**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)**MCPB**  
**ITEM # 10**  
**3/2/06****MEMORANDUM**

**DATE:** February 17, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Subdivision Supervisor *CC*  
Development Review Division

**FROM:** Richard A. Weaver, Coordinator (301) 495-4544 *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Accessory structure on existing synagogue property

**PROJECT NAME:** Kemp Mill Farms

**CASE #:** 1-20060440 (1-06044)

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-90

**LOCATION:** Located in the Northwest corner of the intersection of Gray's Lane and Kemp Mill Road

**MASTER PLAN:** Kemp Mill

**APPLICANT:** The Mikvah Emunah Society and the Kemp Mill Synagogue, Inc.

**ENGINEER:** Maddox, Inc.

**DATE FILED:** October 10, 2005

**HEARING DATE:** March 2, 2006

---

**Staff Recommendation:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to a specific ceremonial facility with 4,400 square feet and the existing synagogue.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 3) Dedicate of Gray's Lane, a Primary Residential Street, as shown on preliminary plan.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated September 26, 2005.
- 5) Compliance with the conditions of approval for the MCDPWT approval letter dated February 15, 2006, unless otherwise amended.
- 6) Final Preliminary Plan must show an ADA compatible five-foot sidewalk to tie in from the existing sidewalk along Gray's Lane to the proposed building.
- 7) Enter into a covenant with DPWT before issuance of any building permit, to participate in the possible future construction of the missing segment of Gray's Lane on a pro rata basis of the highest number of peak-hour vehicular trips generated by the site.
- 8) Other necessary easements.

## **SITE DESCRIPTION**

The subject property, consisting of an existing synagogue lot and the unrecorded Mikvah parcel, is located at the intersection of Gray's Lane and Kemp Mill Road and is zoned R-90. The Kemp Mill Synagogue was the subject of an approved preliminary plan, 1-19960780, and is located on the eastern two-thirds of the site. The Mikvah parcel (P267) is also owned by the synagogue and is currently vacant. The co-applicant, The Mikvah Emunah Society, wishes to locate a Mikvah on P267 as a church related use. The parcel must be incorporated into the church lot through the subdivision and platting process so that building permits can be issued.

The synagogue has access only to Gray's Lane. As part of their preliminary plan approval, the synagogue was required to build the full width improvements to Gray's Lane along their frontage. Only the section of Gray's Lane from Kemp Mill Road to Clintwood Drive has been fully dedicated and built to county standards. Much of the remainder of Gray's Lane to the west of the synagogue lot remains a private gravel driveway located on private property.

The properties along the remainder of Gray's Lane are all residential, although some remain vacant, having yet to proceed through the subdivision process. The inability to get Gray's Lane built to county standards because of private ownership will likely hinder development along Gray's Lane for the near future.

## **PROJECT DESCRIPTION**

This application proposes the consolidation of the synagogue lot with the Mikvah parcel to create a single lot under a religious affiliation. The Mikvah building, at 4,400 square feet, will be located to the rear (west) of the synagogue on what is now a 38,827 square foot parcel, which

when added to the 72,462 square foot church lot will result in a 106,264 square foot (2.44 acre) lot. Access to the Mikvah will be from Gray's Lane at a point opposite Clintwood Drive, an unimproved public right-of-way. At the intersection of Gray's Lane and Clintwood Drive there is full width dedication of Gray's Lane at 70 feet. Dedication by the Mikvah property will complete an additional segment of Gray's Lane to the master plan 70-foot width; dedication of only a half-width (35 ft.) of Gray's Lane is possible opposite Parcel 315. Parcel 315 is improved with a single-family house. The Mikvah will be required to improve Gray's Lane at its access point where there will be the full 70 foot wide dedication. Where the Mikvah is able to only dedicate the half width, no improvements will be required, rather the applicant will be required to enter into a covenant with the county that binds them to pay a pro-rata share of improvements if or when Gray's Lane is improved to full county standards.

Parking for the Mikvah will be accommodated entirely on the Mikvah portion of the new lot, although there is no prohibition against parking in the synagogue lot and walking to the Mikvah. Vegetated screening on the west side of the property is shown on the plan to address an agreement with an adjacent property owner on Parcel 621. Stormwater management is to be accommodated to the rear of the Mikvah building with all drainage flowing to the north.

