



Lauraner Knowles Estate, Preliminary Plan No. 120190080



Amy Lindsey, Planner Coordinator, Area 2 Division, amy.lindsey@montgomeryplanning.org, 301-495-2189



Patrick Butler, Supervisor, Area 2 Division, Patrick.Butler@montgomeryplanning.org, 301.495.4561



Carrie Sanders, Chief, Area 2 Division, Carrie.Sanders@montgomeryplanning.org, 301.495.4653

Completed: 6/17/2019

Description

Request to create 12 Lots for 12 townhouses, two outlots for future development, two HOA parcels, and one HOA Common Open Space parcel.

Location: 10509 Summit Avenue.

Sector Plan: 2012 *Kensington Sector Plan*.

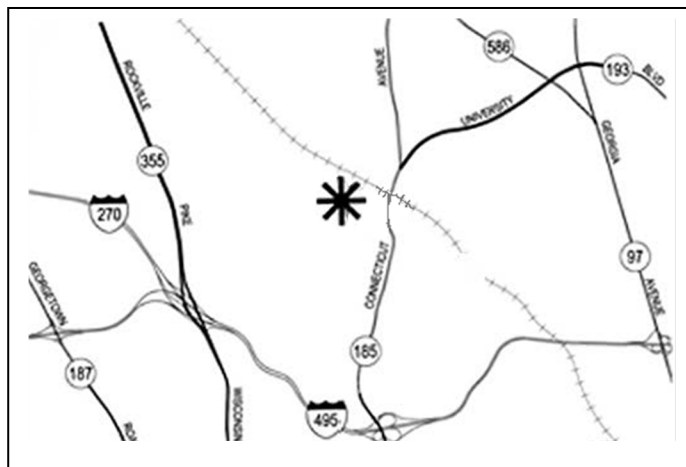
Zone: CRT-1.5, C-1.0, R-0.5, H-60.

Property Size: 0.84 acres.

Applicant: Thomas Brault/10509 Summit Venture, LLC.

Acceptance Date: October 30, 2018.

Review Basis: Chapter 50, Subdivision Regulations.



Summary

- Staff recommends denial of the Preliminary Plan because the Planning Board cannot make a substantial number of the required Preliminary Plan findings.
- The application requires changes to the proposed lot lines, private alley parcel, and plan details in the Applicant's final submittal. The number of edits required to the application to meet code requirements does not allow the Applicant to demonstrate to the Planning Board what the final layout of the plan will be, including configuration of the lots, alleys, open spaces, ROW dedication, and other plan details.
- Based on a submittal dated March 30, 2019, the Applicant ultimately intends on obtaining approval of 19 lots for townhouses but lacks the density to do so under the current CRT Zone. As a result, this application is an incremental step toward a larger project envisioned by the Applicant.
- Staff recommends the Planning Board deny this application because it does not meet the findings of the Preliminary Plan, and that the Applicant apply for either a density transfer from the adjoining Applicant-owned property or a rezoning via a floating zone application to seek approval of the density required to support the 19 residential lots.
- If the Planning Board denies the Application, a new Preliminary Plan will be required and will need to incorporate all of the outstanding items. If this Application is deferred, the Application will not meet the schools adequacy determination needed by Chapter 50 and will need to be continued until the time the school moratorium is lifted.
- Subject Property is located within the Walter Johnson cluster, which is projected to go into moratorium on July 1, 2019.

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ATTACHMENTS

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2. Preliminary Plan submitted on March 30, 2019
3. Preliminary Plan submitted on May 10, 2019
4. Plats and Deeds
5. Agency Letters

SECTION 1: SITE DESCRIPTION

Vicinity

The Property subject to this Preliminary Plan application (Property or Subject Property) is outlined in red in Figure 1 below. The Property is located within the Town of Kensington, on the northeast corner of the intersection of Knowles Avenue and Summit Avenue. The Subject Property is located within the 2012 Kensington Sector Plan area and is approximately 3,000 feet west of the Kensington MARC Rail Station.

There are small-scale commercial/industrial uses adjoining the Property to the north and east. Confronting the Property to the west, across Summit Avenue, is the Kaiser Permanente office building. Confronting the property to the south, across Knowles Avenue, are single-family residences. Other significant land uses in the area include the West Howard Antiques District (north), future Knowles Manor senior living facility (south-east), Safeway (east), Housing Opportunities Commission of Montgomery County offices and Kensington Skate Park (south), and Kensington Park Library (west).



Figure 1 Vicinity Map

Site Description

The Subject Property is comprised of Lots 15, 17, and 19 and Parts of Lots 21, 23, and 25 of the Copp and Hucks Subdivision. The 36,409-square foot Property is zoned CRT-1.5, C-1.0, R-0.5, H-60. The Property is currently improved with a house used commercially and an adjoining surface parking lot. There is vehicular access from Summit Avenue and an unused curb cut on Knowles Avenue.



Figure 2 Subject Property

SECTION 2: PROJECT DESCRIPTION

Initial Proposals

The Applicant's initial proposal October 30, 2018 was for nineteen (19) residential townhouse lots as a standard method project, which does not require Moderately Priced Dwelling Units (MPDUs) or a Site Plan application (Attachment 1). While the Applicant acknowledged the correct zoning, the proposal included an incomplete data table identifying density by number of units. Subsequent submissions provided different, but incomplete and incorrect information in the data table. On March 30, 2019, the Applicant submitted a revised application, showing ten (10) residential townhouses and nine live/work townhouses (Attachment 2). With this submittal, it appeared that the Subject Property did not have enough density to support the Applicant's proposal. On April 12, 2019, Staff asked for additional information and clarification regarding the square footage of the commercial and residential component of the live/work townhouses in order to make a definitive determination regarding the proposed density. Based on this additional information provided by the Applicant, it was determined there was not enough residential density to support nineteen townhouses proposed. Thus, on May 10, 2019, the Applicant submitted a revised application to propose twelve (12) residential townhouse lots, two outlots for future development and one (1) Common Open Space (COS) parcel. The Applicant has indicated a desire to develop the two (2) outlots in the future by either a density transfer from the adjoining property, or by applying for a floating zone application for additional residential density. Neither proposal has been reviewed or analyzed with this Application.

Current Proposal

The Applicant is proposing to subdivide the Property into twelve (12) lots to develop with twelve (12) townhouses, two (2) outlots and one (1) COS parcel (Figure 3, Attachment 3). Eight (8) of the townhomes front on Knowles Avenue and the remaining four (4) front on Summit Avenue. The

townhouses are all rear loaded and the development uses private alleys to provide vehicular access to all units. A Common Open Space (COS) parcel is located internal to the site, providing passive recreation opportunities. Stormwater planter boxes located at the front of each lot provide quality management, while a structural bayfilter facility is located underground in the COS area, providing quantity control. The Property is connected to the surrounding neighborhood, including adjacent commercial areas, by sidewalks.



Figure 3 Proposed Development

Two Outlots are proposed with this Preliminary Plan that are intended for future development by either density transfer from the adjoining property, or a floating zone application for additional residential density. While several standards are not being met, as outlined in Section 3 of this report, the infrastructure on the Property is intended to accommodate the potential future density.

SECTION 3: PRELIMINARY PLAN ANALYSIS AND FINDINGS

The Proposed Preliminary Plan was analyzed using Chapter 50 – Subdivision Regulations in effect February 12, 2017 and all relevant Master Plans. In addition to over 30 revisions that would be required, which will impact the overall layout and design of the proposed lots, alleys, opens space and outlots, the following major issues still remain.

