



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

MCPB No. 16-117
 Preliminary Plan No. 120160350
 Kemp Mill Farms
 Date of Hearing: October 20, 2016

NOV - 1 2016

RESOLUTION

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

WHEREAS, on July 6, 2016, Kemp Mill Synagogue and Mikvah Emunah Society of Greater Washington ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots on 2.44 acres of land in the R-90 zone, located at the northwest quadrant of the intersection of Kemp Mill Road and Grays Lane ("Subject Property"), in the Kensington/Wheaton Policy Area and *Kemp Mill Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No 120160350, Kemp Mill Farms, ("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 October 10, 2016 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 20, 2016, the Planning Board held a public hearing on the Application at which it 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. 120160350 to create two lots on the Subject Property, 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: 

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1. The Preliminary Plan is limited to two lots; one for the existing Synagogue and one for the existing Mikvah.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated July 28, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to plat recordation, the Applicant must construct an ADA compatible five-foot sidewalk to tie in from the existing sidewalk along Gray's Lane to the Mikvah building.
4. All necessary easements must be shown on the record plat.

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.*

The 2001 *Kemp Mill Master Plan* does not provide any specific recommendations for the Property, but it includes general guidance and recommendations about zoning and land uses. The Master Plan recommends that this area maintain the existing zoning (R-90) as adopted. Religious institutions are allowed within the R-90 Zone, and the proposed subdivision complies with the recommendations in the Master Plan.

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

No change in land use is proposed, so an adequate public facilities finding is not required.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The proposed lot size, width, shape, and orientation are appropriate for the use of the two lots for Religious Institutions. The Master Plan recommends that this

area maintain the existing zoning (R-90) as adopted. Religious institutions are allowed within the R-90 Zone, and the proposed subdivision complies with the recommendations in the Master Plan.

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

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Property is subject to Forest Conservation Plans 120060440 and 119960870. Since no changes are proposed except the addition of a lead-in sidewalk to the Mikvah, the Forest Conservation Plans remain in force. The project is in compliance with Chapter 22A.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

Based upon the understanding that the addition of the lead-in sidewalk results in less than 5,000 square feet of disturbance and less than 100 cubic yards of earth movement, a stormwater management concept plan and sediment control permit are not required.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 60 months 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 NOV - 1 2016 (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 Cichy, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, October 20, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board