## **CONFORMANCE TO THE MASTER PLAN**

The Kemp Mill Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land uses. The plan recommends that this area maintain existing zoning as adopted. Religious institutions are allowed within the R-90 zone. The proposed subdivision complies with the recommendations adopted in the master plan.

## **ENVIRONMENTAL**

There are no streams or stream buffers located on the subject property. Forest conservation is being met on-site in conjunction with the forest conservation measures for the synagogue. The forest conservation requirements are being met through landscaping credit.

## **TRANSPORTATION**

### **Master Planned Roadway**

The adjacent roadway, Gray's Lane, is listed in the *2001 Kemp Mill Master Plan* and *2005 Countywide Bikeways Functional Master Plan* as a Primary Residential Street with a 70-foot right-of-way and signed, shared lanes. Gray's Lane does not currently connect as a through street to Monticello Avenue, as envisioned by the Master plan. As discussed above, existing Gray's Lane west of the site is a 20-foot open section private gravel driveway with no sidewalks.

### **Site Access and Pedestrian Circulation**

The vehicular ingress and/or egress point is adequately provided from a single curb cut on Gray's Lane at the intersection of Clintwood Road as per DPWT requirements. Pedestrian

access is to be provided to the site by an extension of the existing sidewalk in the public right of way to the proposed driveway, and a second connection from the public sidewalk to the Mikvah building. This will allow for safe access and tie into the existing network of sidewalks connecting to Kemp Mill Road.

### **Adequate Public Facilities Review**

Places of worship are not subject to APF review according to the provisions in the Montgomery County Code, Section 50-35(k)(7) "Exemptions". Since places of worship are exempt from Local Area Transportation Review (LATR), a traffic study is not required to satisfy LATR.

Some residents have expressed concern regarding the peak hour trip generation of the ceremonial facility. The applicant submitted a traffic statement dated March 15, 2005 that confirmed the hours of operation for this institution would generally be limited to the hours of 7 p.m. and 11 PM. This is outside of the typical weekdays peak period. A separate letter, dated February 3, 2006, indicates that the peak use of the facility will be limited to 25 persons. Many users live in the neighborhood and would likely walk to the site. Based on this information, staff concludes that the proposed site has minimal impact on the area transportation system.

### **SUBDIVISION REGULATIONS**

The plan has been reviewed for conformance with the Subdivision Regulations. While the property is exempt from the Local Area Transportation Review, it was reviewed for adequacy of water, sewer, stormwater management, fire and rescue access, and pedestrian access. In all cases, the staff report includes the appropriate approvals from all required review agencies which are attached.

### **ZONING ORDINANCE**

The lot requested in this application meets all size and dimensional requirements of the Montgomery County Zoning Ordinance. The Data Sheet at the end of this report details the conformance to the R-90 zone.

### **CONCLUSION**

The preliminary plan conforms to all requirements of the Subdivision Regulations, the Zoning Ordinance and is consistent with the recommendations of the Kemp Mill Master Plan as specified in this report. The plan has been reviewed and received all necessary approval from county review agencies. Staff recommends approval of preliminary plan 120060440.

