



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

JAN 23 2013

MCPB No. 13-01
Preliminary Plan No. 120110220
Knowles Estates
Date of Hearing: January 17, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan applications; and

WHEREAS, on March 23, 2011, Metropolitan Avenue, LLC. ("Applicant"), filed an application for approval to record one lot and allow a maximum of 8,048 square feet of commercial uses for construction of a second floor addition to an existing building on approximately 7,686 square feet of land, zoned CRT1.5 C1.5 R1.5 H60 zone, located in the southern quadrant of the intersection of Metropolitan Avenue and Saint Paul Street ("Subject Property") in the Kensington Sector Plan ("Sector Plan") area within the Town of Kensington; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110220, Knowles Estates ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 4, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 17, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120110220 subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

[Signature] 1/8/13

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1. Approval is limited to one lot with a maximum density of 8,048 square feet of commercial uses.
2. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 70-foot right-of-way (35 feet from centerline) along the Subject Property frontage for Metropolitan Avenue (MD 192).
3. Prior to issuance of a building permit, the Applicant must construct a five-foot-wide sidewalk, grass panel, and a three-inch mountable curb along the entire frontage of Metropolitan Avenue.
4. Prior to recordation of the plat, the Applicant must receive a parking waiver of all the parking spaces required per Section 59-C-15.636 of the Zoning Ordinance from the Montgomery County Department of Permitting Services ("MCDPS").
5. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated October 22, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
7. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of building permit. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
8. All necessary easements must be shown on the record plat.
9. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

General Recommendations

The Subject Property is located within the Crafts/Services District, which includes the Konterra and Metropolitan Avenue South group of properties (CS-2), of the 2012 *Kensington Sector Plan* area. The Sector Plan provides the following recommendations for the Subject Property under "Connectivity" in the Area Wide Recommendations section of the Plan:

- Provide clear and bold markings for pedestrian crosswalks, clearly identifying the pedestrian zone; and
- Provide storage lockers and bicycle racks at appropriate locations, specifically within the Town Center and near the train station.

The Applicant is improving the frontage of the Subject Property along Metropolitan Avenue with a five-foot-wide sidewalk, green panel, and curb to separate the roadway from the pedestrian zone. The Applicant is providing bicycle racks as required on the southeast portion of the Subject Property.

Under "Design" in the Area Wide Recommendations section, the Sector Plan provides the following recommendations for the Subject Property :

- Orient buildings to the sidewalk with display windows and entrances;
- Encourage pedestrian-level ornamentation, signage, and architectural details;
- Minimize curb cuts to reduce conflicts between pedestrians and vehicles;
- Provide adequate parking for proposed land uses while using strategies to reduce demand, consolidate supply, and use space efficiently. Minimize visual impact of parking facilities and encourage on-street parking;

The existing building is set back approximately 16 feet from the existing right-of-way line for Metropolitan Avenue. The Applicant must dedicate additional right-of-way for the Sector Plan recommended 70-foot right-of-way (35 feet from centerline) along Metropolitan Avenue (MD 192), which makes up almost the entire area between the existing building and the current right-of-way line. A sidewalk will be constructed within the right-of-way and adjacent to the building front, and a green panel will be installed between the sidewalk and curb of Metropolitan Avenue. This allows the Applicant to install the pedestrian facilities required by the Sector Plan and Subdivision Regulations while minimizing curb cuts and conflicts between pedestrians and vehicles. Signs are located on the building and are of a pedestrian scale. The current land use requires minimal parking, and the adjacent public parking lot should accommodate the actual needs of the current use, which aids in consolidating supply and using space efficiently as recommended by the Sector Plan. Applicant is seeking a waiver for all required on-site parking from MCDPS.

Site Specific Recommendations

The site specific recommendations of the Sector Plan are primarily focused on the adjacent Konterra Property. However, the more general recommendations of this section include:

- Preserving existing retail and service industrial uses in much of this area; and
- Proposed zoning for this area adds the opportunity for residential uses while maintaining the existing nonresidential uses in place.

The purpose of this Application is to improve the existing building and preserve and maintain the existing commercial use in place.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Site Location and Vehicular Site Access Point

The site is located on the southern corner of the intersection of Metropolitan Avenue (MD 192) and Saint Paul Street. Vehicular access to the property is via a driveway from St. Paul Street.

Parking

The existing use has limited on-site parking, which will be eliminated due to required dedication along Metropolitan Avenue. Parking will be accommodated on both the existing adjacent municipal parking lot by a mutual agreement and on-street parking on Saint Paul Street.

Public Transit Service

The Ride-On bus Route 5, Twinbrook Metrorail Station to Silver Spring Metrorail Station, has stops located on each side of Metropolitan Avenue about 100 feet east and 150 feet west of the building entrance on Metropolitan Avenue.

