

Mayor Tracey Furman

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



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

Released: March 10, 2023

**Monday, March 13, 2023
Town Council Meeting, 7:00 pm**

The Town Council Meeting will be held on the Zoom Video Conferencing application only. Access to the meeting is available through the following link:

<https://us02web.zoom.us/j/89277626018?pwd=eUdhaVhhVGdUMTEyaDgvcjZueWc2Zz09>

Meeting ID: 892 7762 6018

Password: 190486

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

In Honor of Jayne Plank, Mayor of the Town of Kensington 1974 – 1982,
who passed away February 23, 2023.

APPROVAL OF MINUTES

Town Council Meeting Minutes of February 13, 2023
Special Town Council Meeting Minutes of March 6, 2023

THE MAYOR AND TOWN COUNCIL

1. Acknowledge:

- a. The Mayor and Council held a Special Town Council meeting (Closed Session) on Monday, March 6, 2023, to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to consult with counsel to obtain legal advice.
- b. Town of Chevy Chase Antisemitism Resolution – The Town of Kensington supports the recently adopted resolution by the Chevy Chase Town Council condemning antisemitism, and we look forward to working with all of the municipalities within

Town of Kensington 3710 Mitchell Street Kensington, MD 20895

Phone 301.949.2424 Fax 301.949.4925

www.tok.md.gov

Montgomery County to continue to raise awareness against hate within our communities.

- i. The Council may motion to become a signatory to the Town of Chevy Chase's Antisemitic Resolution.

2. Joseph Park (3420 Plyers Mill Road):

- a. Discuss possibly selling Town property located at 3420 Plyers Mill Road for the purpose of acquiring additional property within the Kensington Business District.
 - i. *The Council may motion to direct the Town staff to market the property for closed bids.*
 - ii. *If the Council concurs to accept closed bids for the property located at 3420 Plyers Mill Road, an Ordinance will be introduced at a future Council Meeting and a Public Hearing on the proposed sale would be scheduled.*

3. Urban Land Institute (Technical Assistance Panel):

- a. Discuss appropriating \$25,000 for a Technical Assistance Panel (TAP) with the Urban Land Institute to coalesce various concept plans with regards to improving pedestrian and transportation movements along Connecticut Avenue, along with reviewing economic development opportunities within the proposed Summit Avenue Extended project.

4. Development Review Board Update (DRB):

- a. Update from the March 1 Development Review Board meeting and review the proposed recommendation in support of 10509 Summit Venture, LLC, Statement of Justification to turn 25 live/work units into short-stay hotel units.

5. Sustainable Kensington:

- a. Update from the March 6 Sustainable Kensington meeting.

THE TOWN MANAGER AND STAFF

1. **10509 Summit Avenue:** Confirm that the Town requested a State of Maryland 2023 Legislative Bond Initiative in the amount of \$2,400,000, in cooperation with Summit Ventures, LLC, for the construction of 48 Public Parking spaces within the proposed Flats at Knowles Station project.
2. **Town Bridge RFP Update:** Update on the received bids for the Engineering Design, Construction Management, and Inspection Services for the Rehabilitation of Three Town of Kensington Bridges.

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. **Ordinance No. O-01-2023 (Introduction)** – An Ordinance of the Mayor and Council of the Town of Kensington to Appropriate and Adopt the Fiscal Year 2023 – 2024 (FY24) Budget and to Levy a Tax on Certain Real and Personal Property under the provisions of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as Amended.
 - a. *The Public Hearing will be set for Monday, April 10, 2023, 7:00 pm.*

2. **Resolution No. R-05-2023** – A Resolution of the Mayor and Town Council of Kensington Approving a Variance to encroach one foot, five inches (1' 5") into the ten-foot (10') side yard setback for a dwelling on land zoned for single-family use at 3418 Oberon Street, in accordance with Section 5-104 (b) of the Town Code.
3. **Resolution No. R-06-2023** – A Resolution of the Kensington Town Council Authorizing the Town Manager to move the Existing 'Do Not Enter, 6:00 am – 9:30 am, Monday - Friday' signs along southbound St. Paul Street at the intersection of Farragut Avenue, to southbound St. Paul Street at the intersection with University Boulevard, pending final Approval by the Office of Traffic Safety with the State Highway Administration.
4. **Resolution No. R-07-2023** – A Resolution of the Kensington Town Council Confirming Appointments made by the Mayor to the Board of Supervisors of Elections.

