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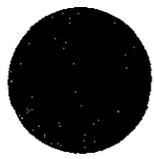
OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

MEMORANDUM

Bruce Romer
Chief Administrative Officer

September 27, 2005



017650

TO: Thomas E. Perez, President
Montgomery County Council

FROM: Bruce Romer
Chief Administrative Officer

Derick P. Berlage, Chairman
Maryland National Capital Park and Planning Commission

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 fourth 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



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: September 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 fourth 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 first 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.
- Work has been stopped on the five Manor Houses, on two other condominium units, and on two, as yet unbuilt sections of Clarksburg Town Center while the Planning Board considers additional alleged violations.

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 – The Planning Board originally scheduled the hearing to consider all other alleged violations on Thursday, September 15th. Since the number of allegations has continued to grow, a decision was made to hold two hearings. The first of these will be Thursday, October 6th. The second will be Tuesday, October 25th. The Sanctions/Plan of

Compliance hearing will be held on Thursday, November 3rd. Requests to amend site plans in Clarksburg Town Center will continue to be delayed until this set of hearings has been completed.

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.

DPS Staff is working with Newland Community on the following to help improve the local traffic access in and around the Town Center area:

- Expedite the construction of the four lane section of Stringtown Road from MD 355 to just before overlook Park Drive
- Coordinate with DPWT and SHA on the installation of a temporary traffic signal at MD 355 and Stringtown Road by December 2005 or January 2006
- Work with the design engineer for Stringtown Road to minimize the future road closure duration
- Work with SHA, DPWT staff and other developers as well as Newland communities to address any issues such as road closure, or possible land acquisition through the creation of future CIP projects in regard to completion of various roadways in and around the Clarksburg Town Center.

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 forty-four 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.

Below is a chart showing the status of application sent to MNCPPC. (Numbers in previous reports have been inclusive of more than the 200 list. This table illustrates and clarifies accurate numbers as of the date of this report).

	List of 200	Other Applications
# Applications sent to MNCPPC	19	163
# Approved by MNCPPC	13	47
# Disapproved by MNCPPC	1	22
#Pending Review	5	94

Please note that MNCPPC has developed a new checklist, which must be carefully followed during the review of every permit. This increases the amount of time for review. An additional reviewer was just hired on a contract basis to ensure the timely review of building permits.

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 this audit by mid October. It should be noted that construction has not yet been started in several of these projects.

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. In addition, we are in the process of developing a list that would show the type of changes that can even be considered for administrative amendments.

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 redeployed 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 redeployed three individuals from County-Wide Planning on a temporary basis to help with inspections. In addition, two individuals from Community Based Planning have been redeployed to assist with the review of Signature Set Documents; one site plan reviewer has been temporarily reassigned from Prince Georges, and a member of the Montgomery County Parks staff will also assist in site plan review. Finally, as mentioned above, a person is being brought in on contract to assist with building permit review.
- DPS is 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 Sanctions/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 hearing is currently scheduled for Monday, October 3rd.

