

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

MCPB  
Item No. xxxx  
Hearing Date: 10-13-11

Kensington Nursing, Preliminary Plan 120110040

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**description**

Location: Southeast quadrant of the intersection of Mc Comas Avenue and Drumm Avenue

Zone: R-60

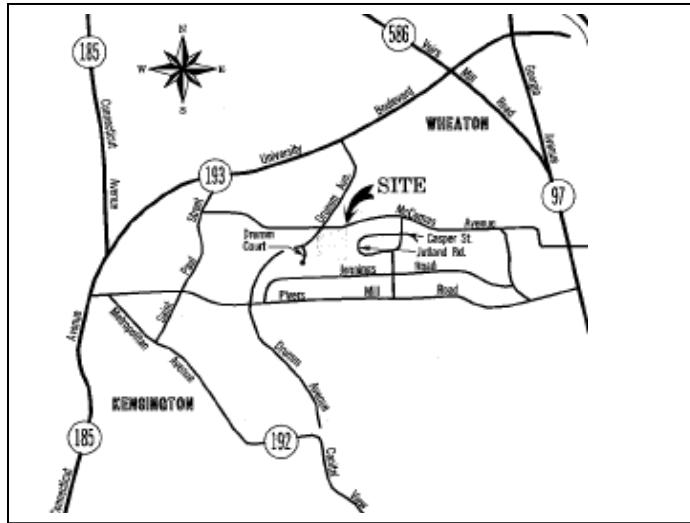
Master Plan: Kensington/Wheaton

Property size: 6.28 acres

Application to subdivide 6.28 acres of land into one lot for an existing special exception use (nursing home) and two lots for two one-family detached dwellings.

Applicant: Kensington Nursing, LLC

Filing date: October 10, 2010



**summary**

**Staff recommendation: Approval with conditions**

The Planning Board considered this subdivision as a pre-preliminary plan in March, 2010. At that time, the Planning Board gave the applicant non-binding advice that the subdivision was consistent with the resubdivision requirements of the Subdivision regulations, and that the overall layout of the subdivision was appropriate for the site.

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family detached dwelling units and one lot for a 140-bed nursing home.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable. Specific conditions include:
  - a. Approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. The Final Sediment Control Plan must be consistent with the final limit of disturbance as approved by staff.
  - c. Any earth disturbance, including removal of the existing shed and gravel, within the critical root zone of any tree that is subject to the forest conservation variance must be supervised by a qualified tree expert.
- 3) The applicant must place a Category I conservation easement over retained and planted forest as shown on the preliminary forest conservation plan. Conservation easements must be shown on record plats.
- 4) The applicant must place a Category II conservation easement over planted forest as shown on the preliminary forest conservation plan. Conservation easements must be shown on record plats.
- 5) The applicant must install permanent Forest Conservation Easement signage along the perimeter of the forest conservation easements.
- 6) The record plat must include a notation that if the existing house on Lot 24 is proposed to be demolished and reconstructed, the new house must be built completely outside of the environmental buffer.
- 7) The applicant must dedicate and the record plat must show dedication of 30 feet of right-of-way, as measured from the centerline, along the property frontage for McComas Avenue, and 30 feet of right-of-way, as measured from the centerline, along the property frontage for Drumm Avenue.
- 8) The applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of a four-foot-wide sidewalk along the property frontage on McComas Avenue where a sidewalk does not exist, unless construction is waived by MCDPS.
- 9) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 10) The applicant must comply with the conditions of the MCDPS stormwater management approval dated September 29, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated February 15, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 12) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 13) 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 during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

- 14) The record plat must show other necessary easements.
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

#### **SITE DESCRIPTION**

The subject property, shown below and in Attachment A, consists of one platted lot and two parts of lots, which together comprise 6.28 acres of land. The site is located in the southeast quadrant of the intersection of McComas Avenue and Drumm Avenue and is within the Kensington/Wheaton Master Plan area. The zoning on the property is R-60. The property is developed with a 140-bed nursing home, which operates based on an approved special exception, and a one-family detached dwelling. Both of these buildings are proposed to be retained. Surrounding properties are developed with one-family detached dwellings in the R-60 zone.

The subject property is located within the Lower Rock Creek watershed. A stream and a pond are located on the property, around which an environmental buffer has been established by an approved natural resources inventory. Two forest stands exist on the site, measuring 17,100 square feet and 10,000 square feet respectively. Steep slopes occur near the stream along McComas Avenue.



(Attachment A – vicinity map)

#### PROJECT DESCRIPTION

The applicant proposes to subdivide the lot and two parts of lots into three lots: one measuring 4.9 acres to contain the existing nursing home, one measuring 35,234 square feet to contain the existing one-family detached dwelling, and one measuring 16,922 square feet to contain a proposed one-family detached dwelling. Both dwellings and the nursing home will be accessed from Mc Comas Avenue via an existing driveway that will be improved and widened to 20 feet. Because the front of the site along Mc Comas Avenue is constrained by a stream buffer and steep slopes, the existing house is set back far from the street and is located near the nursing home. The proposed house on proposed Lot 25 would also be located near the nursing home, far from the street.

(Attachment B – proposed plan)

#### PREVIOUS APPROVALS

The existing nursing home is operating pursuant to an approved special exception. The special exception was first approved in 1950 and has been modified several times over the years as the building and the property itself were enlarged. On May 24, 2011, the Board of Appeals granted a modification to

the special exception to allow the proposed reconfiguration of the site (which is the subject of the preliminary plan application), whereby the site will be subdivided into three lots – one 4.9 acre lot to contain the special exception use (the nursing home) and two smaller lots for one-family detached dwellings. The modification approved by the Board of Appeals reduces the area of the special exception site so that it applies only to proposed Lot 26 of the preliminary plan, rather than the entire subject property.