PUBLIC APPEARANCES

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

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, April 10, 2023, 7:00 pm

Developing an “Antisemitism Awareness” Public Education Program: An Initiative of Montgomery County Municipalities

Background

Montgomery County is home to approximately [105,000](#) Jewish residents out of a total population of 1.1 million. Our county has many elected officials who are Jewish and a vibrant Jewish religious, cultural, and political scene. As one of the most diverse counties in the country, this would be the last place to expect a spate of hate incidents directed at the Jewish community, yet that is exactly what is taking place. In just the past several months there have been [physical assaults](#) and Nazi Swastikas have been found at area [high schools](#) and [middle schools](#), in [public parks](#) and in [leaflets](#) deposited in front of Jewish homes.

According to a recent [report](#), in 2022, the Montgomery County Police Department reported 48 anti-Jewish bias incidents, up 55% compared to 2021. This was far more than any other religious-based bias incident, with nearly half of the 2022 incidents occurring in the last four months of the year, according to police data. In addition, roughly 85% of the state’s religious-based hate crimes are directed against Jews.

In response to this rising threat, the Montgomery County Council and County Executive have taken two concrete actions that we applaud.

First, the County Council passed a [resolution](#) on November 1, 2022, to address and combat antisemitism. At its core, this resolution defined antisemitism for county residents as well as government responses to such hate. Here’s the definition:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Second, County Executive Elrich [announced](#) on January 30, 2023 the disbursement of \$800,000 in grants to local organizations to improve security and deter hate crimes through the County’s Nonprofit Security Grants program. Countering antisemitic activities is included in these grants.

However, much more must be done. Therefore, we believe that it is crucial for local municipalities in Montgomery County -- which are the first level of public engagement for our residents -- to engage in countering this scourge through direct activities that educate our residents about the challenge that we as an entire community are facing. When one group of our residents is unsafe, all of our residents are unsafe.

Resolution

Whereas, we in Montgomery County have seen a sharp increase in the incidents of antisemitic incidents that have horrified County residents of all faiths;

Whereas, the County Council unanimously passed a resolution condemning antisemitism and all forms of hate speech and bigotry towards any racial or ethnic group;

Whereas the County Council resolution states that Montgomery County commits to countering antisemitism and hate through engagement with community leaders; and

Whereas, we elected municipal officials in Montgomery County believe that the voices of our communities should be added to the County's, in expressing our condemnation of these antisemitic acts,

Therefore, we, as local elected municipal leaders of Montgomery County, resolve the following:

Antisemitism has no place in our communities, at our schools, in our public areas, and on our doorsteps. As local elected leaders, we fully condemn this age-old hatred of the Jewish people and stand in solidarity with our Jewish residents.

We stand firmly against any and all actions that aim to intimidate our Jewish residents through the use of hate speech, display of hate symbols, such as Nazi Swastikas, and through physical assault. We oppose with equal fervor, any expression of hate or bigotry against people of any racial, religious, ethnic identity, or sexual orientation.

We support activities undertaken in our schools that educate our children about the history of antisemitism, raise awareness of this bigotry, and encourage students to oppose antisemitism and other hate speech and activities when they see or hear of them.

We also believe that activities must take place in our communities to raise greater public awareness about antisemitism, both historically and contemporaneously, and commit to implementing a public awareness campaign against antisemitism that engages every municipality in Montgomery County.

This campaign will be comprised of public "antisemitism awareness" events in differing municipalities of the county this calendar year. We will seek the broadest possible public involvement in these activities.

We will work with experts and leaders, such as the Anti-Defamation League, the American Jewish Committee, the Jewish Community Relations Council, the Maryland Municipal League's Montgomery County chapter, and local law enforcement and other entities, to provide a full spectrum of topics to increase awareness of antisemitism and hate in our communities. We believe that vigorous, consistent public education will provide the most effective defense against this and other age-old hatreds that have no place in our dynamic, diverse, and inclusive communities.

