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OFFICES OF THE COUNTY EXECUTIVE

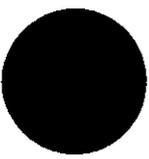
Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

August 26, 2005

017075



TO: Thomas E. Perez, President
Montgomery County Council

FROM: Bruce Romer
Chief Administrative Officer

SUBJECT: Department of Permitting Services (DPS) and Maryland National Capital Park and Planning Commission (MNCPPC) Biweekly Report As Required by County Council Resolution 15-1125 Short-Term Measures to Assure Compliance with Site Plans

The County Council adopted Resolution 15-1125 Short-Term Measures to Assure Compliance with Site Plans on July 26, 2005. The following action is requested in the resolution.

"The County Council for Montgomery County, Maryland urges the Montgomery County Planning Board and the Department of Permitting Services to take these actions immediately. The Chair of the Planning Board and the Director of the Department of Permitting Services must provide biweekly reports to the Council updating the Council on their progress in implementing each step outlined in paragraph 7."

Attached you will find the second biweekly report which is a joint report from DPS and MNCPPC as required in the above section of the resolution.

If you have questions or need additional information please contact Robert Hubbard, Director DPS on 240-777-6363 or Charlie Loehr, Director MNCPPC on 301-495-4511.

Attachments

cc: Robert Hubbard
Charles Loehr



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MONTGOMERY COUNTY
EXECUTIVE OFFICE



Department of Permitting Services and
Maryland National Capital Park and Planning Commission
Biweekly Update Report to the County Council on
Resolution: 15-1125 Short-Term Measures to Assure Compliance with Site Plans
Report Date: August 26, 2005

In response to the problems uncovered in Clarksburg, the Montgomery County Planning Board (MNCPPC) and the Department of Permitting Services (DPS) agreed to undertake a number of immediate actions to ensure thorough review and compliance of building permits with site plans while more comprehensive reviews of the planning and enforcement process are pending. In turn, the County Council asked for bi-weekly reports that would detail the progress made with respect to each proposed action. This constitutes the second of these biweekly reports.

Action: No new building permits may be issued in the Clarksburg Town Center development until further review and certification of compliance with appropriate site plans by Park and Planning and the Department of Permitting Services.

Progress Report:

- As stated in the last report, a process has been put in place that requires building permit applications to include a statement that the height and setbacks shown on the permit drawings comply with the height and setback standards in the site plan. This statement must be signed and sealed by a licensed design professional in the State of Maryland.
- No new building permits subject to this process have been issued in the Clarksburg Town Center.

Action: All requests to amend site plans in Clarksburg must be deferred until reviews of what went wrong in Clarksburg and elsewhere are completed and the Council has an opportunity to take necessary actions.

Progress Report:

- MNCPPC – As stated in the last report, the Planning Board will be considering all other alleged violations at a hearing on Thursday, September 15th. However, the Plan of Compliance hearing, which was to be held on the 22nd of September, is now scheduled to take place on September 29th, so that staff will have adequate time to prepare a staff report based on the Board's findings on the 15th. The OLO report is scheduled for release in mid-September. MNCPPC has deferred hearing dates to amend Clarksburg site plans until October or beyond.

Action: The Department of Permitting Services, Department of Public Works and Transportation, and the Planning Board must review the roads and other required infrastructure within the Clarksburg Town Center, and provide the Council with a report by August 15, 2005 regarding the status of the Implementation of the provisions of the Clarksburg Town Center site plans pertaining to road infrastructure, including recommendations for ensuring that the necessary road infrastructure is in place in a timely fashion.

Progress Report:

- As required, MNCPPC, DPWT, and DPS submitted a report to the Council regarding the road infrastructure within the Clarksburg Town Center, including recommendations for ensuring that the necessary road infrastructure is in place in a timely fashion.
- Meetings were held between DPW&T, DPS and several developers concerning the road construction issues in Clarksburg. DPS and DPW&T will provide a more detailed progress report on some of the key roadways such as Clarksburg Road and Stringtown Road at the September 8, 2005 County Council T& E meeting.