On March 18, 2010, the Planning Board considered a pre-preliminary plan application for the subject property. At that time, the applicant sought non-binding advice on the conformance of the two proposed residential lots with the resubdivision criteria and the overall appropriateness of the subdivision layout. The Planning Board provided non-binding advice to the applicant, stating that there was no objection to submission of a preliminary plan, that the overall layout of the subdivision is appropriate, and that the proposed residential lots conform with the resubdivision criteria. The Planning Board gave this advice despite the fact that the proposed subdivision will create the largest and fifth largest lots in the neighborhood because physical constraints on the subject property do not provide a practical way to create smaller lots. This is discussed in greater detail later in the staff report.

## **ANALYSIS AND FINDINGS**

### **Conformance to the Master Plan**

The Kensington Wheaton Master Plan identifies the subject property as Site No. 22 in the Land Use and Zoning Plan (page 48). The Master Plan recommends that the existing R-60 zoning be retained, and that the site be developed with single-family residential cluster development. The proposed preliminary plan is in substantial conformance with the Master Plan because the subdivision will create two new lots for residential development consistent with the Master Plan recommendation, the R-60 zoning designation, and surrounding development patterns. Although the two-lot residential subdivision is not a “cluster subdivision,” the two residential lots are located near the edge of the site, such that in the event that the nursing home lot is redeveloped for residential uses, a new cluster subdivision would not be precluded. In the meantime, the nursing home is operating pursuant to an approved special exception and is permitted in the R-60 zone. Therefore, staff recommends that the Planning Board find that the proposed subdivision substantially conforms with the recommendations adopted in the Master Plan.

### **Public Facilities**

#### **Roads and Transportation Facilities**

Access to the proposed lots is proposed via an existing driveway from McComas Avenue. The driveway will be improved to 20 feet wide along its entire length and will be shared by the two residential lots and the nursing home. Both of the residential lots will have individual driveways that will lead from the shared driveway onto each lot, providing access to on-lot parking. Pedestrian access will be provided by a proposed four-foot-wide walkway that will lead from the sidewalk along McComas Avenue to the two residential lots and the nursing home.

The proposed subdivision does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the application is not subject to Local Area Transportation Review. In

addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, telecommunications, and gas services are also available to serve the Property.

#### Environment

##### Preliminary Forest Conservation Plan and Environmental Guidelines

As required by the County Forest Conservation Law (Section 22A of the County code), a Preliminary Forest Conservation Plan (FCP) for the project dated July 27, 2011, was submitted with the preliminary plan.

The Preliminary FCP proposes to retain and protect in a Category I conservation easement 0.62 acres of forest, much of which is located on steep slopes and within the environmental buffer. Approximately 0.02 acres of forest will be cleared in the proposed public utility easement along McComas Avenue. There is a 0.35 acre forest planting requirement that will be met by planting 0.35 acres of forest adjacent to the existing forest on-site. The majority of this forest will be planted within the currently unforested portion of the environmental buffer, a portion of which will be located on steep slopes. Approximately 0.28 acres of this planting will be protected in a Category I conservation easement and the remaining 0.07 acres will be protected in a Category II conservation easement. Consistent with Section 22A.00.01.08(G), up to twenty percent of the planting requirement may be comprised of landscape credit and this plan proposes to implement that measure by planting and protecting 0.07 acres in a Category II conservation easement. The Preliminary FCP results in 0.88 acres of forest protected in a Category I conservation easement and 0.07 acres protected in a Category II conservation easement.

The existing house that is proposed to remain is partially located within the environmental buffer. This house predates the implementation of the Environmental Guidelines and environmental buffer determination requirements. An existing shed and gravel surfaced area located in the rear of the existing house and within the environmental buffer will be removed. Staff recommends that the house remain as it exists today, but that the record plat reflect that if the house is demolished and rebuilt in the future, the new construction is to be located outside of the environmental buffer. This practice is consistent with previously reviewed and approved plans where existing structures are located within the environmental buffer.

With the recommended conditions of approval, the application is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law.

## Forest Conservation Variance

Section 5-1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection (Protected Trees). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone (CRZ), requires a variance under Section 22A-12(b)(3) of the County Code. Otherwise such resources must be left in an undisturbed condition.

This project will not require the removal of any Protected Trees, but the project will impact three Protected Trees. Therefore, a variance is required due to impacts to the critical root zone.

Table 1. Trees to be affected but retained

Tree Number	Species	DBH (Inches)	CRZ Impact	Status
539	American Beech	42	3%	Good condition; existing gravel layer over the CRZ to be removed
540	Tuliptree	30	3%	Good condition; existing shed and gravel to be removed, fence installed
J	Tuliptree	32	7%	Good condition; minor grading

Staff recommends that the Planning Board make the following findings to grant the forest conservation variance:

- i. *Granting the Tree Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the applicant as disturbance to the specified trees is due to the development of the site. The trees and their critical root zones lie within the developable area of the site. Impacts to two of the trees will occur as a result of staff's request that the applicant remove an existing gravel area and/or shed within the environmental buffer. The third tree will be impacted by minimal grading activity in the vicinity of the existing house and parking area. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this applicant. The proposed development activities that result in the impacts to trees subject to the variance requirement are within the existing developed area of the site. Staff has determined that the impacts to the trees subject to the variance requirement cannot be avoided and in some cases will improve the existing conditions surrounding these trees. Therefore, staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

- ii. *The need for the Tree Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based upon existing site conditions, required site development, and stormwater management best management practices (i.e., removal of impervious surface from within the critical root zone) as well as required widening of

an existing driveway, all of which are necessary to achieve an adequate development per existing regulations and requirements.

