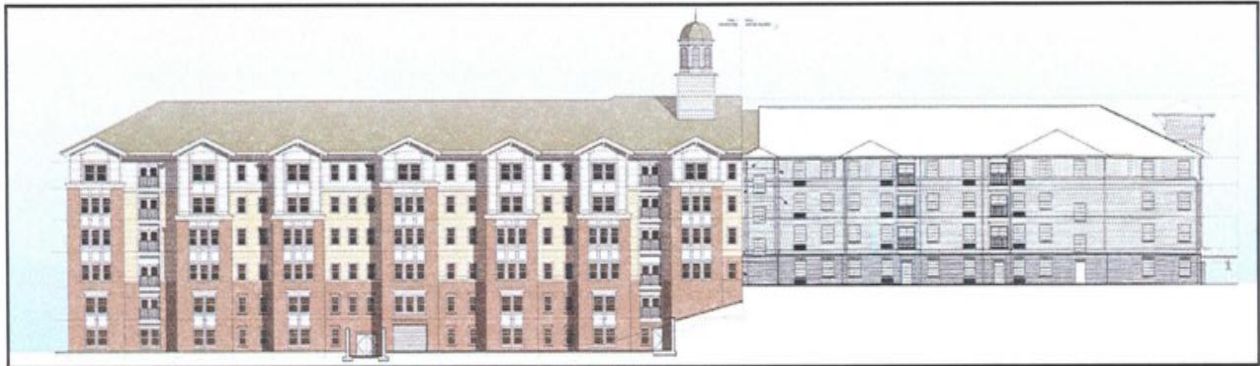
1. Revise approved size of building footprint from 54,975 sq. ft. (23%) to 65,900 sq. ft. (27.6%);

2. Revise Unit Mix:

	<u>Allowable</u>	<u>Approved</u>	<u>Proposed/Amendment</u>
# of Dwelling Units:	300	300	No Change (300)
Independent Living:	n/a	225	254
Unit Mix – One Bed:	n/a	218	132
Two Bed:	n/a	7	122
Assisted Living:	n/a	75	46
MPDU's:	45 (20%)	55	No Change (55)

