



**Town of Kensington Annexation, Annexation No. AR-01-2018**

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**Description**

The Town of Kensington has received a petition from property owners in an area abutting the Town's corporate limits requesting annexation into the Town.

**Staff Recommendation**

Staff recommends approval of the annexation petition and approval to transmit comments to the Town of Kensington.

## BACKGROUND

The Mayor and Town Council of Kensington have received a petition from property owners in an area that is contiguous and abutting to the existing Town boundary requesting annexation into the Town. The Town of Kensington does not have its own planning and zoning authority. All zoning and land use decisions are made by the Montgomery County Council and the Montgomery County Planning Board.

## ANNEXATION PROPOSAL

The proposed annexation area, approximately 12.58 acres, is bounded by Perry Avenue, St. Paul Street and University Boulevard West (MD 193) and is north of the existing Town boundary (Figure 1). There are 50 properties within the annexation area, which are primarily single-family residential dwellings along with commercial properties along University Boulevard.

The annexation petition does not provide a specific reason or rationale for the proposed annexation. No land use and zoning changes are associated with this annexation petition.

The Town of Kensington hosted a public hearing on August 13, 2018 and the Town Council is tentatively scheduled to act on the annexation petition on September 10, 2018.



Figure 1: Town of Kensington proposed annexation area.

## SECTOR PLAN AND ZONING

The Town of Kensington does not have its own comprehensive plan with land use and zoning recommendations. The Montgomery County Planning Department prepared the 2012 *Kensington Sector Plan*, which was reviewed by the Planning Board and approved by the Montgomery County Council, and it serves as the Town's comprehensive plan. Because the Town does not have planning and zoning authority, it does not have a municipal growth element, so the Sector Plan is silent regarding any municipal expansion of the Town's boundary.

All of the properties proposed for annexation are located within the 2012 *Kensington Sector Plan* area. The Sector Plan identifies the Connecticut Avenue/University Boulevard (CU) Area as a neighborhood commercial center and specifically names the CU-6 and CU-7 commercial properties that are within the area proposed for annexation (Figure 2). The Sector Plan states that "preserving existing small office and retail uses in this area is desirable" (page 39).

The CU-6 property located at 3700 University Boulevard West is zoned CRN 1.0: C1.0, R0.5, H-45. The four CU-7 lots located at 3606-3610 Decatur Avenue and 3610 University Boulevard West, at the southeast intersection of Lexington Street, University Boulevard West and Decatur Avenue, are zoned CRN 1.0: C0.75, R1.0, H-45. All single-family dwellings along Decatur Avenue, Perry Avenue, St. Paul Street, Madison Street and University Boulevard are zoned R-60 (Figure 3). Since the Town does not have planning and zoning authority, upon annexation, the subject area will maintain the existing zoning and uses. Any new development within the annexed area will follow the requirements of the Montgomery County Zoning Ordinance and the guidance of the 2012 *Kensington Sector Plan*.



Figure 2: Analysis Areas of Connecticut Avenue/University Boulevard (CU-6 and CU-7) in the 2012 *Kensington Sector Plan*.