- iii. The need for the Tree Variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing and proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

- iv. Granting the Tree Variance will not violate State water quality standards or cause measurable degradation in water quality.*

MCDPS has found the stormwater management concept for the proposed project to be acceptable and conditionally approved it on September 29, 2010. The granting of this variance request will not result in the removal of any trees located within the environmental buffers, and the impacts to the critical root zones are minimal. The impacts to two of the trees are due to the removal of existing gravel and a shed that are currently located within the environmental buffer. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

No mitigation is proposed by the applicant or recommended by staff for this variance because there are no trees proposed for removal. There is minimal disturbance within the critical root zones of three trees, but the trees are excellent candidates for safe retention and will receive adequate tree protection measures.

In accordance with Montgomery County Code Section 22A-21(c), staff referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On April 19, 2011, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation.

Although the County Arborist recommended mitigation for impacts within the critical root zones of the three trees, staff continues to recommend approval without mitigation. It has been staff's practice to recommend mitigation for the removal of trees but not for impacts within the critical root zone. This is particularly true for two of the three trees being impacted, because the impacts are due to removal of impervious surfaces within the critical root zone. The disturbance that will cause the impact is itself an improvement to the health of the trees. Appropriate implementation will be ensured by a recommended condition of approval that all work within the critical root zone of any tree subject to the variance must be supervised by a qualified tree expert.

#### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on September 29, 2010. The stormwater management concept consists of environmental site design to the maximum extent possible via landscape infiltration, rain barrels, and through removal of some of the existing asphalt driveway and gravel parking. Any remaining volume of runoff will be treated in the existing wet pond. Onsite recharge is provided via landscape infiltration.

## **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

### **Conformance with Section 50-29(b)(2)**

Of the three lots proposed, the subdivision includes one lot for an institutional use, the existing nursing home. In accordance with the Planning Board's interpretation of February 25, 2010, the proposed institutional lot is not subject to the resubdivision criteria stated in Section 50-29(b)(2), because it is for a nonresidential use, so it is not included in the resubdivision analysis. The proposed subdivision also contains two residential lots, which are not affected by the Board's interpretation, and they are subject to the resubdivision criteria.

#### **A. Statutory Review Criteria**

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

#### **B. Neighborhood Delineation**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 100 lots (Attachment C). The neighborhood includes lots on Drumm Avenue, Drumm Court, McComas Avenue, Casper Street, Jutland Road, Maybrook Avenue, and Jennings Road in the R-60 zone. All the lots share multiple points of access on those streets. The designated neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

## C. Analysis

### Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

#### **Frontage:**

In a neighborhood of 100 lots, lot frontages range from 25 feet to 262 feet. Forty-one of the lots have frontages of 60 feet or less, 57 lots have frontages of 61 feet to 160 feet, and the remaining two lots have frontages of more than 240 feet. Proposed Lot 24 has a frontage of 136 feet, and proposed Lot 25 has a frontage of 64 feet. **The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

#### **Alignment:**

Seventy-two of the existing 100 lots in the neighborhood are perpendicular in alignment, 12 are corner lots, and the remaining 16 are radial lots. The two proposed lots are perpendicular. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

#### **Size:**

The lots in the delineated neighborhood range from 5,500 square feet to 20,987 square feet. Five of the lots are between 5,500 square feet and 6,000 square feet, 86 lots are between 6,000 and 12,000 square feet, and nine are between 12,000 and 22,000 square feet in size. Proposed lot 24 is 35,234 square feet and proposed Lot 25 is 16,922 square feet. Although proposed Lot 24 would be the largest in the neighborhood and proposed Lot 25 would also be one of the largest since only three existing lots in the neighborhood would be bigger, the lots are artificially made larger than they otherwise would have to be because the fronts of the lots are constrained with a stream buffer and steep slopes. The presence of these environmental constraints forces the houses on the lots to be placed farther from the street, increasing the lot size. **The proposed lot sizes are in character with the size of existing lots in the neighborhood.**

#### **Shape:**

Sixty-eight of the existing lots in the neighborhood are rectangular, 31 are irregular, and one is triangular. The two proposed lots are rectangular. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

#### **Width:**

The lots in the delineated neighborhood range from 49 feet to 155 feet in width. Forty-eight of the lots have widths of 49 feet to 60 feet, 44 lots have widths of 61 feet to 80 feet, and the remaining eight lots have widths of 81 feet up to 155 feet. Proposed Lot 24 has a width of 134 feet and proposed Lot 25 has a width of 70 feet. **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

**Buildable Area:**

The lots in the delineated neighborhood range from 3,025 square feet to 8,395 square feet in buildable area. Sixty-five of the lots have a buildable area between 3,000 and 5,000 square feet, 32 lots have a buildable area between 5,000 and 7,000 square feet, and the remaining three lots are between 7,000 and 8,395 square feet in buildable area. Proposed Lot 24 has a buildable area of 5,140 square feet and proposed Lot 25 has a buildable area of 3,570 square feet. These buildable area measurements exclude the area of the lot that is within the stream buffer. **The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.**

**Suitability for Residential Use:** The existing and the proposed lots are zoned residential and the land is suitable for residential use.

