

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Nate Engle**



**Council Member Conor Crimmins
Council Member Ann Lichter**

Released: October 7, 2022

**Tuesday, October 11, 2022
Town Council Meeting, 7:00 pm – Zoom Only**

The Town Council Meeting will be held through the Zoom Video Conferencing application, as there will be no in person meeting this month at Town Hall. Access to the meeting is available through the following link:

<https://us02web.zoom.us/j/84493512370?pwd=cnZJR01sS3hPcks5K2ZOelJZZFVIUT09>

Meeting ID: 844 9351 2370

Password: 562356

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

CALL TO ORDER

MOMENT OF SILENCE

APPROVAL OF MINUTES

Closed Session Minutes of September 12, 2022
Town Council Meeting Minutes of September 12, 2022

THE MAYOR AND TOWN COUNCIL

- 1. Pedestrian Master Plan (Montgomery County)** – Presentation by Eli Glazier, Montgomery Planning, on the County's first Pedestrian Master Plan.
 - a. The Montgomery County Planning Department is developing the county's first Pedestrian Master Plan. The plan will make walking and rolling safer, more comfortable, more convenient and more accessible for pedestrians of all ages and abilities in all parts of the county.

THE TOWN MANAGER AND STAFF

10509 Summit Avenue (The Flats at Knowles Station): Discuss the proposed Declaration of Covenant for the use of 1,580 square feet of Public Right-of-Way as Public Space by 10509 Summit Avenue, LLC.

PUBLIC APPEARANCES

(The public is invited to speak on any subject that is not a topic on tonight's agenda)

ORDINANCES, RESOLUTIONS, AND REGULATIONS

(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)

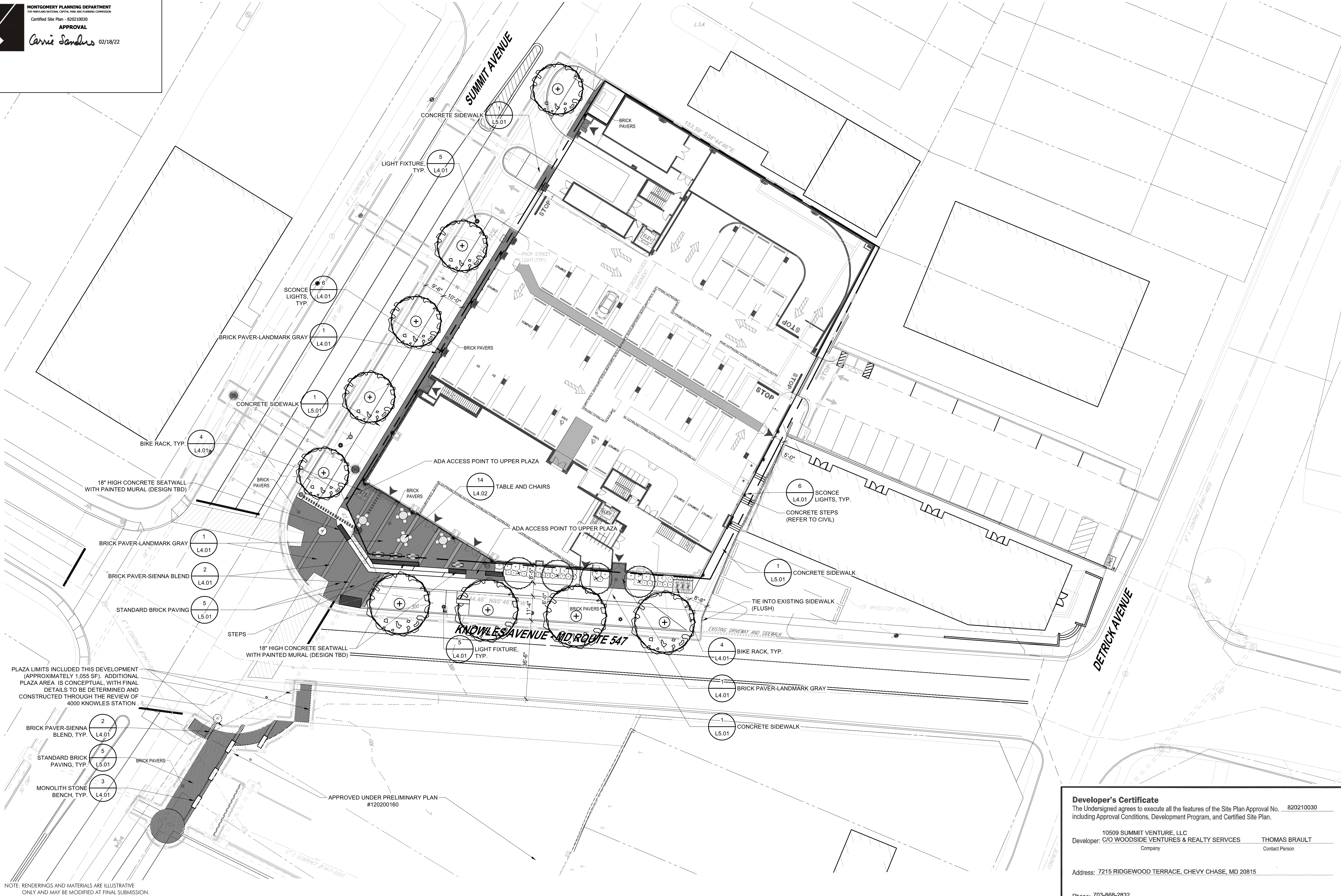
1. **Resolution No. R-27-2022** – A Resolution of the Mayor and Council of the Town of Kensington Approving a Variance at 10025 Frederick Avenue to allow for an Encroachment of approximately two (2') feet into the allowed ten (10) foot side yard setback in accordance with Section 5-104 (4)(b) of the Town Code.
 - a. *The Variance Hearing was held on September 12, 2022.*
2. **Resolution No. R-28-2022** – A Resolution of the Mayor and Town Council of Kensington Authorizing the extension of the existing refuse and recycling contract with Ecology Services Refuse & Recycling, LLC, for the term of one-year.

ADJOURNMENT

(The Mayor and Council may move to close the meeting and may move to reopen the meeting)

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

Monday, November 14, 2022, 7:00 pm



Developer's Certificate
The Undersigned agrees to execute all the features of the Site Plan Approval No. 820210030 including Approval Conditions, Development Program, and Certified Site Plan.