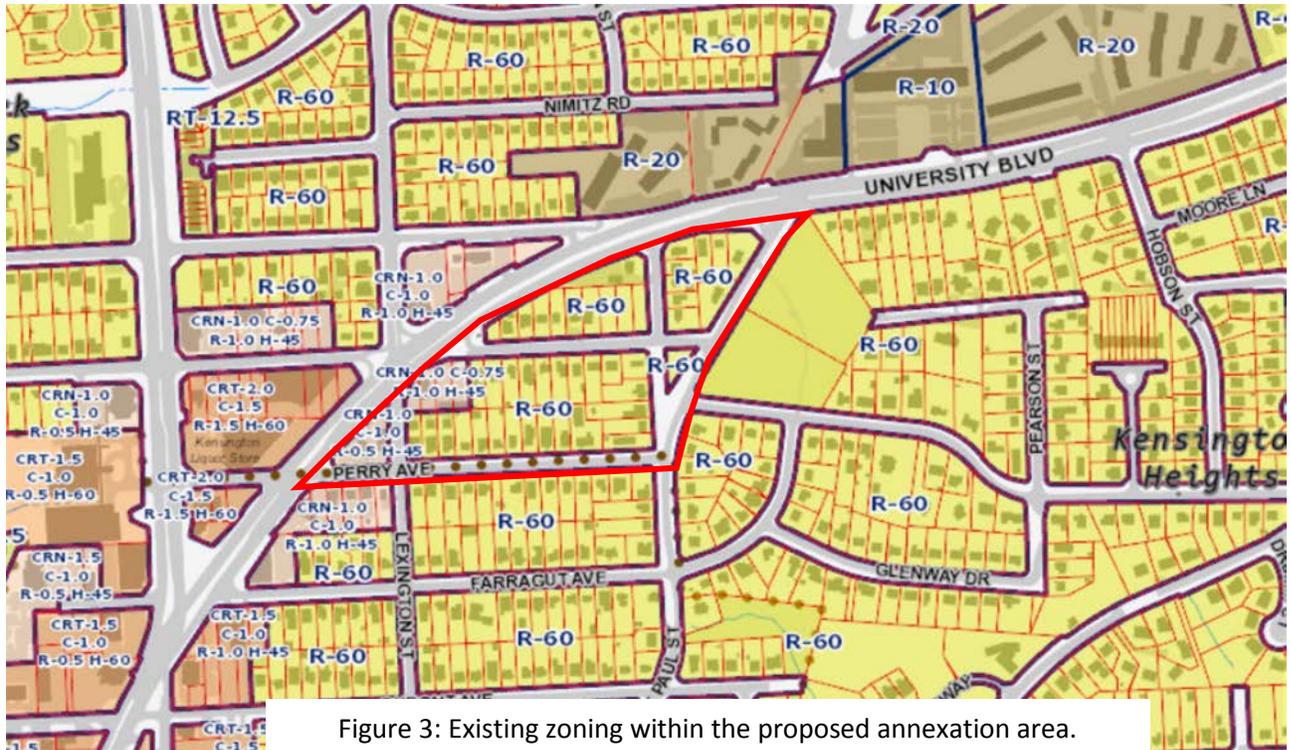


Figure 3: Existing zoning within the proposed annexation area.

**ANNOTATED CODE OF MARYLAND**

Annexation rules and procedures are established in the Annotated Code of Maryland, § 4-401 (2017), which notes that the legislative body of a municipality may enlarge its boundaries by annexation as provided in this subtitle.

*(a) In general. -Subject to subsections (b) and (c) of this section, the legislative body of a municipality may enlarge its boundaries by annexation as provided in this subtitle.*

*(b) Land to which power applies. - The power of annexation applies only to land that:*

*(1) is contiguous and adjoining to the existing boundaries of the municipality; and*

*(2) does not create an unincorporated area that is bounded on all sides by:*

*(i) real property presently in the boundaries of the municipality;*

*(ii) real property proposed to be in the boundaries of the municipality as a result of the proposed annexation; or*

*(iii) any combination of real property described in item (i) or (ii) of this item.*

This annexation petition is consistent with the State annexation requirements since the area proposed to be annexed is contiguous and adjoining the existing corporate limits of the Town of Kensington.

## **Public Services and Facilities**

The Annotated Code, Section 19 (O), requires that the municipal corporation provide an “outline for the extension of services and public facilities into the area proposed to be annexed.” The Town has provided an overview of public facilities and services, including public schools, electric services and stormwater management.

The Town and the annexed area are served by, and will continue to be served by, Montgomery County Public Schools (MCPS). Water and sewer services are provided by the Washington Suburban Sanitary Commission (WSSC) to the Town as well as the proposed annexation area. No extension of water and sewer services are proposed. Electric services are provided by Pepco and gas services are provided by Washington Gas. These services will continue in the annexed area. It is anticipated that the Town will assume residential refuse and recycling collection for the annexed area.

The Town is responsible for stormwater management on town streets. It is possible that the Town may negotiate with Montgomery County to transfer these responsibilities to the Town in the annexed area. Streets and lights within the Town are maintained by the Town. It is likely that the Town could negotiate with the County to transfer street maintenance responsibilities to the Town. The Maryland State Highway Administration (SHA) currently maintains University Boulevard West and will continue to maintain the roadway within the annexed area.

## **CONCLUSION**

The proposed Town of Kensington annexation petition is consistent with the Annotated Code of Maryland, Article 23A. The Montgomery County Council will not review this petition since there are no land use and zoning issues associated with this annexation. Staff recommends approval of the proposed annexation into the Town of Kensington.