**Citizen Correspondence and Issues**

The Applicant conducted a pre-submission community meeting prior to submission of the application. No major concerns were raised at the meeting. In addition, written notice of the plan submittal and the public hearing date was given by the Applicant and Staff. As of the date of this report, no citizen letters have been received.

**CONCLUSION**

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed residential lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Kensington/Wheaton Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

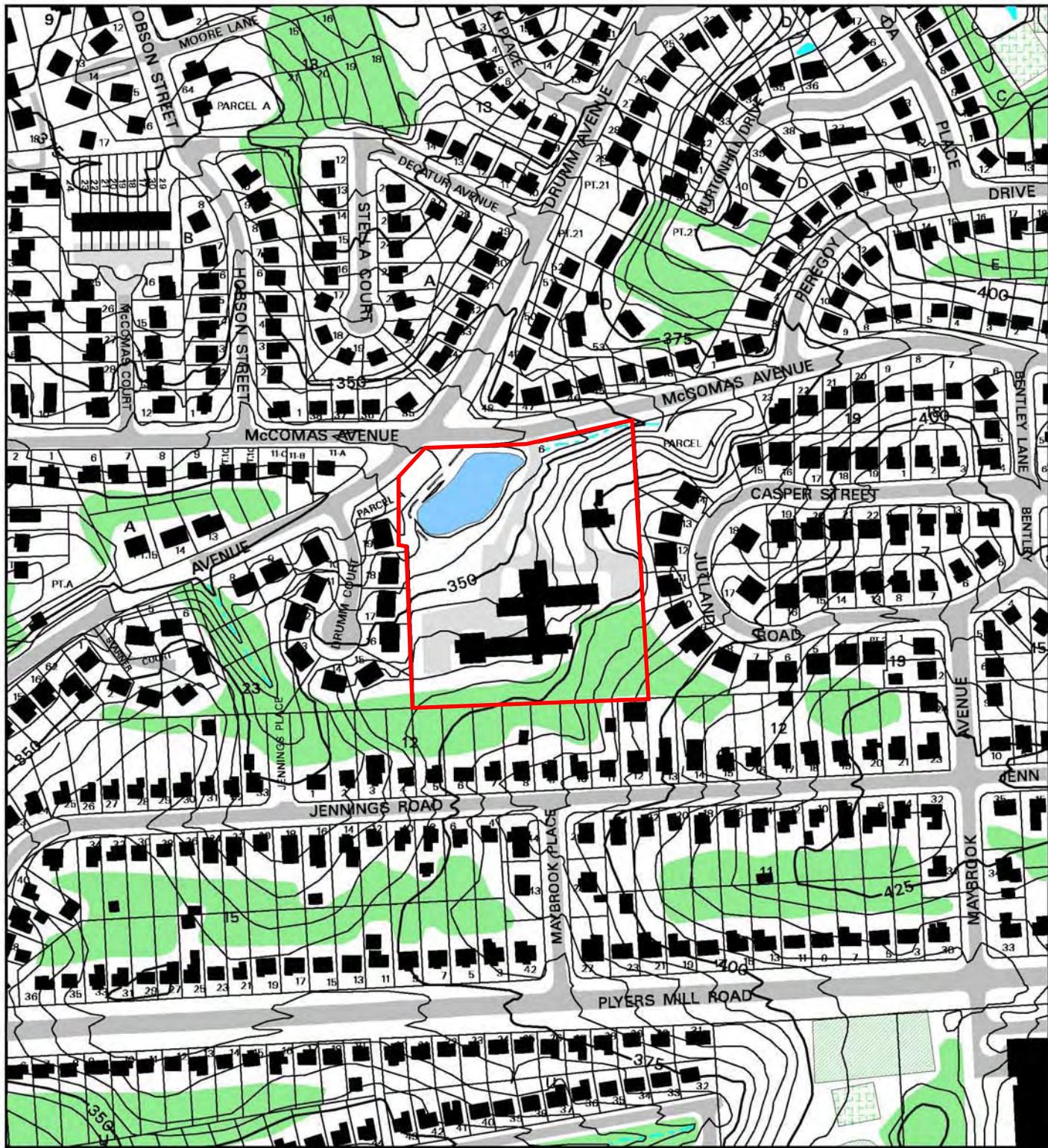
**Attachments**

- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Resubdivision Neighborhood Map
- Attachment D – Resubdivision Data Table
- Attachment E – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name:</b> Kensington Nursing, LLC				
<b>Plan Number:</b> 120110040				
<b>Zoning:</b> R-60				
<b># of Lots:</b> 3				
<b># of Outlots:</b> 0				
<b>Dev. Type:</b> Residential/Institutional				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 sq. ft.	16,922 sq. ft. minimum	NB	9/30/11
Lot Width	60 ft.	70 ft. minimum	NB	9/30/11
Lot Frontage	25 ft.	74 ft. minimum	NB	9/30/11
Setbacks				
Front	25 ft. Min.	Must meet minimum <sup>1</sup>	NB	9/30/11
Side	8ft. Min./18 ft. total	Must meet minimum <sup>1</sup>	NB	9/30/11
Rear	20 ft. Min.	Must meet minimum <sup>1</sup>	NB	9/30/11
Height	35 ft. Max.	May not exceed maximum <sup>1</sup>	NB	9/30/11
MPDUs	N/a		NB	9/30/11
TDRs	N/a		NB	9/30/11
Site Plan Req'd?	No		NB	9/30/11
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	NB	9/30/11
Road dedication and frontage improvements		Yes	Agency letter	2/15/11
Environmental Guidelines		Yes	Staff memo	8/1/11
Forest Conservation		Yes	Staff memo	8/1/11
Master Plan Compliance		Yes	NB	9/30/11
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Yes	Agency letter	9/29/10
Water and Sewer (WSSC)		Yes	Agency comments	11/8/10
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	11/8/10
Well and Septic		N/a	Agency letter	11/8/10
Local Area Traffic Review		N/a	Staff memo	11/8/10
Policy Area Mobility Review		N/a	Staff memo	11/8/10
Transportation Management Agreement		No	Staff memo	11/8/10
School Cluster in Moratorium?		No	NB	9/30/11
School Facilities Payment		No	NB	9/30/11
Fire and Rescue		Yes	Agency letter	3/18/11

<sup>1</sup> As determined by MCDPS at the time of building permit.