Draft Action Plan – Events to be held in Municipalities in 2023 [not part of Resolution]:

Each participating municipality will offer community meeting space so experts and leaders can have the opportunity to host an event. The municipality will publicize the event – including its summary – to its residents, and also invite the attendance of residents from other municipalities. The events will be both in-person and online, so that as many of our residents as possible across the County can participate.

Potential Topics for the five “Antisemitism Awareness” events:

1. Status of antisemitic hate crimes in our area.
2. How to discuss antisemitism with your children.
3. How antisemitism can be dealt with in your community.
4. The Holocaust and roots of historic antisemitism.
5. Broader trends of hate in the U.S. and how communities can counter them.

TOK JOSEPH'S PARK			
SPECIES	SIZE	CONDITION	RECOMMENDED WORK
CEDAR	18"	EXCELLENT	DEADWOOD REMOVAL, INTERIOR PRUNE & ELEVATE
ASH	23"	GOOD (FOR NOW)	TREAT WITH EMERALD ASH BORER PREVENTATIVE
BLACK WALNUT	18"	EXCELLENT	NOTHING NEEDED AT THIS TIME
ASH	50"	FAIR	TREAT WITH EMERALD ASH BORER PREVENTATIVE
YEW (6 STEM)		EXCELLENT	NOTHING NEEDED AT THIS TIME
ASH	24"	FAIR	TREAT WITH EMERALD ASH BORER PREVENTATIVE
YEW	14"	EXCELLENT	NOTHING NEEDED AT THIS TIME
BLACK WALNUT	22"	GOOD	DEADWOOD REMOVAL, INTERIOR PRUNE & ELEVATE



Statement of Justification for the
Amendment of the
Preliminary Plan,
And Site Plan,
of the Flats At Knowles Station
At 10509 Summit Ave., Kensington, MD 20895
Applicant:
10509 Summit Venture, LLC

PRELIMINARY PLAN NO 12021003A
SITE PLAN NO. 82021003A
(THE “APPLICATIONS”)

I. INTRODUCTION

The Applicant, 10509 Summit Venture LLC (the “Applicant”), by its engineers and manager hereby submits this Justification Statement in Support of its amended Preliminary Plan and Site Plan Application, (the “Applications”) to demonstrate conformance of these Applications with all applicable review requirements and criteria.

The Applicant is the owner of 10509 Summit Avenue, Kensington, MD 20895 (the “Primary Property”). The Primary Property consists of Lots 15, 17, 19, Parts of Lots 21, 22, & 25 of the Huck and Copp Subdivision that total approximately 36,507 net taxable square feet (“SF”). The Property is zoned CRT-1.5, C-1.0, R-0.5,,H-60.

Prior to the submission of these Amendment Applications, the Applicant had extensive interaction with Staff and the Town of Kensington and its Staff dating back over 4 years. Its initial Applications were for a townhouse project in September 2018. The Planning Board deferred approval of the townhouse project in June of 2019. The Applicant then used the year moratorium to work with Planning Staff and the Town and the Community to re-envision the project. The Applicant was asked by Staff to significantly modify its plans and seek approval for this mixed-use project which was consummated by Planning Board approval in March of 2021 of a Preliminary Plan, Site Plan, and Sketch Plan.

In late 2020 and prior to the March 2021, the Applicant team first informed the Town and Staff that the 25 live work units previously proposed could have market limitations and would have further market limitations above the ground floor level. The purpose of informing Staff and the Town was to ensure stakeholders would not be a surprise if the Applicant later wanted to remove those live work units from the project.

At that time the Town desired extra parking not required by the code nor requested by County Staff. The Applicant accepted the Town's request for an extra level of parking as part of the March 2021 approvals now binding on the project concurrent with county Staff requesting extensive street scape improvements on both Knowles Avenue and Summit Avenue as part of the March 2021 approvals.

To offset the cost of the parking for the Applicant, the Town proposed a FAR averaging transfer of residential density from its land on Dupont Avenue to the 10509 site in exchange for Applicant providing this extra parking the Town desired. Staff seemed favorable to this concept at that time but after further investigation of this process in Summer 2021, the Staff found the Town's property did not meet the necessary conditions for an FAR transfer.