Summit Avenue Frontage

Issue — The current Summit Avenue right-of-way (ROW) is 75 feet, and the 2018 *Bicycle Master Plan* requires 80 feet of ROW on Summit Avenue to accommodate all necessary improvements within the MCDOT and Planning Staff approved cross-section. Through extensive research of previous plats and deed history, Planning Staff has determined that the majority of the existing ROW, approximately 47 feet, was previously dedicated from the confronting property on the west side of Summit Avenue, and that the Subject Property previously dedicated approximately 28 feet (Attachment 4). Therefore, five (5) feet of dedication is required from the Property. Dedication of the required ROW will impact the ultimate property line, unit configuration, alley location, and the future outlots (Figure 13).

Issue — The Applicant is showing inadequate cross-sections within the existing ROW that do not include all required elements of the interim and final conditions of Summit Avenue (Figure 4). The plans do not include a maintenance buffer and include inadequate sidewalks. Staff supports MCDOT's recommended sections, which requires an additional five (5) feet of dedication. The additional dedication will allow for an interim (Figure 5) and final roadway condition, which will include a 10-foot-wide two-way separated bike lane with a three-foot buffer (Figure 6). The 10-foot-wide two-way separated bike lane cannot be constructed without the dedication of five (5) feet.

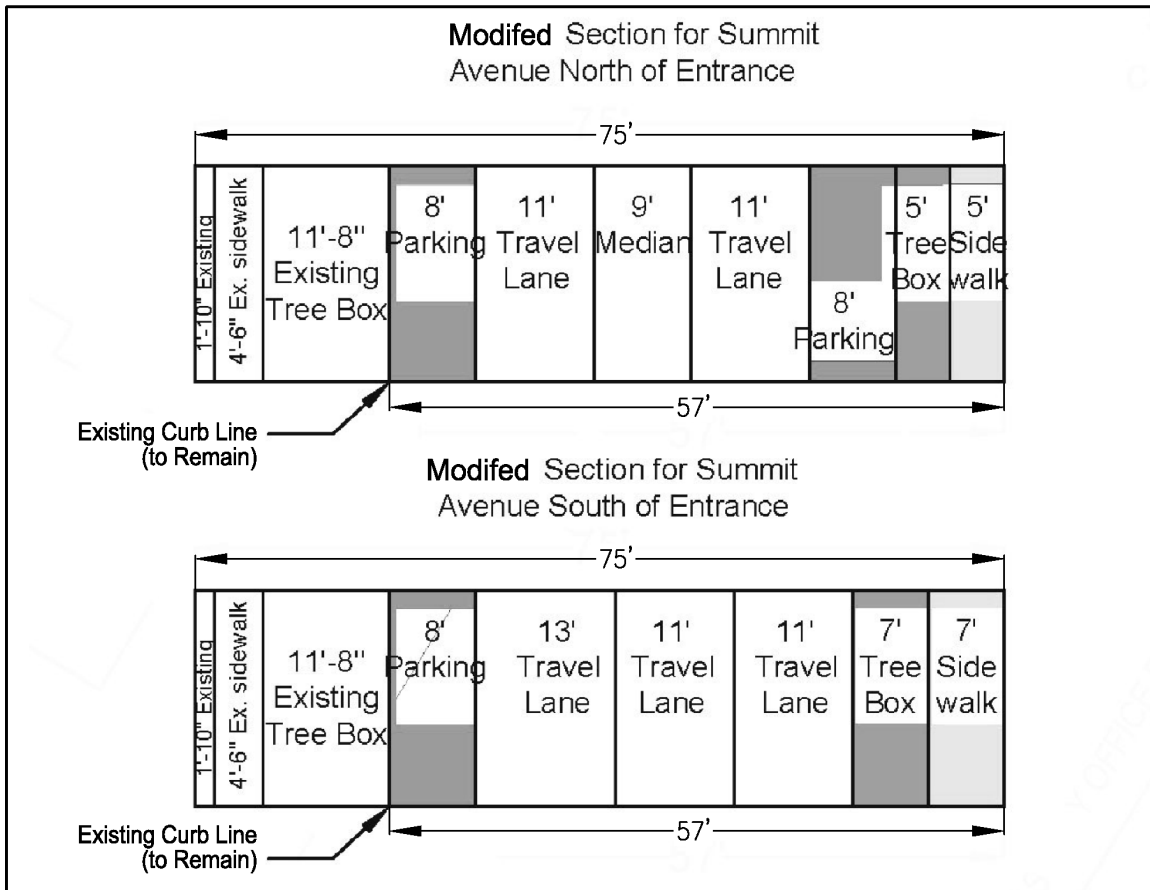


Figure 4 Applicant's Summit Avenue Cross-sections (Interim Condition, 75' ROW)

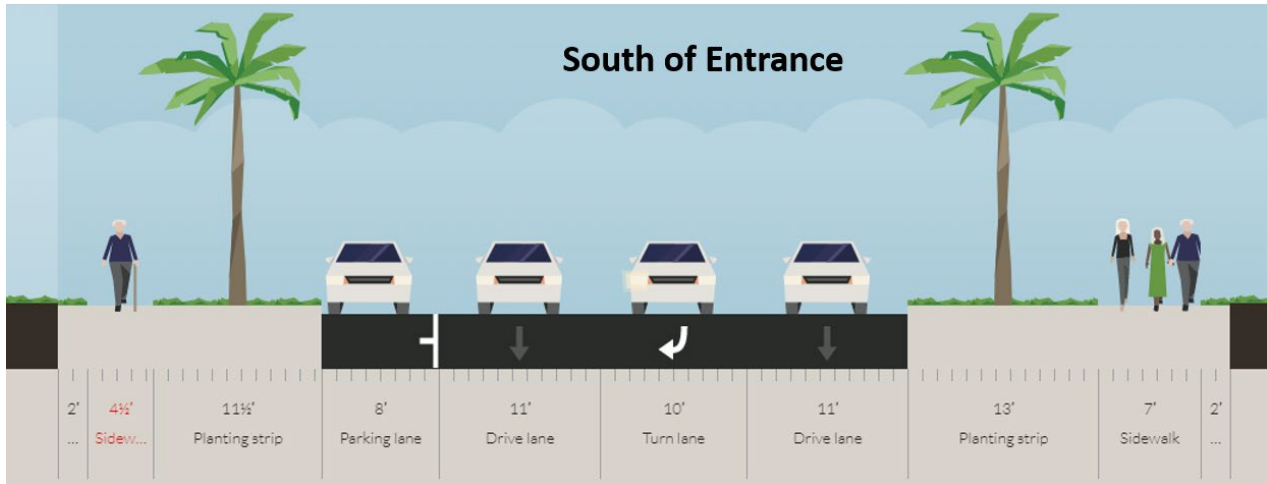
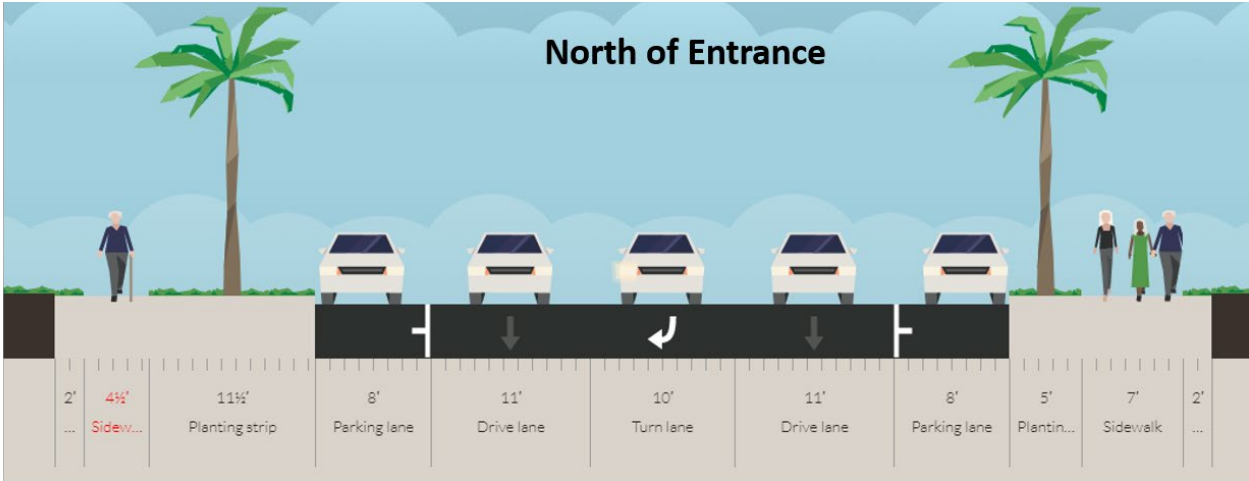