Site Plans Approved from 1/1/03 to Present

Inspection Results as of 9/23/05

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%			U	U	U	U	C	NOV
81994012A	CLOPPER'S MILL	07/08/2004	<25%			U	U	U	NA	C	C
820030000	PARKSIDE	01/16/2003	75%			U	U	U	U	C	C
82002022A	HIGHLANDS AT CLARKSBURG	07/24/2003	75%			U	U	U	C	C	P
820030200	TONY'S CAR WASH, LOT 1	05/15/2003	100%			I	I	C	NA	P	P
820030180	WISTERIA BUSINESS PARK	05/15/2003	100%			C	C	C	NA	P	P
820030030	FAIRFIELD AT GERMANTOWN	01/16/2003	25%			U	U	U	U	P	P
82000042A	PITA SUBDIVISION	09/11/2003	100%	1 of 1		C	C	C	NA	P	P
820030340	SUMMERFIELD CROSSING	11/13/2003	<50%			U	U	U	U	C	C
820050020	AVALON AT DECOVERLY - PHASE 2	10/28/2004	S	0 of ?	OK for TPF only	-	-	-	-	-	-
820030160	JOHNS HOPKINS UNIVERSITY	02/13/2003	100%			I	I	C	NA	P	P
82004008A	POTOMAC RIDGE BEHAVIOR HEALTH	05/12/2005	25%	1 of 1		U	U	U	NA	P	P
81999024A	SHADY GROVE ADVENTIST HOSPITAL	05/06/2004	<25%	1 of 1		U	U	U	NA	P	P
81977013A	HAMPTONS AT TOWN CENTER	11/06/2003	100%			I	C	C	C	P	P
820030110	THE MEADOWS AT HURLEY RIDGE	05/01/2003	50%	114 of 219		U	U	U	U	P	P
820030190	TIMBER CREEK @CLARKSBURG VILLA	01/30/2003	100%	24 of 24		I	C	C	I	P	P
820030230	GATEWAY COMMONS	07/24/2003	<25%		GRADING SITE	U	U	U	U	P	P
820000190	HOYLES MILL VILLAGE - SEC 2D	12/04/2003	50%			U	U	U	U	P	P
820050120	BAUM PROPERTY	01/20/2005	NS			-	-	-	-	-	-
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. B	12/23/2004	NS			-	-	-	-	-	-
820040290	LIBERTY HEIGHTS	06/03/2004	NS			-	-	-	-	-	-
820030210	MIDDLEBROOK INDUSTRIAL PARK	05/01/2003	NS			-	-	-	-	C	C
820050090	WOODCREST	12/23/2004	NS			-	-	-	-	-	-
820050220	WESTECH VILLAGE CORNER	06/02/2005	S		GRADING	U	U	U	U	-	-
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			-	-	-	-	P	P
820050100	WHETSTONE RUN	02/10/2005	NS			-	-	-	-	-	-
820040300	CREEKSIDE AT LEISURE WORLD	07/29/2004	50%		High Rise	U	U	U	U	P	P
82001003A	MONTGOMERY COUNTY AIRPARK	05/15/2003	75%	1 of 1		U	U	U	U	P	P
81999048A	CROSS CREEK CLUB, PHASE II	02/13/2003	75%	17 of 25		U	U	U	U	C	C
820030380	GREENCASTLE TOWNS	10/02/2003	S		GRADING	U	U	U	U	P	P
820030130	RANDOLPH MANOR	06/19/2003	75%		M (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 or 5		U	C	C	C	P	P
820040040	MEADOWSWEET	02/20/2004	50%	11 of 31		U	U	C	U	P	P
820030390	HODGES LANDSDALE PROPERTY	10/02/2003	50%	11 of 29		U	U	U	U	C	C
820040100	OLNEY MANOR	11/20/2003	75%	1 of 1		I	C	I	I	P	P
820040110	MARY BOLAND SUBDIVISION	04/01/2004	S			U	U	U	U	P	P
820030170	RICHARDS ADD TO ASHLEY HOLLOW	05/01/2003	25%	11 of 25		U	U	U	U	P	P
820030300	FRALY PROPERTY	09/11/2003	S		GRADING	U	U	U	U	P	P
820040050	GABLES ROTHBURY SQUARE	11/20/2003	75%	8 of 8		U	U	U	U	P	P
82000024B	SCANDINAVIAN IMPORT SERVICE CE	12/04/2003	S			U	U	U	U	P	P
820040180	POTOMACS EDGE	06/10/2004	TPF only (to	0 of 34	TPF for Demo is OK	-	-	-	-	-	-
820030290	THE ESTATES AT GREENBRIAR PRES	10/16/2003	S	0 of 31	LOD is OK (earthwor	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 GGGC	05/01/2003	<100%	1 of 1	not yet occupied	I	C	NOV	I	P	P
820040200	POTOMAC PRESERVE	03/04/2004	NS			-	-	-	-	-	-
820040180	WILDWOOD MANOR SHOPPING CENTER	01/08/2004	<100%	101 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	FCP may conflict with	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 misaligned	U / NOV	U	U	U	P	P
820050210	8215 FENTON STREET	03/11/2005	NS			-	-	-	-	-	-
820030250	SILVER SPRING PARK/LOFTS 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 comp	U	U	U	U	P	P
820040280	WILLIAMS AND WILLSTE BUILDING	05/27/2004	75%	1 of 1	SP has been amend	U	U	U	U	P	P
820040320	EZ STORAGE - TAKOMA PARK	07/29/2004	75%	95 of 1		U	U	U	NA	P	P
820030260	GREENBRIAR PRESERVE	10/16/2003	25%	4 of 30	Fence Caps missing	U / I	U	U	U	C	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. PHARMACOEPIA	03/03/2005	S	0 of 2	Sequence Violation	U	U	U	U	P	P
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			-	-	-	-	-	-
820040070	TOWNS AT ROSEDALE PARK	12/04/2003	50%	3 of 6	All foundations in	U	U	U	U	P	P
820030270	VERIZON BETHESDA-STANFORD STRE	06/05/2003	50%	75 of 1		U	U	U	U	P	P
820040290	WOODMONT CORNER	07/22/2004	NS			-	-	-	-	-	-
820040240	BETHESDA VIEW CONDOMINIUMS	05/06/2004	S	0 of 1	Excavation only, no E	U	U	U	U	P	P
81996026A	BROOKDALE	12/09/2004	75%	1 of 1	Elevation differences /	U	U	U	U	P	P
82001010A	WISCONSIN PLACE	04/10/2003	25%	25 of 7	Garage approaching	U	U	U	U	P	P
820050030	WESTFIELD SHOPPING CENTER	01/27/2005	NS			-	-	-	-	-	-
820040120	FORTUNE PARC	02/12/2004	25%	26 of 150	other foundations in	U	U	U	U	P	P
820040150	FORTUNE PARC	03/18/2004	S	0 of 11	Parcel L apt. underw	U	U	U	U	P	P
820030360	ROCK SPRING CENTRE APARTMENT (c	11/20/2003	S	0 of 1	Developer has put pro,	U	U	U	U	P	P
820040170	ROCK SPRING PARK CENTER (Tower II)	02/26/2004	NS		Shares LOD with 820	-	-	-	-	-	-
820040090	4933 FAIRMONT AVENUE	01/15/2004	S	25 of 1	Foundation work at s	U	U	U	U	P	P
820040130	ALEXAN MONTROSE CROSS PH III	01/29/2004	S	0 of 1	Path staked out	U	U	U	U	P	P
820040230	JEFFERSON AT INIGO'S CROSSING	04/15/2004	S	0 of 2	Foundation work	U	U	U	U	P	P
81995036B	MONTROSE CROSSING	04/24/2003	100%		time extension only	NA	NA	NA	NA	NA	NA

95 Site Plans to date

- Key:
- C Work completed in compliance with approved site plan.
 - I Incomplete elements that will be addressed by developer
 - U Work is underway
 - NOV Notice of violation.
 - P Inspection Pending.
 - No activity has begun