In Summer and Fall 2021, Applicant team confirmed the live work units as proposed were not viable and explored other means with the Town and Staff to advance the project. This amendment Application is a carefully crafted concept supported by all stakeholders working very well together in a pleasant, cooperative fashion.

II. AMENDMENT DESCRIPTION

This Amendment proposes the following items in concert with the above project history:

1. On the first residential level above the parking garage level, the R-1 level, the conversion of 25 live work units to a minimum of 15 short-term extended stay hotel units with 10 conventional multi-family units up to a maximum of 25 short-term and no multi-family units. The purpose of the minimum amount of short-term extended stay units is to ensure the project never goes below its allotted amount of residential only FAR.

2. An increase of internal-serving commercial square footage of up to 3,500 square feet primarily for an enclosed roof top amenity space with extensive natural light and views. In a post covid environment, the Applicant team learned the importance of natural light and environment and therefore, added this request to the amendment.
3. While completing the actual unit designs for building permit and these roof top amenities and green roof areas, the Applicant's design uncovered the need to slightly modify total square footage of the project by less than 600 square feet. To accommodate Staff's requests and the Code to never exceed the projects residential FAR, this amendment proposes extremely modest changes to the previous data table to ensure the project is compliant when it gets built while also having above market sized balconies with comfortable living spaces that maximize light and internal flow.
4. Several retailers noted the importance of a lay by lane in Summit Avenue for the viability of the proposed retail. Applicant understands that the Staff does not support this concept and therefore, has not put this as part of the Amendment but would like to go on record with the board that it is significant enough of an issue, that an additional amendment could be forthcoming for the future residents and visitors of this Kensington Town Center project.

III. TECHNICAL ELEMENTS:

These modest changes are only a limited major amendment which Staff considers de minimis and not a material changes to the intent of the original plans. An example of technical elements that demonstrate these three minor changes are de minimis and meet the intent of a limited major amendment are:

1. Traffic. The traffic statement part of this Application prepared by The Traffic Group concluded that there was no change to the traffic volumes. And if there was any, then it would be less traffic than a live work unit would produce. And since the amenities are only accessible to by users of the project, there is no increase in traffic because of the roof top amenity space and that commercial FAR.

2. FAR of the Amenity Space. DPS zoning staff issued a finding that the internal serving roof top amenity shall be considered commercial FAR.

V. CONCLUSION

These modest changes are de minimis changes to the original project approved by the Planning Board. The Applicant and its team respectfully request they be approved so that this project may diversify the housing stock as a vibrant mixed-use walkable area.

State Of Maryland

2023 Bond Initiative Fact Sheet

1. Name Of Project		
The Flats at Knowles Station - Public Parking		
2. Senate Sponsor	3. House Sponsor	
Waldstreicher		
4. Jurisdiction (County or Baltimore City)	5. Requested Amount	
Montgomery County	\$2,400,000	
6. Purpose of Bond Initiative		
the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Flats at Knowles Station project		
7. Matching Fund		
Requirements:	Type:	
Grant		
8. Special Provisions		
<input type="checkbox"/> Historical Easement	<input checked="" type="checkbox"/> Non-Sectarian	
9. Contact Name and Title	Contact Ph#	Email Address
Senator Jeff Waldstreicher		jeff.waldstreicher@senate.state.md.us
Matthew Hoffman		301-949-2424
10. Description and Purpose of Organization (Limit length to visible area)		
<p>The Town of Kensington is a municipality within Montgomery County, Maryland. With a population of 2,300 residents, the Town is also home to nearly 250 businesses, which serves the surrounding area of nearly 10,000 people. The Town is working with the developer for the Flats at Knowles Station project to provide 48 public parking spaces within the facility to help address a shortage of public parking options within this area of the Town.</p>		

11. Description and Purpose of Project (Limit length to visible area)

The Flats at Knowles Station is a mixed-use project that will encompass residential and commercial aspects to form a micro town center along Kensington's western boundary. A gateway into the community from MD355 and Summit Avenue, specifically for employees of NIH and Walter Reed National Military Medical Center, The Flats at Knowles Station will provide both residential and retail for a growing community. The Town has requested that the developer include a level of parking to help address the shortage of public parking options within the Knowles Avenue and Summit Avenue area, in which the Town is acting as the grantee in requesting \$2,400,000 for the construction of an additional level of public parking, which will net 48 public parking spaces.

