



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

MCPB No. 20-055
Preliminary Plan No. 120200160
Residences at Knowles Station
Date of Hearing: July 2, 2020

JUL 09 2020

RESOLUTION

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

WHEREAS, on February 12, 2020, 4000 Knowles Ventures, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create six (6) townhouse lots and three (3) open space parcels on 0.19 acres of land in the Commercial Residential Neighborhood CRN 1.0, C-1.0, R-0.5, H-45 Zone, located at 4000 Knowles Avenue, at the intersection of Knowles Avenue and Summit Avenue ("Subject Property"), in the 2012 *Kensington Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200160, Residences at Knowles Station ("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 22, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 2, 2020, 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. 120200160 to create six (6) townhouse lots and three (3) open space parcels 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.

General Approval

1. This Preliminary Plan is limited to a maximum of 10,856 square feet of residential development, six (6) lots for six (6) townhouse dwelling units, two (2) common open space parcels, and one (1) public open space parcel.
2. The maximum height of any residential unit allowed is 40 feet.
3. The Applicant must also comply with the applicable height and compatibility restrictions of Section 59.4.1.B.2.a of the Zoning Ordinance.

Adequate Public Facilities and Outside Agencies

3. 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

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 16, 2020 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 amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
 6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's (SHA) requirements for access and improvements. Plans submitted to SHA for access management review should include roadway (including pavement marking), stormwater management, and storm drain design at a minimum.
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7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 29, 2020 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 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 has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated April 23, 2020 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.

Environment

Forest Conservation

9. The Applicant must comply with the following conditions of approval of the Tree Save Plan, approved as part of this Preliminary Plan.
 - a) The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the approved Forest Conservation Plan Exemption 42020111E and Tree Save Plan, subject to Staff approval.
 - b) The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plan. Additional tree-save measures not specified on the approved Tree Save Plan may be required by the M-NCPPC forest conservation inspector.

Transportation

10. Along Knowles Avenue and Summit Avenue, the Applicant must reconstruct the sidewalks, restripe the crosswalks, and reconstruct the ADA curb ramps as shown on the certified Preliminary Plan with final details subject to review and approval by SHA.

Existing Frontage Improvements

11. The Applicant must dedicate fifteen (15) feet and show on the record plat(s) all land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for Knowles Avenue.
12. Prior to the recordation of plats, the Applicant must satisfy all necessary requirements of MDSHA to construct a ten (10) foot wide shared used path along the property frontage on Knowles Avenue.

Record Plats

13. Except for clearing and grading associated with the existing building demolition, there shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

14. The record plat must show necessary easements.
15. Public Open Space must be recorded within a separate lot or parcel with a protective easement or covenant in the land records, in a form approved by the M-NCPPC Office of the General Counsel, unless the parcel is exempted from recordation under Chapter 50.
16. The plat must include a statement granting public access to the Public Open Space.
17. The record plat must reflect all areas under common ownership.

Open Space, Facilities and Amenities

18. The Applicant must provide a minimum of 1,741 square feet of Common Open Space (20.5% of lot area) and a minimum of 432 square feet of Public Open Space (5% of lot area) on-site, as illustrated on the Certified Preliminary Plan.
 - a. Prior to issuance of the Final Use and Occupancy Certificate, the Applicant must:
 - i. Construct all streetscape improvements along the Property's frontage on Knowles Avenue and Summit Avenue, as shown on the Certified Preliminary Plan.

- ii. Construct all Common and Public Open Space areas as shown on the Certified Preliminary Plan.
 - iii. Relocate utilities as shown on the Certified Preliminary Plan.
19. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, art sculptures, tables, seating, and specialty paving. Furniture may be replaced or reconfigured, with like equivalents, subject to Staff review and approval, without requiring a plan amendment.

Future Site Plan Approval Required

20. Prior to issuance of any building permit that would exceed 40 feet in height, the Applicant must obtain approval of a Preliminary Plan Amendment and Site Plan.

Certified Preliminary Plan

21. The Applicant must include the stormwater management concept approval letter and other applicable agency approval letters, development program, and Preliminary Plan Resolution on the approval or cover sheet(s).
22. The certified Preliminary Plan must contain the following notes:
- a) *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, sidewalks, and shared use path 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). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b) *All townhouses must have brick exterior and must be substantially similar to the architectural elevations.*
23. The Certified Preliminary Plan must include the area on Knowles Avenue (MD 547) to the east of the property frontage.
24. At the time of Certified Preliminary Plan, the Applicant must address

the following items. If the 40' height is exceeded, a subsequent Preliminary Plan amendment and Site Plan is necessary; therefore, final details will be determined at Site Plan.

