

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-042

Site Plan Amendment No. 82021003A

Flats at Knowles Station

Date of Hearing: April 27, 2023

MAY 26 2023

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 13, 2021, the Planning Board, by Resolution MCPB No. 21-026, approved Site Plan No. 820210030 for construction of a mixed-use development with up to 102,205 square feet of total development, with up to 79,554 square feet of residential development and up to 22,651 square feet of commercial development. The Application includes a transfer of 33,666 square feet of residential density and 25% Moderately Priced Dwelling Units (MPDUs), on 0.84 acres of CRT-1.5, C-1.0, R-0.5, H-60 zoned-land, located at 10509 Summit Avenue ("Subject Property"), in the *2012 Kensington Sector Plan* ("Sector Plan") area; and

WHEREAS, on September 9, 2023, 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 site plan to construct a mixed use building of up to 106,102 square feet, comprised of up to 27,835 square feet of commercial uses (including up to 14,765 square feet for up to 16 hotel units) and up to 78,267 square feet of residential uses for up to 84 multifamily residential dwelling units, including a minimum of 25% MPDUs. In accordance with Zoning Ordinance Section.7.3.3.I, the Site Plan will amend the condition and binding elements of Sketch Plan No. 320210020 to increase the project density from 102,205 square feet to 106,102 square feet on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan Amendment No. 82021003A, Flats at Knowles Station ("Site Plan," "Amendment," or "Application"); and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

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

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 Site Plan No. 82021003A to construct a mixed-use building of up to 106,102 square feet, comprised of up to 27,835 square feet of commercial uses (including up to 14,765 square feet for up to 16 hotel units) and up to 78,267 square feet of residential uses for up to 84 multifamily residential dwelling units, including a minimum of 25% MPDUs. In accordance with Zoning Ordinance Section.7.3.3.I, the Site Plan will amend the condition and binding elements of Sketch Plan No. 320210020 to increase the project density from 102,205 square feet to 106,102 square feet by adding and modifying the following conditions:¹

Modified Conditions

Sketch Plan 320210020 Condition Modifications.

In accordance with Section 59.7.3.3.I. of the Zoning Ordinance, Site Plan 82021003A amends the following conditions and binding elements of Sketch Plan 320210020:

1. **Density**

The Sketch Plan is limited to a maximum of ~~102,205~~ 106,102 square feet of mixed-use development comprised of ~~79,554~~ 78,267 square feet of residential development (including bonus density for providing 25% Moderately Priced Dwelling Units (MPDUs) on site and density transferred from neighboring properties) and ~~22,651~~ 27,835 square feet of non-residential space on the Subject Property and will be developed in one phase. The final amount of non-residential floor area and quantity of market rate and MPDUs is determined through Site Plan No. 82021003A.

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.

Site Plan No. 82021003A

1. Density

The Site Plan is limited to a maximum of ~~102,205~~ 106,102 square feet of mixed-use development including up to ~~70,554~~ 78,267 square feet of residential development for up to ~~75~~ 84 multifamily dwelling units ~~and up to 25 live/work units~~ (including bonus density for providing 25% Moderately Priced Dwelling Units (MPDUs) on site and density transferred from neighboring properties) and up to ~~22,651~~ 27,835 square feet of commercial development, which includes 14,785 square feet of hotel/short term stay for a total of 16 rooms.

4. Occupancy Provisions

- a) The rooftop residential amenity must only be used by residents of the residential apartment units. The hotel and commercial visitors are not permitted to utilize the rooftop amenity space. The twenty-five units designated as live/work on the Certified Site Plan must each be restricted to commercial and residential uses.
- b) The twenty-five live/work units cannot include any MPDUs that count toward the 25% MPDU requirement.
- c) Commercial usage of the live/work units must be included in lease agreements.
- d) Prior to Certified Site Plan:
 - i. The Applicant must enter into a covenant with the Planning Board reflecting the commercial use restriction in a form approved by the MNCPPC Office of General Counsel;
 - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
 - iii. The Book/Page reference must be included on the Certified Site Plan.

11. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way Plan Review Section in its letter dated ~~December 18, 2020~~ September 20, 2022, and hereby 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 amendments do not conflict with other conditions of Site Plan approval.

