

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 26 2023

MCPB No. 23-041

Preliminary Plan Amendment No. 12021003A

Flats at Knowles Station

Date of Hearing: April 27, 2023

RESOLUTION

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

WHEREAS, on April 13, 2021, the Planning Board, by Resolution MCPB No. 21-025, approved Preliminary Plan No. 120210030, to consolidate six (6) lots and create one (1) lot on approximately 0.84 acres of land in the Commercial Residential Town (CRT-1.5, C-1.0, R-0.5, H-60) zone, located 10509 Summit Avenue, Kensington, Maryland, at the northern side of the intersection of Summit Avenue and Knowles Avenue ("Subject Property"), in the Kensington Policy Area and in the Town Center District of the *2012 Kensington Sector Plan* ("Sector Plan") area; and

WHEREAS, on September 9, 2022, 10509 Summit Venture, LLC c/o Woodside Ventures & Realty Svcs Tom Brault BRL Holdings, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to increase the overall project density to a maximum of 106,102 square feet, comprised of up to 27,835 square feet of commercial uses (including up to 14,765 square feet for 16 hotel/short term rental use) and up to 78,267 square feet of residential uses for up to 84 multifamily residential dwelling units, including a minimum of 25% MPDUs on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12021003A, the Flats at Knowles Station ("Preliminary Plan," "Amendment," 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 April 17, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on April 27, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0-1; Chair Zyontz, Commissioners Bartley, Hedrick and Pedoeem voting in favor with Vice Chair Piñero abstaining.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12021003A to increase the overall project density to a maximum of 106,102 square feet, comprised of up to 27,835 square feet of commercial uses (including up to 14,765 square feet for 16 hotel/ short term rental use) and up to 78,267 square feet of residential uses for up to 84 multifamily residential dwelling units, including a minimum of 25% MPDUs by modifying the following conditions:¹

1. This Preliminary Plan is limited to one (1) lot for up to ~~102,205~~ 106,102 square feet of total development, comprised of up to ~~79,554~~ 78,267 square feet of residential uses for up to ~~75~~ 84 multifamily dwelling units ~~and up to 25 live/work units~~, and up to ~~22,651~~ 27,835 square feet of commercial development, which includes 14,785 square feet of hotel/short term stay for up to 16 rooms.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDOT SHA") in its letter dated ~~February 11, 2021~~ October 21, 2022 and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
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 REVISED concept letter dated ~~January 28, 2021~~ November 18, 2022, and incorporates them as conditions of the Preliminary Plan Amendment 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.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

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.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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

The Preliminary Plan Amendment substantially conforms to the vision of the 2012 *Kensington Sector Plan* ("Sector Plan") which 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 Project satisfies the intent of the CRT zone as envisioned in the Sector Plan and helps to revitalize the Town Center by utilizing an opportunity for redevelopment, encouraging various housing types by changing the proposed live/work units to hotel/short term units and fostering a pedestrian scale development. The Project matches the vision with a two-story parking structure with ground floor commercial and office spaces, one level of majority hotel units and three floors of multifamily units above. The Project continues to propose higher density mixed-use 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 housing goals of the 2012 *Kensington Sector Plan* notes that more housing is desirable in the Town Center as it "will mean livelier and more active streets that are attractive for residents, shoppers, and visitors" and "increase the diversity of housing choices". The Project continues to respond to the Sector Plan's call for more housing and more diverse housing types in the Town Center by providing 84 high-density residential units, none of which are age restricted, thereby fulfilling a Sector Plan recommendation.

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

Transportation Adequate Public Facilities (APF) Review

The original transportation impact study, which was completed in December 2020 and reviewed as part the previous sketch, preliminary, and site plan approval process is still valid. The previously approved plans included 100 multifamily dwelling units,

including 25 live/work units, 7,000 square feet of office space, and 6,000 square feet of retail space.

The Application removed the live/work units and converted them to 16 short-term extended stay hotel units and nine additional multifamily units, for a total of up to 84 multifamily units. For transportation review purposes, all units are assumed to be multi-family residential. One reason for this is that the 2022 LATR Guidelines require trip estimation rates based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The ITE Trip Generation Manual does not distinguish between multi-family units and short-term residential units. Therefore, there is no change in trip generation between the approved 25 live/work units and the proposed 16 short term extended stay hotel units with nine multifamily units. Additionally, there is a 2,329 square foot Amenity Space on the roof which is specifically for use by the residents. This modification will not generate separate trips to this development.