Figure 5 MCDOT Cross-Section (Interim Condition, 80' ROW)

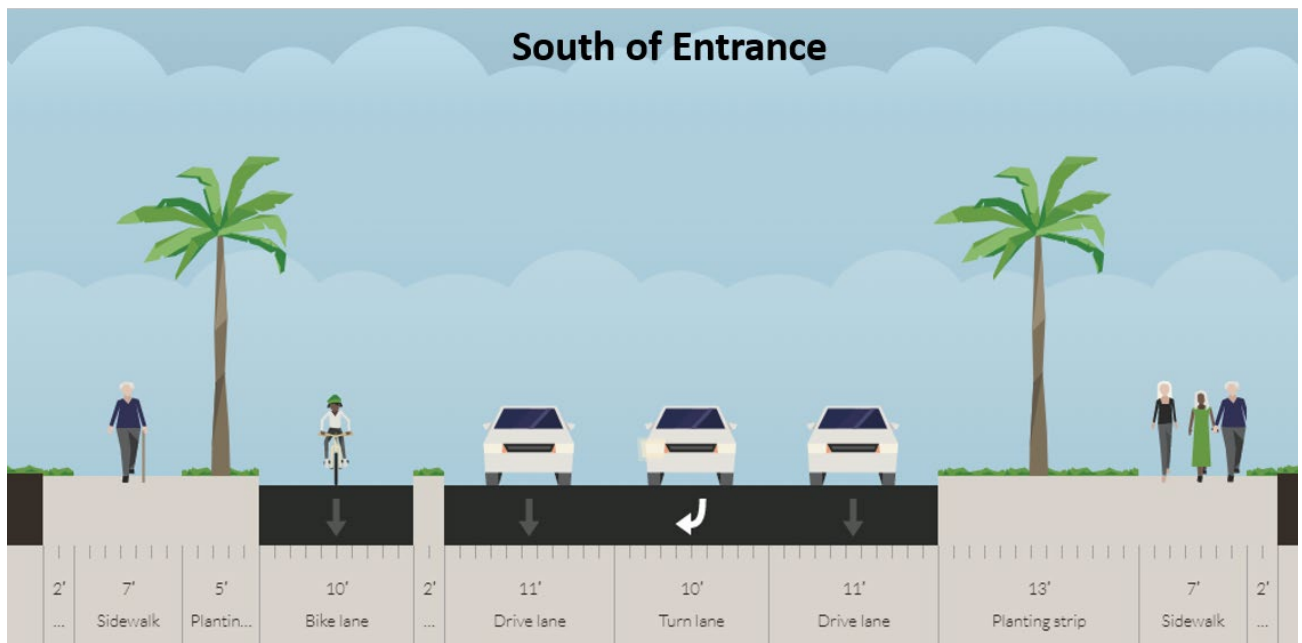
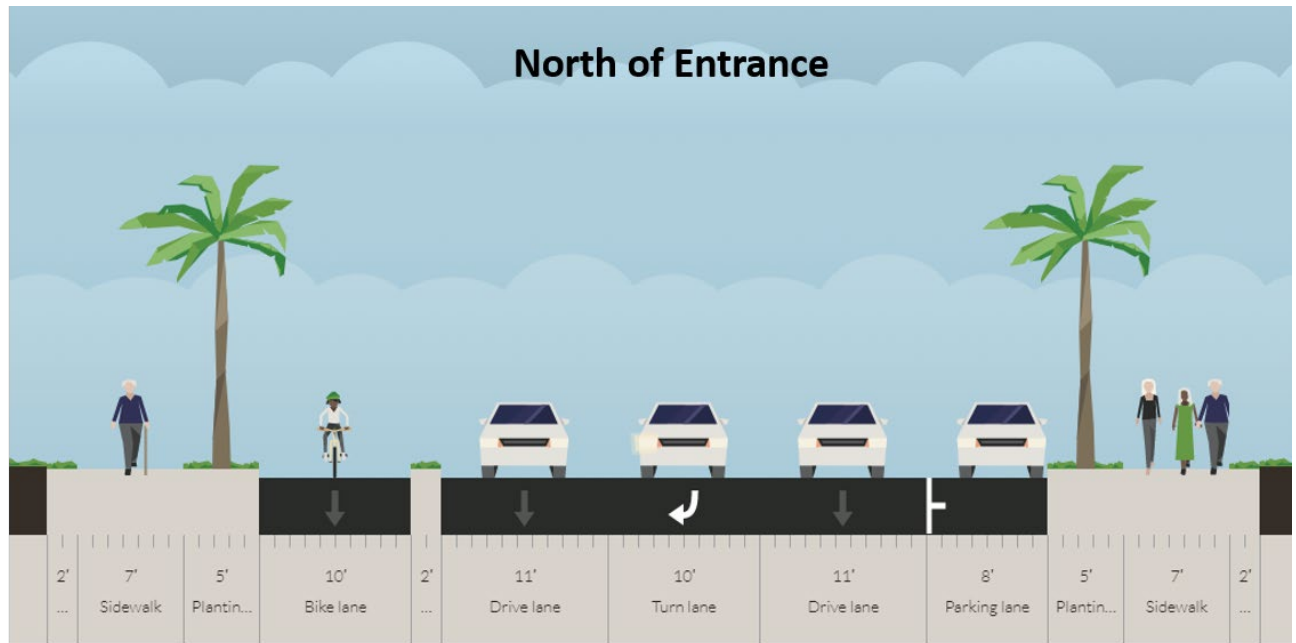


Figure 6 MCDOT Cross-Section (Final Condition, 80' ROW)

In addition to the cross-section missing maintenance strips and adequate sidewalks, the Applicant's cross-section includes a travel lane that is not properly aligned. The north-bound travel lane shifts at the entrance to the Property (Figure 7).

Internal Alley Design

Issue — The internal vehicular system, labelled "Private Street", does not follow the cross-section provided, and is not designed to allow safe and efficient access and use. The Summit Avenue alley, behind lots 70-73 (Figure 8), has a ROW that is 23-feet-wide (measurement A), yet an entrance width of 16 feet (measurement C) and a traffic width of 15 feet (measurement B). The alley is an insufficient width to provide safe and efficient two-way travel.