10509 SUMMIT VENTURE, LLC
Developer: C/O WOODSIDE VENTURES & REALTY SERVICES
Company
THOMAS BRAULT
Contact Person

Address: 7215 RIDGEWOOD TERRACE, CHEVY CHASE, MD 20815

Phone: 703-868-2832

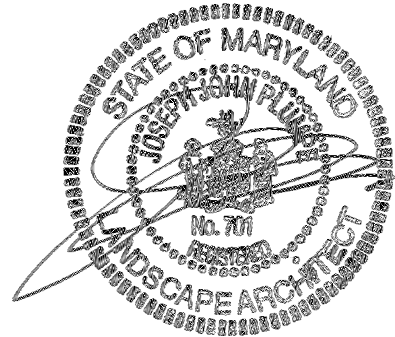
Signature: _____

THE FLATS AT
KNOWLES
STATION
10509 SUMMIT AVENUE
KENSINGTON, MARYLAND

CLIENT
4000 KNOWLES VENTURE, LLC C/O
WOODSIDE VENTURES & REALTY
SERVICES

Studio39
LANDSCAPE ARCHITECTURE, P.C.
6416 GROVEDALE DR., SUITE 100-A
ALEXANDRIA, VIRGINIA 22310
703.719.6500 | STUDIO39.COM

SEAL/SIGNATURE

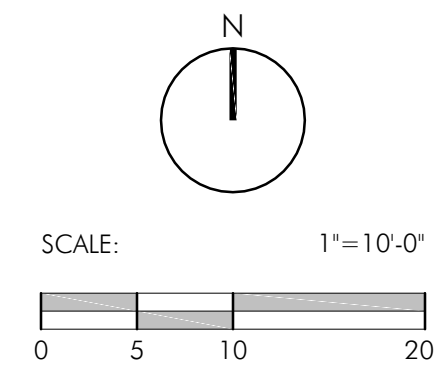


ISSUE DATE

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, ARE THE PROPERTY OF STUDIO39 LANDSCAPE ARCHITECTURE, P.C. AND ARE NOT TO BE REPRODUCED OR USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO39 LANDSCAPE ARCHITECTURE, P.C.
© STUDIO39 LANDSCAPE ARCHITECTURE, P.C.

PROJECT NUMBER: 20005
CONTACT: DAVID JUDD
DRAWN: YJ
APPROVED/CHECKED: DJ

ORIENTATION AND SCALE



SHEET TITLE
**STREETSCAPE
HARDSCAPE PLAN**

SHEET NUMBER

L1.01

CERTIFIED SITE PLAN


MONTGOMERY PLANNING DEPARTMENT

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Certified Site Plan - 820210030

APPROVAL

Carrie Sanders 02/18/22



MODEL:

MANUFACTURER:

DIMENSIONS:

COLOR:

CONTACT:

QUANTITY:

NOTE:

BRICK PAVER

BELDEN


4" x 6" x 16"

LANDMARK GRAY

CHRIS MAYER
POTOMAC VALLEY BRICK
703.550.9013
cmayer@pvbrick.com

PER PLAN

1) ALL CORNERS MUST BE FINGER JOINTED
2) CONTRACTOR TO VERIFY QUANTITIES.
INSTALL PER MANUFACTURER'S RECOMMENDATION.
AND GOVERNING MUNICIPAL REQ. OR APPROVED EQUAL



MODEL:

MANUFACTURER:

DIMENSIONS:

COLOR:

CONTACT:

QUANTITY:

NOTE:

BRICK PAVER

BELDEN


4" x 8" x 16"

SIENNA BLEND VELOUR

CHRIS MAYER
POTOMAC VALLEY BRICK
703.550.9013
cmayer@pvbrick.com

PER PLAN

1) ALL CORNERS MUST BE FINGER JOINTED
2) CONTRACTOR TO VERIFY QUANTITIES.
INSTALL PER MANUFACTURER'S RECOMMENDATION.
AND GOVERNING MUNICIPAL REQ. OR APPROVED EQUAL



MODEL:

FINISH:

QUANTITY:

COMPANY:

CONTACT:

COLOR:

MONOLITH STONE BENCH


TBD

PER PLAN

US STONE INDUSTRIES
73515 W 75TH ST #105
PRAIRIE VILLAGE, KS 66208
(P) 913-529-4154

CHRIS MAYER
POTOMAC VALLEY BRICK
703.550.9013
CMAYER@PVBRICK.COM

1)INSTALL PER MANUFACTURER'S RECOMMENDATIONS OR APPROVED EQUAL



MODEL:

DESCRIPTION:

DIMENSIONS:

OPTIONS:

COLOR:

QUANTITY:

COMPANY:

CONTACT:

NOTES:

HOOP RACK

INVERTED 'U' BIKE RACK

24" L x 1.9" D x 35" H

IN-GROUND MOUNT

BLACK POWDERCOAT

PER PLAN

DERO BIKE RACK CO.
2657 32ND AVE. S
MINNEAPOLIS, MN 55406
www.dero.com

MIKE ANDERSON
888.337.6729

- INSTALL PER MANUFACTURER'S RECOMMENDATIONS AND GOVERNING MUNICIPAL REQUIREMENTS.
- CONTRACTOR TO VERIFY QUANTITIES
- OR APPROVED EQUAL

1
L4.01

BRICK PAVER-LANDMARK GRAY

PROD. INFO.

Scale: N.T.S.

2
L4.01

BRICK PAVER-SIENNA BLEND

PROD. INFO.

Scale: N.T.S.

3
L4.01

MONOLITH STONE BENCH

PROD. INFO.

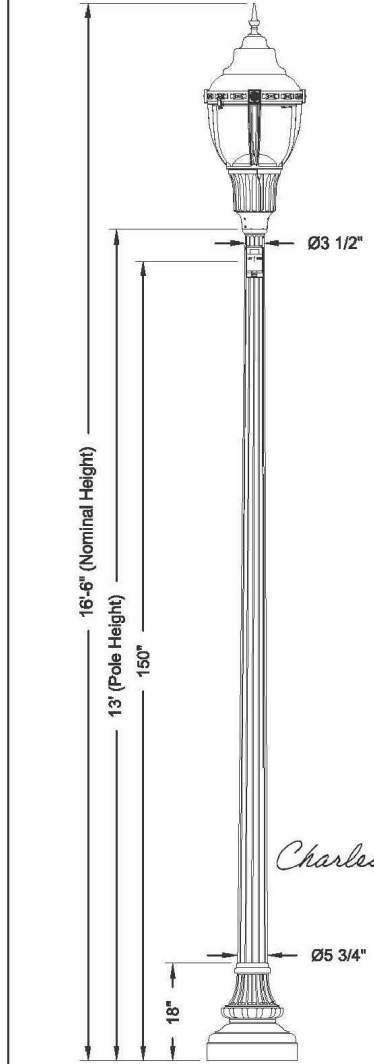
Scale: N.T.S.