Round all amounts to the nearest \$1,000. The totals in Items 12 (Estimated Capital Costs) and 13 (Proposed Funding Sources) must match. The proposed funding sources must not include the value of real property unless an equivalent value is shown under Estimated Capital Costs.

12. Estimated Capital Costs

Acquisition	
Design	
Construction	\$2,400,000
Equipment	
Total	\$2,400,000

13. Proposed Funding Sources - (List all funding sources and amounts.)

Public Parking - Legislative Bond	\$2,400,000
Public Funding for ROW Improvements - County	\$3,100,000
Privately Financed by Developer	\$46,500,000
Total	\$52,000,000

14. Project Schedule (Enter a date or one of the following in each box. N/A, TBD or Complete)			
Begin Design	Complete Design	Begin Construction	Complete Construction
6/20/2018	4/13/2021	6/1/2023	6/1/2025
15. Total Private Funds and Pledges Raised	16. Current Number of People Served Annually at Project Site	17. Number of People to be Served Annually After the Project is Complete	
46500000.00	N/A	200 - 250	
18. Other State Capital Grants to Recipients in the Past 15 Years			
Legislative Session	Amount	Purpose	
N/A			
19. Legal Name and Address of Grantee		Project Address (If Different)	
Town of Kensington, Maryland 3710 Mitchell Street Kensington MD 20895		Summit Ventures, LLC 10509 Summit Avenue Kensington MD 20895	
20. Legislative District in Which Project is Located	18 - Montgomery County		
21. Legal Status of Grantee (Please Check One)			
Local Govt.	For Profit	Non Profit	Federal
[X]	[]	[]	[]
22. Grantee Legal Representative		23. If Match Includes Real Property:	
Name:	Matthew J. Hoffman	Has An Appraisal Been Done?	Yes/No
Phone:	301-949-2424		No
Address:		If Yes, List Appraisal Dates and Value	
3710 Mitchell Street Kensington MD 20895			

24. Impact of Project on Staffing and Operating Cost at Project Site			
Current # of Employees	Projected # of Employees	Current Operating Budget	Projected Operating Budget
0	60	0.00	3300000.00
25. Ownership of Property (Info Requested by Treasurer's Office for bond purposes)			
A. Will the grantee own or lease (pick one) the property to be improved?			Lease
B. If owned, does the grantee plan to sell within 15 years?			No
C. Does the grantee intend to lease any portion of the property to others?			Yes
D. If property is owned by grantee any space is to be leased, provide the following:			
Lessee	Terms of Lease	Cost Covered by Lease	Square Footage Leased
E. If property is leased by grantee - Provide the following:			
Name of Leaser	Length of Lease	Options to Renew	
10509 Summit Venture, LLC	20	No, spaces transfer back to	
26. Building Square Footage:			
Current Space GSF	0 GSF		
Space to be Renovated GSF	0 GSF		
New GSF	115,000 GSF		

27. Year of Construction of Any Structures Proposed for Renovation, Restoration or Conversion	2024
28. Comments	
<p>In the event that Montgomery County does not fund the proposed ROW improvements for The Flats at Knowles Station project, the Town of Kensington reserves the right to seek future State Legislative Bonds for ROW improvements.</p> <p>The requested Legislative Bond amount of \$2,400,000 is the actual construction cost for the 48 public parking spaces.</p> <p>If awarded, the Town will release the funds directly to the contractor constructing the public parking garage for the The Flats at Knowles Station project.</p>	

Budget Ordinance No. O-01-2023**Introduced: March 13, 2023****Public Hearing: April 10, 2023****Adopted: _____**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2023 – 2024 (FY24) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

WHEREAS, §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Town Council to provide for the control and management of its finances and expend money for any public purpose and for the safety, health, and general welfare of the Town and its occupants; and