12. Pedestrian & Bicycle Circulation

- a) The Applicant must provide ~~55~~ 70 long-term and 10 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room within the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the building main entrances (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

15. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- h) Provide at least two (2) electric vehicle (EV) parking spaces with a minimum dimensions per section 59-6.2.5.F.2

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Flats at Knowles Station, Site Plan Amendment No. 82021003A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or provided 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 site plan and all findings not specifically addressed remain in effect.

59-7.3.4.E.2.d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

The Application satisfies the use, development standards and general requirements for the CRT Zone in Division 59-4.5.4 as follows:

Flats at Knowles Station Site Plan Data Table for CRT Zone, Optional Method, Section 59.4.5.4

Data Table: CRT-1.5, C-1.0, R-0.5, H-60 Zone				
Chapter 59	Development Standard	Permitted/ Required	Previous Approval 820210030	Approved 82021003A
	Tract Area (sf)	n/a	36,507 SF	36,507 SF
	Previous Dedication	n/a	14,018 SF	14,018 SF
	Proposed Dedication	n/a	3,414 SF	3,414 SF
	Site Area	n/a	33,093 SF	33,093 SF
4.5.4.B.2.b	Density			
	Commercial	C-1.0 FAR (50,525 SF)	C-0.45 FAR (22,651 SF)	C-0.55 FAR (27,835 SF)
	Hotel/Short Term Stay			(14,765 SF) ²
	Residential	R-0.5 FAR (25,263 SF)	R-1.57 FAR (79,554 SF) ³	R-1.55 FAR (78,267 SF) ⁴
	Total Density including transferred density and bonus density for 25% MPDUs	1.50 FAR (503,552 SF)	2.02 FAR (102,205 SF)	2.10 FAR (106,102 SF)
4.5.4.B.2.b	Building Height (feet)	60	72	72 ⁵
4.5.4.B.3	Minimum Setback (feet)	TBD at Site Plan	0	0
4.5.4.B.1	Minimum Public Open Use Space (%)	0%	8.2% (2,705 SF)	8.2% (2,705 SF) ⁶
6.2.4.	Total Vehicle Parking Spaces (min/max)	123/208	166	170
	Bicycle Parking Spaces (min)	54	65	80

² Hotel/Short Term Stay square footage is included in the total calculation shown as commercial density

³ 25,263 SF residential base density + 33,666 SF residential transferred density + 20,625 SF 35% MPDU bonus residential density = 79,554 SF

⁴ 25,263 SF residential base density + 33,666 SF residential transferred density + 19,338 SF 35% MPDU bonus residential density = 78,267 SF

⁵ Additional 12 feet of height for providing 25% MPDUs

⁶ 1,125 SF on-site + 1,580 SF off-site

Cellar Area

Cellar Area Section 59.1.4.2 (non-FAR)		
Density	Previous Approval 820210030	Approved 82021003A
Office (sq. ft.)		-
Retail (sq. ft.)		7,000
Amenity (sq. ft.)		1,858
Core (sq. ft.)		3,704
Residential (sq. ft.)	4,300	
Commercial (sq. ft.)	7,900	
Total (sq. ft.)	12,200	12,562

The residential, hotel/short term stay and other commercial uses are permitted in the CRT Zone.

f. Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

As conditioned, the Site Plan Amendment provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated structured parking with multiple access points, including the proposed ingress and egress access easement on the adjacent property (10414 Detrick Avenue). The Site Plan provides adequate open space and site amenities, circulation patterns, streetscape improvements, safe pedestrian environments, and building massing consistent with the zone.

g. Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The Site Plan Amendment substantially conforms with the recommendations of the 2012 *Kensington Sector Plan* ("Sector Plan"). The Sector Plan intends 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* note 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 proposing 84 high-density residential units, none of which are age restricted, thereby fulfilling a Sector Plan recommendation.

h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The Property will continue to be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

The Project 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 granted. It also states:

"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.

j. on a property in all other zones, is compatible with existing, approved or pending adjacent development.

The Amendment continues to be compatible with existing and approved or pending adjacent development through architectural elements and streetscape connections. The Property confronts a townhouse project located south of the Subject Property on Knowles Avenue known as Residences at Knowles Station (Preliminary Plan No. 120200160), which was approved by the Planning Board on July 2, 2020 and includes architecture and open space complementary to the proposed development by using similar elements on both sides of Knowles Avenue. The change for live work units to hotel units meets the requirements of Chapter 59 and adds to the mix of uses already allocated in the building. The main building massing is unchanged from the originally approved building, except for the rooftop amenity space.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 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