4
L4.01

BIKE RACK

PROD. INFO.

Scale: N.T.S.



Wadsworth Series Pole

Accessory Mounting Detail

ANCHORAGE DETAIL

Bethesda Standard Updated RTA

MODEL:

COLOR:

QUANTITY:

MANUFACTURER:

CONTACT:

NOTES:

WADSWORTH SERIES POLE WITH WFCL2 FIXTURE

BLACK POWDERCOAT

PER PLAN

HOLOPHANE ACUTY BRANDS LIGHTING, INC.
GRANVILLE, OH 43023
1.866.759.1577
https://holophane.acuitybrands.com/

MEGAN FALCONE
Megan.Falcone@AcuityBrands.com
PHONE: 443-462-7883

- INSTALL PER MANUFACTURER'S RECOMMENDATIONS AND GOVERNING MUNICIPAL REQUIREMENTS.
- CONTRACTOR TO VERIFY QUANTITIES.
- OR APPROVED EQUAL.



MODEL:

SIZE:

COLOR:

QUANTITY:

COMPANY:

CONTACT:

NOTES:

OW120-22-STBD
OW120, OXFORD

6"x22"

TBD

PER PLAN

CAMMAN LIGHTING

CAMMAN LIGHTING
DERRY, PA 15627
(724) 539 - 7670
WWW.CAMMANLIGHTING.COM

1)INSTALL PER MANUFACTURER'S RECOMMENDATIONS

5
L4.01

LIGHT FIXTURE

PROD. INFO.

Scale: N.T.S.

6
L4.01

SCONCE LIGHTS

PROD. INFO.

Scale: N.T.S.

NOTE: RENDERINGS AND MATERIALS ARE ILLUSTRATIVE ONLY AND MAY BE MODIFIED AT FINAL SUBMISSION. ALL FURNITURE AND SITE ELEMENTS TO 'OR APPROVED EQUAL'.

Developer's Certificate

The Undersigned agrees to execute all the features of the Site Plan Approval No. 820210030 including Approval Conditions, Development Program, and Certified Site Plan.

10509 SUMMIT VENTURE, LLC
Developer: C/O WOODSIDE VENTURES & REALTY SERVICES THOMAS BRAULT
Company Contact Person

Address: 7215 RIDGEWOOD TERRACE, CHEVY CHASE, MD 20815

Phone: 703-868-2832

Signature:

THE FLATS AT KNOWLES STATION

10509 SUMMIT AVENUE
KENSINGTON, MARYLAND

CLIENT

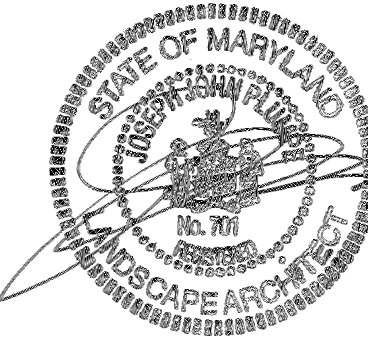
4000 KNOWLES VENTURE, LLC C/O
WOODSIDE VENTURES & REALTY
SERVICES

Studio39

LANDSCAPE ARCHITECTURE, P.C.

6416 GROVEDALE DR., SUITE 100-A
ALEXANDRIA, VIRGINIA 22310
703.719.6500 | STUDIO39.COM

SEAL/SIGNATURE

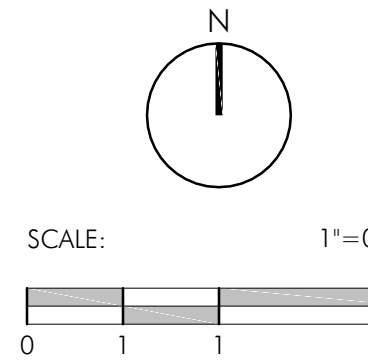


ISSUE DATE

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, ARE THE PROPERTY OF STUDIO39 ARCHITECTURE, P.C. AND IS NOT TO BE REPRODUCED OR USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO39 ARCHITECTURE, P.C.

PROJECT NUMBER: 20005
CONTACT: DAVID JUDD
DRAWN: YJ
APPROVED/CHECKED: DJ

ORIENTATION AND SCALE



SHEET TITLE

PRODUCT INFORMATION

SHEET NUMBER

L4.01

CERTIFIED SITE PLAN



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

MCPB No. 21-025
Preliminary Plan No. 120210030
Flats at Knowles Station
Date of Hearing: March 18, 2021

APR 13 2021

RESOLUTION

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

WHEREAS, on November 24, 2020, Summit Venture, LLC c/o Woodside Ventures and Reality Services ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would 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 at 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, the Applicant's preliminary plan application was designated Preliminary Plan No. 120210030, Flats 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 March 10, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 18, 2021, 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 March 18, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Verma, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120210030 to create one (1) lot on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to one (1) lot for up to 102,205 square feet of total development, comprised of up to 79,554 square feet of residential uses for up to 75 multi-family dwelling units and up to 25 live/work units, and up to 22,651 square feet of commercial uses.

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. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 2, 2021 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.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated February 11, 2021 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 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.

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.

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 January 28, 2021 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 February 1, 2021 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.

Other Approvals

Concurrent Site Plan Approval

9. Before approval of a record plat or any clearing or grading for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820210030. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks is determined through site plan review and approval.
10. 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.

Environment

Forest Conservation

11. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Forest Conservation Exemption.

Transportation

12. Prior to issuance of the Use and Occupancy permit, the Applicant must reconstruct the sidewalks and ADA curb ramps and restripe the crosswalks along Knowles Avenue and Summit Avenue, as shown on the certified Preliminary Plan. Final details subject to review and approval by MDSHA.

Existing Frontage Improvements

13. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS and MDSHA, respectively, to ensure construction of a ten-foot (10') wide sidewalk along the property frontage on Summit Avenue and six-foot (6') wide sidewalk along the property frontage on Knowles Avenue (MD 547). The Applicant must provide and show on the record plat(s) the following right-of-way dedications:
 - a) Knowles Avenue: Approximately fifteen (15) feet to accommodate a minimum right-of-way of forty (40) feet, as measured from the existing pavement centerline.
 - b) Summit Avenue: Approximately five (5) feet to accommodate a minimum right-of-way of forty (40) feet, as measured from the existing pavement centerline.

Off-Site Improvements

14. Prior to recordation of plat(s), the Applicant must execute a declaration of covenant with the Town of Kensington to repurpose a portion of the western end of Kaiser Place within the Town of Kensington's right-of-way for a public open space area, as illustrated on the approved Preliminary and Site Plans.