WHEREAS, §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation; and

WHEREAS, Article VIII, “Finance”, Section 801, “Fiscal Year”, of the Town Charter states that the Fiscal Year of the Town shall begin on July 1, 2023, and end on June 30, 2024; and

WHEREAS, Section 802, “Proposed Budget”, of the Town Charter states that the Town Manager shall submit to the Council prior to the third Monday in April, a Budget of anticipated revenues, proposed operating expenditures, and proposed capital project expenditures, along with a written financial plan for the succeeding fiscal year; and

WHEREAS, Section 803, “Adoption”, of the Town Charter states that prior to adopting the Budget, the Council shall hold a public hearing following due notice and a favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

NOW THEREFORE, the Mayor and Town Council of Kensington does hereby adopt the following Budget Ordinance:

AN ORDINANCE TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2023 – 2024 (FY24) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

ANTICIPATED REVENUE						
	General Property Taxes			\$	1,527,388	
	Other Taxes			\$	800,500	
	Licenses & Permits			\$	42,310	
	Intergovernmental Revenues			\$	430,273	
	Fines & Fees			\$	1,000	
	Miscellaneous Revenue			\$	197,500	
	Grants - ARPA			\$	1,148,193	
TOTAL ANTICIPATED REVENUE						\$4,147,164
	Re-Appropriation			\$	972,962	
TOTAL ANTICIPATED FUNDS AVAILABLE						\$5,120,126
PROPOSED EXPENDITURES						
	General Government			\$	1,344,725	
	Public Works			\$	1,085,399	
	Public Safety			\$	315,843	
	Parks & Recreation			\$	203,400	
	Non-Departmental			\$	25,000	
						\$2,974,367
	Capital Improvement Budget			\$	2,145,759	
TOTAL PROPOSED EXPENDITURES						\$5,120,126

SECTION 1:

BE IT ORDAINED AND ORDERED this _____ day of May, 2023, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, that the budget for Fiscal Year July 1, 2023, through June 30, 2024, attached hereto and incorporated herein by reference, be and the same hereby is appropriated and adopted.

SECTION 2:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2023, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town

Charter, hereby levies a tax at the rate of One thousand, three hundred twelve ten-thousandths cents (**\$0.1312**) per One Hundred Dollars of full value assessment on all taxable real property located within the corporate limits of the Town of Kensington.

SECTION 3:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2023, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of eighty cents (**\$0.80**) per One Hundred Dollars of full value assessment on all taxable personal property located within the corporate limits of the Town of Kensington.

SECTION 4:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2023, by the Kensington Town Council, acting under the virtue of the authority granted to it by §8-101 of the Tax-Property Article of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of five dollars (**\$5.00**) per One Hundred Dollars of full value assessment on all taxable personal property set forth by §8-101 of the Tax-Property Article, of the Annotated Code of Maryland (as amended):

1. Operating personal property of a railroad;
2. Operating personal property of a public utility that is machinery or equipment used to generate electricity or steam for sale;
3. All other operating personal property of a public utility; and
4. Machinery and equipment, other than operating personal property of a public utility, that is used to generate electricity or steam for sale or hot or chilled water for sale that is used to heat or cool a building.

SECTION 5:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2023, by the Kensington Town Council, hereby adopts the imposition of a full-year, one-half year, three-quarter year, and one-quarter year tax levies, authorized pursuant to §10-102, 10-103, 10-104, and 10-105 of the Tax-Property Article of the Annotated Code of Maryland (as amended), and authorizes and empowers Montgomery County, Maryland, to collect and remit the same to the Town of Kensington, consistent with the imposition and collection of such levies on real property by Montgomery County.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2023, by the Kensington Town Council that the transfer of funds by Resolution within the Operating and Capital Improvements Budget may occur.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2023, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, “Powers of the Council”, Section 601, “General Powers” of the Town Charter that:

(1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 1st day of July, 2023, provided the following:

(a) Posted at Town Hall by the next business day following introduction; and

(b) Posted on the official Town website; and

(c) Sent to those persons listed on the official Town email list/mail subscription service; and

(d) Published once prior to the public hearing in the Town newsletter or sent by substitute regular mail to newsletter circulation addresses.