- a. Revise Data Table and all plan notes, where applicable, to show proposed maximum building height at 40-feet; otherwise, a Site Plan must be submitted for review and approval prior to issuance of any building permits.
- b. Update the architectural elevation drawings to make them consistent in terms of roof line and details. The front elevation should be used as the benchmark.
- c. Provide a material palette that indicates the specifications of building materials being used, consistent with the proposed application. Minor adjustments in color, texture, manufacturer, etc., are acceptable.
- d. Revise the Preliminary Plan to show the interim roadway section along the Knowles Avenue (MD-547) frontage:
 - i. Restripe the left lane from 11-ft to a 10-ft lane.
 - ii. Relocate the existing curb 5-ft into the eastbound lane reducing it from 15-ft to an 11-ft lane.
 - iii. 6-ft planting strip.
 - iv. 10-ft sidepath.
 - v. 7-ft green panel.
 - vi. The curb and sidepath along the property frontage should transition to meet the existing curb and sidewalk to the east of the property.

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 proposed lot sizes and layout of the subdivision are appropriate given its location, the type of use contemplated and the applicable requirements of Chapter 59.

In a broader context, the 2012 Kensington Sector Plan recognizes that the revitalization of Kensington will take place either on larger parcels within the CRT Zone or on smaller parcels within the CRT and CRN Zones. Considering the recommendations of the Sector Plan, proposed lot sizes on this block in which the Property is located are smaller in comparison to surrounding properties within the CRN zoning district. More specifically, the Sector Plan envisions the redevelopment of the Subject Property for commercial or residential uses. The Proposal seeks to implement residential uses that can yield smaller lots. Therefore, the lot design is appropriate for the development and use contemplated as required by Section 50.4.3.C of the Subdivision Regulations.

Per the Sector Plan's vision for the Town Center, "buildings along the Town Center streets should be setback 15 to 25 feet from the curb to provide adequate space for sidewalks separated from traffic by a green panel or trees." The Project follows this setback guidance by closely aligning the rear of the townhomes along Kaiser Place, rather than the fronts of the townhomes along Knowles Avenue. The size, width, shape, and orientation of the proposed six (6) lots for residential use are considered appropriate for the specific location and surrounding context. Due to the triangular orientation of the existing lot, the depth of each new lot will vary. The proposed subdivision layout also enables adequate turning movements on Kaiser Place and safe and efficient pedestrian access on Knowles Avenue.

Further, Section 50.4.3.C.1.c states: "Side lines of interior lots must, to the extent possible, be aligned perpendicular to the road line or radial to a curved road line." The Application for Lots 1 through Lot 6 front on Common Open Space and provides perpendicular lines to the extent feasible, considering the shape of the Property and orientation to surrounding roadways. Additionally, the proposed common open space parcels are not exactly perpendicular to the road line due to the shape of the Property and the need to address open space and stormwater management. The Preliminary Plan provides for required and adequate open spaces across three (3) parcels – two common open space parcels for the Project's HOA to own and maintain and one (1) public open space parcel to be dedicated to the Town of Kensington.

The Planning Board acknowledges that this is a particularly challenging site to develop and to satisfy various code requirements due to the unusual shape, size, physical location, and surrounding context of the Subject Property. The initial designs for storm water management provided very little usable open space for users to enjoy and recreate, albeit this is permissible to accommodate on-site treatment requirements. In response, the Application has relocated and reconfigured the stormwater management facilities, which are located

exclusively within the open space parcels. The Planning Board supports that usable open space should be provided to the greatest extent feasible, which is reflected in the proposed lot lines.

The proposed lots were reviewed for compliance with the dimensional requirements for the CRN Zone as specified in the Zoning Ordinance. The proposed lots will accommodate the anticipated use and meet all the dimensional requirements for open space, lot, density, height, placement, form, and building type in the zone, and the Build-to-Area (BTA).