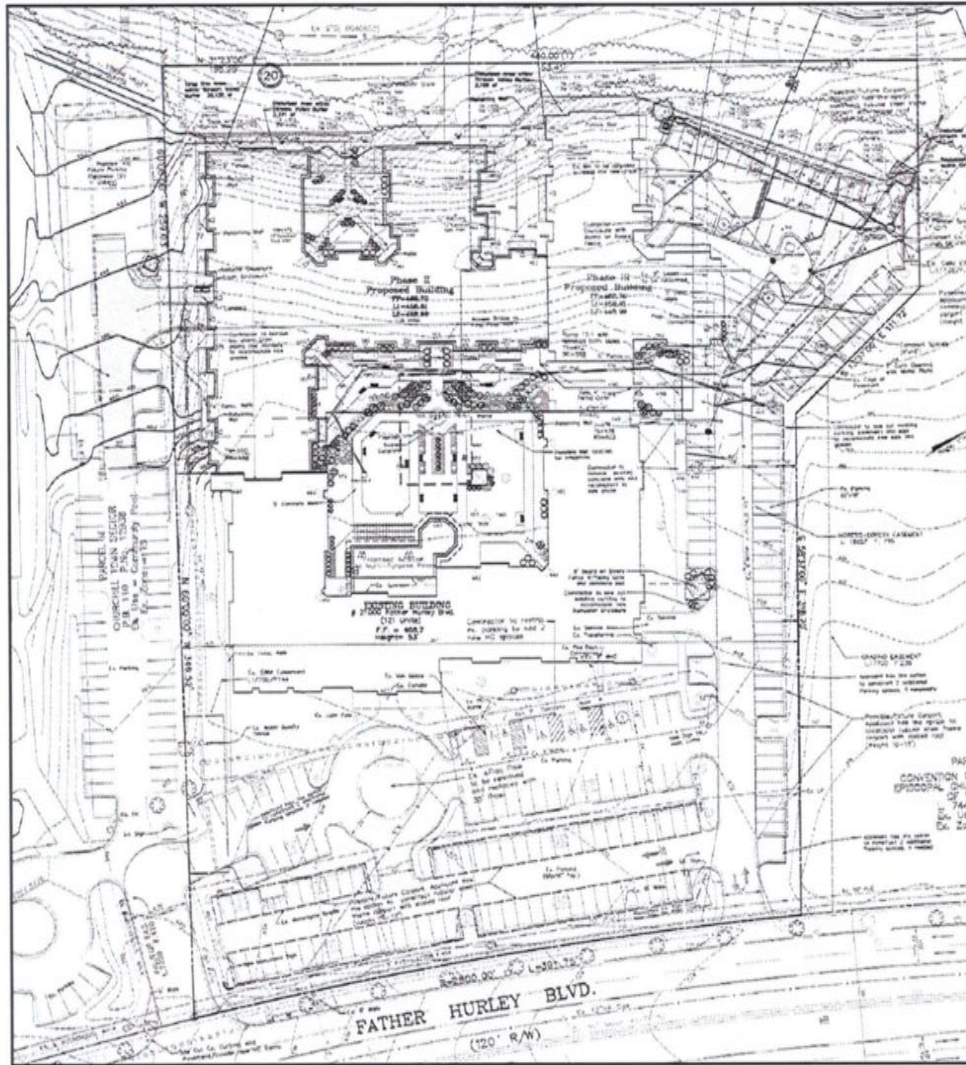
Proposed Amendment – continued

3. Revise building height in rear to accommodate steep slopes; (Note: Although the overall height of the Phase II addition is not changing (53'), due to the proposed change in grade, the height of the side and rear elevations will be increasing)



South Elevation

4. Revise layout of interior courtyard. Relocate gazebo;
5. Add dumpster enclosures adjacent to existing service area and NW corner of proposed building;
6. Revise curbing and parking layout along north and west side of proposed building;
7. Replace flagpole to increase height from the existing approx 20' high pole to 35' high;
8. Revise site tabulations to reflect building and layout changes;
9. Revise landscape plan to reflect building and layout changes;
10. Add rear lower level courtyard to rear of proposed building;
11. Add option to allow applicant to construct carports along north, west and east property lines and potentially provide solar panels to generate alternative power source;
12. Revise grading along rear property line;
13. Add expansion to multi-purpose room within center courtyard;
14. Add loading area and access drive to Parcel M;
15. Location changes to existing signage; Installation of new signage.



Proposed Amendment

PROJECT ANALYSIS

Master Plan

This plan complies with the recommendations of the Germantown Master Plan. The subject site is within a seven-acre analysis area defined as Churchill Village Area 3(CH-3), located in the western quadrant of the intersection of Father Hurley Boulevard and Waters Landing Drive. Zoned Town Sector, the Master Plan established appropriate land uses for this area, which included a church and/or elderly housing. The focus of the new development is to “establish a visual image for the village.”

The proposed development provides a 300 unit senior housing facility, providing a mix of market rate units, moderate-priced dwelling units, and assisted living units. The scale of the proposed building will be only 53’ in height, lower than permitted within the zone (120’), to maintain the integrity of the

residential scale along this segment of Father Hurley Boulevard. To this end, the proposed additions are utilizing the grade differential at the rear of the lot to make up the needed “height” of the building, while not exceeding the established height of 53’ as measured from the front elevation. Further, the utilization of residential vernacular on the building’s facades ensures compatibility with the surrounding built environment.

Transportation

The proposed development is not subject to the Local Area Transportation Review (LATR) or Policy Area Mobility Review (PAMR), as there are no additional peak hour trips associated with this Site Plan amendment.

A new, handicap ramp will be constructed off-site, at the south driveway entrance to improve pedestrian circulation and provide accessibility for residents who wish to walk along the existing 6’ asphalt path that continues south along Father Hurley Boulevard.

The existing vehicular circulation pattern on-site has been enhanced by the extension of the adjacent Water’s Landing parking lot to provide access to a below grade loading dock on the South façade of the building (Phase II).

The previous approval for the parking space requirement for Phases 1, 2 and 3 totals 207 spaces. The Applicant proposes to achieve this number by utilizing existing parking spaces on-site, constructing new parking spaces on-site, delineating space on-site for future parking space construction, if needed and obtaining an agreement to occupy spaces in an existing adjacent parking lot. This complies with the off-site parking space requirements per Section 59-E-3.4 of the Zoning Ordinance.¹ However, the applicant must provide a joint use agreement to be submitted with the parking facilities plan.