Trip Generation Comparison

Land Use	Quantity	AM Peak Hour Vehicle Trips ¹	PM Peak Hour Vehicle Trips ¹
Previously APF Approval			
Multifamily Units (ITE Land Use Code 221)	100 units	31	40
Office (ITE Land Use Code 710)	7,000 sqft.	7	7
Retail (ITE Land Use Code 820)	6,000 sqft.	6	23
Total Trips		44	70
Amendment Land Use (12021003A)			
Multifamily Units (ITE Land Use Code 221)	84 units + 16 short-term extended stay units	31	40
Office (ITE Land Use Code 710)	6,000 sqft.	6	6
Retail (ITE Land Use Code 820)	6,529 sqft. ²	6	24
Amenity Space ³	2,329 sqft.	0	0
Total Trips		43	70
Net Trip Difference		-1	0

¹ Vehicle trips reflect ITE 10th Generation rates with adjustments using LATR guidelines for the site policy area. ITE Trip Generation 10th Edition was utilized to be consistent with previous methodology used for APF finding.

² Reflects the 8,858 square feet identified on the plan but removes the 2,329 square foot rooftop amenity space that will not generate vehicle trips.

³ Classified as commercial space, but this amenity space will not generate vehicle trips
Source: Applicant's LATR Review dated December 11, 2020, prepared by the Traffic Group; Revised by M-NCPPC Staff 3/28/2023.

Therefore, the findings of the previous Transportation Analysis and subsequent findings of Transportation APF are still valid. The intersection congestion standards for the policy area are a CLV of 1600 and 80 seconds of delay per vehicle. As demonstrated in the Trip Generation Table above each of the studied intersections fell below its relevant congestion standards.

Intersection	Existing and Future Traffic Impact							
	AM				PM			
	Existing CLV	Future CLV	Existing Delay	Future Delay	Existing CLV	Future CLV	Existing Delay	Future Delay
Connecticut Avenue (MD 185) & Knowles Avenue (MD 547)	1,312	1,334	28.3	29.4	1,262	1,289	37.1	37.7
Knowles Avenue (MD 547) & Summit Avenue	772	795	19.8	20.6	844	880	29.2	29.6
Summit Avenue & Pliers Mill Road	303	314	8.4	8.4	487	491	9.3	9.3

Source: Applicant's LATR Review dated December 11, 2020, prepared by the Traffic Group

a. Other Public Facilities and Services

The Project will continue to be adequately served by public facilities, including public water and sewer, gas, electricity, and telephone. Fire access for the Property has been deemed adequate according to a letter issued on February 1, 2021, by the Montgomery County Department of Fire and Rescue Service. Additionally, the Project will be serviced by adequate police, fire, and health services.

i. Schools Capacity

The Application does not propose any more units (84 units proposed) than the prior original school test, which was assessed at 100 multifamily low-rise units. The original approval stated the following: *the transition clause of the 2020-2024 Growth and Infrastructure Policy allows applications accepted before January 1, 2021 to be tested for school adequacy under the rules of the 2016-2020 Subdivision Staging Policy. Therefore, the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020 is applicable. The Proposal includes 100 multifamily low-rise (four stories or less) units. The schools remain adequate, as determined in the prior approval.*

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

The Preliminary Plan Amendment meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a revised stormwater concept approval from MCDPS Water Resources Division on November 18, 2022. The Application will meet stormwater management goals through green roofs and Microbioretention facilities. Due to site constraints, a partial waiver of stormwater management requirements was requested and is granted. The request explains:

"the current revision incorporates modifications to the stormwater management design to comply with the findings of a revised storm drain conveyance study, dated July 25, 2022. Based on the revised analysis, the developed 10-year storm runoff from the subject property must be reduced to no more than 0.96 cubic feet per second at the point where it enters the existing public storm drain system. The required flow attenuation will be accomplished within the proposed stormwater management structures that are required for this project".

Storm Drain Analysis

Since the approval of the original Preliminary Plan on March 18, 2021, and the acceptance of this Amendment on September 9, 2022, Montgomery County has become aware of the inefficient storm drain located along Knowles Avenue and creating flooding problem for residents in Kensington. During the current review, the Project was reevaluated and approved by SHA with a letter dated October 21, 2022 , which stated the *"10-year flow rate to the MDOT SHA system at existing inlet EX-2 studied in the Storm Drain Analysis provided showed a reduction in flowrate from 2.93 cfs to 2.77 cfs". The proposed conditions will need to maintain the reduction in flow to the existing storm drain system throughout the final stages of the plan".* It is important to note the issues regarding providing an adequate storm drain capacity in Kensington may have to be rectified with a larger CIP.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 26 2023 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of **5-0**; Chair Zyontz, Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, at its regular meeting held on Thursday, May 18, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board