



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

MCPB No. 19-101
 Preliminary Plan No. 120190140
 Knowles Manor
 Date of Hearing: July 11, 2019

JUL 30 2019

RESOLUTION

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

WHEREAS, on February 11, 2019, Kensington Manor Senior Housing, LLC. ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 34,597-square feet of land in the CRT-2.5, C-2.0, R-2.0, H-75 zone, located at 3906 and 3910 Knowles Avenue ("Subject Property"), in the 2012 *Kensington Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No.120190140, Knowles Manor ("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 June 17, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2019, 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, on July 11, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 4-0 Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor, Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190140 to create one (1) lot 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:

Density and Use

1. This Preliminary Plan is limited to one (1) lot, approximately 28,357 square feet in size, for a base density of 69,195 square feet and 30,805 square feet of MPDU Bonus Density, for a maximum of 100,000 square feet for an Independent Living Facility for Seniors, per Section 3.3.2.C, including up to 94 residential units, with a minimum of 30% MPDUs or DHCA approved equivalent on the Subject Property.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Outside Agencies

3. Except for No. 6, the Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated March 8, 2019 and April 16, 2019 and incorporates them as conditions of the Preliminary Plan approval. Except for No. 6, the Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
 5. The Planning Board accepts the recommendations of the Maryland State Highway Administration (SHA) in its letter dated April 17, 2019, and amended by email dated June 6, 2019, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter as amended by the email, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
 7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated April 18, 2019 and 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
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amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS)- Fire Department Access and Water Supply Section in its letter dated March 18, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated May 10, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Concurrent Site Plan Approval

10. Before submitting a record plat application or clearing or grading the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820190080. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bikepaths are determined through site plan review and approval.
11. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

Existing Frontage Improvements

12. The Applicant must dedicate all land necessary to accommodate forty (40) feet from the centerline along the Subject Property frontage for Knowles Avenue and show on the record plat(s).
13. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to construct an eight (8)-foot-wide sidewalk along the property frontage on Knowles Avenue unless construction is waived by MDSHA.

Record Plats

14. Except for demolition of existing structures, no clearing or grading of the site is permitted prior to recordation of the plat.

Easements

15. The record plat must show necessary easements.

Notes and Labels

16. The record plat must reflect all areas under common ownership.
17. The final number of MPDUs required will be determined by the site plan approval.

Certified Preliminary Plan

18. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
19. 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 issuance of building permit(s) [or] site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

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 layout of the subdivision, including size, width, shape, orientation and density 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 lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2012 *Kensington Sector Plan* and the type of development. The lot was reviewed for compliance with the dimensional requirements for the CRT Zone as specified in the Zoning Ordinance. The lot meets all the dimensional requirements for area, frontage, width, and setbacks in the CRT Zone.

The Project satisfies the applicable development standards as shown in the following data table:

Table 1- Project Data Table			
Section 59	Development Standard	Permitted/ Required	Approved
	Tract Area (sf)		34,597 sq. ft.
	Previous Knowles Avenue Dedication		3,432 sq. ft.
	Knowles Avenue Dedication		2,808 sq. ft.
	Site Area		28,357 sq. ft.
Zone	CRT-2.5, C-2.0, R-2.0, H-75		
4.5.4.B.2.b	Density		
	FAR (Total)		
	Commercial	C-2.0	C-0
	Residential	R-2.0	R-2.0
	Gross Floor Area	69,195 sq. ft.	69,195 sq. ft.
	Bonus Density MPDUs ²	n/a	30,805 sq. ft.
	Total CRT Density	86,494 sq. ft.	100,000 sq. ft.
4.5.4.B.2.b	Building Height (feet)	75	60
4.5.4.B.3	Minimum Setback (feet)	0	n/a
4.5.4.B.1	Minimum Public/Common Open Use Space (%)	n/a	n/a
6.2.4.	Total Parking Spaces for 94 units³	47	47

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

The Preliminary Plan provides adequate space for a future bus shelter. Open space requirements are not applicable per this development proposal. Per Section 59.4.54.B.1.a “Open Space”, on a tract of land between .51 to 1.00 acres with one (1) frontage to a right-of-way the Optional Method Development is required to provide 0% of open space. However, the Applicant is providing an internal private courtyard as an amenity for the residents.

