



MCPB
Item #8
7/29/04



MEMORANDUM

DATE: July 23, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *RH*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator (301) 495-4544 *RW*

REVIEW TYPE: Revision to Preliminary Plan Conditions

PROJECT NAME: Sandy Spring Friends School

CASE #: Preliminary Plan No. 1-03092A

ZONE: RE-2: One (1) previously approved lot requested; private religious educational institution; 140.52 acres

LOCATION: Located on the east side of Norwood Road (MD 182), approximately 3,200 feet north of Ednor Road

MASTER PLAN: Rural

APPLICANT: Sandy Springs Friends School

HEARING DATE: July 23, 2004

Staff Recommendation: Revise previous conditions of approval as follows:

- 1) Delete condition #4 as shown in Planning Board Opinion dated May 12, 2004.
- 2) All other conditions of approval will remain in full force and effect.

Due to a mistake in the Subdivision Regulations, as originally codified, the previous Preliminary Plan approval for Sandy Spring Friends School included a condition related to Adequate Public Facilities improvements, which should not have been imposed. The law, as originally codified, contained a mistake. The school appeared not to be exempt from the provisions of section 50-35(k), "Adequate Public Facilities" because the campus was not comprised of an "unrecorded parcel which had not changed in size or shape since June 1, 1958". This language was not in the legislation and should not have been included in the section when codified. The error was corrected in the fall of 2003 and the text has now been amended such that section 50-35(k)(7) now states:

"(7) Exemptions. Places of worship and residences for staff, parish halls, and additions to schools associated with places of worship, are not subject to the provisions of section 50-35(k), "Adequate Public Facilities."

Unfortunately, neither Staff or the Applicant were aware that this correction to the Subdivision Regulations had been made at the time of the original approval. Based on this correction, the school should have been exempt from APF review, including Local Area Review.

Per the attached letter from Miller, Miller and Canby on behalf of the Sandy Spring Friends School (Attachment 1), the Applicant has requested amendment to the Preliminary Plan approval to eliminate previous Condition #4 in the Board's Opinion dated May 12, 2004 (Attachment 2). As stated in the July 22, 2004 memorandum from Transportation Planning (Attachment 3), Staff concurs with the Applicant's request and recommends revision of the previous conditions of approval.

Attachments

- Attachment 1 Letter Requesting Revision
- Attachment 2 Previous Planning Board Opinion
- Attachment 3 Transportation Planning Memo