



Waters Landing Association, Inc.

20000 Father Hurley Blvd. • Germantown, MD 20874 • 301-972-3681 • www.waterslanding.org

May 17, 2022

Montgomery Planning Board

c/o Phillip Estes, Planning Coordinator, Phillip.Estes@montgomeryplanning.org

RE: Churchill Senior Living 320220060, Positions of Waters Landing Association, Inc.

Mr. Estes & Montgomery Planning Board,

This letter is submitted in reference to plan number 320220060, bearing the application name "Churchill Senior Housing," a/k/a "Churchill Senior Living Phase 3 and 4" (the "Application").

Background

Waters Landing Association, Inc. ("WLA") is a not-for-profit homeowner association that owns property adjacent to Churchill Senior Living ("CSL"), an independent living facility for elderly adults consisting of 255 independent living units and associated facilities. CSL is a member of WLA.¹ CSL is the beneficiary of an egress-ingress easement (the "Easement," Enclosure A) over WLA property from CSL to Father Hurley Boulevard ("FHB"), a county road. CSL residents, guests, employees, and Ride On and school busses (rerouted by MCDOT and MCDOE to serve CSL) use the Easement to access FHB. Other WLA members and guests use the WLA property covered by the Easement to access WLA's seasonal pool, management office, and community center, but the overwhelming majority of the vehicle traffic crossing the Easement comes from CSL.

On January 27, 2022, CSL's owner, Oakwood Properties, Inc., submitted the Application to the Planning Board to "Expand [CSL,] to include 535 Independent Living Units with MPDU's, 140 Bed Assisted Living facility, and 3,000 sf for a Medical Clinic with supporting parking and amenities."² WLA expects that the proposed development will more than double the vehicle traffic to and from CSL. This increased traffic will create risks to pedestrian safety in the area and will erode the asphalt covered by the Easement, creating a financial burden for WLA.

WLA's management office is located adjacent to CSL and WLA staff regularly and increasingly witness unsafe driving and near-accidents at the intersection on FHB fronting the Easement (the "Intersection"). At the Intersection, FHB is a highly trafficked four-lane road where drivers often exceed the speed limit. WLA staff routinely witness near disastrous attempts by pedestrians to cross the Intersection, including children going to and from Waters Landing Elementary School, patrons of WLA's pool, and CSL residents, including some handicapped individuals using wheelchairs and motorized scooters. WLA staff previously requested a traffic signal at the Intersection to address these safety issues. MCDOT performed a traffic study that concluded that a signal was not merited. Notwithstanding that, WLA staff have observed that with the current population and traffic, there are several times throughout the day that entering or exiting the Intersection is prohibitive and dangerous for drivers and pedestrians.

¹ CSL is engaged in litigation with WLA concerning whether CSL is a member of WLA and WLA's right to associated dues. *WLA v. CSL*, Montgomery County Circuit Court, Case No. 485576-V (filed June 18, 2021).

² App. No. 320220060, Sketch Plan at 4 (Mar. 9, 2022), <https://eplans.montgomeryplanning.org/UFS/33167/102219/00-APP-320220060-001.pdf/00-APP-320220060-001.pdf>.

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On November 13, 2022, WLA held a pedestrian safety audit, focusing primarily on the section of FHB fronting CSL and WLA's community center, including the area adjacent to the Easement. WLA subsequently submitted a Walk Audit Report to MCDOT and the Planning Board (Enclosure B). On February 11, 2022, MCDOT informed WLA that it had assessed the intersection adjacent to the Easement and because of pedestrian safety concerns it would install a pedestrian hybrid beacon (PHB), also known as a HAWK beacon, and a marked crosswalk (Enclosure C). MCDOT anticipates this improvement will be installed in FY'27.

The development proposed in the Application will significantly increase CSL's population, which will increase both pedestrian and vehicle traffic. This will magnify the safety risks observed by WLA staff, during the safety audit, and by MCDOT. In addition, the proposal of a large footprint building immediately adjacent to the Intersection and the associated landscaping may further limit visibility in the area and create additional safety concerns.

WLA's Positions

Mindful of its responsibilities to all WLA members, WLA takes no position on the Planning Board's ultimate decision with respect to the Application. However, WLA takes the following positions and requests that the Planning Board carefully consider them while reviewing the Application:

- 1. Pedestrian Safety Risks.** WLA urges the Planning Board to give due consideration to the risks to pedestrian safety created by the increased vehicle traffic expected because of the Application. WLA believes that, as a condition to the Board's approval, CSL should fund appropriate pedestrian safety infrastructure improvements on CSL property, WLA property, and along FHB. The development proposed by the Application will only exacerbate the pedestrian safety risks identified during WLA's Walk Audit, by WLA staff, and by MCDOT. At a minimum, WLA requests that, due to the increased pedestrian and vehicle traffic expected in connection with the Application, the Planning Board should require that CSL fund the installation of the PHB and marked crosswalk proposed by MCDOT as a condition to approval. WLA further requests that the Board seriously consider the traffic safety concerns expressed above and conduct a traffic safety study as part of its consideration of the Application. In particular, WLA encourages the Planning Board to closely review the Walk Audit Report (Enclosure B). The Board should consider requiring additional pedestrian safety improvements along FHB as appropriate, including a traffic light.
- 2. Financial Burden to WLA.** WLA will under no circumstance voluntarily accept any direct financial burden in connection with the Application or the Easement. The Planning Board should disregard any representation or suggestion made by CSL or its representatives to the contrary. WLA further believes that CSL should be required to compensate WLA for any incidental burden created by the development envisioned in the Application. For instance, CSL should pay for upkeep and repairs to the WLA property covered by the Easement because of the anticipated increased vehicle traffic associated with the Application.
- 3. Verification of CSL Statements Concerning WLA.** In general, WLA encourages the Planning Board to verify any representations made by CSL's representatives concerning WLA or WLA's property with the undersigned before relying on them or taking related action.

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WLA expresses its appreciation to the Planning Board for its careful consideration of the Application and WLA's positions conveyed in this letter and for its careful stewardship of parks and planning in Montgomery County. Please contact Kristin Czarick, WLA General Manager, 301-972-3681 or wla@waterslanding.org with any questions.

Regards,

Waters Landing Association, Inc., Board of Directors,

John Pesce, President

Nic D'Ascoli

Mark Sagarin

Laura Magnuson

Erik Herron

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