The Knowles Avenue alley, behind lots 82-85 (Figure 9), has a width that varies between 15.6 feet and 18.2 feet due to angled lots. Per Section 49-32(d)(8) of the Montgomery County Code, "The minimum right-of-way for a road may be specified in the applicable master plan or sector plan for the area where the road is located. If a minimum right-of-way for a particular road is not specified in a master plan or sector plan, the minimum right-of-way must be 20 feet for an Alley". While there is additional paving on private lots, those areas are considered driveways, are not a part of the private alley and they may be obstructed. The alley is an insufficient width to provide safe and efficient two-way travel. Furthermore, as a private road, the alley must be in its own separate parcel and must meet minimum corresponding public road standards. The typical ROW width for an alley of this design is 20 feet. While a narrower alley width can be approved by demonstrating that adequate turning movements and safe and efficient pedestrian access can be achieved with an accompanying cross-section, the Applicant has not been able to demonstrate adequate turning movements and safe and efficient vehicular and pedestrian access.

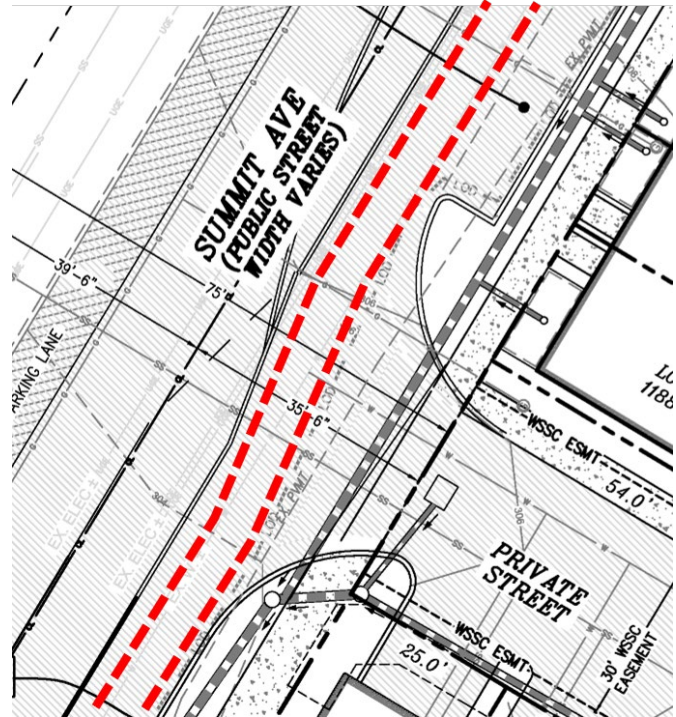


Figure 7 Northbound Lane Alignment Issues

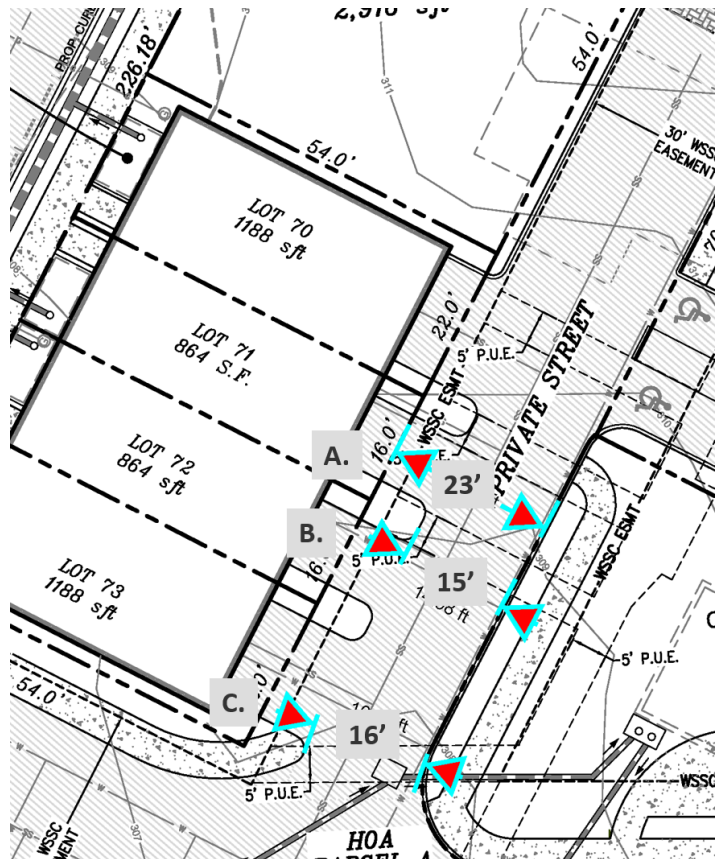


Figure 8 Summit Avenue Alley

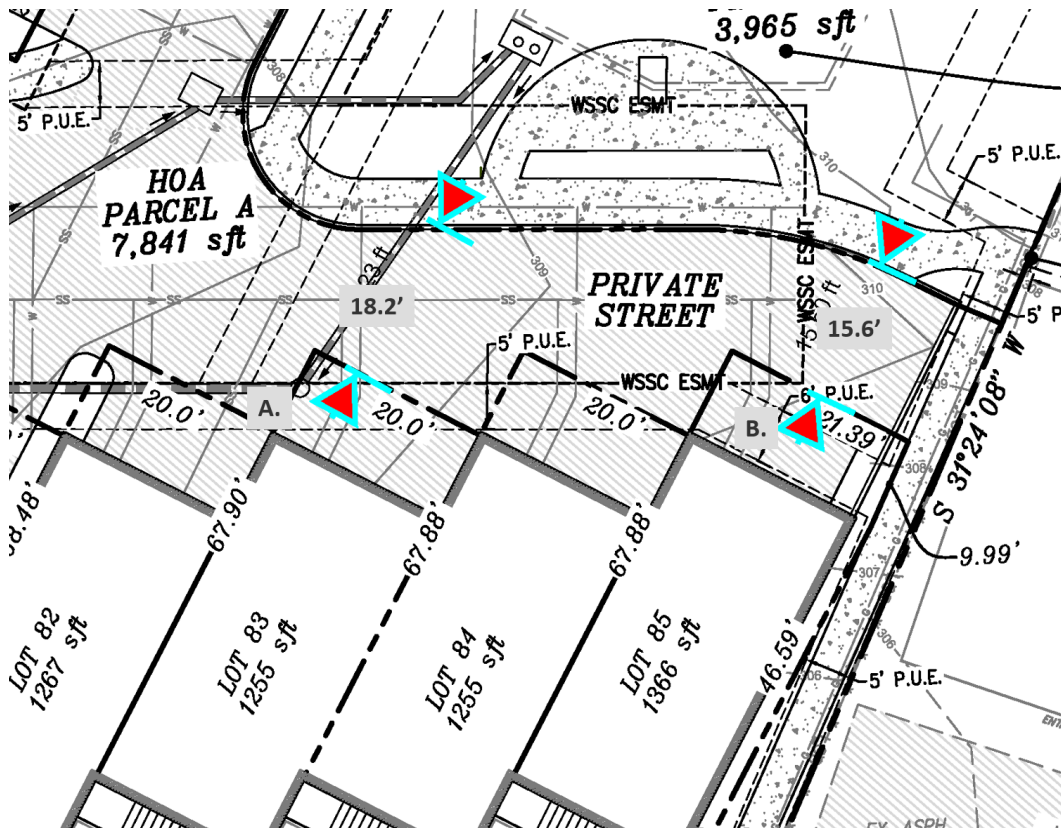


Figure 9 Knowles Avenue Alley

Issue — The Knowles Avenue Alley does not allow standard automobiles the ability to park head-in for units 83-85. A car is not physically able to turn into a garage within the space provided (Figure 10). The blue cars are inbound and attempting to access the garages; the red cars are outbound cars.