Map compiled on October 03, 2011 at 10:23 AM | Site located on base sheet no - 213NW03

#### NOTICE

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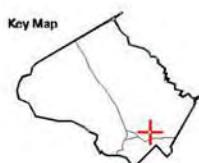
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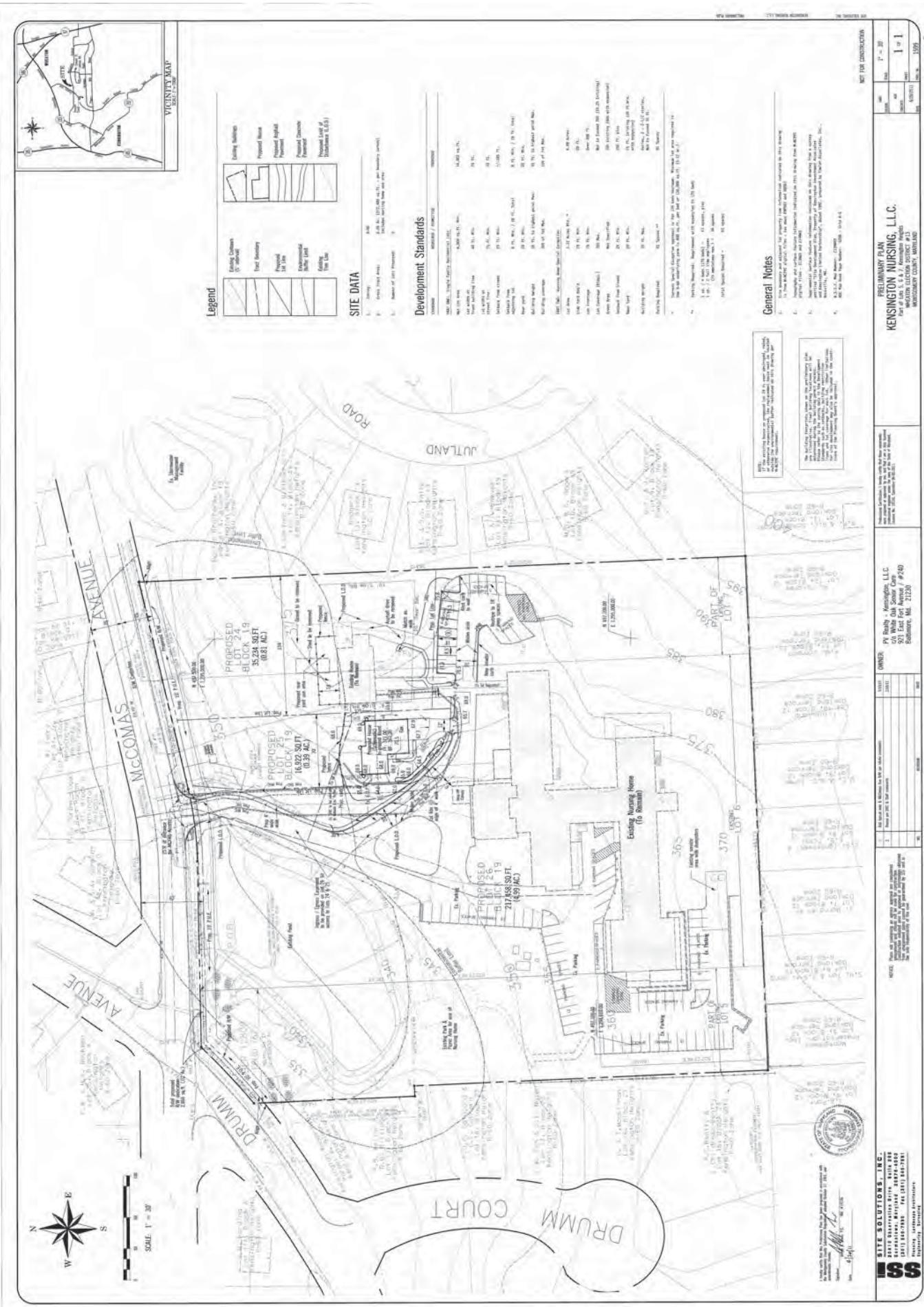
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

