



Defining Plan Amendments

PAK Robert A. Kronenberg, Chief, Area 1

Staff Report Date: 3/27/14

Description

Introduction of a new document that supplements the Development Manual and provides an overview of the types of amendments reviewed by the Montgomery County Planning Department and the significant modifications relevant to each type of amendment.

Staff Recommendation: Approval of the Defining Plan Amendments document.

Summary

The document titled Defining Plan Amendments is a tool for Planning Staff, residents and the development community to use in establishing the process for various categories of minor amendments. The document outlines each type of amendment and the modifications relevant to each amendment.

2014

Defining Plan Amendments

The Montgomery County Planning Department

This document supplements the Development Manual and provides an overview of the types of amendments reviewed by the Montgomery County Planning Department and the significant modifications relevant to each type of amendment. Modifications to approved plans fall into various categories of amendments depending on the nature of the change. The types of amendments are categorized into major and minor amendments.



Defining Plan Amendments

A Project Plan, Sketch Plan, Preliminary Plan and Site Plan are regulatory plans approved by the Planning Board, and can only be changed by filing an amendment. Fundamental determinations by the Planning Board where findings, conclusions or conditions were associated with the approval of a project, preliminary or site plan can only be changed by filing an amendment for approval by the Planning Board.

There are two types of amendments: major amendments; and minor amendments.

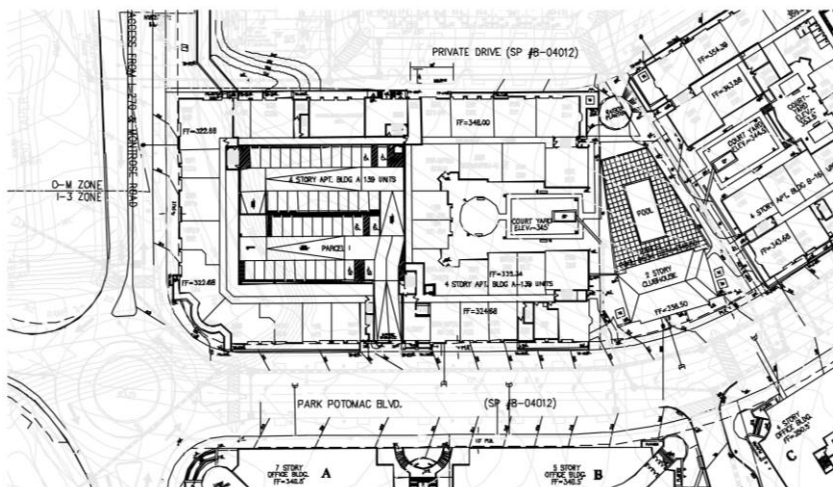
Major amendments to an approved plan can include considerable changes to design, the layout, development standards, and/or density and affect the findings, conclusions and conditions. These amendments proceed through the standard process for review and scheduling on the Planning Board's agenda.

Minor amendments are currently categorized into limited, consent or administrative amendments. A minor amendment does not alter the intent, or objectives or findings of the approved plan. A chart describing the requirements for each of the amendment types is provided on page 5.

MAJOR AMENDMENTS

A Major Amendment is treated like a new application and must receive Planning Board approval for the modifications. Major modifications or changes include, but are not limited to the following:

- Significant changes in the site layout;
- Deviations from the conditions of approval or findings;
- Modifications that affect compatibility;
- Significant changes to the height, density, floor area and massing (>5%);
- Any change that would require an amendment to the binding elements approved at zoning or conditions of approval with project plan or sketch plan; or
- Any change to the public or private roadway or pedestrian system that has an impact on capacity, safety, or access.



Approved site plan showing Buildings 4, 5 and 6 with the clubhouse and pool



A pre-submission community/public/party of record meeting is required for major amendments and most applications will be reviewed by the Development Review Committee (DRC). The Development Manual provides a general description for amendments to certified plans.

MINOR AMENDMENTS

LIMITED PLAN AMENDMENT (DEVELOPMENT MANUAL SECTION 8.E)

Limited Plan Amendments are revisions to the approved plans that alter any fundamental element of the Planning Board's approval (i.e. increase in density/FAR or height, change to setbacks), and must be approved by the Planning Board. A pre-submission meeting with the community/public/parties of record is not required but is recommended. A pre-submittal meeting with the DARC Intake Section may be required. Limited Plan Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (i) of the Development Manual.

The modifications to a fundamental element that would be suitable for a limited plan amendment include, but are not limited to:

- A change in use;
- A change to a condition of approval;
- An increase in height (<5%);
- An increase in the gross floor area/density (<5%);
- Changes to setbacks or building envelopes;
- A decrease in green space or public use space;

- Requests for waivers to parking or setbacks (CROZ); or
- Any modifications to existing forest conservation easements.