The breakdown of the parking plan is as follows:

Existing Spaces On-Site	152 Spaces
Construction of New Parking	38 Spaces
Waters Landing Parking Lot Agreement (adjacent parking lot) ²	30 Spaces ³
<u>Optional Spaces to be constructed, if needed</u>	<u>6 Spaces</u>
Total for Phases 1, 2 and 3	220 Spaces
	<i>(207 Spaces required)</i>

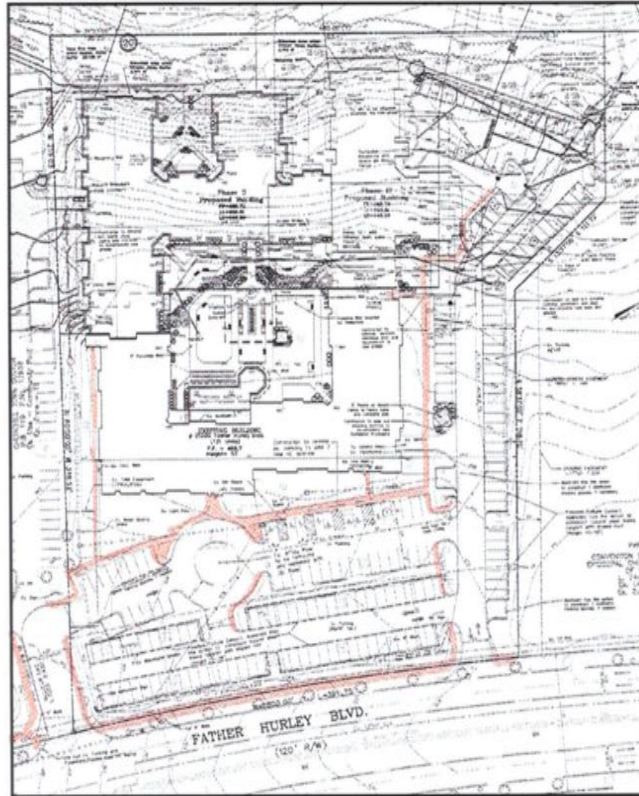
¹ Off-site parking spaces for development constructed in accordance with a building permit filed after June 28, 1984, may be approved by the director/planning board if (1) the development is in a parking lot district; or (2) the property proposed to be used for such required parking is plat-restricted, deed-restricted or is a meeting center restricted under a joint use agreement. The restriction must specify that the property provides the required parking for a use on another property. Such restrictions may be lifted if substitute off-site or leased property is found or if the use ceases to exist. Joint-parking areas are permitted in accordance with the following:

- (1) The operations sharing the joint use will be subject to the requirements of Section 59-E-3.2 Mixed Uses.
- (2) The properties used for such joint uses will be under the unified control of the parties concerned with such joint use and are subject to a written joint use agreement to be submitted with a parking facilities plan. The min. term for the joint use agreement must be (5) years.
- (3) Agreement by both parties in a joint use arrangement to immediately notify the Director of any changes to the joint use arrangement and provide the Director with at least one month notification of any pending termination of the agreement.
- (4) Agreement by any applicant under such a joint use arrangement to immediately cease or limit his use as required should the joint use arrangement be nullified and sufficient alternate parking not be found before the end of the one month notification period.
- (5) A subsequent change in use or in the joint use agreement requires a new use and occupancy permit, and proof that sufficient parking will be available.

² The pedestrian connection to the Waters Landing Parking lot currently exists by utilizing one of the two sidewalks on the property.

³ Agreement with the Waters Landing Association provides the option to utilize an additional 10 Spaces. This would bring the total off-site space count to 40.

Additionally, the Applicant has proffered to extend the 7 year commitment for the shuttle service they provide to the residents of the senior housing community for an additional two years beyond the current expiration date (until 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).



Pedestrian Circulation

Environment

Environmental Guidelines

The site is in the Little Seneca Creek watershed, a Use I-P watershed. The subject property contains no forest, wetlands, or streams. However, there is a stream on adjacent parcels to the west and a Stream Valley Buffer (SVB) carries onto the subject property.

Environmental Planning staff has reviewed the plans from the original site plan (819970140) and this new amendment and there has been no significant change to the building layout in the areas of the SVB encroachment. However, 5,586 square feet (0.13 acres) of encroachment into the SVB has been identified. The mitigation for the SVB encroachments recommended by the Environmental Planning staff is stream remediation/restoration work in the community.

The Churchill Community Foundation owns the adjacent parcels containing the subject streams and is the custodian of the feeder streams and Lake Churchill. The Applicant and the Churchill Community Foundation have identified a specific restoration project. The Applicant has proffered to partially fund the Churchill East Bridge and Stream Restoration as mitigation for the SVB encroachments. The amount to be funded to the project is approximately \$2.00 dollars per square foot of SVB encroachment for a total of \$11,250.00.

Environmental Planning staff is recommending support of this mitigation package as the SVB error was found late in the process; the community affected directly benefits from the mitigation, and the applicant has worked willingly with staff to resolve the issue.