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

The lot was reviewed for compliance with the dimensional requirements for the CRT Zone, as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the zone.

² Approximately 29 units totaling 30,805 square feet (30 percent) are approved to be Bonus Density of the calculation of the Gross Floor Area as MPDUs.

³ Parking for bikes and vehicles will be determined at Site Plan.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Sector Plan's vision aims to "transform Kensington's exclusively commercial business district into an active Town Center with new residential uses." The Sector Plan also aims to "broaden housing choices for an array of ages and income" (Page 1). The Property is located within the Town Center District in the Approved and Adopted 2012 *Kensington Sector Plan*. The Sector Plan recommends the CRT- 2.5, C-2.0, R-2.0, H-75 Zone for the Subject Property.

Building Height and Density

The *Kensington Sector Plan* states that for 3906 and 3910 Knowles Avenue: "Smaller properties on Knowles Avenue could undergo joint development under the optional method or separate development under the standard method. Building heights on Knowles Avenue between Connecticut Avenue and Detrick Avenue should step down from 75 feet at Connecticut Avenue to 60 feet at mid-block and 45 feet at Detrick Avenue. Reduced density and building height at Detrick Avenue will help create a smoother transition to residential properties to the south and west." The Sector Plan states that the two smaller properties (3906 and 3910 Knowles Avenue) should have a maximum height of 60 feet (Page 26-27). Per the Zoning Ordinance, the Subject Property has a maximum permitted height of 75 feet. The height of 60 feet is consistent with Sector Plan.

Public Open Space and Connectivity

The Sector Plan's recommendations for connectivity prioritize pedestrians through recommending better streetscapes and encouraging biking and transit use within the Plan Area in general.

Pursuant to Section 59.4.5.4.B.1. of the Zoning Ordinance, the Project is not required to provide any Public Open Space since the Property comprises less than one acre in tract area and has frontage on only one public right-of-way. However, the Project will include a dedication of 2,808 square feet of right-of-way to allow for the Sector Planned 80-foot width on Knowles Avenue. The project will reserve area for a future bike lane as recommended in the *Bicycle Master Plan*.

Sector/Master-Planned Roadway and Bikeway

Knowles Avenue is designated as an Arterial, A-66, with a recommended 80-foot right-of-way in the 2012 Kensington Sector Plan area. The existing right-of-way is approximately 44 feet wide along the Property frontage. The Applicant is dedicating 18 more feet from the centerline for a total of 40 feet of right-of-way along Knowles Avenue. Although the 2012 Kensington Sector Plan recommends a signed shared roadway, SR-18, the 2018 Bicycle Master Plan recommends two-way separated bike lanes along the southside of Knowles Avenue. The

Applicant's ultimate cross-section for Knowles Avenue would accommodate the future two-way separated bike lanes.

Affordable Housing

The project is providing a minimum of 30 percent MPDUs, with the applicant expressing the potential of providing up to 90 percent MPDUs. Therefore, the proposal is in conformance with the affordable housing requirements. Providing more than the required proportion of affordable housing further supports the Sector Plan's goals for increasing housing options within the Town Center for all ages and incomes.

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

Circulation

Access to the site is limited to Knowles Avenue, which constrains vehicular access and internal circulation. One new driveway, located further west than the two existing driveways that will be removed as part of the Subject Project, will provide access to the Property's parking garage and internal loading areas. As part of the streetscape improvements, a layby is proposed to handle pick-ups/drop-offs, deliveries and other short-term parking needs. The Town of Kensington requested the layby be incorporated into the design to accommodate transportation services for the Property's older adult residents.

Vehicular Site Access Point and Parking

Vehicular access to the Property's parking garage and loading areas is from Knowles Avenue. Due to vehicular congestion on Knowles Avenue during the morning and evening peak periods, "No Left Turn" and "Right Turn Only" signs will be installed on Knowles.

The layby will provide a dedicated zone for transportation providers serving the Property's older adult residents. Providing the layby will reduce on-street conflicts and improve vehicle flow on Knowles Avenue.