Attachment:

1. Town of Kensington annexation resolution

# ATTACHMENT 1

## AMENDED ANNEXATION RESOLUTION NO. AR-01-2018

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL AUTHORIZING THE ANNEXATION TO THE TOWN OF KENSINGTON OF APPROXIMATELY 12.585 ACRES OF LAND LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS OF THE TOWN LOCATED NORTH OF THE CENTER LINE OF PERRY AVENUE TO UNIVERSITY BOULEVARD AND CERTAIN INTERIOR AND ADJACENT RIGHTS-OF-WAY THEREIN

### ANNEXATION X-01-2018

**WHEREAS**, the Mayor and Town Council of Kensington have received a petition requesting the enlargement of the corporate boundaries of the Town of Kensington to include the land area set forth in the metes and bounds description attached hereto and incorporated herein by reference as Exhibit A and shown on a Plat attached hereto and incorporated herein by reference as Exhibit B (hereinafter referenced as the “Annexation Area”); and

**WHEREAS**, the following addresses and or parcels all of which, together with the interior or adjacent St. Paul Street, Perry ~~[Street]~~ AVENUE, Decatur Avenue and Madison Street public right-of-ways, are included in the Annexation Area: 3500, 3505, 3506, 3507, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3600, 3601, 3602, 3604, 3606, 3608, 3610, and outlot on Decatur Avenue; 10815, 10817, 10819, and 10821 Madison Street; 3507, 3509, 3511, 3513, 3515, 3601, 3603, 3605, 3607, 3609, 3611, and 3613 Perry ~~[Street]~~ AVENUE; 10724, 10726, 10728, 10810, 10812, St. Paul Street; and 3404, 3406, 3408, 3500, 3610, and 3700 University Boulevard, West; and

**WHEREAS**, the Town has verified that the petition satisfies the requirements of §4-401 *et seq.*, of the Local Government Article, Annotated Code of Maryland; and

**WHEREAS**, all public hearings, notifications and approvals as required by law have occurred; and

**WHEREAS**, the Annexation Area:

- (1) is contiguous and adjoining to the existing boundaries of the municipality; and
- ( 2) does not create an unincorporated area that is bounded on all sides by:
  - (i) real property presently in the boundaries of the municipality;
  - (ii) real property proposed to be in the boundaries of the municipality as a result of the proposed annexation; or
  - (iii) any combination of real property described in item (i) or (ii) of this item.

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CAPS : Indicate matter added by amendment.  
[Brackets] : Indicate matter deleted by amendment.

(3) does not include land that is in another municipality.

**WHEREAS**, the Annexation Area contains one large lot zoned CRN-1.0, C1.0, R-0.5, and H-45 and 4 lots zoned CRN-1.0, C1.0, R-.75, and H-45, with the remainder of the lots zoned R-60, and the lots in the Annexation Area will continue with the existing zoning and uses under the Montgomery County Zoning Ordinance and the Kensington Sector Plan; and

**WHEREAS**, the Mayor and Town Council therefore have introduced this resolution to annex the Annexation Area referenced and described in Exhibits A and Exhibit B of the subject property on the 18 day of June, 2018; and

**WHEREAS**, the Mayor and Town Council will conduct a public hearing to be held on the **13<sup>th</sup> day of August, 2018**, on the subject annexation and will hold the record open for additional time period to accept written testimony until the **7<sup>th</sup> day of September 2018**; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Kensington, that this Annexation Resolution be and hereby is adopted.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Town of Kensington, that the corporate boundaries of the Town of Kensington be, and they hereby are, enlarged and extended by including therein the Annexation Area referred to and described in Exhibits A and Exhibit B. attached hereto and incorporated herein by reference

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Town of Kensington that this Resolution shall become effective forty-five (45) days following its adoption, unless a petition for referendum thereon shall be filed as permitted by law.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Town of Kensington that after the effective date of the amendment to the boundaries of the Town provided for by this Resolution, the property annexed into the Town by this Resolution, and all owners of such property and all persons residing within the areas annexed, shall be subject to the Charter, laws, ordinances and resolutions of the Town of Kensington.

**BE IT FURTHER RESOLVED**, by the Mayor and Town Council of the Town of Kensington that promptly after this Resolution shall become effective, the Town Manager shall send copies of said Resolution to the following:

Number of Copies	Agency
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County

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[Brackets] : Indicate matter deleted by amendment.

**ADOPTED** by the Town Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Tracey C. Furman, Mayor and President of  
the Council

THIS IS TO CERTIFY, that the foregoing  
Resolution was adopted by the Town  
Council, in public meeting assembled on the  
\_\_\_\_th day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Susan C. Engels, Clerk-Treasurer

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[Brackets] : Indicate matter deleted by amendment.