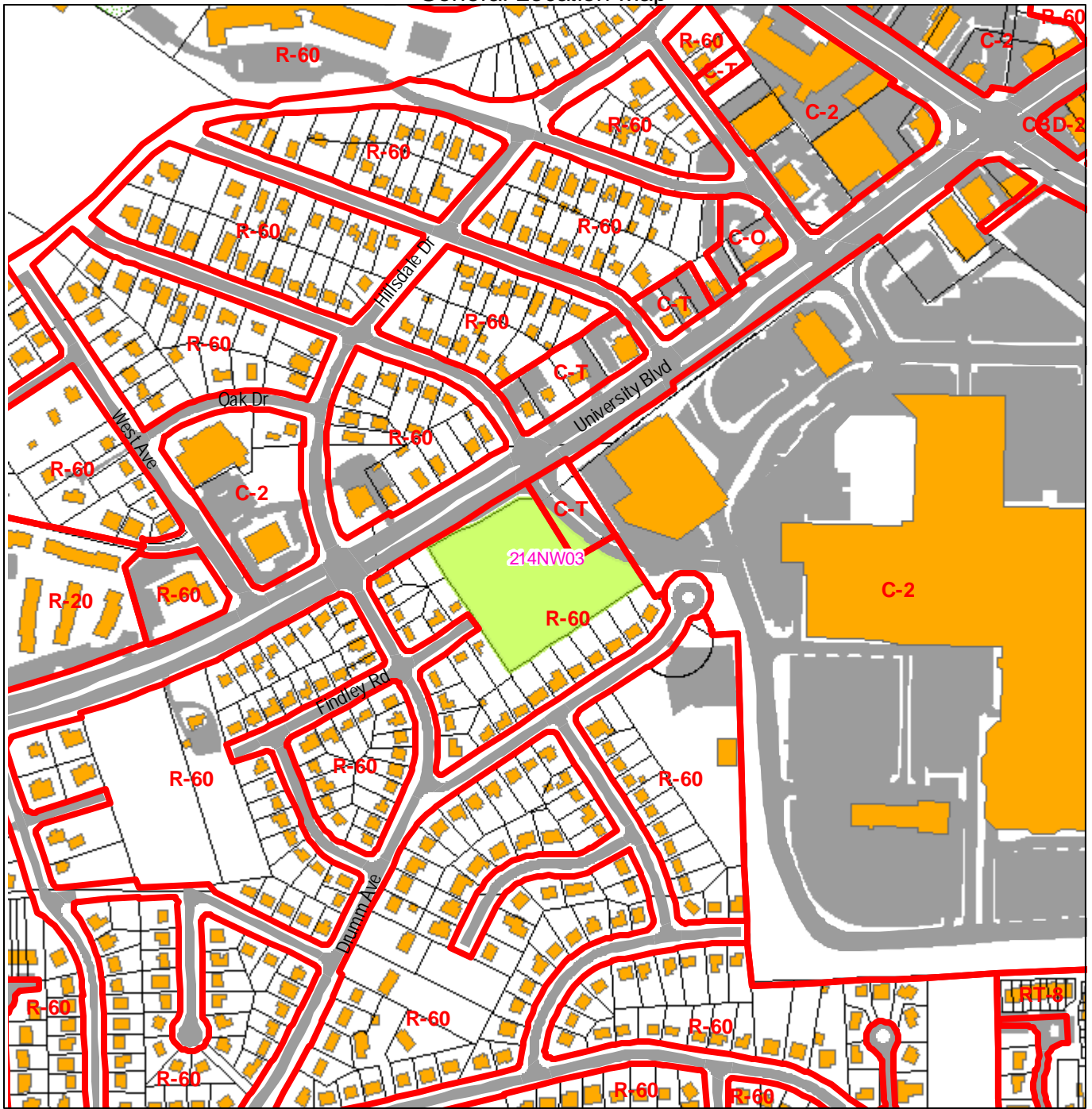








ATTACHMENT 1

General Location Map



LEGEND

-  Proposed Rezoning
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

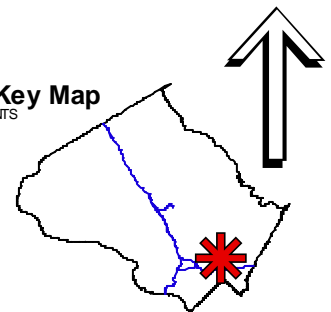
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 400 feet
Address: University Boulevard and Findley Road, Kensington

Key Map

NTS



ATTACHMENT 2



Figure 1: Across University Blvd (looking towards subject site)



Figure 2: Site @ service road (University Blvd to right)



Figure 3: Looking towards University Blvd (from site)