Parking

The number of parking spaces in the on-site parking garage meet the requirement per the Zoning Ordinance, by providing 47 vehicle spaces, 26 long term bike spaces, and 2 short term bike racks (located at the main entrance). On-street parking is also available within two blocks from the Property. The Applicant is also working with two nearby property owners to possibly rent surplus parking spaces for employees and residents.

Public Transit Service

The Subject Site is located one-half mile from the Kensington MARC Station. The nearest public transit routes are as follows:

- Ride On route 4 operates along Connecticut Avenue and Armory Avenue between the Kensington and the Shady Grove Metrorail Station.
- Ride On route 5 operates along Connecticut Avenue between the Twinbrook Metrorail Station and the Shady Grove Metrorail Station.
- Ride On route 33 operates along Howard Avenue and Kensington Parkway between the Glenmont Metrorail Station and the NIH/Medical Center Metrorail Station.
- Ride On route 37 operates along Connecticut Avenue between the Wheaton Metrorail Station and the Potomac Community Center on Falls Road.
- Ride On route 34 operates along Cedar Lane to Connecticut Avenue to University Boulevard between Aspen Hill and the Friendship Heights Metrorail Station.
- Metrobus route L8 operates along Connecticut Avenue between Aspen Hill and the Friendship Heights Metrorail Station.

Pedestrian and Bicycle Facilities

The Applicant is proposing to upgrade the existing four-foot wide sidewalks to an interim eight-foot wide sidewalk with a tree panel. When construction of the final bike lanes along the entire segment of Knowles Avenue occurs, the cross-section would be reconfigured to reduce the lane width from 12 to 11 feet and add the two (2) four-foot-wide bike lanes between a tree panel and the sidewalk. Also, the Applicant will provide two (2) bike racks by the main entrance and a bike room in the garage.

Local Area Transportation Review

The senior housing is proposed to replace the two existing single-family units, currently used as offices. A trip credit for the existing office trips can be used to reduce the number of the proposed senior housing trips because the office use has existed for at least 12 years.

The Montgomery County Council's Resolution No. 17-601, "2012-2016 Subdivision Staging Policy," states that, "if use and occupancy certificates for 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the [traffic statement] study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips." For the existing offices, the use and occupancy certificate has existed for at least 12 years. Therefore, the traffic statement was based only on the increased number of peak-hour trips by the senior housing rather than the total number of peak-hour trips permitting the trip reduction generated by general office space.

The numbers of peak-hour trips generated by the proposed senior housing development use the Institute of Transportation Engineers' (ITE) Trip Generation rates. These ITE rates were compared with the trip generation rates from a similar facility located in Takoma Park and found to be statistically similar. Attachment 5 shows the number of trips generated by senior housing units minus the existing office space within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Under the 2016-2020 Subdivision Staging Policy, a traffic study is not required to satisfy the LATR test, because the number of morning and evening person trips is fewer than the standard of 50 or more trips within the weekday peak hours.

The Applicant has acknowledged the traffic congestion along Knowles Avenue at the Connecticut Avenue intersection and proposes traffic mitigation strategies. These include: controlling the vendor's routes to service the site, providing a ride-share van for the residents, and signage or median posts (as approved by SHA) to limit left turns into the Property. These strategies would help minimize the impacts this project imposes on the existing traffic in the Town of Kensington.

Schools

Due to this being an age-restricted building, the use does not generate students. Thus, an analysis of school capacity is not applicable.

Other Public Facilities

The development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available.

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

Natural Resources Inventory

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #42018223E) was approved on July 11, 2018. There are no forest, streams, wetlands, floodplains, or environmental buffers on the site. The site lies in the Lower Rock Creek subwatershed of the Rock Creek watershed and is outside of any Special Protection Areas. The proposed project complies with the Environmental Guidelines.

Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The proposed project 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 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 (unless a tree save plan is done), and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved. While the proposed development requires the removal of a 32" white oak, the landscape/tree save plans include 5 native canopy trees, which will mitigate for the loss of form and function of the existing specimen tree.

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 April 18, 2019. The Applicant will meet stormwater management goals through micro-bioretenion facilities.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), 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 JUL 30 2019 (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).

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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 Fani-González, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, July 25, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board