Action: A county wide freeze on issuance of Building Permits in site plan zones (residential and commercial) continues until height limit and setback requirements can be verified by the Department of Permitting Services.

Progress Report:

- Three new commercial applications and fifteen new residential applications have been submitted by DPS to MNCPPC and are being reviewed.

Action: Almost 200 building permit applications (residential and commercial) are currently pending with county authorities. No permits may be issued until each applicant resubmits site plans that disclose height and setback compliance. Department of Permitting Services and the Planning Board must verify the setback and height restrictions spelled out in the approved site plan.

Progress Report:

- Letters were sent to applicants of the 200 building permit applications requesting them to resubmit their building permit site plans with information stating that it is in compliance with the MNCPPC site plan requirements.
- Eighty-four building permit site plans have been resubmitted with additional information related to height and setbacks and sent to MNCPPC for review; Twenty-eight of these were found to be in compliance with MNCPPC site plans, four were

found not in compliance with MNCPPC site plans and the remainder are still under review.

Action: Any building permit application that uses the term “story” to describe the height of a building, instead of indicating proposed height by actual measurement of the building, must be rejected.

Progress Report:

- No building permit applications have been received using the term “story” to describe the height of a building.

Action: The Planning Board and Department of Permitting Services must conduct an immediate audit of site plans approved throughout Montgomery County since January 1, 2003 to ensure that work being done is in accordance with the specifications of the approved plans. Planning Board and Department of Permitting Services should immediately suspend development in any site plan where violations are uncovered.

Progress Report:

- DPS and MNCPPC have determined that 118 site plans have been approved since January 1, 2003. See the attached table for inspection results.

DPS and MNCPPC hope to complete an audit of most of the projects in which construction has started by the end of September.

Action: Park and Planning mid-level personnel must no longer approve administrative” or so-called minor amendments to site plans. The Director of Park and Planning must personally approve every amendment to a site plan that is not considered by the Planning Board and any site plan amendment review, major or minor, must include public notice.

Progress Report:

MNCPPC – As explained in the last report, a new procedure has been put in place for administrative amendments. All such amendments are now documented, publicly noticed, and can only be approved by the Director of Park and Planning.

Action: Subject to Council approval the Department of Permitting Services and the Planning Board must submit to the county Council by July 30, 2005 a staffing plan to increase the number of personnel dedicated to site plan and other enforcement duties. The resources for additional personnel must come from increased fees on developers and builders, not from taxpayer funded sources.

Progress Report:

- DPS and MNCPPC submitted staffing plans to the County Council

Action: Existing personnel in the Department of Permitting Services and the Planning Board must be immediately re-deployed to perform site plan inspections. The County Council will be provided with a plan for training new and redeployed employees.

Progress Report:

- DPS has redeployed one inspector full time to perform site plan inspections.
- MNCPPC has taken steps to redeploy three individuals from County-Wide Planning to help with inspections. In addition, two individuals from Community Based Planning will be redeployed to assist with the review of Signature Set Documents and one site plan reviewer will be temporarily reassigned from Prince Georges. Finally, a member of the Parks staff will also assist in site plan review.
- A plan to train new and redeployed employees is being developed by DPS and MNCPPC. DPS is also training MNCPPC field staff to measure the height of buildings.

Action: The Department of Permitting Services and the Planning Board must immediately begin the process of recruiting additional, qualified personnel to perform enforcement functions for the two agencies.

Progress Report:

DPS and MNCPPC have created and advertised positions outlined in their respective staffing plans.

Action: The builders and developers involved in the proceeding pending before the Planning Board pertaining to the Clarksburg Town Center development have agreed to the community's request that the Planning Board investigate and adjudicate all allegations of violations prior to adjudication of the sanctions. The Council endorses this approach.