Figure 4: Looking east towards Giant and service road



Figure 5: Looking east (site to right) along University Blvd



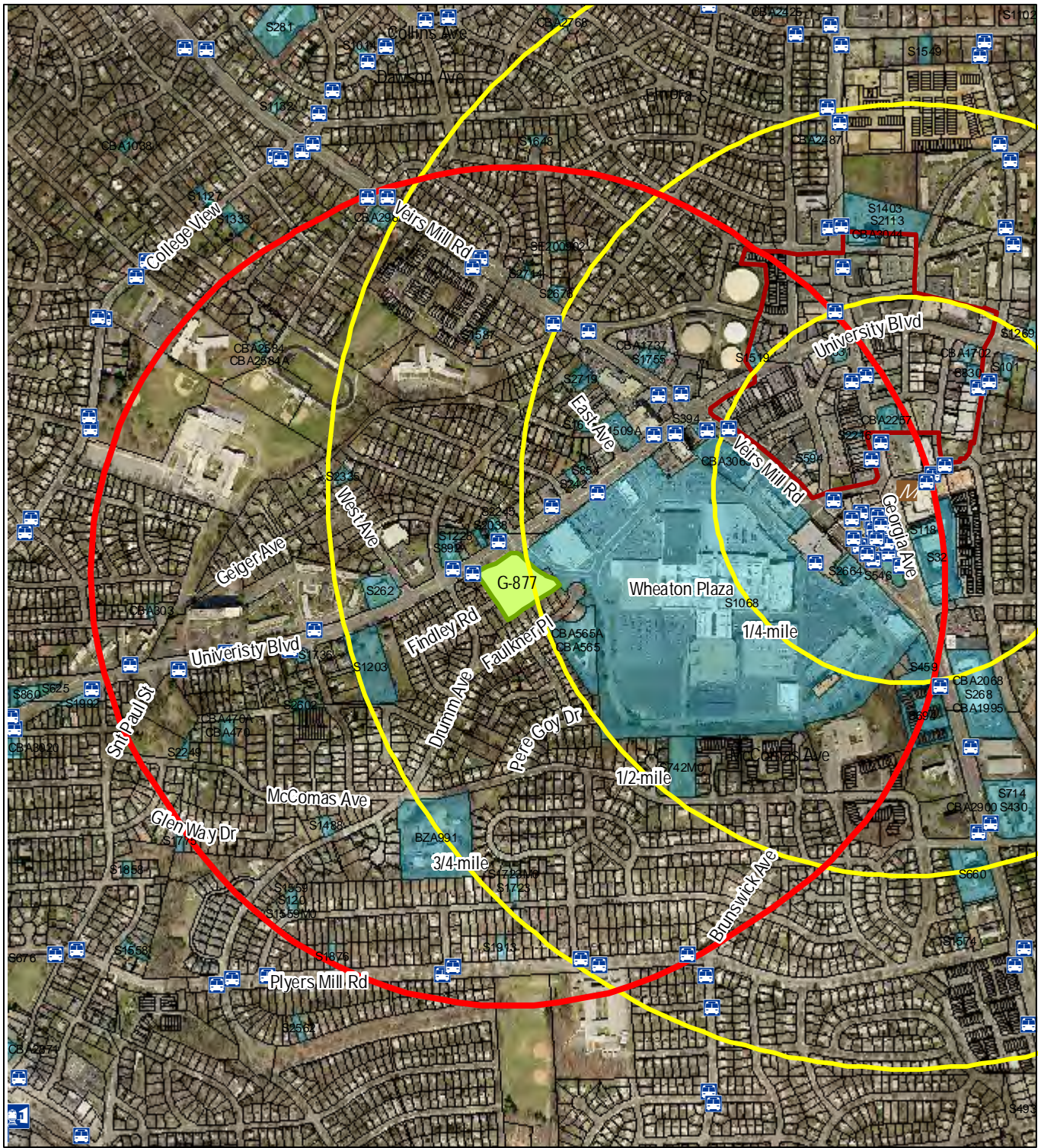
Figure 6: Faulkner Pl cul-de-saq (highest point of site is beyond the trees)



Figure 7: Looking west (Findley Rd)

ATTACHMENT 3









Surrounding Area Map



1 inch = 1,000 feet

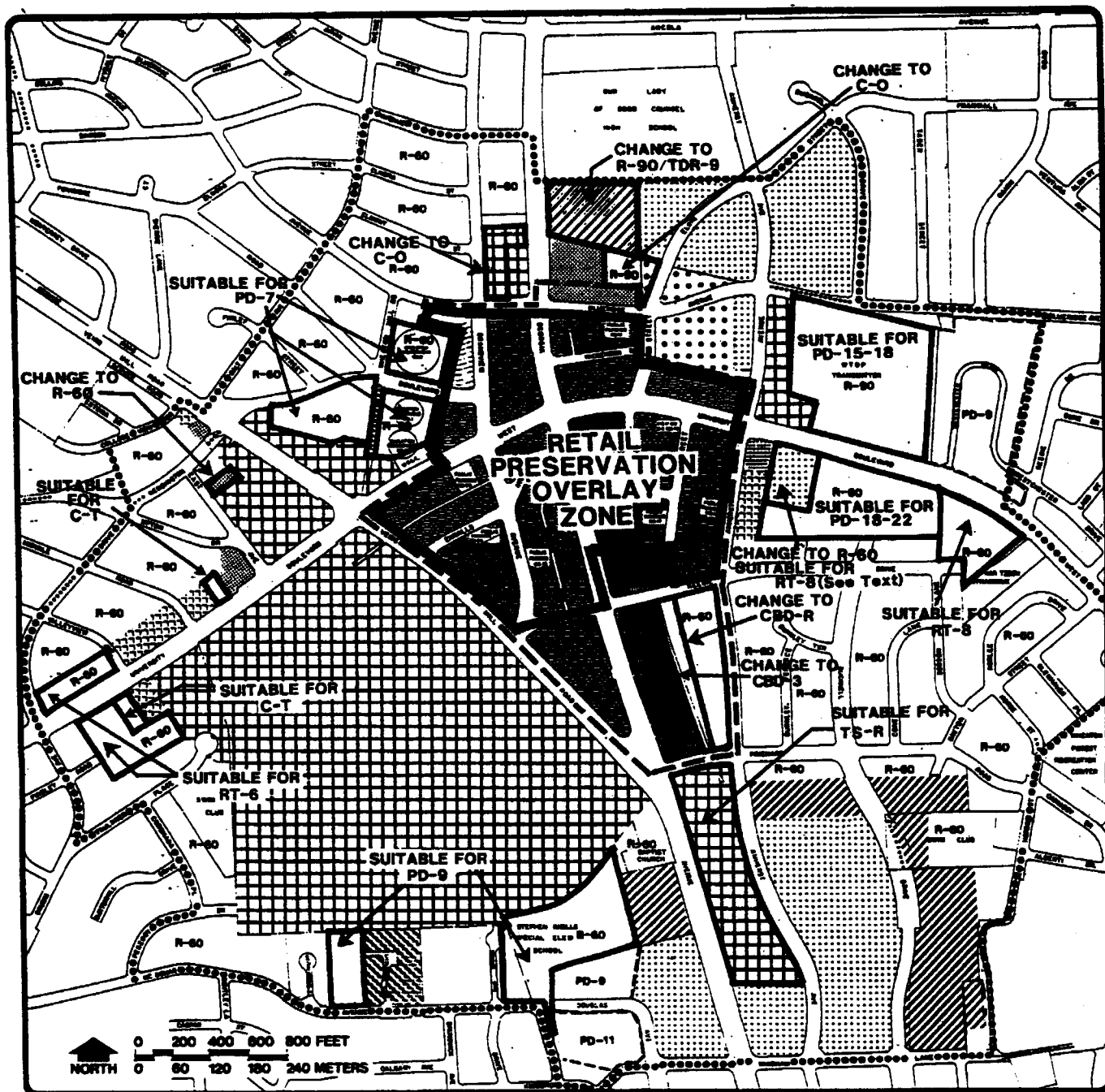
Address: University Boulevard and Findley Road, Kensington