Forest Conservation

Under section 22A-5 of the Montgomery County Code this property is exempt from submitting a Forest Conservation Plan. The applicant submitted a forest conservation exemption request (42008158E), and it was approved on February 22, 1995.

Environmental Planning staff is recommending approval of the site plan amendment with the above-stated mitigation package.

Development Standards

The subject site is zoned Town Sector (TS). The purpose of the Town Sector Zone is to provide a classification that focuses on promoting new development and additions to an existing urban environment. The new residents will join a community with mature housing, commercial, industrial facilities and local services.

Section 59-C-7.28(c) of the Zoning Ordinance requires that a Site Plan must be submitted and approved in accordance with the provisions of Division 59-D-3 for any property within the Town Sector zone.

The following data table outlines the development standards for the Town Sector zone as specified in the Zoning Ordinance.

Project Data Table for Town Sector (TS) Zone

Development Standard	Approved in Previous Site Plan	Proposed						
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' ⁴						
Number of Dwelling Units (300 approved)⁵	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%)⁶	55	55						
Building Setbacks (feet)								
From Street (no requirement)	174'	174'						
Side - West (no requirement)	20'	20'						
Side - East (no requirement)	120'	120'						
Rear (no requirement)	50'	30'						
Parking Tabulation								
Phases 1 and 2	171	182						
Phases 1, 2 and 3 <i>(Original Site Plan Required: 181 spaces)</i>	207	220 ⁷						
HC Parking	6 <i>(Required 6 previously)</i>	8 <i>(Requires 7 spaces)</i>						
Motorcycle	4 <i>(Required 4 previously)</i>	4 <i>(Requires 4 spaces)</i>						
Loading Space	1 <i>(Required 1 previously)</i>	1 <i>(Requires 1 space)</i>						
Required Parking for Amended Plan								
Phases	1 BR	2 BR	Total	Base Pkg	Less 10% Shuttle	Less 20% MPDU	Less 20% ASST Living	Total
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

⁴ 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.

⁵ Maximum number of units was outlined in the Development Plan Amendment approved by the District Council (DPA No 96-1).

⁶ MPDU requirement is based on non-Assisted living units.

⁷ This number includes the utilization of 30 parking spaces on the Waters Landing Association parking lot per shared parking agreement, See Attachment E, construction of 30 new spaces on the subject site and the construction of 6 optional spaces, if needed.

COMMUNITY OUTREACH

A notice and copy of the proposed plan was sent to the Adjacent and Confronting Property Owners and the Germantown Area Community and Citizen Associations of record by the Applicant on October 4, 2007. The File of Record has been supplied with a copy of the Notice of Application.

Signage required by the Montgomery County Planning Board was posted on or about October 11, 2007. The Applicant has supplied the File of Record with an Affidavit of Posting and photo documentation.

A pre-submittal meeting was held by the Applicant on September 27, 2007 at Waters Landing Community Center. All individuals living within one mile of the Churchill Senior Living facility were sent a certified letter on September 16, 2007, inviting them to attend an open house to review and discuss the Phase II site plan. A copy of the notice, the sign-in sheet and the meeting minutes have been supplied for the File of Record.

A meeting was held by the Applicant on January 25, 2008 at the Churchill Senior Living facility for its current residents. The Applicant has supplied the File of Record with a copy of the notice and the sign in sheet as well as 24 signed copies of letters in support of the project, and a petition with 100 signatures favoring the proposed project.

The Residents of Churchill Senior Living have also sent given the Planning Board 134 signed postcards of support for the Phase II project.

FINDINGS

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 exceed 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).

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:

- Extend the seven (7) year, private shuttle service requirement for the Churchill Senior Housing residents an additional two (2) years beyond the current expiration date (until 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).
- Continue 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 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 page 9 of this report.

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

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 (expiration date: April 1, 2011), 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 and 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 existing residential dwellings; however, there is a significant tree stand, which will not be altered, between the existing townhouse community and the new addition. Finally, the subject site plan amendment 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, there is a stream on adjacent parcels to the west and the SVB carries onto the subject property.

Under section 22A-5 of the Montgomery County Code this property is exempt from submitting a Forest Conservation Plan. The applicant submitted a forest conservation exemption request (42008158E) and it was approved on February 22, 1995

RECOMMENDATION AND CONDITIONS

Staff recommends **Approval** of the Site Plan Amendment (81997014A). The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan (No. 819970140) and Preliminary Plan (No. 119950880) remain in effect, except for the following modifications:

1. Environmental Planning

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

- a. 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.