Sector-Planned Roadway and Bikeway

Metropolitan Avenue is a 70-foot wide business district street (B-2) with a signed shared roadway (LB-4) as designated in the Sector Plan. Required dedication of approximately 2,062 square feet of right-of-way (35 feet from centerline) will accommodate travel lanes and the recommended bikeway.

Pedestrian Facilities

The Applicant will construct a five-foot wide sidewalk, green panel, and curb along the entire frontage of Metropolitan Avenue. This will replace the paved area being dedicated as right-of-way, and the sidewalk will connect the existing curb and ramps at the intersection of Saint Paul Street and Metropolitan Avenue and the existing sidewalk and ramps on the abutting property adjacent to the southeast corner of the Subject Property.

Local Area Transportation Review and Policy Area Mobility Review (LATR/PAMR)

The use generates less than 30 weekday peak-hour trips. Therefore, the Application is not required to submit a traffic study to satisfy the LATR test, and no transportation improvements are needed to support the development.

The use will generate fewer than three new weekday peak-hour trips above the trips currently generated by the existing carpet cleaning use. Therefore, PAMR mitigation is not required.

Other Public Facilities and Services

The Application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Electrical and telecommunications services are also available to serve the Subject Property.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

The size, shape, and width of the approved lots allow the development to meet the Sector Plan goals to provide a more walkable community. Further, the lot is designed in such a way to meet all other requirements of the Subdivision Regulations, including access, frontage, dedication for public uses, adequacy of public facilities and conformance to the Sector Plan recommendations.

The Preliminary Plan complies with the Montgomery County Code, Chapter 50-29(a) of the Subdivision Regulations, and Chapter 59, the Zoning Ordinance.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

The Subject Property is within the Lower Rock Creek watershed - a Use I watershed. The project does not have any activities within any streams, wetlands, or environmental buffers and is in compliance with the Environmental Guidelines.

Forest Conservation

This Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). However, per exemption 42011048E, which was approved on October 5, 2010, it is exempt from the requirement of submitting a Forest Conservation Plan because the activity occurs on a tract of less than 1.5 acres with no existing forest or specimen or champion trees, and afforestation requirements would not

exceed 10,000 square feet. The Planning Board finds that the project still complies with the exemption criteria.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

MCDPS - Stormwater Management Section has determined that the project is exempt from the requirement to file a sediment and erosion control plan or a stormwater management concept plan, because the project will disturb less than 5,000 square feet of land.

6. *Section 59-C-15.636 Parking Waiver*

The use requires 10 parking spaces per Section 59-C-15.631 of the Montgomery County Zoning Ordinance. At the time of building permit, the Applicant will request a waiver of all of the parking spaces required from the Department of Permitting Services. The Planning Board supports this waiver for the following reasons.

The Subject Property is only 7,686 gross square feet in size. Metropolitan Avenue is identified as a 70-foot-wide right-of-way in the Sector Plan, which requires dedication of 2,062 square feet from the Subject Property. This required dedication reduces the Subject Property to approximately 5,624 square feet, which is little more than the size of the existing building's footprint of approximately 4,000 square feet. Although the area of land required for dedication was previously used for onsite parking, it was not large enough to provide all of the minimum number of required parking spaces.

The Montgomery County Department of Permitting Services – Zoning Section issued a partial parking waiver on March 25, 2009, because the site was not large enough to provide the full number of required parking spaces onsite. The required dedication and the proposed pedestrian improvements along Metropolitan Avenue will eliminate the existing parking spaces, and there is no other area on site to provide any of the required parking spaces.

A parking lot on the adjoining Konterra property is subject to a License Agreement and is a shared revenue source between the Town of Kensington and Montgomery County. The parking lot has a total of 52 parking spaces of which 3 are marked for Disabled Parking. Twenty-three spaces, marked as "All Day Parking Permitted" are primarily reserved for MARC commuters, while the remaining twenty-six spaces are limited to "4 hour parking" meant to serve patrons of the surrounding businesses in the area including the existing building on the Subject Property.

The Planning Board believes that the requested waiver of the minimum number of on-site parking spaces required by the Zoning Ordinance is justified by: 1) the constrained

size of the Subject Property; 2) the site area needed for required dedication and proposed pedestrian improvements along Metropolitan Avenue; 3) the fact that the existing business has operated on this site with limited parking for a long time; and 4) the availability of the adjacent public parking lot and on-street parking on Saint Paul Street.

Since a Site Plan is not required for the proposed development, MCDPS is the agency that will act on the parking waiver request. In order to ensure compliance with the Zoning Ordinance, the Planning Board is requiring the Applicant to obtain approval of the parking waiver from MCDPS, prior to approval of the record plat.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months (5 years) from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

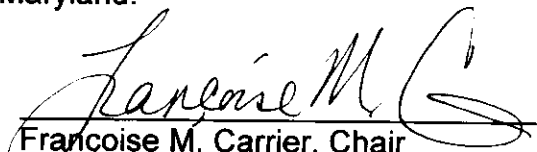
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 23 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, January 17, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board