LEGEND

- | | | | |
|---|-----------------------------|---|-------------------|
|  | Metro Station |  | LMA |
|  | Bus Stops (Ride-On & WMATA) |  | Special Exception |
|  | Parcel |  | 1/2-Mile Radius |
|  | Wheaton CBD |  | 1/4-Mile Radius |



ATTACHMENT 4



PROPOSED ZONING PLAN

R-90 One Family	R-20 Low Density Apartment	C-1 Local Commercial
R-60 One Family	P.D. Planned Development Zone	C-2 General Commercial
RT-8 Townhouse	O-M Office Building Moderate Intensity	CBD-1 Central Business District
RT-12.5 Townhouse	C-O High Density Office	CBD-2 Central Business District
R-20 Medium Density Apartment	C-T Commercial Transition Zone	CBD-3 Central Business District

WHEATON

- Sector Plan Boundary
- Central Business District Boundary
- Dedicated Street Not Constructed

MNCPPC

SEPT. 1990

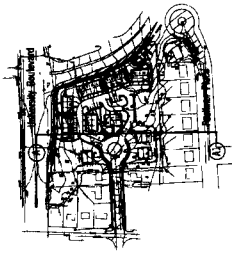
9

SECTOR PLAN

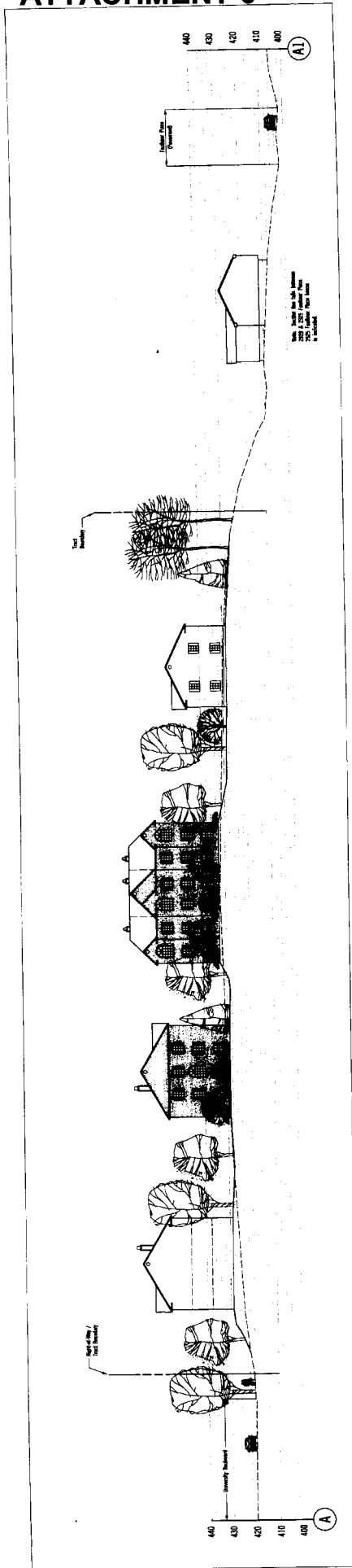
KW

PLANNING AREA

ATTACHMENT 6



Cross - Section Location
Scale: 1" = 200'



Cross - Section A - A1
Horizontal & Vertical Scale: 1" = 20'

DATE	1/16/20
SCALE	1" = 20'
PROJECT	1 of 1
CLIENT	1870

CROSS - SECTION
KENSINGTON HEIGHTS
 OUTLOT 13
 WASHINGTON DISTRICT #13
 MONTGOMERY COUNTY, MARYLAND

OWNER:
 BETHESDA HOMES
 2500 Forest Glen Road
 Silver Spring, MD 20910
 PH: 301-584-2800 FAX: 301-584-2801

SITE SOLUTIONS, INC.
 10010 Riverchase Drive, Suite 200
 Germantown, Maryland 20876-0000
 (301) 840-2800 Fax (301) 840-2801
 Planning, Landscape Architecture
 Engineering, Surveying



ATTACHMENT 7

WASHINGTON SUBURBAN SANITARY COMMISSION

DEVELOPMENT PROPOSAL REVIEW FOR A REZONING APPLICATION

APPLICATION NO.: G-877 DATE: APRIL 30, 2009
APPLICANT: KENSINGTON HEIGHTS 2, LLC
LOCATION: W. UNIV. BLVD AND FINDLEY RD, KENSINGTON
COUNTY: MONTGOMERY COUNTY 200' SHEET NO.: 214NW03
PRESENT ZONING: R-60; C-T
PROPOSED ZONING: R-T8
SIZE OF PARCEL: 131,364.52 SQ.FT.
DWELLING UNITS: 3 SFDUs & 27 THs OTHER: N/A

WATER INFORMATION

1. Water pressure zone: 660A & 555B
2. 12-inch water line (contract # 3617, in University Blvd) and 6-inch water line (contract # 4746, in Findley Road) abut the property.
3. Local service is adequate.
4. The impact from rezoning this property would be negligible.