CONSENT AGENDA AMENDMENT (DEVELOPMENT MANUAL SECTION 8.D)

Consent items are considered *de minimis* and uncontested by the public and can include modifications to Project Plans, Preliminary Plans and Site Plans. These modifications do not alter the intent or objectives of the approved plans. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DARC Intake Section is also not required; however, the above checklist items are applicable. Consent Agenda Items must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and must go to the Planning Board on the Consent Agenda (no public hearing is held or testimony received).

Typically, consent items do not change conditions of approval and new conditions are not added.

The primary difference between the limited amendment and consent amendment is that a limited amendment will be presented to the Planning Board at a public hearing. A consent amendment does not require a public hearing but is placed on the Board’s consent agenda. The Board approves both the amendment and the draft resolution without a presentation by staff. A Planning Board member may pull the item from the consent agenda, ask for clarification on any issue, or ask that it be placed on the full agenda and presented to the Board.

Modifications that would be suitable for a consent agenda amendment may include, but are not limited to:

- Changes that have already occurred and for which a notice of non-compliance or notice of violation have been issued, but are not significant changes to the plan;
- Changes that would typically be considered administrative but are ~~too~~ so numerous that warrant the Board’s awareness; or
- Changes as a result of post construction inspection or use and occupancy permit.

ADMINISTRATIVE AMENDMENT (SITE PLAN ONLY-DEVELOPMENT MANUAL SECTION 8.F)

Administrative Amendments to an approved Site Plan are considered minor modifications in nature and do not alter the intent and objectives of the plan. Administrative Amendments do not apply to Project or Preliminary Plans. A pre-submission meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DARC Intake Section is also not required. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a)(i) of the Development Manual and require approval of the Planning Director.

The modifications that would be suitable for an administrative amendment may include, but are not limited to:

- Minor changes to locations and species of plant material and locations and specifications of lighting, site furniture and pavers;
- Modifications to trees within the public right-of-way, exclusive of trees that are part of a CBD streetscape plan (i.e. street tree substitution and *filtrera*);

- Additions of electric vehicle charging stations over 4 feet in height;
- Additions of emergency generators (where there is limited impact both visually and acoustically to adjoining properties);
- Modifications of pathways; or
- Addition of entrance/subdivision signs.

Process for submitting a Minor Amendment

The nature of the proposed changes is evaluated by Staff to determine the degree of deviation from the approved plan and the appropriate category of amendment.

All applications for minor amendments require a checklist from the Supervisor or Chief and must, at a minimum include the following information:

A complete application form

A Letter of explanation outlining the request for each modification

Five sets of plans and related documents

The Amendment fee (see fee structure below)

A draft notice of the application

Adjoining and confronting property owner's list

Posting of signs

Certificate of compliance

Any opposition received during the course of review for an administrative or consent agenda amendment must be evaluated by staff to determine if an issue warrants a full public hearing. If so, these minor amendments will be treated like a limited plan amendment with a staff report and presentation to the Planning Board. If the issues presented by the opposition do not specifically pertain to the substance of the amendment, the minor amendment can be processed as submitted with a notation of the correspondence in the report.

Current Exemptions

Current exemptions from the review process include:

- Modifications to meet ADA compliance requirements, typically resulting from a final inspection for use and occupancy of a building;
- Upgrades to respond to Fire and Rescue concerns for emergency access;
- Change to landscaping associated with established Homeowner's Associations;
- Maintenance of existing signs and retaining walls;
- Replacement "in kind" for signs, retaining walls and recreation equipment; and
- Addition of bike share facilities.

Requirement Chart & Fee Structure for Amendments

Below is a chart providing an overview of requirements for each type of Amendment. The current fee structure provides for a range for each type of amendment, however, for consistency, the following fees should be applied when filling out the checklist and accepting the application:

	Changes Findings or Conditions	Pre-Submission Meeting Required	DRC Required	Planning Board Hearing Required	Resolution Required	Staff Presentation to Planning Board	Approved by the Director	Pre-Submission Community Meeting Required	Application Fee
Amendment Type									
Major Amendment	Yes	Yes	Yes ¹	Yes	Yes	Yes	No	Yes	Same as new application
Minor Amendment									
-Limited Amendment	Yes	No	No	Yes	Yes	Yes	No	No	\$4,500 ²
-Consent Amendment	No	No	No	Yes Consent Agenda	Yes	No	No	No	\$3,250
-Administrative Amendment	No	No	No	No	No	No	Yes	No	\$1,000-\$3,250 ³

¹A DRC meeting is required for most amendments. The Area Chiefs can decide if the application for an amendment should go to DRC at the time the checklist is issued.