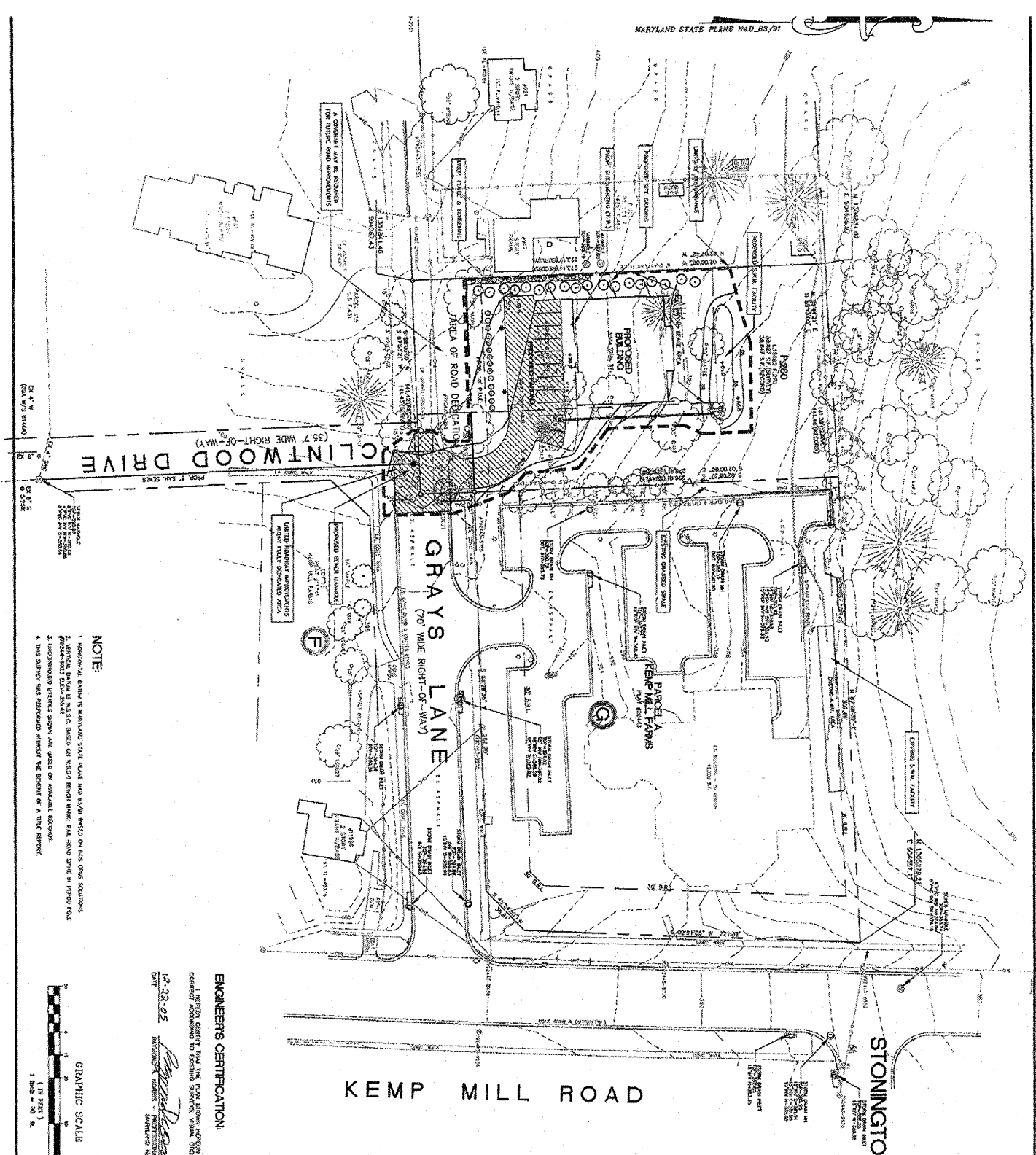
**Attachments:**

- A – Preliminary Plan**
- B – Vicinity Map**
- C - +Correspondence**
- D – Agency Approvals**

Table 1. Preliminary Plan Data Table and Checklist

|   |  |  |                 |             |
|---|--|--|-----------------|-------------|
| <b>Plan Name: Kemp Mill Farms</b>                       |  |  |                 |             |
| <b>Plan Number: 120060440 (formerly 1-06044)</b>        |  |  |                 |             |
| <b>Zoning: R-90</b>                                     |  |  |                 |             |
| <b># of Lots: 1</b>                                     |  |  |                 |             |
| <b># of Outlots: 0</b>                                  |  |  |                 |             |
| <b>Dev. Type: Religious institution and related use</b> |  |  |                 |             |
| <b>PLAN DATA</b>  | <b>Zoning Ordinance Development Standard</b> | <b>Proposed for Approval on the Preliminary Plan</b> | <b>Verified</b> | <b>Date</b> |
| Minimum Lot Area  | 9,000 sq. ft.                                | 2.44 acres   | RW              | 2/17/06     |
| Lot Width   | 75 ft.                                       | Must meet minimum                                    | RW              | 2/2/06      |
| Lot Frontage  | 25 ft.                                       | Must meet minimum                                    | RW              | 2/2/06      |
| Setbacks  |  |  |                 |             |
| Front   | 30 ft. Min.                                  | Must meet minimum                                    | RW              | 2/2/06      |
| Side  | 12ft. Min./ 25 ft. total                     | Must meet minimum                                    | RW              | 2/2/06      |
| Rear  | 25 ft. Min.                                  | Must meet minimum                                    | RW              | 2/2/06      |
| Height  | 35 ft. Max.                                  | May not exceed maximum                               | RW              | 2/2/06      |
| Max Resid'l d.u. or Comm'l s.f. per Zoning              | N/A  |  |                 |             |
| MPDUs   | N/A  |  |                 |             |
| TDRs  | N/A  |  |                 |             |
| Site Plan Req'd?  | No   |  |                 |             |
| <b><u>FINDINGS</u></b>                                  |  |  |                 |             |
| <b><u>SUBDIVISION</u></b>                               |  |  |                 |             |
| Lot frontage on Public Street                           | Yes  | Yes  | RW              | 2/17/06     |
| Road dedication and frontage improvements               | Dedication along frontage of public roads    | Yes  | RW              | 2/17/05     |
| Environmental Guidelines                                | N/A  |  |                 |             |
| Forest Conservation                                     | Yes  | Yes  | Staff memo      | 2/15/06     |
| Master Plan Compliance                                  | Yes  | Yes  | RW              | 2/17/06     |
| Other   |  |  |                 |             |
| <b><u>ADEQUATE PUBLIC FACILITIES</u></b>                |  |  |                 |             |
| Stormwater Management                                   | Yes  | Yes  | Agency Letter   | 9/26/05     |
| Water and Sewer (WSSC)                                  | Yes  | Yes  | Agency Letter   | 11/7/05     |
| Well and Septic   | N/A  |  |                 |             |
| Local Area Traffic Review                               | Not required                                 | N/A  |                 |             |
| Fire and Rescue   | Yes  | Yes  | MCFFS memo      | 1/19/06     |
|   |  |  |                 |             |