Record Plats

15. 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

16. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
17. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.
18. The record plat must include a general note that describes an access easement recorded among the Montgomery County Land Records by book and page on the property to the east, 10414 Detrick Avenue, which provides ingress and egress to the Site.

Notes and Labels

19. The record plat must reflect all areas under common ownership.

20. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

Certified Preliminary Plan

21. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

22. 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 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.

23. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Show resolutions and approval letters on the certified set.
- b. Plan notes associated with the undergrounding of utility poles and removal of overhead wires shall clearly state that work will be completed "by the Applicant".
- c. The Summit Avenue road section detail and plan view adjacent to the Site should include the following elements between the roadway curb and the Property line:
 - i. Existing Five-foot Sidewalk
 - ii. Existing Twelve-foot & Six inches (12 ft.- 6 in.) Lawn Panel
 - iii. Existing Eight-foot (8-ft.) Parking
 - iv. Restripe Eleven-foot (11-ft.) Travel Lane
 - v. Restripe Ten-foot (10-ft.) Left Turn lane
 - vi. Restripe Eleven-foot (11-ft.) Travel Lane
 - vii. Relocate the Curb and Gutter
 - viii. Proposed Nine-foot-six inches (9.6-ft.) Lawn Panel with Major Species Trees
 - ix. Proposed Ten-foot (10-ft.) Sidewalk
 - x. Proposed Two-foot (2-ft.) Maintenance Buffer between sidewalk and property line.
- d. Net Taxable Area in all Data Tables must be revised to Tract Area.

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 size, width, shape, orientation, and density of the lot will be appropriate for the location considering the recommendations of the 2012 Kensington Sector Plan. The Preliminary Plan will accommodate a single phase of development on the Subject Property at an appropriate and efficient location. The lot was reviewed for compliance with the dimensional requirements for the CRT Zone as specified in the Zoning Ordinance. As illustrated in Table 1, the lot will accommodate the anticipated use and meet all the dimensional requirements for the lot, density, height, placement, form, and building type in the zone.

Table 1: Approved Data Table

Data Table: CRT-1.5, C-1.0, R-0.5, H-60 Zone			
Chapter 59	Development Standard	Permitted/ Required	Approved
4.5.4.B.2.b	Tract Area (sf)	n/a	36,507 sq. ft.
	Previous Dedication	n/a	14,018 sq. ft.
	Proposed Dedication	n/a	3,414 sq. ft.
	Site Area	n/a	33,093 sq. ft.
	Density		
	Commercial	C-1.0 FAR (50,525 sq. ft.)	C-0.45 FAR (22,651 sq. ft.)
	Residential	R-0.5 FAR (25,263 sq. ft.)	R-1.57 FAR (79,554 sq. ft.) ²
	Density Transfer Property 1 (and Zoning)	Available for Transfer Property 1 - Commercial Property 1 - Residential Property 1 - Total	
	Property 2 (and Zoning)	Property 2 - Commercial Property 2 - Residential Property 2 - Total	
		Total Density Transfer Available	
	Total Density including transferred density and bonus density for 25%	1.50 FAR (503,552 sq. ft.)	2.02 FAR (102,205 sq. ft.)

² 25,263 sq. ft. residential base density + 33,666 sq. ft. residential transferred density + 20,625 sq. ft. 35% MPDU bonus residential density = 79,554 SF

	MPDUs		
4.5.4.B.2.b	Building Height (feet)	60	72 ³
4.5.4.B.3	Minimum Setback (feet)	TBD at Site Plan	0
4.5.4.B.1	Minimum Public Open Use Space (%)	0%	8.2% (2,705 sq. ft.) ⁴
6.2.4.	Total Vehicle Parking Spaces (min/max)	123/208 Final TBD at Site Plan	166 Final TBD at Site Plan
	Bicycle Parking Spaces (min)	54	65

Details of the Density Transfer of residential FAR from Sending Property 1 (10414 Detrick Avenue) and Sending Property 2 (3827-3833 Plyers Mill Road) to the Subject Property (10509 Summit Avenue) and the Moderately Priced Dwelling Units (MPDUs) bonus density and building height bonus associated with this Project for the construction of a mixed-use building can be found in Planning Board Resolutions for Sketch Plan No. 320210020 and Site Plan No. 820210030.

To realize the recommendations of the 2012 Kensington Sector Plan, the Project is utilizing a density transfer from two Sending Sites in order to construct a mixed-use development with a higher number of residential units on the Subject Site. The associated Sketch Plan Application (No. 320210020) approved the transfer of 12,431 square feet of residential FAR from the Sending Site located at 10414 Detrick Avenue. The Applicant is also the contract purchaser of 21,235 square feet of residential FAR from a Sending Site located at 3827-3833 Plyers Mill Road to the Subject Property.

The Project meets the Zoning Code requirements for density transfer to the CRT Zone and also aligns with the Sector Plan which cites that the Optional Method of Development for more intense mixed-use is desirable in the Town Center district. Through the approved density transfer of residential FAR, the Project can deliver a higher density mixed-use which is consistent with the Sector Plan's goal for creating a mixed-use core for the Town of Kensington.

The overall density and building height are consistent with the Sector Plan's recommendations for the Town Center District. The proposed lot and building massing are also appropriate and compatible with the existing development surrounding the Subject Site and future development aspirations prescribed by the Sector Plan. The building's orientation within the lot is towards Summit and Knowles Avenues which creates a continuous street front and continuity with surrounding lots.

³ Additional 12 feet of height for providing 25% MPDUs

⁴ 1,125 sq. ft. on-site + 1,580 sq. ft. off-site

Per Section 50.4.3.D of the Montgomery County Code, the Subject Property is not required to provide public open space due to the project developing on a tract smaller than 1 acre with two frontages. However, the Application is proposing a total of 2,705 square feet (8.2%) for public open space, which includes 1,125 square feet for a gateway plaza on-site at the north side of the intersection of Knowles Avenue and Summit Avenue. A total of 1,580 square feet of open space will be provided off-site, which ties into the public open space area that was previously approved with the Development Site that confronts the Subject Property to the south (4000 Knowles Avenue).

The Kensington Town Council provided authorization to allow the Applicant to construct a portion of the off-site open space improvement at the west end of the Kaiser Place (formerly Mitchell Street) right-of-way which is owned by the Town. The conditions pertaining to repurposing the public right-of-way as open space will be recorded within a declaration of covenants between the Town and the Applicant. The existing public path along Kaiser Place will remain and will continue to be maintained by the Town of Kensington and will connect with the proposed sidewalk through the public open space.