INTRODUCED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the 13th day of March, 2023.

ADOPTED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the _____ day of May, 2023.

EFFECTIVE the 1st day of July, 2023.

Resolution No. R-05-2023

Adopted:

A Resolution of the Mayor and Town Council of Kensington Approving a Variance to encroach one foot, five inches (1' 5") into the ten-foot (10') side yard setback for a dwelling on land zoned for single-family use at 3418 Oberon Street, in accordance with Section 5-104 (b) of the Town Code.

WHEREAS, the Town received a permit application for new construction by Jacqueline Baur and Daniel Lonnerdal, ("the Applicants"), for certain real property located at 3418 Oberon Street, ("the Property"); and

WHEREAS, the application for new construction was determined following a review by the Department of Permitting Services, ("DPS"), which concluded that the originally proposed addition for a second story would require the existing dwelling to comply with Montgomery County's minimum front setback requirement of twenty-five feet (25'); and

WHEREAS, the Applicants proposed site plan to expand the footprint of the existing foundation for the new build requires compliance with the Town of Kensington's minimum side yard setback of ten feet (10'), as regulated within Section 5-104, "Building Lines", of the Town Code; and

WHEREAS, the Applicants have filed a Variance request before the Town Council to encroach one foot, five inches (1' 5") into the ten-foot (10') side yard setback for a dwelling on land zoned for single-family use; 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 February 13, 2023, 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 February 13, 2023, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. Jacqueline Baur and Daniel Lonnerdal ("the Applicants"), are the owners of 3814 Oberon Street in Kensington, Maryland, which is zoned single-family residential ("the Property").
2. The existing dwelling at 3418 Oberon Street is a split-foyer, single-family, home built in 1963.
3. The existing dwelling has an encroachment of one-foot, four inches (1' 4") and the Variance is requesting the new build to have a maximum encroachment of one-foot, five-inches (1' 5").
4. The proposed new build would expand the footprint from the existing dwelling roughly 200 square feet with a 5' x 40' rear addition beyond the existing foundation.
 - a. The plans also propose a 230 square foot porch within the front plane.
5. The adjacent lot to the east, 3416 Oberon Street, is owned by Virginia Sparrow, and the Town was advised by a local realtor that the property will be on the market soon.
6. The adjacent lot to the west, 10537 Wheatley Street, is owned by Scott Goode and Leslie Olson.
7. The proposed encroachment would not bring the dwelling unit within fifteen (15) of any other dwelling.

Conclusions of Law:

1. The strict application of Town regulations would result in undue hardship due to the existing encroachment (1' 4") into the side yard setback, where the Applicants are requesting to expand the footprint to an encroachment of one foot, five inches (1' 5").
2. The proposed Variance is the minimum necessary to overcome the unique condition of the new build requirement in what would have been a modest addition to the existing dwelling.
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 one foot, five inches (1' 5") into the required ten-foot (10') side yard setback at the Property located at 3814 Oberon Street be and it is hereby granted.

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 13th day of March, 2023.

EFFECTIVE the 13th day of March, 2023.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

Resolution No. R-07-2023

Adopted:

A Resolution of the Kensington Town Council Confirming Appointments Made by the Mayor to the Board of Supervisors of Elections.

WHEREAS, Article VII, “Registration, Nominations and Elections”, Section 702, “Board of Supervisors of Elections”, of the Town Charter, requires that there shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in April; and

WHEREAS, the term of members of the Board of Supervisors of Elections shall begin on the first Monday in April in the year in which they are appointed and shall run for one (1) year; and

WHEREAS, members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office; and

WHEREAS, the Board shall appoint one of its members as Chairperson.

NOW, THEREFORE, BE IT RESOLVED by the Kensington Town Council that the following appointments by the Mayor are confirmed as follows:

Martha Deale	3941 Washington Street	One Year Term Expires	3-31-2024
Kate DeWitt	3609 Farragut Avenue	One Year Term Expires	3-31-2024
Robin Watson	10415 Fawcett Street, Apt. 106	One Year Term Expires	3-31-2024

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 13th day of March, 2023.

EFFECTIVE the 13th day of March, 2023.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor