

Regulatory Review Extension Request for Ashton Market: Preliminary Plan No. 120180180 and Site Plan No. 820180160

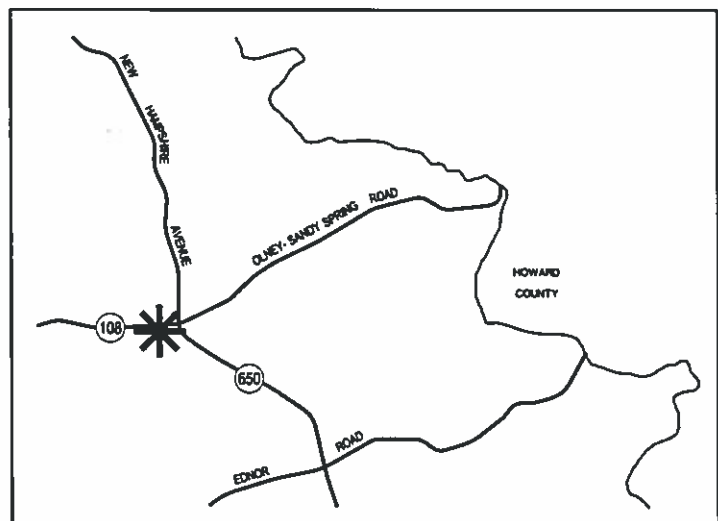
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RAW Richard Weaver, Chief, Area 3, Richard.Weaver@montgomeryplanning.org, (301) 495-4544

Staff Report Date: 7/10/18

Description

A. Ashton Market: Preliminary Plan No. 120180180: Requesting to extend the regulatory review period for 60 days; An application to create 20 lots for 20 townhouses, and one lot for a mixed-use building with 3 multi-family units and up to 6,800 square feet of restaurant space, including 12.5 percent MPDUs, located on Porter Road at its intersection with Olney Sandy Spring Road (MD 108); 3.04 acres, TF zone, CRT-0.75, C-0.75, R-0.25, H-35 zone & the Sandy Spring/Ashton Rural Village Overlay zone; Sandy Spring/Ashton Master Plan.

B. Ashton Market: Site Plan No. 820180160: Requesting to extend the regulatory review period for 60 days; An application to construct 20 townhouses, and a mixed-use building with 3 multi-family units and a 6,800 square foot restaurant, including 12.5 percent MPDUs, located on Porter Road at its intersection with Olney Sandy Spring Road (MD 108); 3.04 acres, TF zone, CRT-0.75, C-0.75, R-0.25, H-35 zone & the Sandy Spring/Ashton Rural Village Overlay zone; Sandy Spring/Ashton Master Plan.



Applicant: Nichols Development, LLC.
Submittal Date: April 23, 2018
Review Basis: Chapter 50 & Chapter 59

Summary

Section 50.4.1.E of the Subdivision Regulations and Section 59.7.3.4.C of the Montgomery County Zoning Ordinance provides that the Planning Board shall hold a public hearing for Preliminary and Site Plans no later than 120 days after the date the application(s) are accepted. However, the Director may postpone the public hearing by up to 30 days once without Board approval and the Director or applicant may request one or more extensions beyond the original 30 days with Board approval.

The Ashton Market Preliminary and Site Plan applications were accepted on April 23, 2018, which established a Planning Board date no later than August 21, 2018.

Staff or the Applicant could have requested a 30-day (Director level) extension request to postpone the hearing deadline until September 20, 2018. A 30-day extension would provide sufficient time to meet the tentatively scheduled Planning Board date of September 13, 2018. However, given the complexity of the project and number of design modifications requested, the Applicant requests a 60-day extension. The additional 30 days provides flexibility to accommodate any unforeseen delays. Granting the 60-day extension establishes a Planning Board date no later than October 20, 2018.

Staff recommends **approval** of this extension request.

Attachment A: Extension request



Montgomery County Planning Department
Maryland-National Capital Park and Planning Commission

Effective: December 5, 2014

8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

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Phone 301.495.4550
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REGULATORY PLAN EXTENSION REQUEST

 Request #1

 Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: Ashton Market **Plan No.** _____

This is a request for extension of: Project Plan Sketch Plan
 Preliminary Plan Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: September 13, 2018

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

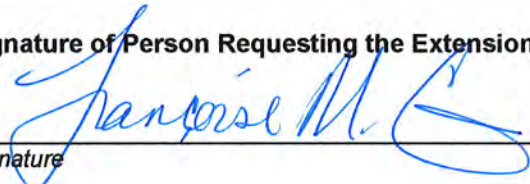
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<i>Telephone Number</i>	<i>ext.</i>	<i>Fax Number</i>	<i>E-mail</i>

We are requesting an extension for 2 months until October 20, 2018

Describe the nature of the extension request. Provide a separate sheet if necessary.

SEE ATTACHED

Signature of Person Requesting the Extension



Signature

7/11/18

Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from _____ until _____.

Signature

Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

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July 2, 2018

Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Preliminary Plan Application 120180180 and Site Plan
Application 820180160, Ashton Market: Request for Extension

Dear Chair Anderson:

My firm represents Nichols Development Company, LLC, the applicant ("Applicant") in the applications referenced above (the "Applications"). On behalf of the Applicant, and pursuant to Montgomery County Zoning Ordinance Section 7.3.4.C, we respectfully request an extension of the time in which the Planning Board is required to hold a public hearing on the above referenced Applications.

The Applications were formally accepted on April 23, 2018. The standard 120-day period to conduct a Planning Board hearing on these applications will expire during the Board's August recess. Accordingly, on behalf of the Applicant and pursuant to Montgomery County Code Sections 7.3.4.C and 50.4.1.E, we request an extension of the time for that hearing to take place. At the suggestion of Planning Department staff we are requesting a 60-day extension to October 20, 2018, although staff have indicated that the hearing will take place on September 13, 2018.

We thank you for your consideration. We look forward to presenting these applications to you.

Sincerely,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:


Françoise M. Carrier

cc: Jonathan Casey
Tyler Nichols