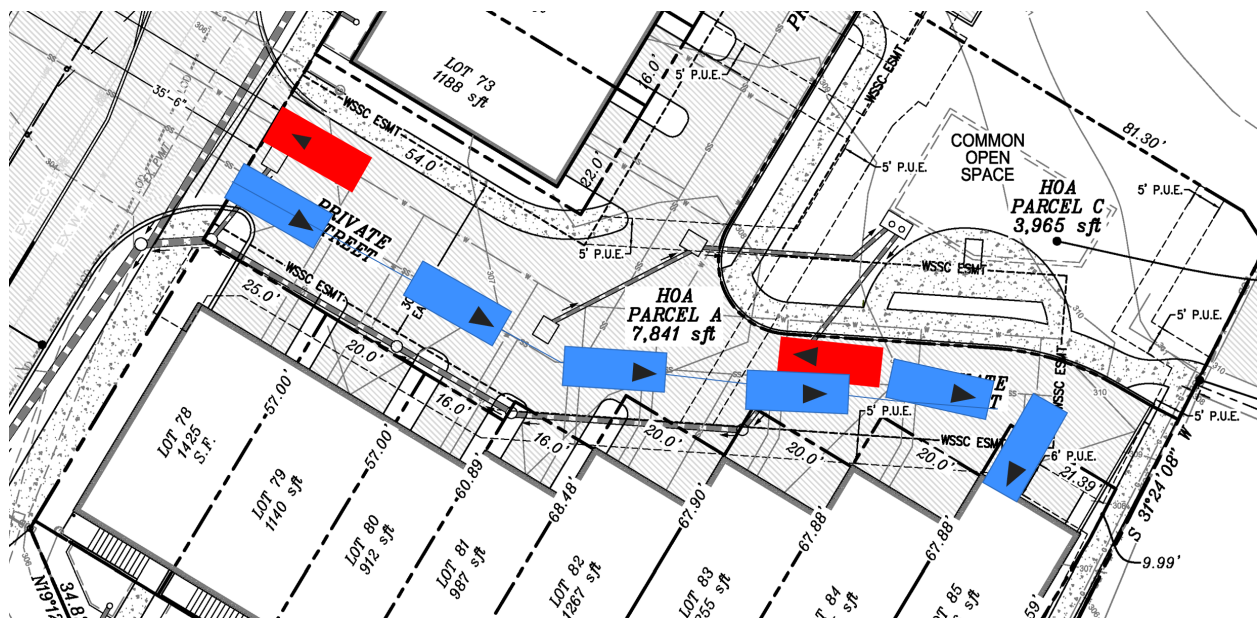


Figure 10 Knowles Avenue Alley Garage Access

Issue — While the proposed project received a Fire Department Access Plan approval (Figure 11) from the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, on January 22, 2019, the internal alley system has subsequently changed with the final plan submittal on May 10, 2019. The current alley system conflicts (Figure 12) with the approved Fire Department Access Plan.



Figure 11 Approved Fire Department Access Plan

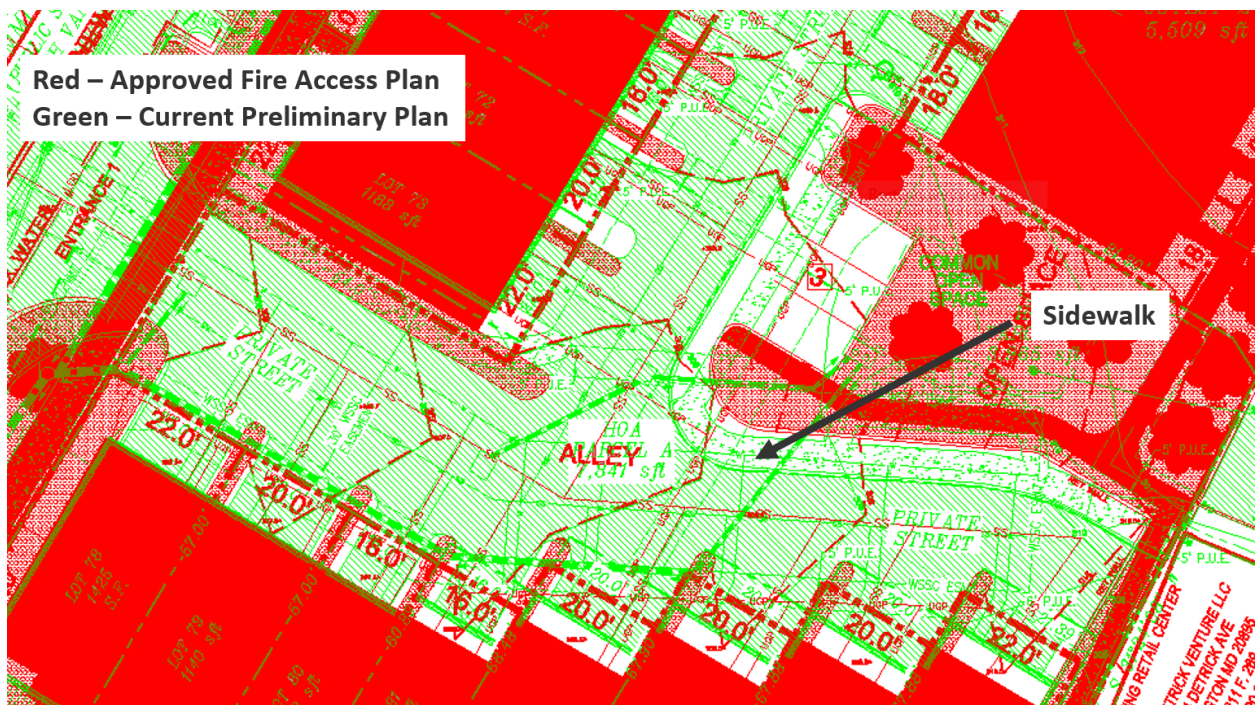


Figure 12 Fire Department Access Overlay

The cumulative impact of the required five (5) feet of dedication and alley redesign for a minimum width of twenty (20) feet will impact the size, configuration and location of the proposed lots, COS parcel and the outlots (Figure 13). There is no way to define the lot size, shape, width, orientation and configuration of lots that meet all requirements. For example, the orientation of the Knowles Avenue Alley will need to be adjusted to allow for vehicular entry into garages. Also, any new plan must be reviewed and approved for Fire Department Access.