Standard	Required/Permitted	Proposed (Lots #1-6)
1. Density		
Density - Residential	0.5 FAR	0.5 FAR (up to 10,856 sq. ft.)
Density - Commercial	1.0 FAR	0.0 FAR
Minimum lot size	800 sq. ft.	825 sq. ft. up to 1,615 sq. ft.
Max Lot Coverage (townhouse)	n/a	n/a
Common Open Space (Site)	10% min. (840 sq. ft.)	20.5% (1,741 sq. ft.)
Public Open Space (Site)	n/a	5% (432 sq. ft.)
Off-street Parking	1 space/ dwelling unit	1 space/ dwelling unit
2. Placement		
Front Setback	5 ft. min.	5 ft.
Side Street Setback	5 ft. min.	5 ft.
Side Setback Abutting R-60	6 ft. min.	6 ft.
Rear Setback	5 ft. min.	5 ft.
Lot Width at Front Building Line	12 ft. min.	16 ft. - 20 ft.
Max Building Height	45 ft.	Up to 40 ft.
3. Build-to-Area		
Building in front street Build-to-Area	70%	Lots front on open space
Front Setback	15 ft.	Varies, Up to 15 ft.
4. Unit Type		
MPDU's Required	No	No

As previously noted, the Subject Property is within the CRN zoning district and surrounded by properties in the R-60 zoning district to the west, south, and east. Per Section 59.4.1.8.B.2.a, when a Subject Property abuts a property in a

residential detached zone improved with a residential use, height compatibility must be satisfied. Therefore, any structure on the Subject Property may not protrude beyond a 45-degree angular plane projecting over the abutting property. The single-family dwelling on the abutting property is slightly uphill from the Subject Property, particularly at the front corner and middle of the proposed abutting unit. The Applicant must comply with the applicable height restrictions and compatibility.

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

The Preliminary Plan substantially conforms to the recommendations within the 2012 *Kensington Sector Plan* and the 2018 *Bicycle Master Plan*.

a. Land Use

The Sector Plan's vision is to "promote a mixed-use Town Center with pedestrian-friendly connections to the vibrant neighborhoods that define Kensington." The Plan depicts the Town Center as "a lively and active place with streets that are welcoming and comfortable for residents, workers, and visitors."

The Kensington Sector Plan's recommendations seek to protect the environment by "promoting sustainable infill and reuse, with a goal of creating a neighborhood with the lowest feasible carbon footprint," and by "implementing effective environmental practices that will inspire current residents and future generations to become stewards of the environment."

The Subject Property is located within the Sector Plan's Town Center District Area (TC-22), which is identified as the Kaiser Family and Carlin properties. This area consists of two adjacent properties on 0.8 acres bounded by Knowles Avenue, Detrick Avenue, Kaiser Place, and Summit Avenue. The Kaiser Family property, at the corner of Knowles and Detrick Avenues, is a residence in the R-60 Zone. The Subject Property is known in the Sector Plan as the Carlin property, which is closest to the intersection of Summit and Knowles Avenues, and has been used as both an office and a residence. The Sector Plan recommended the CRN 1.0: C 1.0, R 0.5, H 45' for the Carlin property, which reflects the existing zoning.

The Project satisfies the intent of the CRN zone as envisioned in the Sector Plan to target opportunities for redevelopment, encourage development that integrates a combination of housing types, and foster pedestrian-scale development and appropriate transitional edges.

b. Environment

There are no site-specific environmental recommendations for the Property within the Sector Plan. However, the Sector Plan broadly envisions that all private and public development should practice sustainable design and building to protect and enhance the environment. High priority has been placed on several goals, including reducing the amount of impervious surface to maximize infiltration and treating stormwater runoff with environmentally sensitive design (ESD), and reducing energy consumption and carbon emissions through reduced vehicle use. The Project includes ESD to the greatest extent feasible, which includes a planter box and landscape infiltration. Also, the Property is within close proximity to the Kensington MARC service, which results in fewer required parking spaces. Via a new shared used path, the Project will also expand access to walking and bicycling to help reduce carbon emissions.

c. Transportation

Sector-Planned Roadway

Knowles Avenue is designated as an Arterial, A-66, with a recommended 80-foot right-of-way in the 2012 *Kensington Sector Plan*. Accordingly, the Knowles Avenue public right-of-way will be increased by the Applicant by 15-feet of dedication, for a total of 40 feet to the centerline, along the Property's frontage.

Master-Planned Bikeway

The 2018 *Bicycle Master Plan* recommends the construction of two-way separated bike lanes on the south side of Knowles Avenue along the Site's frontage. However, the Master Plan recommended bike lanes would not be installed under this Application, but with either a future Capital Improvement Project (CIP), or a developer contribution. As an interim condition, this Application is narrowing lanes on Knowles Avenue and extending the curb along the Site's frontage by 15 feet to provide the right-of-way for a bicycle facility.

More specifically, interim conditions under this Application are as follows:

- Narrow existing travel lanes on Knowles Avenue by a total of four (4) feet and re-stripe lanes:
 - Reduce southbound turn lane from Knowles Avenue to Summit Avenue to 10-feet wide.
 - Reduce eastbound travel lane on Knowles Avenue (along the Site's frontage) from 15-feet to 11-feet. The curb and sidepath along the Property frontage should transition to meet the existing curb and sidewalk to the east of the Property.
- 7-foot landscape panel
- 10-foot shared-use path (asphalt) as interim master-planned bicycle facility

- 6-foot landscape panel

For a final future condition, the 10-foot wide shared pathway will eventually be converted into two-way separated bike lanes and will include a parallel 6-foot sidewalk. The final future conditions are anticipated as follows:

- Maintain 10-foot wide southbound turn lane from Knowles Avenue to Summit Avenue
- Maintain 11-foot wide eastbound travel lane on Knowles Avenue (along the Site's frontage)
- 6-inch curb
- 6-foot planting strip
- Convert 10-foot asphalt shared-use path into 10-foot two-way bicycle lanes
- 1-foot transition/3-inch curb
- Install new 6-foot wide sidewalk

In addition to the above mentioned interim shared use pathway improvement, the Application includes a 5-foot lead-in sidewalk that will connect to each unit and provide access to the civic green. The gateway plaza on the west side of the site will serve as a "gateway" to Kensington. The plaza will be enhanced with landscaping, hardscape, lighting, and street furniture.

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

Proposed public facilities will be adequate to support and service the area of the subdivision. Vehicular access to the Site will be provided via driveways on Kaiser Place, which are adequate to accommodate vehicular traffic anticipated by the proposed redevelopment. The existing sidewalk along Knowles Avenue will be replaced with a ten-foot wide shared-use path that is wide enough for use by bicyclists and pedestrians. The existing sidewalk along Summit Avenue will be reconstructed. Section 59.6.2.4 of the Zoning Ordinance requires a minimum of one parking space per dwelling unit for a total of 6 parking spaces for the Project. Adequate parking will be provided to support the proposed townhouses, and each proposed lot will independently meet its parking requirement.

Based on projections for peak-hour trips generated for six (6) townhomes, five (5) person trips are expected to be generated in the peak morning hour and five (5) person trips are expected to be generated in the evening peak hour. The Site will generate fewer than 50 total person trips, and per the 2017 *Local Area Transportation Review Guidelines*, a transportation study is not required.

At the individual school level, on average, this Project is estimated to generate 0 new elementary school students, 0 new middle school students, and 0 new high school students. The estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at both the individual school level and the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this Project.

Further, the Project will be adequately served by public water and sewer, of which these mains currently service the Property. Dry utilities including gas, electricity, and telephone will also serve the Property. Fire access for the Property has been deemed adequate according to the Montgomery County Department of Fire and Rescue Services.

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

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD No. 42020111E) on January 30, 2020. The Property contains no streams, stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known habitats of rare, threatened or endangered species, or historic resources. The Property is within the Lower Rock Creek Watershed, which is a Maryland State Use Class I-P stream. This watershed is not in a Special Protection Area. The Preliminary Plan is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

A. Forest Conservation

The Project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code) but the Property is exempt from Article II under Section 22A-5(s)(2). This exemption was granted because the proposed activity occurs on a tract of land less than 1 acre in size that will: clear no more than 20,000 square feet of forest, and the afforestation requirements are not in excess of 10,000 square feet. However, since the plan does propose to clear one (1) specimen tree on-site, a Tree Save Plan is required as per Section 22A-6(b).

The Application includes a Tree Save Plan for approval with the Preliminary Plan, due to the proposed removal of one (1) specimen tree onsite. While the Tree Save Plan also shows the removal of one (1) specimen tree on adjacent residential property, this tree may not be

removed without the adjacent property owner's permission. While the Project is not subject to the variance provisions under Article II, the Application is proposing to plant two (2) native canopy trees and three (3) ornamental trees, as well as street trees in the right of way. The landscape trees will replace the form and function of the specimen tree lost. The Board finds that as conditioned, the Tree Save Plan complies with the requirements of the Forest Conservation Law.

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

This finding is based upon the determination by the MCDPS that the Stormwater Management Concept Plan meets applicable standards.

It has been determined by MCDPS Water Resources Division that the Stormwater Management Concept Plan meets applicable standards. The Application received a stormwater concept approval from MCDPS on May 29, 2020. The Application will meet stormwater management goals through ESD in the form of a planter box and landscape infiltration. At the request of the Applicant, a stormwater management waiver has been granted by the MCDPS Water Resources Division and is supported by the Planning Department due to site constraints.

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 09 2020 (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 Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, July 2, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board