SEWER INFORMATION

1. Basin: Rock Creek and Sligo Creek
2. An 8-inch sewer line (contract no 4376 in University Blvd) and 8-inch sewer line (contract # 4747 in Findley Road) abut the property.
3. Average Flow from the present zoning: 4500 GPD
Average Flow from the requested zoning: 4523 GPD
Average Flow from the proposed development: 5340 GPD
4. Rezoning this property would not significantly impact the sewerage system. Downstream gravity sewer system may have existing capacity limitations.

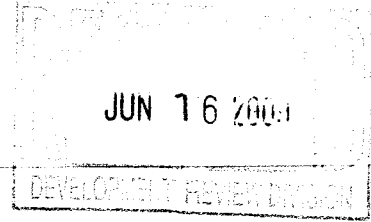
Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

Reviewed by Hansa Desai, 301-206-8816.

ATTACHMENT 8



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
June 16, 2007



MEMORANDUM

TO: Renee Miller, Analyst
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: David Paine, Coordinator
Transportation Planning

SUBJECT: Zoning Application G-877 (Resubmission)
Kensington Heights, Outlot B
Wheaton CBD Policy Area

This memorandum is Transportation Planning staff's review of the proposed zoning change to facilitate construction of a townhome development adjacent to the Wheaton Regional mall. With recommendations listed below, we find the transportation network adequate to support the rezoning.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation, to be followed at the time of preliminary plan:

1. Limit the preliminary plan to 24 Townhouse units and three (3) single family detached units.
2. The applicant shall satisfy future State Highway Administration (SHA) and Montgomery County Department of Transportation (MCDOT) requirements at the time of preliminary plan.

DISCUSSION

The subject property is located adjacent to and immediately west of the Westfield Wheaton Mall along the south side of University Boulevard (MD 193) in the Wheaton CBD Sector Plan area. The applicant proposes vehicle access via Findley Road which will be constructed on site as a bulb cul-de-sac. Internal vehicle circulation will be on a circular driveway with parking area provided.

Pedestrian access is provided via lead-in sidewalks to the site. The site's proposed pedestrian network and circulation will also be considered at time of preliminary plan and site plan. The site is located approximately 2,300 feet from the Wheaton Metro Station and is also served by both Ride-On and Metrobus transit routes on University Boulevard (MD 193). University Boulevard has sidewalks on both sides.

Master Planned Roadways

The adjacent roadways are listed in the *1989 Wheaton Central Business District and Vicinity Sector Plan* and *2005 Countywide Bikeways Functional Master Plan*. University Boulevard (MD 193) is designated as a major,

divided highway with a 120-foot right-of-way with six travel lanes. Drumm Avenue is constructed to Secondary Roadway Standards with a 60-foot right-of-way and sidewalks on the west side of the road. Findley Road is constructed to tertiary road standards with a 50-foot right-of-way, without sidewalks.

Local Area Transportation Review

According to the accepted traffic statement, the proposed development is expected to generate 15 and 23 additional peak-hour trips during the morning (6:30 to 9:30 AM) and evening weekday peak period (4:00 to 7:00 PM), respectively, as shown in Table 1.

Table 1 – Site Trip Generation

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips*	
		AM	PM
Townhouse Units	24	12	20
Single Family detached units	3	3	3
Total		15	23

* Trip Credit for proximity to Metro was not applied for the LATR test in order to be conservative in measure.

A full LATR study was not required as the application would produce fewer than 30 peak hour vehicle trips.

Policy Area Mobility Review

Under the *FY 2007-2009 Growth Policy*, The Kensington/Wheaton Policy area is classified as “acceptable with partial mitigation Policy Area Mobility Review (PAMR). PAMR requires that the applicant mitigate 15% of their new vehicle trips, calculated as 2 AM peak hour and 3 PM peak hour trips. The site-specific trip reduction action by the applicant to mitigate peak-hour impact comes by way of the site being located approximately 2,300 feet from the Wheaton Metro Station in the Wheaton Metro Station Policy Area (MSPA). Based on the specific Census Tract data (Tract 7038) for Journey to Work, the non-auto driver mode split (NADMS) for Wheaton is 46.1%. The countywide average rate for townhouses is 21.0%, a 25.1% difference. Thus, the townhouse development *at this location* would be expected to generate 25% fewer (6) vehicle trips than the countywide average on which the mitigation is based. The application therefore would mitigate their impact by locating close to higher order transit and significant mixed use development, where non-automobile use is higher.

Queuing Analysis

While not required, the applicant also submitted a queuing analysis for the northbound approach to the University and Drumm Avenue intersection to address concerns raised at the former Planning Board worksession for G-877. According to the submitted data, which was also video recorded, the queuing at no point exceeded 3 vehicles. The data shows the small number of queued cars clearing in under 3 minutes. Additional vehicles generated by the proposed development would add fewer than one vehicle every two minutes on average. Such a minute addition would likely not be perceivable to the majority of drivers on Drumm Avenue.

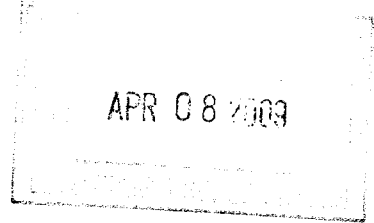
DP:tc

ATTACHMENT 9



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND
www.montgomeryschoolsmd.org

April 3, 2009



Ms. Renee Miller
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Ms. Miller:

This is in response to the resubmitted Zoning Application No. G-877 (Kensington Heights), which is located on the west side of Wheaton Plaza on University Boulevard.