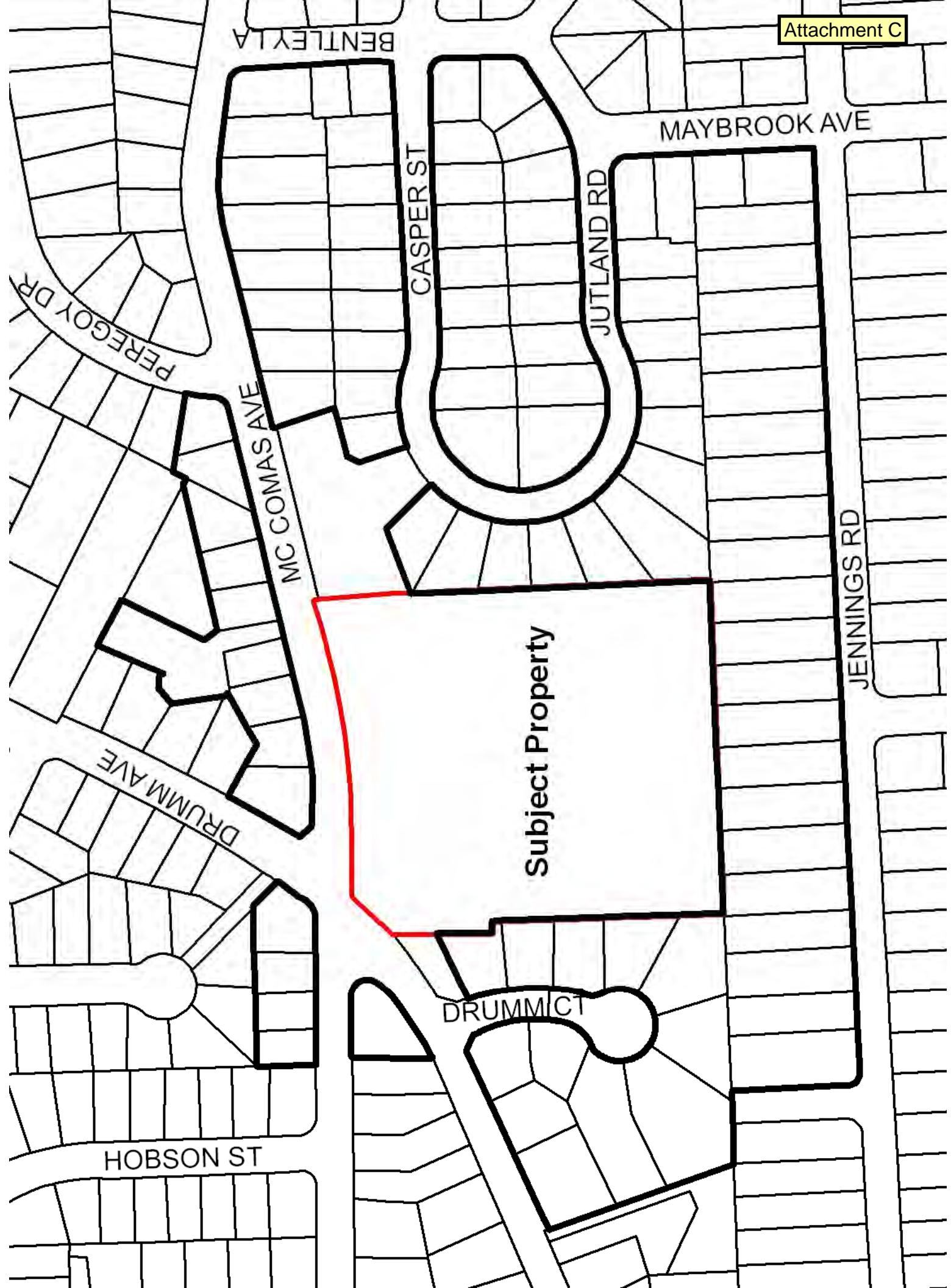
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



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1 inch = 300 feet  
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Subdivision	LOT#	BLOCK	FRONTAGE	ALIGNMENT	LOT SIZE	SHAPE	BUILDABLE AREA	LOT WIDTH
Kens. Hts	36	A	55	perpendicular	5,500	rectangular	3,025	55
Kens. Hts	37	A	55	perpendicular	5,500	rectangular	3,025	55
Kens. Hts	38	A	55	perpendicular	5,512	rectangular	3,026	55
Kens. Hts	3	17	60	perpendicular	5,742	rectangular	3,158	60
Kens. Hts	6	17	68	perpendicular	5,867	rectangular	3,230	78
Kens. Hts	5	18	60	perpendicular	6,000	rectangular	3,300	60
Kens. Hts	43	D	60	perpendicular	6,000	rectangular	3,300	60
Kens. Hts	44	D	60	perpendicular	6,000	rectangular	3,300	60
Kens. Hts	45	D	60	perpendicular	6,000	rectangular	3,300	60
Kens. Hts	6	19	65	perpendicular	6,000	rectangular	3,300	65
Kens. Hts	16	19	63	perpendicular	6,029	rectangular	3,316	57
Kens. Hts	15	19	54	radial	6,030	irregular	3,316	55
Oakland Ter	24	12	75	perpendicular	6,034	rectangular	3,680	75
Kens. Hts	47	D	72	perpendicular	6,080	rectangular	3,344	70
Kens. Hts	23	19	75	perpendicular	6,094	irregular	3,352	70
Kens. Hts	46	D	60	perpendicular	6,122	rectangular	3,367	60
Kens. Hts	1	17	60	perpendicular	6,322	rectangular	3,477	60
Kens. Hts	2	17	60	perpendicular	6,322	rectangular	3,477	60
Kens. Hts	8	17	60	perpendicular	6,322	rectangular	3,477	60
Kens. Hts	13	17	60	perpendicular	6,323	rectangular	3,058	60
Kens. Hts	21	17	60	perpendicular	6,323	rectangular	3,478	60
Kens. Hts	22	17	60	perpendicular	6,323	rectangular	3,478	60
Kens. Hts	22	19	61	perpendicular	6,323	rectangular	3,478	60
Kens. Hts	14	17	60	perpendicular	6,337	rectangular	3,062	60
Kens. Hts	4	18	100	corner	6,385	rectangular	4,192	120
Kens. Hts	17	19	61	perpendicular	6,401	rectangular	3,521	60
Kens. Hts	2	18	58	perpendicular	6,416	rectangular	3,530	58
Kens. Hts	3	18	58	perpendicular	6,416	rectangular	3,530	58
Kens. Hts	1	18	58	perpendicular	6,417	rectangular	3,530	58
Kens. Hts	1	D	105	perpendicular	6,445	irregular	4,274	75
Kens. Hts	5	19	60	perpendicular	6,473	irregular	3,560	60
Kens. Hts	12	19	53	radial	6,507	irregular	3,578	59
Kens. Hts	2	D	76	corner	6,558	irregular	4,356	124
Kens. Hts	7	19	59	radial	6,600	irregular	3,630	78
Kens. Hts	18	19	60	perpendicular	6,600	rectangular	3,630	60
Kens. Hts	19	19	60	perpendicular	6,600	rectangular	3,630	60
Kens. Hts	2	19	55	perpendicular	6,631	rectangular	3,650	55
Kens. Hts	20	17	64	perpendicular	6,662	rectangular	3,664	60
Kens. Hts	18	23	75	perpendicular	6,681	rectangular	4,100	62
Kens. Hts	15	17	62	perpendicular	6,691	irregular	3,300	62
Kens. Hts	11	19	53	radial	6,755	irregular	3,715	60
Kens. Hts	4	17	95	corner	7,010	rectangular	3,850	97
Kens. Hts	21	19	61	perpendicular	7,017	rectangular	3,859	60
Kens. Hts	17	23	77	perpendicular	7,125	rectangular	4,382	60
Kens. Hts	19	23	83	perpendicular	7,136	irregular	4,280	88
Kens. Hts	4	19	60	perpendicular	7,193	rectangular	3,956	60
Kens. Hts	3	19	60	perpendicular	7,212	rectangular	3,966	60
Kens. Hts	7	17	75	perpendicular	7,329	rectangular	4,031	80
Kens. Hts	11	23	91	perpendicular	7,533	irregular	4,633	72
Kens. Hts	16	17	61	perpendicular	7,623	rectangular	4,193	61
Kens. Hts	19	17	63	perpendicular	7,624	rectangular	4,193	60

