

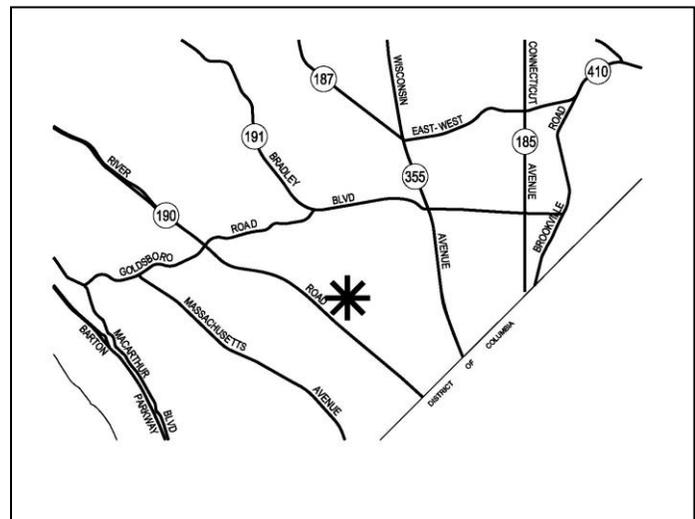
Washington Episcopal Day School, Preliminary Plan 120150160, Site Plan 820150080

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Staff Report Date: 5/16/16

Description

Location: Northwest quadrant of the intersection of River Road and Little Falls Parkway
Zone: PD - 28
Master Plan: Westbard Sector Plan
Property size: 11.21 acres
Request to extend the review period for a project plan and site plan amendment indefinitely, from June 2, 2016 to October 6, 2016.
Applicant: Sheridan Development, LLC
Filing Date: May 22, 2015



Summary

Staff Recommendation: Approval of the extension request.

Section 59.7.3.4.C provides a 120-day limit for site plan hearings. The Planning Board may, however, extend these periods. Several complex issues, raised at the first resubmittal following the Development Review Committee meeting, are still being resolved. These issues include a traffic signal warrant analysis at the intersection of River Road and Landy Lane and on-going coordination with the Parks Department regarding offsite improvements to adjacent parkland. The Applicant has requested, in an application dated May 12, 2016, that the review periods for the Site Plan be extended from the current date of June 2, 2016 to October 6, 2016, to allow the remaining issues to be resolved. This is the third extension request associated with the subject project. This project was previously extended by the Planning Board, on September 3, 2015, to December 31, 2015 and then again, on December 10, 2015, to June 2, 2016.

Staff recommends **APPROVAL** of the extension request.

Attachment A: Applicant's extension request

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May 12, 2016

Development Applications and Regulatory Coordination Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Preliminary Plan No. 120150160/Site Plan No. 820150080;
Application of Washington Episcopal Day School;
Request for Extension of Public Hearing Date

Dear Sirs:

The Applicant for the above referenced application hereby requests an extension of the public hearing date currently scheduled for June 2, 2016 for the two pending plans referenced above. As the application states, it is requested that the public hearing be rescheduled to occur at a date not later than October 6, 2016.

Please see that this matter is brought to attention of the Planning Board so that it can consider and grant this request.

Thank you for your attention to this letter.

Sincerely Yours,

Miller, Miller & Canby



Jody S. Kline

JSK/dlc

cc: Matthew Folden
Robert Kronenberg
Greg Fernebok
Aaron Smith
Nicole White
Erica Leatham, Esq.
Frank Bossong
Norman Knopf, Esq.



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

Effective: December 5, 2014

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REGULATORY PLAN EXTENSION REQUEST

Request #1 Request #2

File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: Washington Episcopal Day School Plan No. 120150160 (Prelim)
820150080 (Site Plan)

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: June 2, 2016

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.)

Jody Kline Miller, Miller & Canby
Name Affiliation/Organization

200-B Monroe Street
Street Address

Rockville Maryland 20850
City State Zip Code

301-762-5212 jskline@mmcanby.com
Telephone Number ext. Fax Number E-mail

We are requesting an extension for four (4) months until October 6, 2016

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

The hearing dates for these plans have been extended twice before, to December, 31, 2015 and a second time to June 2, 2016. However, it does not appear that the Plans' review will be completed in time before a Planning Board hearing presently scheduled to occur before June 2, 2016. In particular, discussions continue between the applicant and the Parks Department about improvements on and off site that affect adjacent park land. Furthermore, as of the date of this request, comments on an LATR study and a traffic signal warrant study have not yet been received from SHA and that agency's comments may require additional time to be addressed. The date requested for a public hearing is within a range suggested by other parties in interest. (see attached e-mail from Norman Knopf, Esq.)

Signature of Person Requesting the Extension

Jody S. Kline
Signature

12 May 2016
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 _____.

Jody Kline

From: Norman G. Knopf <knopf@knopf-brown.com>
Sent: Wednesday, May 11, 2016 4:31 PM
To: Jody Kline
Cc: 'matthew.folden@montgomeryplanning.org';
 'robert.kronenberg@montgomeryplanning.org'; 'gregf@harveycompanies.com';
 'asmith@amtengineering.com'; 'nwhite@symmetradesign.com';
 'LeathamE@ballardspahr.com'; 'FBossong@rodgers.com'; 'Norman G. Knopf';
 jzslavin@aol.com; 'Marnie Shaul'; 'Jenny Sue Dunner'; 'Barbara Zeughauser'; 'Lloyd
 Guerci'; 'Phyllis Edelman'; 'Sue Schumacher'; 'Patricia Johnson'
Subject: Wash. Episc. School site and subdv. applciations, extension of time

Jody,

Our response to your attached email re further extension of time for hearing on WES applications for site plan and preliminary plan of subdivision and proposed dates is as follows:

1. The Citizens Coordinating Committee voted unanimously at its last meeting in April to **NOT** consent to any further time extension. The matter has been pending for **8 years**. In granting the most recent extension to June 2, 2016, the Planning Board stated this would be the **LAST** extension.

2. We recognize that the applicant still has not submitted all the information necessary to proceed with the hearing so that the Board may grant yet another time extension. We therefore appreciate your inquiring as to dates for a rescheduled hearing at which community representatives would be available. You have advised that it will not be until the fall that all of information required for the hearing is certain to be available. You have suggested October 13 as the outside date for the hearing. This date is a problem due to the Jewish Religious Holiday Day of Yom Kippur the preceding day. If the matter is postponed, we request it be scheduled **Sept. 22 or 29 or Oct. 6**.

3. *The additional time should give the applicant time to prepare and file a site plan for entire parcel that was the subject of the Development Plan, including the 10 acres of the 11 acres to be used for the school. As we previously advised you and Planning Board staff, a site plan submission and approval of that site plan by the Board is required by law both under the old zoning code, Section 59, and the new code, Section 59.4.5.A.1; Sections 59.7.3.3 & 4. In its opinion approving the rezoning and its Development Plan, the Council expressly noted that the Development Plan, which covered the entire 11 acres, was "subject to site plan review". (Opinion p.5). It is the Citizens Coordinating Committee's position that the applicant's proposal as presently designed CANNOT meet the legal requirements for site plan approval regarding such matters as compatibility and safety due to the school's closure of access to River Rd via Landy La. for school pick-up and drop-off, etc. The school's inability to meet the criteria for site plan approval obviously does not excuse the school from providing a site plan. ITS FAILURE TO SUBMIT SITE PLAN FOR THE ENTIRE PROPERTY MAY WELL CAUSE FURTHER DELAY - WHICH WE HOPE TO AVOID BY AGAIN RAISING THIS ISSUE.*

Norman Knopf

202-257-9150