This rezoning would result in 3 single homes and 24 town house units. Based on average yield factors derived from the Montgomery County Department of Planning's 2005 Census Update Survey, the impact of this project is estimated to be approximately seven (7) elementary, two (2) middle, and three (3) high school students.

This property is located within the Rock View Elementary School attendance area, the Newport Mill Middle School attendance area, and the Albert Einstein High School attendance area. Albert Einstein High School is part of the Downcounty Consortium (DCC) where students may choose to attend their base area high school or one of four other high schools in the Consortium.

Enrollment at Rock View Elementary School is currently over capacity and is projected to remain over capacity. To address this situation, a 13-classroom addition is scheduled to open in August 2011. Enrollments at Albert Einstein High School and Newport Mill Middle School are currently within capacity and are projected to remain within capacity for the six-year forecast. See enclosed pages from the Montgomery County Public Schools Recommended FY 2010 Capital Budget and Amendments to the FY 2009-2014 Capital Improvements Program (CIP).

The current growth policy school test (FY 2009) finds capacity adequate in the Einstein Cluster.

Sincerely,

Bruce H. Crispell, Director
Division of Long-range Planning

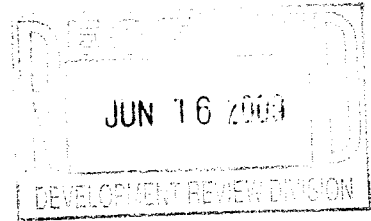
BHC:lmr

Enclosure

Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

Division of Long-range Planning

ATTACHMENT 10



MEMORANDUM

TO: Renee Miller, Senior Planner, Build (Development Review) Division

Via: Khalid Afzal, Eastern Transit Corridor Team Leader, Vision (Community-Based Planning) Division

FROM: Sandy Tallant, Planner Coordinator, Vision (Community-Based Planning) Division

DATE: June 16, 2009

RE: March 19, 2009 Revised Zoning Application No. G-877 - Out Lot B, located at West University Boulevard, and Findley Road in Kensington, Maryland

KA

ST

On November 13, 2008, the Montgomery County Planning Board reviewed the applicant's initial request to re-zone the approximately 3.0 acre property from C-T and R-60 to the RT-10. The property lies within the 1990 Sector Plan for the Wheaton Central Business District and Vicinity, (Wheaton Sector Plan). The Planning Board suggested that the applicant consider revising the plan to provide for somewhat fewer units on the property or, in the alternative, seek RT-10 or even greater density levels as part of the Wheaton CBD and Vicinity Sector Plan process. Subsequently the applicant submitted a revised application on March 19, 2009.

The revised application amends the initial request to re-zone the 3.0 acre property from C-T and R-60 to the RT-10 Zone to the less dense RT- 8 Zone. The Vision (Community-Based Planning) Division comments on this re-zoning are as follows:

1. The zoning application request for the RT-8 zone is inconsistent with the Wheaton Sector Plan, which recommends that a small portion of this R-60 property could be re-zoned to C-T and the rest to the RT-6 Zone if parcels fronting University Boulevard are assembled, (page 46 and 47). Staff believes that there is no significant change in the land use or the development pattern of the area since the adoption of the Wheaton Sector Plan in 1990 that would render the Sector Plan recommendation of RT-6 zoning for this property invalid.
2. Staff also points out that as of September 4, 2008, the Montgomery County Planning Board directed staff to prepare a comprehensive update to the Wheaton Sector Plan. As part of the Sector Plan Amendment staff will be reviewing the zoning within the planning area which includes the subject property. Re-zoning of this property to a zone other than that recommended in the Wheaton Sector Plan should be done as part of the overall Wheaton Sector Plan comprehensive update.



ATTACHMENT 11
MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

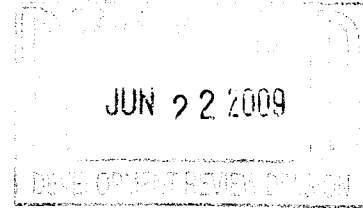
TO: Renée Miller, Development Review Division

VIA: Mark Pfefferle, Acting Division Chief, Environmental Planning Division

FROM: Amy Lindsey, Environmental Planning Division

DATE: June 12, 2009

SUBJECT: Zoning Application G-877
Kensington Heights



The Environmental Planning Division recommends approval of zoning application G-877 subject to the following condition:

1. Submission of a forest conservation plan with the preliminary plan of subdivision that indicates maximization tree retention and planting to create an urban forest.
2. Submission of a noise analysis with the preliminary plan of subdivision indicating existing baseline noise conditions, 20-year future conditions, and methods to mitigate the noise impacts.

DISCUSSION

The 3.02-acre property is located west of the Westfield Wheaton Shopping Malls entrance on University Boulevard in the Wheaton. The property is within the Wheaton Central Business District (CBD) and the applicant proposes to rezone the property from R-60 to R-T 8 and construct 3 single family units and 24 townhouse units and associated infrastructure. There is 1.02 acres of existing forest on the subject site. There are 16 trees 30 inches in diameter and greater on the property with most of the large trees located within the existing forest. This property has the largest remaining forested area within the Wheaton CBD Master Plan area. There are no streams, wetlands, or any associated buffers onsite. The property is within the Rock Creek watershed; a Use I/I-P watershed.