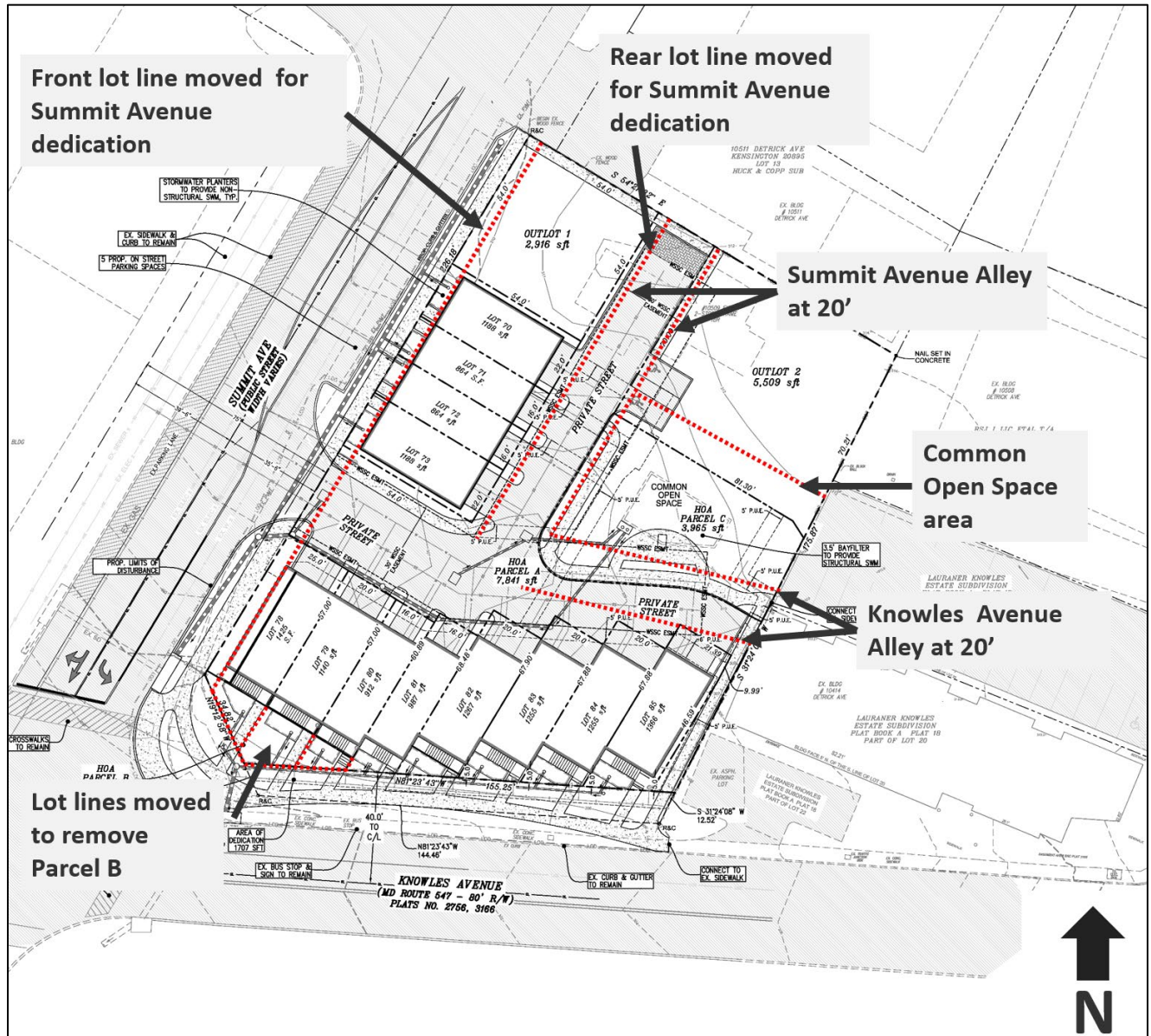


Figure 13 Cumulative Impacts of Changes

Other Issues

Other issues associated with this plan include:

- Curb radii are currently shown at 25 feet but must be reduced to 15 feet.
- Stormwater inlet location does not match the sections provided and must be relocated to the center of the alley.

- Not all units have adequate maneuvering area for garage use.
- ADA-compliance of sidewalks, designated parking spaces, and crosswalks.
- Internal sidewalks are shown at less than the minimum five (5) feet in width.
- Based on the design of the alleys, green panels are necessary and missing from internal sidewalks.
- Plans include Parcel B, which includes the front yards and stormwater management facilities for lots 78-80. This area should be incorporated into the individual lots and will not be accepted as open space.
- The Open Space plan shows a privacy fence located between 3 ½ feet and 1 ½ feet away from unit 85. This fence is either six (6) feet or eight (8) feet in height (the labelled height is inconsistent with the detail), not contiguous with a property line, and will leave a wedge of land impossible to maintain. It is not clear who this fence serves and what the purpose is. The fence should be between the commercial use and the residential use.
- The plans do not include an ADA-compliant, five (5) foot by eight (8) foot concrete pad at the bus stop and a lead walk connection to the proposed sidewalk.
- The application must include elevation drawings and material palettes to support the master plan findings for compatibility.

Findings

Chapter 50-Subdivision Regulations in effect February 12, 2017, requires the Planning Board to make the following findings to approve a Preliminary Plan:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The combination of the required five (5) feet of dedication along Summit Avenue and required revisions to provide adequate turning movements and safe and efficient pedestrian access in and along the internal alley will significantly impact the overall layout of the subdivision and the configuration of the COS parcel and the size and configuration of the proposed outlots. The required modifications do not allow Staff to provide the Planning Board with an accurate representation of the final layout of the subdivision.

- a. *The Preliminary Plan provides for required public sites and adequate open areas.*

Although the Preliminary Plan provides adequate space for a bus stop, this is not shown on the plans. The Preliminary Plan provides a COS parcel, approximately 3,965 square feet in size, which meets the minimum open space requirements for this development. However, given the dedication and many other required revisions, it is not possible to confirm the size, width, shape and configuration of the final COS parcel.

- b. *The Lot(s) and Use comply with the basic requirements of Chapter 59.*

The lots were reviewed for compliance with the dimensional requirements for the CRT Zone, as specified in the Zoning Ordinance. Due to the many revisions required, Staff cannot confirm that the ultimate lot size, shape, width, orientation and configuration of lots will meet the minimum requirements of Chapter 59.

2. *The Preliminary Plan substantially conforms to the Sector Plan or Urban Renewal Plan.*

The Property is located at the corner of Knowles Avenue and Summit Avenue, within the Town Center District, as delineated on page 20 of the 2012 *Kensington Sector Plan*. According to page 21 of the Sector Plan, “The town center is envisioned as a walkable attractive place with local convenience retail, housing, dining and entertainment, offices, and neighborhood services in a compact development pattern with a variety of buildings along Connecticut Avenue.”

The Property is a part of analysis area TC-19, as outlined on page 22 of the Sector Plan. The Sector Plan recognized the small scaled parcels within this analysis area and expected proposals to be filed under the Standard Method. The Sector Plan did state that should significant land assembly occur, optional method, mixed-use development would be desirable. The project is currently submitted as a stand-alone, standard method project but could have been submitted as a part of an optional method application along with the adjacent property to the east, which is owned by the same entity.

The project proposes townhouses within the Town Center district, which is a desirable use to further the Sector Plan’s goal for creating a mixed-use core for the Town of Kensington. The townhouse typology will diversify housing options within the Town Center district. However, there are two main areas of concern that Staff has identified as they relate to the current proposal:

1. Both the Sector Plan and Urban Design Guidelines emphasize that development within the Town of Kensington should be compatible with the Town’s character and not detract from it. While the Property is not within a historic district, the Sector Plan and Urban Design Guidelines still recommend that compatibility be a key factor in building design. Staff has not received architectural drawings or material palettes that indicate what the townhouses will look like. It is not possible for Staff to ascertain what the character of this development will be and whether that character is compatible with the Town’s overall character. Therefore, Staff is unable to find conformance with the Sector Plan with the current application, as submitted.

In order to make the compatibility finding required by the Sector Plan, the Applicant must provide elevation drawings and a material palette subject to review and approval. The proposed design should incorporate the following elements as described in the Sector Plan and Urban Design Guidelines:

- Strong delineation of a base – middle – top.
 - Strong horizontal expression along the top datum line where a traditional cornice would occur.
 - A balanced façade composition with repeating bays and standard doors and windows.
 - Human scaled design features and details, especially along the base.
 - Detailing in the portion of the façade along Knowles Avenue and Summit Avenue, especially at the ground floor level.
 - Details regarding the public art element being considered at the corner of Knowles and Summit Avenue.
2. Both the Sector Plan and Urban Design Guidelines emphasize the need for street-oriented development that creates an animated community life along the sidewalks to encourage

high levels of pedestrian comfort and activity. Staff has the following concerns regarding the project as submitted:

- a. Due to the elevation change across the property, the townhouses along Knowles Avenue will have their ground floors elevated several feet above the street level. While the applicant has applied certain strategies such as turning the stairs sideways to minimize their impact on the streetscape, Staff has not received details that show how the architecture of the townhouses will respond to this site constraint. The architectural details of the lower floors / levels will have a tremendous impact on the quality of the streetscape along Knowles Avenue.
- b. The entry into the parking drive off Summit Avenue has very wide curbs even though this drive is not required to be a Fire Department Access Route for the project as submitted. These wider turning radii make walking across the drive unpleasant and unsafe since vehicles tend to speed around turns with larger radii.
- c. It is unclear to Staff what the treatment of “Outlot 1” will be along Summit Avenue and how it will impact the character of the streetscape.