²May increase if the dwelling units/square footage proposed is greater than what was originally approved

³Lesser amount is typically applied for Homeowner's or Homeowner Associations

Checklist for Plan Amendments



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PLAN SUBMITTAL REQUIREMENTS FOR MINOR, CONSENT AGENDA AND LIMITED PLAN AMENDMENTS¹

PLAN NAME:

PLAN NUMBER:

APPLICANT CONTACT INFO:

PHONE NUMBER:

The following determination has been made concerning the Applicant’s request to amend the above-referenced plan for the following plan elements:

CHECKLIST

<u>ITEM</u>	<u>QTY.</u>
<input type="checkbox"/> COMPLETE FULL APPLICATION_____	1
<input type="checkbox"/> FEE SCHEDULE & FEE \$_____	1
<input type="checkbox"/> PRE-APPLICATION MEETING WITH DARC INTAKE SECTION REQUIRED_____	N
<input type="checkbox"/> ORIGINAL CERTIFIED PLAN(S) WITH OPINION / RESOLUTION_____	1
<input type="checkbox"/> LETTER OF EXPLANATION DETAILING CHANGES BEING REQUESTED_____	5
<input type="checkbox"/> APPLICATION NOTICE BY APPLICANT <u>(Draft Copy)</u> _____	1
<input type="checkbox"/> HEARING NOTICE BY DARC STAFF_____	Y
<input type="checkbox"/> ADJACENT PROPERTY OWNER LIST + HOA, CIVICS, SCHOOL CLUSTER PAPER COPY_____	1
SETS OF LABELS _____	2
<input type="checkbox"/> SETS OF AMENDED PLANS (REDLINED) _____	4
<input type="checkbox"/> SETS OF AMENDMENT PLANS (BLACK & WHITE) WITH NEW TITLE INFORMATION, & LIST OF AMENDMENT ITEMS ON PLAN	4
<input type="checkbox"/> ALL PLANS <u>SIGNED, SEALED & DATED</u> (DEVELOPERS CERTIFICATE & PROFESSIONAL SEAL & MNCPPC SIGNATURE BLOCK)	
<input type="checkbox"/> CERTIFICATE OF COMPLIANCE (COMPLETED BY APPLICANT OR REPRESENTATIVE CERTIFYING THAT APPLICATION IS COMPLETE, ACCURATE AND READY FOR PROCESSING)	
<input type="checkbox"/> CD WITH PDFOF NEW AMENDED PLANS _____	1
<input checked="" type="checkbox"/> DEVELOPMENT REVIEW COMMITTEE (DRC) MEETING REQUIRED	N
<input type="checkbox"/> SIGNAGE INFORMATION: (PICTURE(S), AFFIDAVIT, & LOCATION PLAN)	1

The Checklist is required to be submitted with each application for amendment and must include the Certification by the Applicant or Applicant’s Representative.

¹ Procedures for Plan Amendments are consistent with Section 8 of the approved and adopted Development Review Manual dated December, 2007.

CONSENT AGENDA AMENDMENT (SECTION 8.D)

Consent items are considered *de minimis* and uncontested by the public and can include Project Plans, Preliminary Plans and Site Plans. These modifications do not alter the intent or objectives of the approved plans. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, the above checklist items are applicable. Consent Agenda Items must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and must go to the Planning Board.

- APPROPRIATE TO SUBMIT AS A CONSENT AGENDA AMENDMENT

LIMITED PLAN AMENDMENT (SECTION 8.E)

Limited Plan Amendments are revisions to the approved plans that alter a fundamental element of the Planning Board’s approval (i.e. increase in density/FAR or height, change to setbacks), and can include Project Plans, Preliminary Plans and Site Plans. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section may be required, and the above checklist items are applicable. Limited Plan Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (i) of the Development Manual and must go to the Planning Board.

- APPROPRIATE TO SUBMIT AS A LIMITED PLAN AMENDMENT

ADMINISTRATIVE AMENDMENT (SECTION 8.F)

Administrative Amendments are modifications to the approved Project Plan or Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, the above checklist items are applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a)(i) of the Development Manual and require approval of the Planning Director. Administrative Amendments do not apply to Preliminary Plans.

- APPROPRIATE TO SUBMIT AS AN ADMINISTRATIVE AMENDMENT

NOTE:

- ALL PRELIMINARY AND SITE PLAN AMENDMENTS REQUIRE A CERTIFIED PLAN TO BE PROCESSED AFTER THE AMENDED PLANS ARE APPROVED
- THIS AMENDMENT CHECKLIST IS ONLY VALID FOR **90 DAYS** FROM THE SIGNATURE & DATE BELOW. EXPIRATION REQUIRES A NEW MEETING WITH THE SUPERVISOR AND A NEW CHECKLIST. YOUR APPLICATION **EXPIRATION DATE** IS:
- NOTICE IS **NOT** TO BE MAILED UNTIL THE AMENDMENT IS OFFICIALLY ACCEPTED!

Supervisor

Date