## Attachment A



**NOTE:**

1. HONORARY STATUS IS AWARDED STATE POLICE AND SHERIFFS BASED ON LOS 9905 0004/0005
2. VERTICAL CLIMB IS A 42" CLIMB ON A 55" HIGH WIRE. PULP SMOKE IN PPOD 9904/0004
3. UNANNOUNCED VENTURE SYSTEM ARE BASED ON ANNUAL RECORDS.
4. THIS OFFICER WAS PRESENTED WITHIN THE BOUNDS OF A TRAP REPORT.

## ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS ACCURATE AND CORRECT ACCORDING TO EXISTING SURVEYS, VERTICAL OBSERVATIONS, AND RECORDS.

12-22-05  
DATE

PAVANOVA, MARIANA - PROFESSIONAL ENGINEER  
MARIANO, N. 1985

PRODUCTION NO. 14045



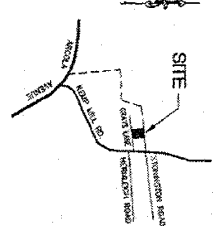
## LEGEND

- WOOD UTILITY POLE W/STAY WIRE  
GALLONS  
WAL. SEAL.  
LEAFY POLE  
HIGMANT  
WILDER VALVE  
WATER METER  
TYPICAL STREET MOUNTAIN  
SPOT  
GAS VALVE  
CLEAN OUT  
SAFETY VAL  
WELL  
FISH POLE TOWING  
MOTOR AND PUMP  
COVER AND TANK  
WOODPILE

**APPLICANTS:**  
THE UNKNOWN EMBROID SOCIETY  
OF GREATER WASHINGTON  
1305 HOWARD DRIVE  
SEVEN SPRING, MD 20910

**GENERAL NOTES:**

- [illegible]

VICINITY MAP  
SCALE: 1"=1.000'

# PRELIMINARY PLAN

PART OF LOT 7  
IN WILLIAM T. GRAY'S UNRECORDED SUBDIVISION  
AND  
PARCEL A, BLOCK G  
KEMP MILL FARMS  
ELECTION DISTRICT NO. 13

**MADDOX**  
INCORPORATED  
ENGINEERS • SURVEYORS

100 PARK AVENUE  
ROCKVILLE MARYLAND 20850-2699

| DATE |          | REVISION                           |
|------|----------|------------------------------------|
| 1    | 09-28-05 | ADDRESS RITRAL UNOPPC COMMENTS     |
| 2    | 12-12-05 | ADDRESS LOCATION & UNOPPC COMMENTS |
| 3    | 12-16-05 | ADJUST ARCHITECTURE/ SITE LIGHTING |
| 4    | 12-22-05 | REVISE PARKING & SITE LAYOUT       |

SHEET 1 OF 1  
 FILE NO. 04002701



## Attachment B

Research & Technology Center

0 400

1 inch = 400 feet  
1:4800