Kens. Hts	1	19	120	corner	7,679	rectangular	4,223	110
Kens. Hts	20	19	61	perpendicular	7,710	rectangular	3,470	60
Kens. Hts	14	19	53	radial	7,796	irregular	4,290	49
Kens. Hts	9	23	62	perpendicular	7,849	irregular	4,827	62
Kens. Hts	48	D	142	corner	7,876	irregular	4,332	60
Kens. Hts	16	23	52	radial	7,898	irregular	4,739	60
Kens. Hts	11A	A	130	corner	7,935	triangular	4,452	77
Kens. Hts	42	D	39	perpendicular	7,980	irregular	4,390	60
Oakland Ter	23	12	102	corner	8,205	rectangular	4,923	80
Kens. Hts	13	19	53	radial	8,438	irregular	4,641	56
Kens. Hts	10	23	99	corner	8,460	irregular	5,203	57
Kens. Hts	6	18	108	corner	9,019	rectangular	5,546	75
Kens. Hts	7	18	67	perpendicular	9,047	irregular	5,564	67
Kens. Hts	5	17	83	corner	9,276	irregular	5,100	80
Kens. Hts	8	19	53	radial	9,386	irregular	4,505	60
Kens. Hts	10	19	53	radial	9,391	irregular	5,165	60
Kens. Hts	35	A	74	corner	9,431	irregular	5,190	97
Kens. Hts	9	18	66	perpendicular	9,528	rectangular	5,860	66
Kens. Hts	8	18	66	perpendicular	9,891	rectangular	6,083	66
Oakland Ter	21	12	61	perpendicular	10,903	rectangular	5,997	61
Oakland Ter	18	12	61	perpendicular	10,923	rectangular	6,008	61
Oakland Ter	20	12	61	perpendicular	10,943	rectangular	6,019	61
Oakland Ter	19	12	61	perpendicular	10,983	rectangular	6,040	61
Oakland Ter	17	12	61	perpendicular	11,063	rectangular	6,084	61
Oakland Ter	16	12	61	perpendicular	11,102	rectangular	6,106	61
Oakland Ter	15	12	61	perpendicular	11,142	rectangular	6,130	61
Oakland Ter	14	12	61	perpendicular	11,182	rectangular	6,150	61
Oakland Ter	13	12	61	perpendicular	11,221	rectangular	6,172	61
Oakland Ter	12	12	61	perpendicular	11,261	rectangular	6,194	61
Oakland Ter	11	12	61	perpendicular	11,301	rectangular	6,216	61
Oakland Ter	10	12	61	perpendicular	11,340	rectangular	6,237	61
Kens. Hts	14	23	47	radial	11,368	irregular	5,684	60
Oakland Ter	9	12	61	perpendicular	11,380	rectangular	6,260	61
Oakland Ter	8	12	61	perpendicular	11,419	rectangular	6,280	61
Oakland Ter	7	12	61	perpendicular	11,459	rectangular	6,302	61
Oakland Ter	6	12	61	perpendicular	11,499	rectangular	6,324	61
Oakland Ter	5	12	61	perpendicular	11,538	rectangular	6,346	61
Oakland Ter	4	12	61	perpendicular	11,578	rectangular	6,368	61
Oakland Ter	3	12	61	perpendicular	11,618	rectangular	6,390	61
Oakland Ter	2	12	61	perpendicular	11,658	rectangular	6,412	61
Kens. Hts	17	17	262	radial	12,113	irregular	7,270	155
Kens. Hts	18	17	249	radial	12,133	irregular	4,925	150
Kens. Hts	15	23	44	radial	12,735	irregular	4,460	60
Kens. Hts	8	23	123	perpendicular	13,270	rectangular	5,308	75
Kens. Hts	9	19	53	radial	14,255	irregular	4,000	60
Oakland Ter	1	12	80	corner	15,263	rectangular	8,395	80
Proposed	25	19	64	perpendicular	16,922	rectangular	3,570	70
Kens. Hts	12	23	59	radial	17,149	irregular	6,860	65
Kens. Hts	53	D	25	perpendicular	17,421	irregular	7,081	80
Kens. Hts	13	23	45	radial	20,987	irregular	6,300	60
Proposed	24	19	136	perpendicular	35,234	rectangular	5,140	134