Zoning Ordinance

A Development Plan is not required for this rezoning application but the Schematic Development Plan must meet the specific findings for the applicable zone. Section 59-C-1.7 contains the development standards for the R-T zones. Since the proposed plan includes moderately priced dwelling units, the development standards of 59-C-1.74 apply. Section 59-C-1.74 (d) states

If necessary in order to accommodate the increased density:

- (1) *The percentage of green area may be reduced to not less than: 45*

The schematic development plan meets this standard by proposing to maintain 55 percent of the property as green area. This property should still be able to achieve this development standard, especially if environmental site design principles are used. Staff recommends maximization of the percentage of property devoted to green areas.

Environmental Guidelines

The site does not include any streams, wetlands, or floodplains or associated buffers on the property. There are no steep slopes or highly erodible soils on-site. This property is not within a Special Protection Area or Primary Management Area.

Forest Conservation

Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420072150 was approved on June 27, 2007. This property is subject to the Montgomery County Forest Conservation Law and requires the submission of a forest conservation plan with the preliminary plan of subdivision. The property has 1.02 acres of existing forest that is designated a moderate priority for retention. The Planning Board is not required to act on a forest conservation plan with the schematic development plan. Approval of the preliminary forest conservation plan should occur with a preliminary plan of subdivision.

The Schematic Development Plan shows a green area approximately 0.25 acres in size that is currently forested. Given the location of this project staff recommends that an urban forest strategy be utilized that maximizes tree cover, however, 22A-12(f) is still applicable.

Stormwater Management

The Department of Permitting Services (DPS) has not approved a stormwater management concept plan for this project. The stormwater management concept plan is required at the time of preliminary plan approval. While the Schematic Development Plan shows a stormwater management area along University Boulevard, it is for illustrative purposes only and may not be the size, location or configuration of the stormwater management facilities when approved by DPS. Environmental site design principles should be integrated into the design of the development to minimize the impacts of imperviousness.

Noise

This property is located along a section of University Boulevard with high rates of speed and traffic volume. The applicant will have to submit a noise analysis with the preliminary plan of subdivision. Site design techniques should be used to minimize the impact of noise on outdoor living spaces. Interior noise levels must meet the 45 dBA Ldn standard.

Green Building

This project is not required to comply with County Council Bill 17-06, Montgomery County Green Buildings Law.

Water Quality

The subject property is located in the Kensington Heights Branch sub watershed of the Rock Creek watershed, a Use I/I-P watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having poor overall conditions. The sub watershed is designated a Watershed Restoration Area. The CSPS recommends comprehensively examining and addressing stormwater retrofit, stream restoration and habitat improvement opportunities. However, as previously stated there are no streams or environmental buffers on the subject site.

RECOMMENDATION

Given the urban, highly impervious nature of the planning area, the remaining natural areas take on additional importance, mitigating effects of urban development. Some of the environmental

Zoning Application G-877: Environmental Planning Staff Report

benefits of retained forest/tree cover and planted areas include reduction of “heat-island” effect, stormwater recharge and filtration, and both carbon storage and sequestration. Staff believes that development of this property represents an opportunity to maximize the amount of urban forest through the protection of existing trees and planting of additional canopy trees.

ATTACHMENT 12

Montgomery County Department of Parks - Park Planning & Stewardship Division



MEMORANDUM

TO: Renee Miller, Development Review Division

VIA: Brenda Sandberg, Legacy Open Space Program Manager

FROM: Dominic Quattrocchi, Park Planning and Stewardship

DATE: October 15, 2008

RE: Legacy Open Space Nomination: (Kensington-Outlot B, 3.02 acres, 03550751, R60)

Recommendation

Staff does not recommend adding Kensington-Outlot B to the Legacy Open Space program at this time.

Background

This site was nominated for consideration by the Legacy Open Space (LOS) program as an Urban Open Space resource. The nomination was received in January, 2008, from Donna R. Savage representing the Kensington Heights Citizens Association. The application nominates the site as an urban open space that meets the following Legacy Open Space criteria:

5. The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
8. The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance

Analysis

M-NCPPC staff does not feel the property warranted a full review at the time. The potential for meaningful dedication of open space through development review or future park acquisition as part of redevelopment of the Wheaton Mall minimize the merit or need of this property for future public open space. In addition a recent Planning Board decision (17JAN2008) of the Montgomery College of Art and Design on Georgia

Avenue (a similar scenario to Kensington-Outlot B, with stronger merit of LOS designation) were considerations in not fully vetting Outlot B.

Staff walked Outlot B on 21FEB2008 and found significant invasive plants species in sparse woods that would rate low priority for retention. Some good quality specimen trees did occur but were generally along the property edge, with the potential to be incorporated in future development scenarios. Several active or recently active "homeless" camps were noted.

The overall philosophy of Legacy Open Space is to identify resources of exceptional countywide significance for preservation efforts: those that "rise above the rest."



Kensington Heights Citizens Association

Your Neighborhood Association!
www.kensingtonheightsweb.com

007-9 Officers

resident

Sean Neary
301-946-5698

Ice President

temporarily vacant

ecretary

Carl Day
301-949-6903

reasurer

Karen Cordry
301-933-3640

arliamentarian

Carl Day
301-949-6903

imed. Past President

Donna R. Savage
301-942-2447

eaufication

Abigail Adelman
301-942-6893

y-Laws and

ommunication
(plus Web site)

Carl Day
301-949-6903

ime Statistician

temporarily vacant

Database Admin.
Carole Connor
301-933-2079

ducation

temporarily vacant

story
Aron & Megan Gamett
301-949-9793

ind Use

Donna R. Savage
301-942-2447

ewsletter

Christina Sario (online)
301-949-6040

sa Roberts (print)

301-962-4986

ffic and Safety

Andy Fraser
301-962-0787

ine Harding

301-933-0513

sted with:

United Civic Group
Coalition of Kensington
Communities

Montgomery Civic Federation
Kensington Citizens Coalition

Recipient of the 1998 Wheaton-
Kensington Civic Association Award

.....

A represents 717 single-family
homes in Kensington, Maryland.

June 17, 2009

Renee M. Miller, AICP
Planner, Development Review Division - Zoning
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910
via U.S. mail and fax: 301-495-1306

re: Local Map Amendment #G-877, Outlot B, Kensington Heights

Dear Ms. Miller:

The Kensington Heights Citizens Association (KHCA), first constituted in 1954, represents 717 single-family homes and is an active member in the Montgomery County Civic Federation and the Coalition of Kensington Communities. KHCA members, officers, and neighbors have been following the Outlot B case with great interest. The site in question is highly visible and sits at the outer edge of a large and thriving residential community. The choices made in developing this site will have an indelible influence on the character of the neighborhood.

The Kensington Heights Citizens Association wishes to voice a number of comments and objections to this second submittal of the rezoning application for Outlot B filed by Sterling Mehring d/b/a Wheaton Land Investment LLC.

Zoning and Master Plan. As we have said before, we would prefer this 3-acre property be developed at its current zoning of R-60, single-family homes. However, we would support rezoning to the Master Plan recommendation of RT-6 because this change would provide the community benefit of preserving green space and visual screening by enabling new construction to be concentrated on the less densely wooded portions of the lot. The rationale for this approach to development of residential areas bounding the commercial uses is clearly enunciated in the Master Plan, and we believe that the writers of the Master Plan exercised careful consideration, wisdom, and good judgment. The current proposal follows neither the letter nor the spirit of the Master Plan recommendation.

Compatibility. As proposed in this second submittal, upzoning to RT-8 and construction of 24 townhomes plus 3 single-family homes will not be compatible with the rest of Kensington Heights, of which this development will be a part. While the current submittal is an improvement from the first submittal for 36 townhomes, the density of this proposed development remains far greater than the density of its surrounding area.

Traffic. Traffic generated by the proposed residential units would have a decidedly negative impact on the utility and safety of existing residential streets in the vicinity of Outlot B. We have already made our arguments on this point, in writing in our previous objection letter (attached) and in our oral and pictorial testimony to the Planning Board on November 13, 2008.

Stormwater management. Any development on Outlot B will pose a stormwater management challenge. However, upzoning to RT-8 and construction of 27 residences will increase the threat of stormwater problems, given the impervious area proposed by such construction and the geography of the site. This concern is especially significant for residences on Faulkner Place, which back onto a steep hill leading up to Outlot B.

Meetings with the developer. In addition to the multiple meetings with Mr. Mehring and his colleagues in 2007 and 2008 prior to the first submittal, Chris McGoff (Mr. Mehring's business partner for this development) facilitated a charrette during which an attempt was made to envision a development on Outlot B that would satisfy both the developers and the community. Progress was made in some areas: a new design firm was hired by Mr. Mehring, three of the

4 pages

JUN 17 2009

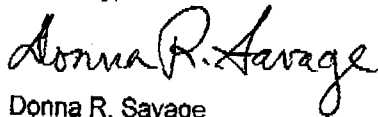
residences have become single-family homes rather than townhomes, the large "sticks" of townhomes have been reduced in size, and the proposed total of 36 residences has been reduced to 27. However, the appealing and compatible design of the townhomes that we were shown during the first charrette meeting as an example of what could be built on Outlot B – in groups of three, looking like one large 2½-story house – morphed into an incompatible design that resembled dormitories, and we were told that the initial, compatible design would not be possible. Our positive response to the charrette process that featured the first proposed design, which spoke elegantly to the compatibility issue, faded quickly.

During all of the meetings KHCA held with Mr. Mehring, he was not able to identify why it would be appropriate to upzone this property other than to satisfy his financial investment. In addition, there simply is no showing that the need, if any currently exists, for more housing in the Kensington-Wheaton area would be appropriately met by imposing a substantial increase in the designated zoning for Outlot B.

What we propose. If Outlot B were developed at its current zoning or the zoning proposed by the current Master Plan, 18 single-family and/or townhome residences would be built. We have no quarrel with Mr. Mehring over his right to develop his property in this manner, and we strongly believe that adherence to the current zoning or the current Master Plan recommendation is the best course for Outlot B and its neighbors in Kensington Heights. However, because we realize that the numeric threshold for building moderately priced residences is 20, we would agree to a combination of upzoning Outlot B and capping development on the site, via binding element, to achieve a maximum of 20 single-family and/or townhome residences so that some MPDUs could be built.

Thank you for considering our opinions as you write your staff report regarding this rezoning application.

Sincerely,



Donna R. Savage
Land Use Chair, KHCA
10804 McComas Ct.
Kensington, MD 20895



Aaron Garnett
Outlot B Working Group Chair, KHCA
2931 Findley Rd.
Kensington, MD 20895

Enc.

Copy: Françoise M. Carrier, Director, OZAH, via fax at 240-777-6665
Sterling Mehring, applicant, 2505 Forest Glen Rd., Silver Spring 20910
Steven A. Robins, applicant's attorney, via fax at 301-347-1778
Sandy Tallant, Community Based Planning, via fax at 310-495-1304
Martin Klauber, People's Counsel, via fax at 240-777-9705



Kensington Heights Citizens Association

Your Neighborhood Association!
www.kensingtonheightsweb.com

2007-9 Officers

President

Wayne M. Goldstein
301-942-8079

Vice President

Sean Neary
301-946-5898

Secretary

Carl Day
301-949-6903

Treasurer

Karen Cordry
301-933-3640

Parliamentarian

Carl Day
301-949-6903

Immed. Past President

Donna R. Savage
301-942-2447

△ △ △ △ △ △ △ △

Beautification

Abigail Adelman
301-942-6893
Jane Folsom
301-942-6918

By-Laws and Communication (plus Web site)

Carl Day
301-949-6903

Crime Statistician

currently vacant

Database Admin.

Carole Connor
301-933-2079

Education

currently vacant

History

Aaron & Megan Garnett
301-949-9793

Land Use

Donna R. Savage
301-942-2447

Newsletter

Christina Sarlo (online)
301-949-6040

Lisa Roberts (print)
301-962-4986

Traffic and Safety

Andy Fraser
301-962-0787

Jane Harding
301-933-0513

Affiliated with:

Allied Civic Group
Coalition of Kensington
Communities
MC Civic Federation
Wheaton Citizens Coalition

Recipient of the 1998 Wheaton-
Kensington Civic Association Award

KHCA represents 717 single-family
homes in Kensington, Maryland.

August 12, 2008

COPY

Renee M. Miller, AICP
Planner, Development Review Division - Zoning
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910
via U.S. mail and fax: 301-495-1306

re: Zoning Application #G-877, Outlot B, Kensington Heights

Dear Ms. Miller:

The Kensington Heights Citizens Association, first constituted in 1954, represents 717 single-family homes and is an active member in the Montgomery County Civic Federation and the Coalition of Kensington Communities. For the record, the Kensington Heights Citizens Association objects strongly to the rezoning application for Outlot B filed by Sterling Mehring d/b/a Wheaton Land Investment LLC. A summary of our objections follows.

We would prefer this 3-acre property be developed at its current zoning of R-60, single-family homes. However, we would support rezoning to the Master Plan recommendation of RT-6 because this change would provide the community benefit of preserving green space and visual screening by enabling new construction to be concentrated on the less densely wooded portions of the lot.

Compatibility. As proposed, upzoning to RT-10 and construction of 36 townhomes will not be compatible with the rest of Kensington Heights, of which this development will be a part and which Outlot B borders on its west and south. Surrounding Outlot B for several blocks in Kensington Heights are a variety of single-family detached residences, all in the R-60 zone. In addition, most of Outlot B is elevated about 20 feet above the grade of adjacent homes, so that the proposed 36 townhomes would tower over the existing 1-2 story homes in our neighborhood. Furthermore, development of this property at the proposed density would significantly reduce the screening effect of the mature trees that provide a buffer between the current residences and University Boulevard and the neighboring shopping mall.

KHCA would support rezoning to the Master Plan recommendation of RT-6 for several reasons. At six dwelling units per acre, rezoning Outlot B to RT-6 would ensure compatibility with the rest of the neighborhood while maximizing green space and retaining mature trees on this site, as well as allowing for correct siting of the townhouses to take full advantage of visual screening possibilities and to prevent stormwater runoff problems for neighbors.

Traffic. Traffic generated by the proposed residential units would have a decidedly negative impact on the utility and safety of existing residential streets. There is limited stacking capability on Drumm Avenue at University Boulevard. With cars parked on both sides of Drumm Avenue because few of the houses have driveways, there is only one lane available for moving traffic. Delivery trucks and emergency vehicles, including those that service the nursing home at the corner of Drumm and McComas avenues, routinely enter into and exit from Kensington Heights via Drumm. Exiting Kensington Heights by Drumm Avenue, which is one of our primary exit routes, is dangerous at present, with a limited line of sight westward on University Boulevard. In particular, we understand that all of the traffic from the proposed 36 residences in this development would be funneled onto the portion of Findley Road that is east of Drumm Avenue, a small residential street that now serves only 4 homes on R-60 lots, thus dramatically increasing the traffic impact on these residents.

Stormwater management. Upzoning to RT-10 and construction of 36 townhomes will pose a significant stormwater management problem, given the large impervious area proposed. The concern is especially significant for residences on Faulkner Place, which back onto a steep hill leading up to Outlot B.

Legacy Open Space application pending. On September 26, 2007, we officially requested that Outlot B be considered for the Legacy Open Space program (please see attached letter). As Kensington and Wheaton experience increasing development in the years ahead, green space will be at a premium. Outlot B presents an opportunity to preserve some green space in the midst of an ever-increasing "landscape" of buildings, pavement, and roads. As far as we know, our application is still pending.

Meetings with the developer. We have had multiple meetings with Mr. Mehring and his colleagues during the past 1½ years. The KHCA executive committee first met with Mr. Mehring on February 8, 2007, and again on March 13, 2007. The Outlot B Working Group of the KHCA Land Use Committee has met with him twice to discuss issues – on May 23, 2007, and January 9, 2008. At our request on July 23, 2007, and prior to the filing of any papers, Councilmember Valerie Ervin brokered a meeting between the developer and Kensington Heights that occurred on October 30, 2007. At all of these meetings and in all correspondence with Mr. Mehring, we have made it clear that our primary concern is the proposed density and the many ways in which building that many homes would negatively impact our community.

During all of the meetings KHCA held with Mr. Mehring, he was not able to identify why it would be appropriate to change the zoning so as to roughly double the density on Outlot B, in light of (1) the number of townhomes, condominiums, and apartments in nearby Wheaton that have been built in the last few years; (2) the large projects currently under development (at the HOC apartment complex and the Centex Good Counsel development); and (3) other projects that may begin construction shortly, such as the Avalon Bay project (corner of Blueridge and Georgia avenues in Wheaton) if it is approved by the Planning Board. There simply is no showing that the need, if any currently exists, for more housing in the Kensington-Wheaton area would be appropriately met by imposing a substantial increase in the designated zoning for Outlot B, especially in light of the other existing problems detailed in this letter.

Thank you. We look forward to working with you on this rezoning application case.

Sincerely,

DRS

Donna R. Savage
Land Use Chair, KHCA
10804 McComas Ct.
Kensington, MD 20895

AG

Aaron Garnett
Outlot B Working Group Chair, KHCA
2931 Findley Rd.
Kensington, MD 20895

Enc.