Further, in accordance with Section 50.4.3.B of the Subdivision Regulations, the subdivision layout for the one (1) proposed lot for a mixed-use building provides for efficient accessibility and circulation via appropriate sidewalks that connect the Site to the public realm and adjacent developments and orients access points for direct building access and parking.

For the above-stated reasons, the lot size and layout of the subdivision are appropriate given the location of the Site, the type of use contemplated, and the applicable requirements of Section 50.4.3.C the Subdivision Regulations.

There are no public sites required of this Site. However, the Preliminary Plan will provide adequate open areas. The lot consolidation created by the Preliminary Plan will also provide space for amenities such as public art, seating, and specialty paving. The plan will also provide the adequate space needed to support transportation, utilities, and stormwater management facilities.

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

The Preliminary Plan 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 Sector Plan depicts the Town Center as "a lively and

active place with streets that are welcoming and comfortable for residents, workers, and visitors.”

The Sector Plan provides both general and site-specific guidance for the Subject Property which is located within the Sector Plan’s Town Center District Area TC-19, which is identified as the Detrick and Summit block and consists of roughly 30 relatively small properties that total about four (4) acres. The Plan’s analysis suggests that due to the ownership and lot size pattern in the TC-19 area, revitalization is likely to use the standard method of development that would reduce intensity of development. However, the Plan further cites the optional method of development for more intense mixed-use is desirable.

The Preliminary Plan consolidates smaller lots to create one (1) lot in order to intensify development density at this location as permitted by the Sector Plan and the zoning, where properties in this District Area with the potential to support mixed-use developments with parking structures could have five- to six-story buildings.

Further, both the Sector Plan and Kensington 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. The lot is oriented to allow sidewalk improvements to separate pedestrians from vehicular traffic with trees along the curb.

The Preliminary Plan 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 such as the proposed live/work units and fostering a pedestrian scale development. 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 Preliminary Plan responds to the Sector Plan’s call for more housing and more diverse housing types in the Town Center by creating a lot for 100 high-density residential units. The lot allows for a mixed-use building with 25 live/work units and 75 multi-family units that will replace the existing small home on the Subject Property, providing greater activation at the intersection of Knowles Avenue and Summit Avenue and new housing opportunities within the Town, thereby fulfilling a Sector Plan recommendation.

The Project also addresses substantial compliance with transportation-related Plans. 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 Application by 15-feet of dedication, for a total of 40 feet to the centerline, along the Property’s

frontage. The Summit Avenue public right-of-way will be increased by the Applicant by 5-feet of dedication, for a total of 40 feet to the centerline, along the Property's frontage.

The 2018 Bicycle Master Plan recommends a two-way protected bikeway along the west side of Summit Avenue. While the Project will not implement this Bicycle Master Plan recommendation that is off-site, the dedication along Summit Avenue provides the right-of-way necessary for the construction of the bicycle facility in the future.

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

Public facilities are adequate to support and service the area of the subdivision. Primary vehicular access is from Summit Avenue, with secondary access through the adjoining commercial development from Detrick Avenue, which are adequate to accommodate vehicular traffic anticipated by the proposed redevelopment. The structured parking is incorporated into the proposed development and includes long term bicycle parking. A separate loading dock is accessed from Summit Avenue and provides for trash service, as well as commercial deliveries. Currently, there is no sidewalk on Summit Avenue along the Property's frontage. The Application includes construction of a new ten-foot (10') wide sidewalk along the property frontage on Summit Avenue, which is adjacent to a nine-foot-six-inch (9.6-ft.) lawn panel to accommodate major tree species to enhance the public realm. The Project will also reconstruct the existing six-foot (6') wide sidewalk along the property frontage on Knowles Avenue (MD 547).

In accordance with Section 59.6.2.4 of the Zoning Ordinance, adequate parking will be provided to support the subdivision for the mixed-use building. Based on minimum requirements for parking, the Application provides a total of 166 parking spaces in an above and below grade structure and a total of 65 bicycle racks. The number of vehicular parking spaces and bicycle parking spaces will be finalized with Site Plan No. 820210030 based on the square footage of non-residential uses, and number and type of residential dwelling units.

Based on projections for peak-hour trips generated for the mixed-use building, 71 person trips are expected to be generated in the peak morning hour and 111 person trips are expected to be generated in the evening peak hour, as shown in Table 2 below. The Site will generate more than 50 total person trips; therefore, a transportation study was required per the 2017 Local Area Transportation Review Guidelines. The Application triggers the requirement for roadway capacity analysis, but not for pedestrian, bicycle, or transit adequacy analyses.

Table 2: Vehicular Peak Hour Trip Generation

Vehicle Trip Generation	AM	PM
Site Generated Vehicle Trips (Driver) (ITE 10 th Edition - 100 Midrise Units)	34	44
LATR Policy Area Adjustment (Residential)	59.1% of ITE Rate	
Site Generated Vehicle Trips (Driver) (ITE 10 th Edition – 7,000 SF Office)	8	8
LATR Policy Area Adjustment (Office)	69.6% of ITE Rate	
Site Generated Vehicle Trips (Driver) (ITE 10 th Edition – 6,000 SF Retail)	6	23
LATR Policy Area Adjustment (Retail)	69.8% of ITE Rate	
Net New Vehicle Trips (Driver)	44	70
Net New Person Trips (Converted using total vehicle driver mode share)	71	111
Local Area Transportation Review Required? (Are AM or PM person trips ≥ 50?)	Yes	Yes

(Source: ITE, 10th Edition, from Applicant's LATR Review dated December 11, 2020)

Table 3: Multimodal Peak Hour Trip Generation

Multimodal Trip Generation (LATR Guidelines, Kensington Wheaton Policy Area)		Percentage	AM	PM
Residential	New Vehicle Driver Trips (see "Vehicle Trip Generation" Table)	59.1%	31	40
	New Vehicle Passenger Trips	25.4%	13	17
	New Transit Trips	8.1%	4	6
	New Non-Motorized Trips	7.4%	4	5
Net New Person Trips		100%	52	68
Office	New Vehicle Driver Trips (see "Vehicle Trip Generation" Table)	69.6%	7	7

Multimodal Trip Generation (LATR Guidelines, Kensington Wheaton Policy Area)		Percentage	AM	PM
	New Vehicle Passenger Trips	18.6%	2	2
	New Transit Trips	6.1%	1	1
	New Non-Motorized Trips	5.7%	1	1
Net New Person Trips		100%	10	10
Retail	New Vehicle Driver Trips (see "Vehicle Trip Generation" Table)	69.8%	6	23
	New Vehicle Passenger Trips	23.8%	2	8
	New Transit Trips	2.1%	0	1
	New Non-Motorized Trips	4.3%	0	1
Net New Person Trips		100%	9	33
Total Person Trips			71	111
Pedestrian Adequacy Test Required? (Are non-motorized + transit trips ≥ 50 ?)			No	No
Bicycle Adequacy Test Required? (Are non-motorized trips ≥ 50 ?)			No	No
Transit Adequacy Test Required? (Are transit trips ≥ 50 ?)			No	No

(Source: ITE, 10th Edition, revised from Applicant's LATR Review dated December 11, 2020)

The Property falls within the Kensington Wheaton Policy Area, which requires both Critical Lane Volume (CLV) and Highway Capacity Manual (HCM) delay analyses. The intersection congestion standards for the policy area are a CLV of 1600 and 80 seconds of delay per vehicle. As demonstrated in Table 4, each of the studied intersections fell below its relevant congestion standards. The LATR capacity analysis was consistent with the Department's LATR Guidelines.

	AM				PM			
	Existing CLV	Future CLV	Existing Delay	Future Delay	Existing CLV	Future CLV	Existing Delay	Future Delay
Connecticut Ave. and Knowles Ave.	1,133	1,151	28.3	29.4	959	982	37.1	37.7
Knowles Ave. and Summit Ave.	693	713	19.8	20.6	823	873	29.2	29.6
Summit Ave. and Payers Mill Rd.	297	308	8.4	8.4	485	499	9.3	9.3

Table 4: Existing and Future Traffic Impact

The Subject Property is located within the Walter Johnson High School cluster and was tested for school adequacy under the rules of the 2016-2020 Subdivision Staging Policy. 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. The Subject Property is located in the southwest region of the County and the student generation rates are shown below in Table 5.

Table 5: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.186	0.109	0.151
SF Attached	0.167	0.085	0.111
MF Low-Rise	0.150	0.068	0.085
MF High-Rise	0.041	0.018	0.025

On average, this Project for 100 units is estimated to generate an additional 15 new elementary school students, 6 new middle school students, and 8 new high school students.

Table 6: Per Unit Student Generation Rates – Southwest Region

Type of Unit	Net # of	ES Generati	ES Students	MS Generati	MS Students	HS Generatio	HS Student
--------------	----------	-------------	-------------	-------------	-------------	--------------	------------

	Units	on Rates	Generate d	on Rates	Generate d	n Rates	s Generat ed
MF Low-Rise	100	0.150	15.000	0.068	6.800	0.085	8.500
TOTALS	100		15		6		8

Cluster Adequacy Test

The adequacy testing also confirmed that there is additional capacity at the Walter Johnson High School Cluster level (Table 7) and individual school level (Table 8) to accommodate the number of students estimated to be generated. The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold. As indicated in the last column, the estimated enrollment impacts of this amendment fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at each school cluster level to accommodate the estimated number of students generated by this Project.

Table 7: Per Unit Student Generation Rates – Southwest Region

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,607	4,579	100.6%	888	15
Middle	2,494	2,449	101.8%	444	6
High ⁵	2,127	2,321	91.6%	658	8

Individual School Adequacy Test

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this amendment fall below the moratorium thresholds for both Kensington-Parkwood Elementary School and North Bethesda Middle School.

⁵ The projected Walter Johnson HS enrollment has been modified to estimate the impact of redistricting students to Woodward HS in September 2025.

Table 8: Student Enrollment and Capacity Projections by School

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus /Deficit		
Kensington-Parkwood ES	644	757	85.1%	+113	265	15
North Bethesda MS	1,301	1,233	105.5%	-68	179	6

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Application.

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.*

A. Environmental Guidelines

The Subject Property lies within the Lower Rock Creek watershed and contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically-adjacent steep slopes, or known habitats of rare, threatened, and endangered species, or specimen trees of 30 inches diameter at breast height (DBH) or greater. The Preliminary Plan is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

B. 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 Application received a Forest Conservation Plan Exemption approval on October 4, 2018 (No. 42019044E) and does not have a requirement for a Tree Save Plan or Forest Conservation Plan. This exemption was granted because the proposed activity occurs on a tract of land less than 1 acre in size 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 the reforestation requirements will 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 Montgomery County Department of Permitting Services (DPS) Water Resources Division on January 28, 2021. The Application will meet stormwater management goals through a variety of techniques including micro-bioretenention areas and green roofs.

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 APR 13 2021 (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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, April 8, 2021, in Wheaton, Maryland.

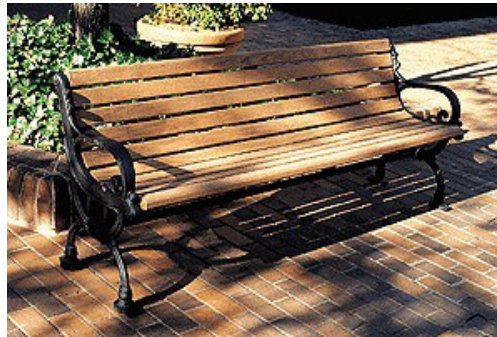


Casey Anderson, Chair
Montgomery County Planning Board

The Town of Kensington has a list of approved streetscape furniture for roads under its jurisdiction.



Street lighting: Spring City Washington series in Federal Green or approved other



Benches: C10 Victor Stanley in Federal Green or approved other



Waste receptacles: PRS 36 (24 gallon) Victor Stanley in Federal Green or approved other



Bike storage: BK 4 and BKR 5 Victor Stanley in Federal Green or approved other



Resolution No. R-27-2022

Adopted:

A Resolution of the Mayor and Town Council of Kensington Approving a Variance at 10025 Frederick Avenue to allow an Encroachment of approximately two (2') feet into the allowed ten (10') foot side yard setback.

WHEREAS, an application for a front plane addition has been filed by Reva and Aaron Snow, ("Applicants"), for certain real property located at 10025 Frederick Avenue ("the Property"); and

WHEREAS, the Variance would allow for a front plane addition on the northwest side of the property by encroaching approximately two (2') feet in the required ten (10) foot side yard setback, as regulated within Section 5-104, "Building Lines", of the Town Code; and

WHEREAS, the Town Council may grant a petition for a Variance after a hearing when the Council finds that:

1. There are specific situations or conditions that are peculiar to the property that makes it unique from neighboring properties, including, but not limited to: (i) shape (narrowness/shallowness); (ii) topography; (iii) historic significance; (iv) environmental features; or (v) other extraordinary conditions unique to that property. The conditions must result from the application of building or zoning standards and not from the action, inaction or the personal circumstances of the property owner or the owner's predecessor(s); and
2. The requested variance is the minimum necessary to overcome the unique condition of the property; and
3. The requested variance is not detrimental to neighboring properties or the community as a whole.