Isiah Leggett  
County Executive

## DEPARTMENT OF PERMITTING SERVICES

Carla Reid  
Director

September 29, 2010

Jeffery Lewis  
Site Solutions, Inc.  
20410 Observation Drive, Suite 205  
Germantown, MD 20876

Re: Stormwater Management **CONCEPT** Request  
for Kensington Nursing Home Property  
Preliminary Plan #:  
SM File #: 238450  
Tract Size/Zone: 6.28 Ac./R-60  
Total Concept Area: 0.26 Ac.  
Lots/Block: 24-26/19  
Parcel(s):  
Watershed: Lower Rock Creek

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of ESD to the maximum extent possible via landscape infiltration, rain barrels, and thru removal of some of the existing asphalt driveway and gravel parking. Any remaining volume will be treated in the existing wet pond. Onsite recharge is provided via landscape infiltration.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoil.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. In the final design of the landscape infiltration practice explain how the wall is or is not part of the BMP. Also, the water being treated must infiltrate into the ground and must not "short cut" through the weep holes for the wall. Provide verification that the infiltration does not create structural problems for the wall.
6. Consider using a micro biofilter if the landscape infiltration is found not to be practical.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:tla CN238450 Kensington Nursing Home Property.DWK

cc: C. Conlon  
M. Pfefferle  
SM File # 238450

QN -Onsite; Acres: 0.40  
QL - Onsite; Acres: 0.40  
Recharge is provided



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

February 15, 2011

Mr. Glenn Kreger, Chief  
Area 2 Team  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-20110040  
Kensington Nursing

Dear Mr. Kreger:

We have completed review of the above referenced preliminary plan dated January 13, 2011. This plan was reviewed by the Development Review Committee at its meeting on November 8, 2010. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Right of way dedication for McComas Avenue and Drumm Avenue per MNCPPC.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distance study has been accepted. A copy of the approved sight distance form is enclosed for your information and reference.
4. The existing fence along McComas Avenue and Drumm Avenue must be moved outside of the public right of way.
5. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
6. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

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### Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)

Mr. Glenn Kreger

Preliminary Plan No. 1-20110040

February 3, 2011

Page 2

7. Trees in the County rights of way -- spacing and species to be in accordance with the applicable DOT standards. Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter with the Division of Highway Services, Tree Maintenance Unit at (240) 777-7651.
8. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Relocate the existing fence outside the right-of-way per comment no. 4.
  - B. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.
  - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi; our Development Review Area Engineer for this vicinity; at 240-777-2197 or [dewa.salihi@montgomerycountymd.gov](mailto:dewa.salihi@montgomerycountymd.gov).

Sincerely,

Gregory M. Leck, P.E., Manager  
Development Review Team

M:\Subdivision\SALIHD01\Preliminary Plans\1-20110040 Kensington Nursing\1-20110040 Kensington Nursing.doc  
Enclosures (1)

cc: Stephen Bellone; PV Realty-Kensington LLC  
Jeff Lewis; Site Solutions Inc.  
Paul Glasgow; Venable, LLP  
Preliminary Plan Folder  
Preliminary Plans Notebook

cc-e: Henry Emery; MCDPS RWPPR  
Sarah Navid; MCDPS RWPPR  
Cathy Conlon; MNCPPC DARCD  
Neil Braunstein; M-NCPCC Area 1  
Shahriar Etemadi; M-NCPCC Area 2  
Brett Linkletter; MCDOT DHS  
Dewa Salihi, MCDOT DTEO

# 120110040



**MONTGOMERY COUNTY, MARYLAND**  
**DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION**  
**DEPARTMENT OF PERMITTING SERVICES**

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Kensington Nursing  
/ Kensington Heights

Preliminary Plan Number: 1-120110040

Street Name: McComas Avenue

Master Plan Road  
Classification: Secondary

Posted Speed Limit: 25 mph

Street/Driveway #1 (Exist. Entrance) Street/Driveway #2 ( — )

Sight Distance (feet)	OK?
Right <u>420</u>	<u>✓</u>
Left <u>400</u>	<u>✓</u>

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

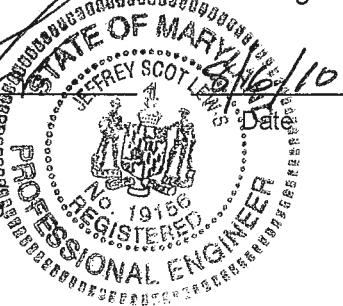
**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature

MD 19156

PLS/P.E. MD Reg. No.



**Montgomery County Review:**

Approved

Disapproved:

By: gmlech

Date: 2/15/11