Progress Report:

- MNCPPC – The Planning Board delayed the Plan of Compliance hearing with respect to height and setback violations that was originally scheduled for July 28th until the Planning Board has had a chance to review all of the alleged violations. That violation hearing is currently scheduled for September 15th.

Site Plans Approved from 1/1/03 to Present

PLAN #	PLAN NAME	PB APV. DATE	STATUS	Units In/ Proposed	Notes	Landscape	Lighting	Paving	Recreation	HT	SB
820040030	CIDER BARREL PROPERTY	11/20/2003	50%				C	C	C	C	NOV
81994012A	CLOPPER'S MILL	07/08/2004	<25%			C	C	C	NA	C	C
82002022A	HIGHLANDS AT CLARKSBURG	07/24/2003	75%			I	I	C	C	P	P
820030000	PARKSIDE	01/16/2003	75%			C	C	C	C	C	C
820030200	TONY'S CAR WASH, LOT 1	05/15/2003	75%			I	I	C	NA	P	P
820030180	WISTERIA BUSINESS PARK	05/15/2003	<100%			C	C	C	NA	P	P
820030070	CLOVERLEAF CENTER	03/13/2003	NS			-	-	-	-	-	-
820040330	ETON SQUARE	07/22/2004	NS			-	-	-	-	-	-
820040220	GREENWAY VILLAGE AT CLARKSBURG	07/22/2004	NS			-	-	-	-	-	-
81997007A	KINGSVIEW VILLAGE - SECT. 8	12/23/2004	NS			-	-	-	-	-	-
820040290	LIBERTY HEIGHTS	06/03/2004	NS			-	-	-	-	-	-
820030210	MIDDLEBROOK INDUSTRIAL PARK	05/01/2003	NS			-	-	-	-	-	-
820050090	WOODCREST	12/23/2004	NS			-	-	-	-	-	-
820050220	WESTECH VILLAGE CORNER	06/02/2005	S		GRADING	U	U	U	U	P	P
820030100	CLOVERLY COMMERCIAL	11/06/2003	NS			-	-	-	-	-	-
820040060	DAY PROPERTY	12/18/2003	NS			-	-	-	-	-	-
820030080	LOCKWOOD PROPERTY	02/13/2003	NS			-	-	-	-	-	-
81987009A	ASPEN HILL SHOPPING CENTER	12/11/2003	NS			-	-	-	-	-	-
820050070	FAIRLAND VIEW	01/27/2005	NS			-	-	-	-	-	-
820050190	ROYCO'S ADD TO DERWOOD (LEXUS)	04/28/2005	NS			-	-	-	-	-	-
820050160	THE TOWNS OF DOGWOOD	02/10/2005	NS			-	-	-	-	-	-
820050100	WHEATSTONE RUN	02/10/2005	NS			-	-	-	-	-	-
82001003A	MONTGOMERY COUNTY AIRPARK	05/15/2003	75%	1 of 1		I	I	I	I	P	P
81999048A	CROSS CREEK CLUB, PHASE II	02/13/2003	75%	17 of 25		U	U	U	U	P	P
820030380	GREENCASTLE TOWNS	10/02/2003	S		GRADING	U	U	U	U	P	P
820030130	RANDOLPH MANOR	06/19/2003	75%		I (shade structure)	I	C	I	C	P	P
820030240	BANCROFT NORTH	09/18/2003	75%	7 of 7		I	U	C	U	P	P
820030310	HOMECREST	06/26/2003	75%	5 of 5		U	C	C	C	P	P
820040040	MEADOWSWEET	02/20/2004	50%			U	U	C	U	P	P
820030390	HODGES LANDSDALE PROPERTY	10/02/2003	50%	11 of 29		U	U	U	U	P	P
820040100	OLNEY MANOR	11/20/2003	75%	1 of 1		I	C	I	I	P	P