WHEREAS, the Mayor and Council conducted a Public Hearing on the Variance request at the September 12, 2022, Council meeting, after due notice to the public and to the adjacent neighbors, and received testimony on the requested Variance. The Council closed the record following the Public Hearing.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Kensington, based on the testimony presented at the Public Hearing on September 12, 2022, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. The proposed addition is 733 square feet, one story, and within the front plane of the house.
2. The property owners also plan to add a 205 square-foot covered porch within the front plane.
3. A total of 15.6 square feet of the addition encroaches within the ten-foot side yard setback on the southwest corner of the property.
4. The proposed addition does not encroach on the 15-foot minimum distance between dwellings.

Conclusions of Law:

1. Strict application of Town regulations would result in undue hardship due to the peculiar narrowness of the lot and the existing front setback of the dwelling unit.
2. The proposed Variance is the minimum necessary to overcome the unique condition of the Property to allow for the Applicant to maximize the proposed addition.
3. The Variance can be granted without impairment of the intent, purpose, and integrity of this article.

BE IT FURTHER RESOLVED THAT the Variance request to encroach two (2') feet into the required ten (10') side yard setback at the Property located at 10025 Frederick Avenue be and it is hereby granted.

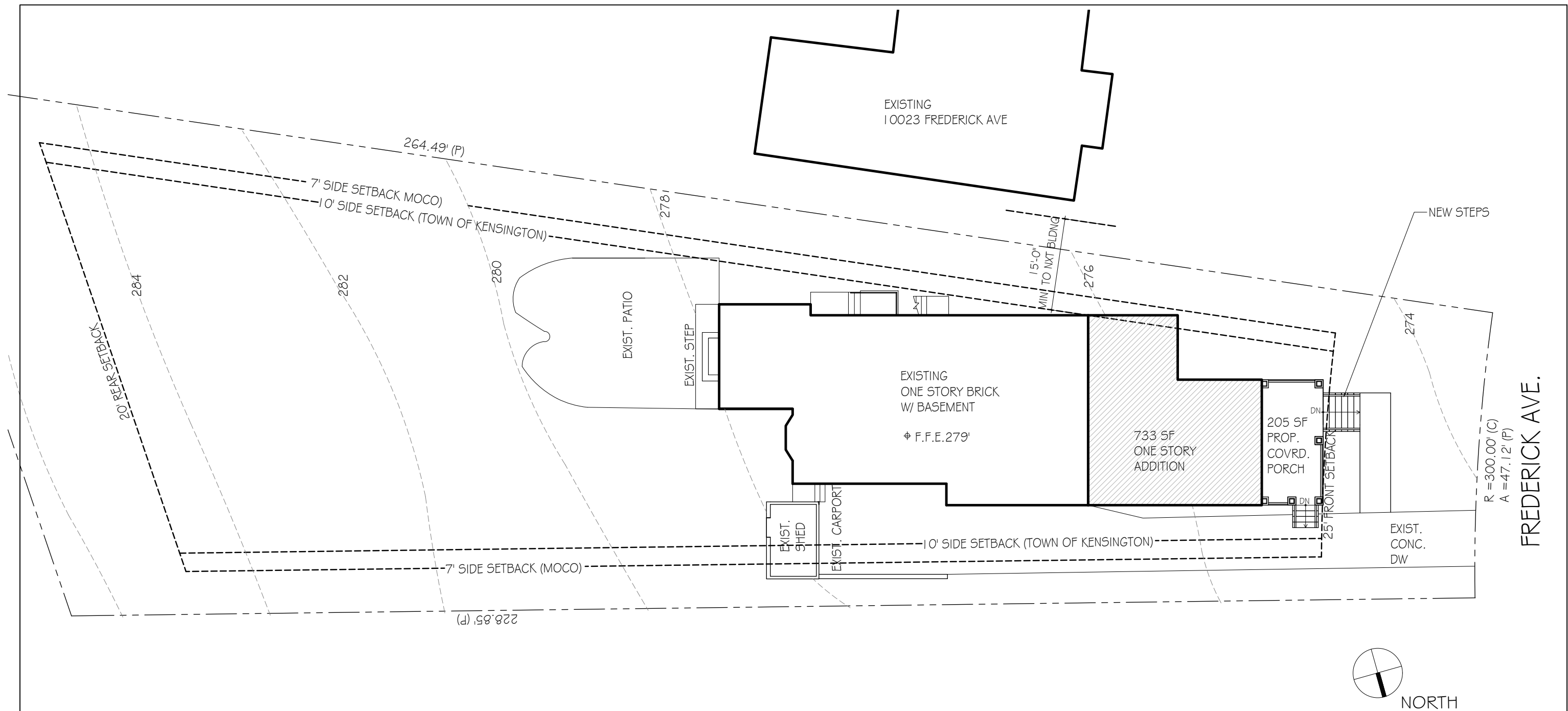
ADOPTED by the Town Council of Kensington, Maryland, at the regular public meeting assembled on the 11th day of October, 2022.

EFFECTIVE the 11th day of October, 2022.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor



PROPOSED SITE PLAN

PROJECT: 20056

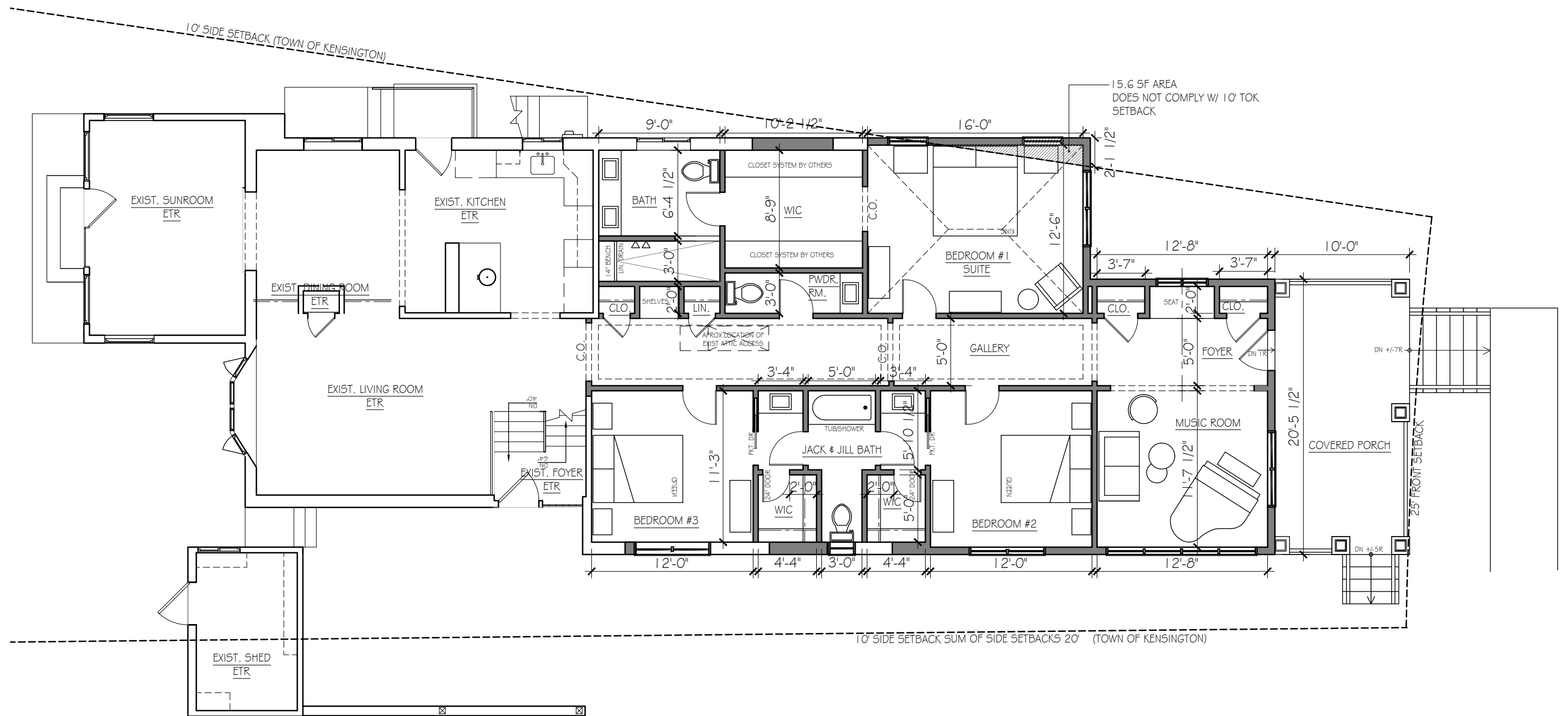
SCALE: $\frac{1}{16}" = 1'-0"$

DATE: 08/29/ 2022

DRAWN BY: AA

SNOW RESIDENCE 10025 FREDERICK AVE., KENSINGTON, MD 20895

upton
ARCHITECTURE
4524 Saul Road
Kensington, MD 20895
301-646-3606
mgu@uptonarchitecture.com



PROPOSED MAIN FLOOR

PROJECT: 20056

SCALE: $\frac{1}{8}" = 1'-0"$

DATE: 08/29/2022

DRAWN BY: AA

SNOW RESIDENCE

10025 FREDERICK AVE., KENSINGTON, MD 20895

upton
ARCHITECTURE
4524 Saul Road
Kensington, MD 20895
301-646-3606
mgu@uptonarchitecture.com

Reva and Aaron Snow
10025 Frederick Avenue
Kensington, MD 20895

Town Council
Town of Kensington
3710 Mitchell Street
Kensington, MD 20895

August 26, 2022

Dear Councilmembers:

Pursuant to Kensington Town Code 5-104(d), we write to request a variance from the side yard setback requirement in Kensington Town Code 5-104(4)(b) for proposed construction of an addition to our home at 10025 Frederick Ave.

Our proposed addition adds a front entrance (which the house currently lacks altogether) and entry room, and expands its bedrooms. The proposed addition complies with all Kensington Town Code and Montgomery County Code requirements, including Montgomery County's setback requirements, except for a small (15.6 sqft) portion of the southwest (front) corner of the proposed addition which would extend modestly beyond the Town's 10' setback requirement. Our architects, Upton Architecture, will separately send our proposed site plan.

This design is necessitated by the uniquely thin "pie slice" shape of our lot, which narrows significantly as it approaches the street. (The existing house is essentially set sideways on the property due to this narrowness.) Our proposed design keeps the addition in line with the existing structure — that is, we do not propose to widen the house at all — and we have intentionally designed the addition in an "L" shape, to extend forward significantly less on the southern side (where the variance is required) than on the northern side, to minimize the footprint that crosses the 10' setback line. As the site plan demonstrates, the encroaching corner abuts only our neighbor's driveway, and is well clear of their house.

We thank you for your time and consideration.

Best regards,

Reva and Aaron Snow

Resolution No. R-28-2021
Adopted:

A Resolution of the Mayor and Town Council of Kensington Authorizing the extension of the existing refuse and recycling contract with Ecology Services Refuse & Recycling, LLC, for the term of one-year and increasing the number of units served with a per unit price increase.

Whereas, Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to take action as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing person and property from violation, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town; and

Whereas, Article VI, "Powers of the Council", Section 602, "Specific Powers", Subsection 19, "Garbage", of the Town Charter authorizes the Mayor and Council to require waste and hazardous waste materials to be removed to designated points through an organized manner; and

Whereas, the Mayor and Council in accordance with Section 2-404, "Awarding of Bids", awarded a contract to Ecology Services Refuse & Recycling, LLC, ("Contract") in Resolution R-17-2018, for refuse and recycling services within the Town; and

Whereas, Section II, "Contract Term" of the Contract, authorizes the Town to renew the terms of the Contract for up to an additional three (3) consecutive one-year terms; and

Whereas, due to the construction of additional dwelling units within the Town, the number of units to be serviced has increased; and

Whereas, the Mayor and Town Council have determined that it is in the public interest to authorize the Town Manager to renew the Contract for a one-year term on the same terms and conditions with the exception of including the additional units with a per unit price increase, pending final approval by the Town Attorney.

Now Therefore Be It Resolved by the Mayor and Council of the Town of Kensington that the Town Manager be and is hereby authorized to renew and extend the Contract with Ecology Services Refuse & Recycling, LLC, on the same terms and conditions with the exception of increasing the units to be served on a per unit price increase as follows subject to the review by the Town Attorney:

Trash: 601 units, which includes Town Hall and 26 street receptacles.

Recycling: 575 units, to include the Post Office
Yard Waste: 5574 units
Bulk: 574 units

Adopted by the Town Council this 11th day of October, 2022.

Effective this 11th day of October, 2022.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the Town Council
in public meeting assembled on the 8th day
of October, 2022.

By: _____
Susan C. Engels, Clerk – Treasurer