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 M-NCPPC 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 [Attachment C].
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 a construct new handicap ramp to meet the 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. Clearing and Grading
- a. The proposed sign to be installed on the site will be designed in accordance with the Department of Permitting Services 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.
7. Clearing and Grading
No clearing or grading is permitted prior to Certified Site Plan.
8. 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 M-NCPPC Staff approval required for planting plan substitutions.
 - a. Show building height measuring points on site plan.
 - b. Include a detail, cross-section, and cut-sheet for specific manufacturer for retaining walls on the certified site plan.
 - c. Include a detail for all fencing, enclosures and gates to be installed on the certified site plan.
 - d. Include a detail for all exterior handrails to be installed on the certified site plan.

APPENDICES

- A. Environmental Planning Memorandum
- B. Community-Based Planning Memorandum
- C. DHCA Approval Letter, June 5, 2008
- D. Churchill Community Foundation Letter, Re: Stream Remediation; April 15, 2008
- E. Waters Landing Association Letter, Re: Parking Space Utilization; March 21, 2008
- F. Applicant Letter to Community-based Planning Staff, April 30, 2008



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland

8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Michele Oaks, Development Review

VIA: Mark Pfefferle, Environmental Planning *MP*

FROM: Josh Penn, Environmental Planning *JP*

DATE: June 23, 2008

SUBJECT: Site Plan Amendment: 81997014A
Churchill Senior Living

The Environmental Planning staff has reviewed the site plan amendment referenced above. Staff recommends approval of the site plan amendment with the following conditions:

1. 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.

DISCUSSION

The Churchill Senior Living property is a 5.49-acre site northwest of the intersection of Waters Landing Road and Father Hurley Boulevard in Germantown. The site is in the Little Seneca Creek watershed a Use I-P watershed. There are no wetlands, forest, or streams on the subject property. However, there is a stream immediately west of the subject site and the stream valley buffer (SVB) extends onto the subject site.

Environmental Guidelines

The subject property contains no forest, wetlands, or streams. However, there is a stream on adjacent parcels to the west and the SVB carries onto the subject property. The SVB as shown on the forest conservation exemption approved on February 22, 1995 (41995158E) and the Site Plan approved on October 10, 1995 (819970140) are incorrect and were uncovered during the review of the current amendment to site plan. The applicant then redrew the SVB to correctly show the SVB and the encroachment became apparent.

Environmental Planning staff and the applicant worked together to try to resolve the SVB encroachment issue. After looking at the plans from the originally approved plans and the new Amendment it was evident there had been no significant change to the building layout in

the areas of the SVB encroachment and there was no possible way to further avoid or minimize the impact, short of not building phase II of the project. The next phase of discussions was to consider mitigation for the impact to the SVB. Discussions with the applicant determined that there was a 5,586 square feet (0.13 acres) encroachment into the SVB. Environmental Planning staff believes an appropriate compensation for SVB encroachments is stream remediation/restoration work in the community to be affected by the impacts.

The Churchill Community foundation owns the adjacent parcels containing the streams and is the custodian of the feeder streams and Lake Churchill. The applicant and the Churchill Community Foundation identified a specific restoration project and the applicant is partially funding the Churchill East Bridge and Stream Restoration. The amount to be funded to the project is approximately \$2.00 dollars per square foot of SVB encroachment for a total of \$11,250.00.

Environmental Planning supports this mitigation package due to the fact the SVB error was found late in the process, the community affected directly benefits from the mitigation, and the willingness of the applicant to work with staff to resolve the issue.

Forest Conservation

Under section 22A-5 of the Montgomery County Code this property is exempt from submitting a Forest Conservation Plan. The applicant submitted a forest conservation exemption request (42008158E) and it was approved on February 22, 1995.

STAFF RECOMMENDATION

Environmental Planning staff recommends approval of the site plan amendment with condition stated above.

COMMUNITY-BASED PLANNING DIVISION FINAL REFFERAL
Final Recommendations on Regulatory Matters

Project Name Churchill Senior Living Plan Type and Number(s) 81997014 A

CBP Recommended Due Date 6/20/08 Planning Board Date _____

Date on the Plan Being Reviewed 10/10/07 Site Location Germantown

Zone/Overlay Zone _____ Master/Sector Plan Area Germantown MP

Name/Date of Review by CBP Staff Sue Edwards

Community Outreach by Applicant:

1. _____
2. _____

Community Concerns:

1. parking for residents and visitors
2. _____
3. _____

Is plan consistent with Master Plan recommendations? (circle one) YES NO PARTIALLY

If yes, explain how the plan is consistent with the objectives of the Master Plan and cite page references (attach additional explanation, if needed):

1. Page 53: Analysis area CH-3 100 units 5
NO specific reference to this property: DPA 96-1 is prevailing record
2. Page _____: _____
3. Page _____: _____
4. Page _____: _____
5. Page _____: _____

If no (or only partially consistent), identify which provision it is inconsistent with and cite page reference (attach additional explanation, if needed):

1. Page _____ : _____

2. Page _____ : _____

3. Page _____ : _____

4. Page _____ : _____

5. Page _____ : _____

List any other concerns that the Planning Board should know of (e.g., concerns regarding outreach by the applicant; community compatibility; relevant policies, guidelines or studies; status of adjoining properties; conformance with prior approvals/bindings elements; etc.)

1. _____

2. _____

3. _____

Recommendation (circle one): APPROVAL DENIAL APPROVAL WITH THE FOLLOWING CONDITIONS:

1. _____

2. _____

3. _____

Comments from CBP: The applicant has responded to concerns about adequate parking by securing an easement use of adjoining parking associated with the community association.

Team Leader (X appropriate line) Approval Denial _____

Team Leader initials Sue



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

June 5, 2008

Ms. Michele Oaks
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Churchill Senior Living – Amended Site Plan No. 81997014A

Dear Ms. Oaks:

I understand that the above-referenced amended site plan is scheduled to be heard by the Planning Board in mid-July. The Department of Housing and Community Affairs (DHCA) has determined that the full MPDU requirement for this project has been met through the provision of affordable units in the first phase of the development, which has already been constructed.

Background

The project is a senior housing complex in Germantown, consisting of three (3) phases. The initial site plan, consisting of 300 total units, was approved in 1997, and the first phase of the project, which included 121 units, has already been completed. The original site plan approval provided for 55 Moderately Priced Dwelling Units (MPDUs), 45 of which were required and 10 of which were volunteered by the applicant. The amended site plan does not change the overall unit count, but reduces the number of assisted living (Phase 3) units and changes the overall bedroom mix as follows:

Approved in 1997:

	<u>1 BR</u>	<u>2 BR</u>	<u>Total</u>
Phase 1	103	18	121
Phase 2	100	0	100
Phase 3	60	19	79
Total	263	37	300

Current Proposal:

	<u>1 BR</u>	<u>2 BR</u>	<u>Total</u>
Phase 1	103	18	121
Phase 2	29	104	133
Phase 3	0	46	46
Total	132	168	300

Phase I of Churchill Senior Living was financed through federal and state housing programs for low- and moderate-income households. The terms of the Occupancy Agreement between the State of Maryland Community Development Administration and the Applicant, dated May 24, 2000 and recorded in the Land Records of Montgomery County at Liber 18117, folio 319, require that 57 of the 121 units in Phase I be restricted to households whose incomes do not exceed 50 percent of the area median, and that the remaining 64 units be restricted to households whose incomes do not exceed 60 percent of the area median during the Qualified Project Period. The Qualified Project Period is defined by the Occupancy Agreement as beginning when at least 10 percent of the units are occupied following issuance of the Bonds, and ending on the latest of:

Office of the Director

Ms. Michele Oaks
June 5, 2008
Page 2

- (1) the date which is 15 years after the date on which at least 50 percent of the units in the Project are first occupied following issuance of the Bonds;
- (2) the first day on which no tax-exempt bond issued with respect to the Project is outstanding; or
- (3) the date on which any assistance provided with respect to the Project under Section 8 terminates.

Under Chapter 25A of the Montgomery County Code, 2004, as amended and the applicable Executive Regulations (COMCOR 25A.00.02), housing units provided by federal, state, and local programs that assist low- and moderate-income households may be used to fulfill MPDU requirements:

COMCOR 25A.00.02.03.2 Housing Programs Which Satisfy the MPDU Requirement. Federal, state, or local housing programs may be used to fulfill MPDU requirements. When federal, state or local housing programs are used to comply with the requirements of Chapter 25A, the following conditions must be met:

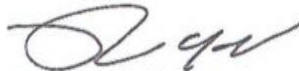
- a) Sales prices or rental rates must be affordable to moderate income households.
- (b) The Director must determine that the controls on the sales prices and/or rents will contribute to the long term availability of moderately priced units and that the covenants on these units contain provisions for the County's recapture of excess profits realized by an MPDU owner as required in Chapter 25A.