820040180	POTOMACS EDGE	06/10/2004	TPF only (lo	0 of 34	TPF for Demo is OK	-	-	-	-	-	-
820030290	THE ESTATES AT GREENBRIAR PRES	10/16/2003	S	0 of 31	LOD is OK (earthw	U	U	U	U	P	P
820050200	PORTICO	03/31/2005	NS			-	-	-	-	-	-
820040010	OAKRIDGE CORPORATE CENTRE	10/28/2004	NS			-	-	-	-	-	-
820040020	OAKRIDGE CORPORATE CENTRE	01/08/2004	NS			-	-	-	-	-	-
820030060	WESTFARM TECH PARK-PARCEL GGG	05/01/2003	<100%	1 of 1	not yet occupied	I	C	NOV	I	P	P
820040200	POTOMAC PRESERVE	03/04/2004	NS			-	-	-	-	-	-
820040160	WILDWOOD MANOR SHOPPING CENTE	01/08/2004	<100%	1 of 1	F.R.I.T.S notified	I	C	NOV	NA	P	P
820040210	BUCKINGHAM TERRACE	05/27/2004	NS		House demolished	-	-	-	-	-	-
820040270	LEESBOROUGH	11/04/2004	NS		Active school site	-	-	-	-	-	-
820030220	WHEATON PLACE	05/22/2003	<100%	9 of 9		I / NOV	C	C	NA	P	P
820050050	THE ENCLAVE	12/09/2004	S	0 of 1		U	U	U	U	P	P
820050180	WHITE OAK	02/10/2005	NS			-	-	-	-	-	-
820030370	8045 NEWELL STREET	07/17/2003	75%	1 of 1	wall/path misalignm	U / NOV	U	U	U	P	P
820050210	8215 FENTON STREET	03/11/2005	NS			-	-	-	-	-	-
820030250	SILVER SPRING PARKLOFTS 24	05/01/2003	50%	1 of 1		U	U	U	U	P	P
820050040	THE CRESCENT	10/21/2004	S	0 of 1	Excavation not com	U	U	U	U	P	P
820040280	WILLIAMS AND WILLSTE BUILDING	05/27/2004	75%	1 of 1	SP has been amen	U	U	U	U	P	P
820040320	EZ STORAGE - TAKOMA PARK	07/29/2004	75%	.95 of 1		U	U	U	NA	P	P
820030330	POTOMAC COUNTRY CORNER	10/02/2003	50%	7 of 29		U	U	U	U	P	P
820030120	TRAVILLE	02/19/2004	S	0 of 2	Grading/foundation	U	U	U	U	P	P
820030410	MAPLE RIDGE TOWNHOMES	10/16/2003	75%	37 of 59	Approaching 70%	U / I	I	I	I	P	P
820040260	GIANCOLA QUARRY	07/22/2004	NS		FCP not approved	-	-	-	-	-	-
820050110	TWINBROOK COMMONS	12/09/2004	NS			-	-	-	-	-	-
820050140	U.S. PHARMACOPEIA	03/03/2005	S		Demo began w/o pr	U	U	U	U	P	P
82001017B	WHITE FLINT PLACE	05/27/2004	25%			U	U	U	U	P	P
820050010	SILVER SPRING GATEWAY	03/17/2005	NS			-	-	-	-	-	-
820030320	ORCHARD AVENUE OFFICE	07/24/2003	NS			-	-	-	-	-	-
82003032A	ORCHARD AVENUE OFFICE	04/07/2005	NS		see also 820030320	-	-	-	-	-	-
820040140	ARLINGTON EAST	02/19/2004	NS			-	-	-	-	-	-
82000023A	EDGEMOOR IV	01/20/2005	NS			-	-	-	-	-	-
820040250	WOODMONT CORNER	07/22/2004	NS			-	-	-	-	-	-

Key:
 C Site is in compliance with approved site plan.
 I Site work is incomplete.
 U Work is underway.