The lack of information regarding the above-mentioned concerns has prevented Staff from finding conformance with the Sector Plan for the proposal. Again, in order to make the compatibility finding required by the Sector Plan, the Applicant must provide elevation drawings and a material palette subject to review and approval.

3. *Public Facilities will be adequate to support and service the area of the subdivision.*

Without the required dedication and improvements along the Property frontage of Summit Avenue and required revisions to the internal sidewalks and alleys, the proposed infrastructure is not adequate to support and service the proposed development. However, as of the date of this staff report, intersection capacity/delay, school capacity and other public services are adequate to support the proposed development. After July 1, 2019, school capacity will not be available, and this area will go into moratorium.

Transportation

Sector-Planned Roadways, Bikeway, and Transitway

Knowles Avenue (MD 547) is designated as an Arterial (A-66), with a recommended 80-foot ROW in the 2012 *Kensington Sector Plan*. The Sector Plan designated Summit Avenue as a Business District Street (B-2) between Knowles Avenue and Plyers Mill Road, featuring a 70-foot ROW, two travel lanes, on-street parking, and a 25-mph target speed. To accommodate bicycles, the Sector Plan also designated Summit Avenue as a signed, shared roadway bike facility, noting that a bikeway on Summit Avenue will serve as an important connection from Kensington to NIH and Bethesda.

The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on the west side of Summit Avenue between Knowles Avenue and Plyers Mill Road. Summit Avenue’s 70-foot ROW was originally maintained in the Bicycle Master Plan but was amended to 80-feet by the Montgomery County Council in November 2018. The ten (10)-foot expansion provides adequate width for all necessary facilities, including landscaping, sidewalks, storm water management, on-street parking, maintenance buffers, and the separated bike lanes. The two-way bike lanes should be ten (10)-feet-wide, with a three-foot buffer. However, the existing Summit Avenue

ROW for this segment is already 75 feet, so an additional five (5) feet of dedication by the Applicant is necessary to meet the requirements of the 2018 *Bicycle Master Plan*.

Additionally, MCDOT is studying an extension of Summit Avenue north of the site to Dupont Avenue or Farragut Avenue. Phase I of the facility planning for this project is ongoing. If the Phase II study goes forward according to the funding schedule in the current capital program, a Summit Avenue Extended Capital Improvements Program (CIP) project may be a candidate for inclusion in the FY21-26 CIP.

Vehicular Site Access

Vehicle access to the Property is provided from Summit Avenue. The Property's internal vehicular circulation is proposed to be provided by alleyways, with 36 parking spaces accommodated off-street. Two-way alleyways in urban areas are to be a minimum of 20-feet-wide. As currently proposed, Staff has concerns regarding ingress and egress of vehicles from several townhome unit garages (Figure 10). Two ADA accessible parking spaces are also proposed. Kensington is designated as an Urban Road Code Area, and per Bill 33-13, the curb radii at the entrance to the site should be reduced to fifteen (15) feet to shorten the pedestrian crossing distance.

Public Transit Service

The Property is one-half mile from the Kensington MARC Station. Three Ride On routes operate service on Summit Avenue and Knowles Avenue:

- Ride On Route 5: Operates between the Twinbrook Metrorail Station and the Silver Spring Metrorail Station, providing intermediate service to the White Flint and Grosvenor-Strathmore Metrorail stations, and Kensington.
- Ride On Route 34: Operates between Aspen Hill and the Friendship Heights Metrorail Station, providing intermediate service to the Wheaton Metrorail Station, Kensington, the Medical Center Metrorail Station and NIH, and the Bethesda Metrorail Station.
- Ride On Route 37: Operates between the Potomac Community Center and the Wheaton Metrorail Station, providing intermediate service along Tuckerman Lane, to the Grosvenor-Strathmore Metrorail Station, and to Kensington. Service in Kensington is only provided during the weekday morning peak period (westbound to Potomac) and evening peak period (eastbound to Wheaton); Route 37 does not operate on Saturday or Sunday.

Pedestrian Facilities

The Applicant is proposing five (5)-foot-wide sidewalks along the Property's frontage on Knowles Avenue and five (5) to seven (7)-foot-wide sidewalks along Summit Avenue. The sidewalks are separated from the roadway by a five (5)-foot-wide landscape panel on Summit Avenue and a five (5) to ten (10)-foot-wide landscape panel on Knowles Avenue. The Applicant is also proposing lead-in sidewalks from Summit Avenue and Knowles Avenue, including a five-(5) foot-wide sidewalk through the Property to provide a pedestrian connection from Summit Avenue to Detrick Avenue. The Kensington Sector Plan envisions Kensington's "Town Center" as a walkable attractive place with a compact development pattern. This Property is located on the western edge of the "Town Center" and a thru connection will help establish a streetscape that enhances the public realm.

Local Area Transportation Review (LATR)

The number of peak-hour trips generated by the proposed development are based on the Institute of Transportation Engineers' (ITE) Trip Generation rates. The original trip generation analysis was based on nineteen (19) units and generated a total of 18 peak hour vehicle trips. The unit count has since been reduced to twelve (12) units. The number of morning and evening person trips is fewer than the standard of 50 or more trips within the weekday peak hours. As such, under the 2016-2020 Subdivision Staging Policy, a traffic study is not required to satisfy the LATR test.

Schools

Schools Test

Preliminary Plan application #120190080 for Lauraner Knowles Estate was accepted on October 30, 2018. The applicant proposes twelve (12) townhouse lots and dwelling units. The application is scheduled for Planning Board review on June 27, 2019. Therefore, the applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Property is located in the southwest region of the County.

Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

With a net of 12 new single-family attached (townhouse) dwelling units, the proposed project is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Attached	12	0.191	2.292	0.094	1.128	0.124	1.488
TOTAL	12		2		1		1

Cluster Adequacy Test

The project is located in the Walter Johnson High School Cluster, which for FY19 is conditionally open for new residential development. The student enrollment and capacity projections from the FY19 Annual School Test for the Cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,586	4,541	101.0%	5,450	4,588
Middle	2,333	2,429	96.0%	2,915	2,334
High	2,718	2,330	116.7%	2,797	2,719

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this project fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The project is located within the North Bethesda MS and the Kensington-Parkwood ES service areas. For FY19, both service areas are open for new residential development.

Based on the FY19 Annual School Test, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2023				Moratorium Thresholds		Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Seat Deficit	
Kensington-Parkwood ES	647	746	86.7%	+99	896	856	649
North Bethesda MS	1,188	1,229	96.7%	+41	1,475	1,409	1,189

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium and the Planning Board cannot be approved by the Planning Board.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this project falls below both applicable moratorium thresholds for North Bethesda MS and Kensington-Parkwood ES. Therefore, the schools' service areas are open for residential development for FY19.

Based on the school cluster and individual school capacity analysis performed using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 42019044E) on October 4, 2018. The Property lies in the Lower Rock Creek watershed and contains no forest, streams, wetlands, or floodplains, or any associated buffers.

Forest Conservation

The Property is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code) but has received an exemption from Article II from the requirements of preparing a forest conservation plan under Section 22A-5(s)(2). This exemption covers an activity conducted on a tract less than one acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on March 20, 2019. The Application will meet stormwater management goals through microbioretention facilities and a structural bayfilter.

6. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

Private Roads

The Applicant is proposing a private alley to provide vehicular access to all units. As reflected in other similar cases approved by the Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths. As currently shown, the private alleys are not designed to the minimum public road standards. While Standard No. MC-200.01, Residential Alley was provided on the plans (Figure 14), neither Summit Avenue Alley (Figure 15) nor Knowles Avenue Alley (Figure 16) follows this standard by providing a minimum of 16' of unobstructed pavement and 20' of width.

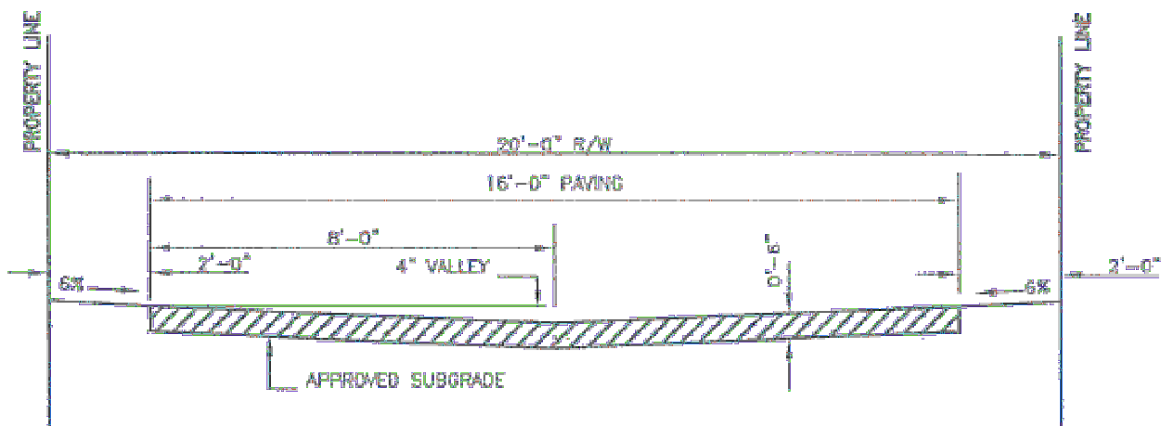


Figure 14 Standard No. MC-200.01

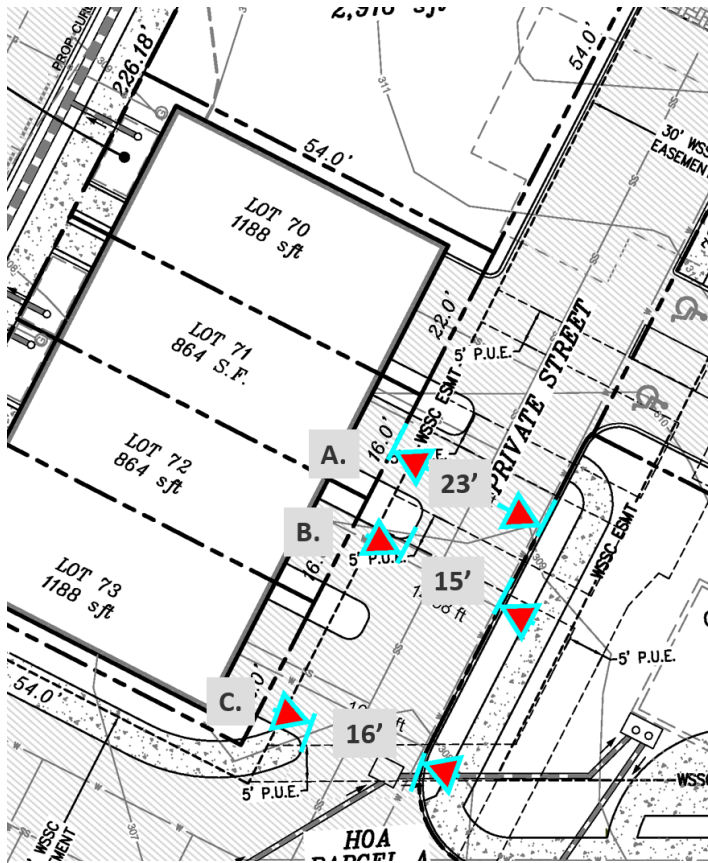


Figure 15 Summit Avenue Alley

While the width between property lines is 23 feet (measurement A) along the Summit Avenue Alley, the unobstructed paving width is less than the minimum sixteen (16) feet required (measurement B).

Knowles Avenue Alley has a paved area wider than the sixteen (16)-foot minimum required, this included paving on private driveways. Private driveways may be obstructed with parked vehicles. The distance between property lines is less than the twenty (20)-foot minimum specified in the standard (measurement A and B).

c Thus, the proposed private roads do not meet the standards of a public road, and this finding cannot be met.

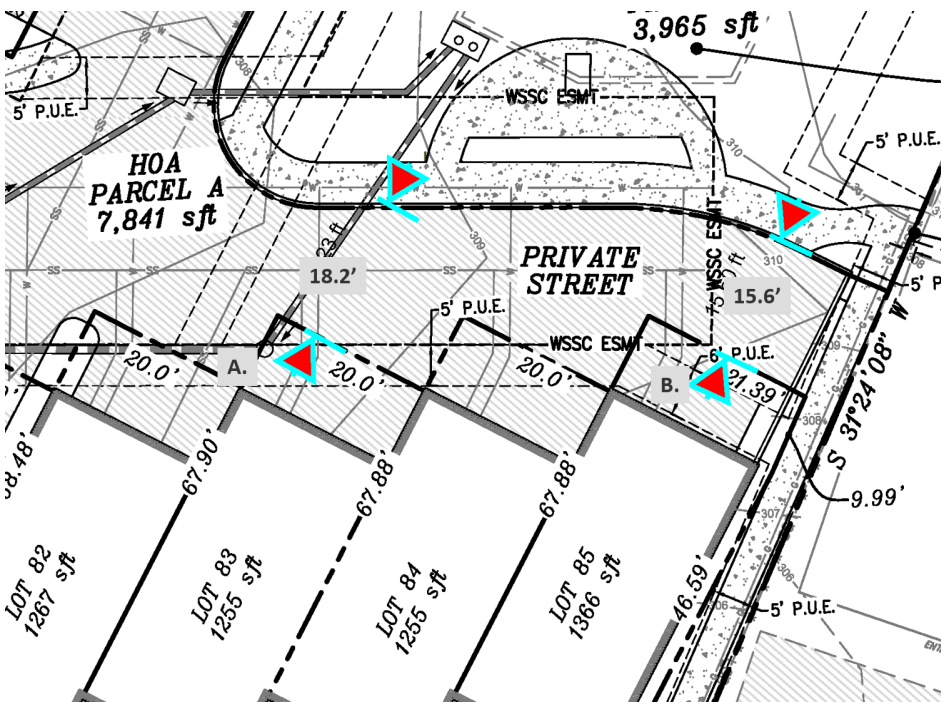


Figure 16 Knowles Avenue Alley

SECTION 5: CONCLUSION

Based on the analysis above, the Preliminary Plan does not meet all required findings under the Subdivision Regulations and lacks important information in order to find substantial conformance with the recommendations of the Kensington Sector Plan. Therefore, Staff recommends denial of the Preliminary Plan.

If the Planning Board denies the Application, a new Preliminary Plan will be required and will need to incorporate all of the outstanding items. If this Application is deferred, the Application will not meet the schools adequacy determination needed by Chapter 50 and will need to be continued until the time the school moratorium is lifted.