Conclusion

The rents of all 121 of the units in Phase I of Churchill Senior Living are affordable to households with lower median incomes than those required in the MPDU rental program (which are 65 percent of area median income), and will remain affordable for at least 15 years. (The County does not require recapture of excess profits for rental units, and therefore this provision of paragraph (b) above is not relevant.) The affordable units currently provided at Churchill Senior Living therefore meet the development's overall MPDU requirement for this project.

If you need further information, please contact Lisa Schwartz, Senior Planning Specialist, MPDU Program, at 240-777-3786.

Sincerely,



Richard Y. Nelson, Jr.
Director

RYN:lss

cc: Scott C. Wallace, Linowes and Blocher, LLP
Michele Oaks, M-NCPPC
Joseph T. Giloley, DHCA
Christopher J. Anderson, DHCA
Lisa S. Schwartz, DHCA

Oakwood Properties, Inc.
P.O. Box 5600
Rockville, Maryland 20855

April 15, 2008

Churchill Community Foundation
c/o The Management Group Associates, Inc.
20440 Century Boulevard, Suite 100
Germantown, Maryland 20874

Subject: Stream Remediation
Lake Churchill Watershed
Germantown, Maryland 20874

Attn: Mr. Daniel Talmage
Board President

Oakwood Properties, Inc. on behalf of Churchill Senior Housing II, L.P. proposes to fund \$11,250.00 of stream remediation work in the Lake Churchill watershed located in Germantown, Maryland. Said funds shall be paid by Oakwood Properties, Inc. directly to the contractor selected by Churchill Community Foundation. The aforesaid funds shall be used to mitigate erosion in the streams within the Lake Churchill watershed. The scope of work of the stream remediation shall be selected by Churchill Community Foundation and agreed to by Churchill Community Foundation and Oakwood Properties, Inc.

The donation, as directed by Maryland National Capital Park and Planning is solely for mitigation of erosion and the payment shall not constitute any assessments by any party. Payment shall be paid by August 1, 2008 and there is no further obligation of any kind on Churchill Community Foundation, Inc., except to use these monies as stated above.

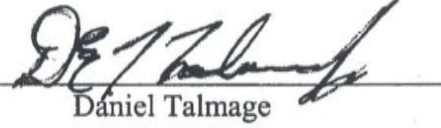
Both parties state that they are authorized to sign on behalf of their respective organizations.

By: Oakwood Properties, Inc.

By: Churchill Community Foundation



Joseph F. Parreco
President



Daniel Talmage
Board President



WATERS LANDING ASSOCIATION, INC.

20000 Father Hurley Boulevard • Germantown, Maryland 20874 • (301) 972-3681

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JUN 02 2008

DEVELOPMENT REVIEW

March 21, 2008

Michele Oaks
 Planner Coordinator
 Project Plan/Site Plan Review
 Development Review Division
 Montgomery County Planning Department
 The Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: Site Plan # 81997014A
 Churchill Senior Living Phase II
 21000 Father Hurley Boulevard
 Germantown, MD 20874

Dear Ms Oaks:

This letter is to confirm that the parking lot located between the Waters Landing Community Center and Churchill Senior Living consisting of 40 spaces has been and remains available to association residents, including but not limited to Churchill Senior Living residents. Since Churchill Senior Living is part of the Waters Landing Association, Churchill Senior Living can use 30 parking spaces of the existing stock of 40 as needed, which would allow Churchill to meet MNCPPC parking requirements.

If you have any questions, please feel free to contact the Association Staff Office at 301-972-6012.

Sincerely,

Richard L. Walker
 President

A Not-for-Profit Homeowner Association Serving the Waters Landing Community of Neighborhoods

Churchill Senior Living • Country Lake • Deepwoods • Esprit • Gables/Manorwoods • The Gables Apartments • Harbour Place • Highlands
 Kingsbury Crossing • LakeCrest • Lakeforest • Lakeview • Landing Glen • Laurelwood Cove • LogansPort • South Shore Harbour • Stonecreek Club
 Sunridge/Village • US Homes @ WL • Waterbury Downs North & South • Waters Edge • WatersHouse • Waverly • Woodlands

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JUN 02 2008

DEVELOPMENT REVIEW

Oakwood Properties, Inc.
17901 Hollingsworth Drive
Rockville, Maryland 20855

April 30, 2008

Ms. Sue Edwards
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Churchill Senior Housing -21000 Father Hurley Boulevard, Germantown (the
"Property") - Amendment to Site Plan No. 8-97014 (the "Site Plan")

Dear Ms. Edwards:

As you are aware, Oakwood Properties, Inc. and Churchill Senior Housing, L.P. are the owners and developers of the Property included in the referenced Site Plan (collectively the "Owners"), which was approved by Planning Board Opinion dated February 5, 1997 (the "Opinion") for the phased development of 300 units of senior adult housing, including a mix of independent living units and assisted living units, with shared amenities and surface parking facilities (the "Project"). Pursuant to the Opinion, Phase 1 of the Project with 121 independent living units in one building was constructed in November 2001. On October 2, 2007, we filed an Application to Amend the Site Plan (the "Amendment") to modify the design of Phase 2 and Phase 3 of the Project to allow approximately 136 senior independent living units in Phase 2, with 43 senior housing units, which is the balance of the approved 300 units, to be provided in Phase 3. As part of the Amendment, we requested a waiver of the required number of parking spaces for the Project. Following submission of the Amendment, we have made certain revisions to the design and layout of the development proposed in Phases 2 and 3 to allow the construction of additional spaces on-site. We have also obtained the agreement of the Waters Landing Association, Inc. ("Waters Landing"), which owns the Community Center property immediately adjacent to the southern edge of the Property, to allow us to use 30 existing surface parking spaces on the Waters Landing property. A copy of our letter agreement with Waters Landing is attached as Attachment "1". As a result, we no longer require the parking waiver. The purpose of this letter is to provide you with additional details regarding our proposal for providing parking spaces for the Project in compliance with the requirements of the Zoning Ordinance.

Ms. Sue Edwards
April 30, 2008
Page 2

We have reduced the number of independent living units in Phase 2 from 136 units, as originally proposed in the Amendment, to 133 units. The 133 units will be comprised of 29 one-bedroom units and 104 two-bedroom units. The parking requirement for Phase 2, taking into account applicable credits, is 98 spaces, for a total parking requirement for Phase 1 and Phase 2 of 171 spaces.¹ Phase 3 will now include 46 assisted living units and will require 36 parking spaces. Based on this revised development program, the total number of spaces required for all three phases of the Project is 207 spaces.

As part of Phase 1, 152 spaces have been constructed on the Property and, therefore, an additional 19 spaces are required for Phases 1 and 2 to meet the requirement of 171 spaces. As part of the Phase 2 development, we will utilize 30 spaces on the Waters Landing property pursuant to our agreement with Waters Landing. These spaces are approximately 250 feet from the main entrance to the Project in accordance with the requirements of Section 59-E-1.3 of the Zoning Ordinance for the location of off-site spaces. An existing sidewalk will be utilized to connect the spaces located in the Waters Landing property to the Project entrance. Further, the parking spaces located on the Waters Landing property will be subject to a long-term use restriction in accordance with the requirements Section 59-E-3.4 of the Zoning Ordinance. Accordingly, we will be providing a total of 182 parking spaces for Phases 1 and 2 of the Project, which exceeds the total parking requirement of 171 spaces.

¹ The Project qualifies for the following parking credits:

- Section 59-E-3.33(b)(2) provides that credits for 10% of the required number of spaces may be granted if a shuttle service is provided for a minimum of 7 years a condition of Site Plan approval.
- Section 59-E-3.33 (b)(3) of the Zoning Ordinance provides that credits for up to 20% of the required number of spaces may be given for projects that provide housing that meets the income limits of the Section 25A of the Montgomery County Code.
- Section 59-E-3.33 (b)(4) of the Zoning Ordinance provides that credits for 20% of the required number of spaces may be granted for provision of assisted living units.

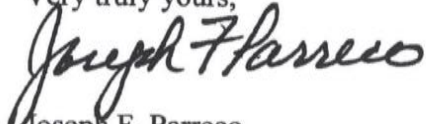
With regard to the shuttle service, we initiated the shuttle service on or about April 1, 2002 as part of Phase 1 and, accordingly, we believe the 7-year requirement to provide the shuttle will expire on or about April 1, 2009. As a condition of approval of the Amendment, we will agree to maintain the shuttle at its current level of service for an additional 2 years beyond the expiration date, until April 1, 2011.

Ms. Sue Edwards
April 30, 2008
Page 3

As part of the construction of Phase 3, we will construct the 38 additional on-site parking spaces that are shown on the Site Plan in northeastern portion of the Property and therefore will provide a total of 221 parking spaces for the entire Project (i.e. Phases 1, 2 and 3), which exceeds the parking agreement for the Project of 207 spaces.

Please do not hesitate to contact us if you have questions regarding this request. Thank you.

Very truly yours,



Joseph F. Parreco

President

Oakwood Properties, Inc.

cc: Ms. Michelle Oaks
Mr. Brian Donnelly
Mr. Mel Thompson
Scott C. Wallace