

Introduced By: Councilmember Williams

Resolution No. 2001-37

**Resolution Authorizing City Administrator to Sign
Development Review Memorandum of Understanding**

- WHEREAS, the City of Takoma Park recognizes the importance of attractive, well-designed properties in maintaining the livability and economic health of the community; AND
- WHEREAS, the City was successful in its request to have the recently adopted Takoma Park Master Plan recommend that site plan review be required for significant new development in its commercial areas; AND
- WHEREAS, many development proposals require approvals from the City, Montgomery County and the Maryland-National Capital Park and Planning Commission before development may proceed; AND
- WHEREAS, the City wishes to coordinate and streamline the development review process so as to encourage appropriate economic development in Takoma Park; AND
- WHEREAS, the Takoma Park Master Plan recommends the adoption of a development review memorandum of understanding to establish this coordinated review process; AND
- WHEREAS, such a memorandum of understanding has been prepared and reviewed by the involved parties and found to be acceptable to each.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council authorizes the City Administrator to sign the attached Memorandum of Understanding Between the Montgomery County Planning Board and the City of Takoma Park regarding development review.

ADOPTED THIS 29TH DAY OF MAY, 2001

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD
AND THE CITY OF TAKOMA PARK
MAY 31, 2001**

This Memorandum of Understanding represents an agreement between the City of Takoma Park and the Montgomery County Planning Board concerning the City's role in the development review process for subdivision applications and Division 59-D-3 site plan applications. In addition, the City, the Planning Board and Montgomery County agree that a coordinated review process, including approval of various City permits, involving staffs of the City, the Planning Board and the Montgomery County Department of Permitting Services (MCDPS) is needed for certain projects to assure that future commercial development or redevelopment proposed within the Commercial Revitalization Overlay Zone is in accordance with the recommendations and guidelines of the Takoma Park Master Plan and satisfies all applicable regulations, guidelines and laws administered by the City, the Planning Board and Montgomery County.

This memorandum describes how the elected officials and professional staff of the City of Takoma Park and the Planning Board and staff of the Department of Park and Planning will participate in each phase of the development approval processes for subdivisions and site plans submitted within the corporate limits of the City. In addition, this memorandum establishes a coordinated review process for how the City and its staff will participate with staff of the Department of Park and Planning (the Department) and staff of MCDPS in the review of building permits submitted for properties located within the Commercial Revitalization Overlay Zone.

SUBDIVISION AND SITE PLAN APPLICATIONS

The Takoma Park City Council and the Montgomery County Planning Board agree on the following points relating to the review and approval of subdivision applications and Division 59-D-3 site plan applications filed for properties located within the corporate limits of the City of Takoma Park:

- When an application for a preliminary plan of subdivision, a site plan or a record plat is submitted to the Department, it will be forwarded to the City for review and comment within two weeks of submission of the complete application. The transmittal will include a copy of the application, the proposed plan, any supporting information submitted by the applicant and, if applicable, the schedule for presentation of the application to the Development Review Committee (DRC).
- An application for a preliminary plan of subdivision will not be complete for initiation of review by staff unless a stormwater management (SWM) concept is submitted to the City prior to submission of the application to the Department. A site plan application will not be complete for staff review unless a final SWM concept, approved by the city, is submitted to the Department with the application.

- The City's staff will review the application packet and prepare preliminary comments and recommendations for presentation to the DRC at the scheduled DRC meeting. The City's staff will also attend pre-DRC meetings to discuss application issues involving the reviewing agencies. The pre-DRC meeting is normally held on the Wednesday preceding the scheduled DRC meeting. The Department and City agree to notify the other of all meetings concerning an application involving the applicant, interested citizens or other reviewing departments or agencies.
- The City's staff will attend the scheduled DRC meeting and provide comments and written preliminary recommendations concerning an application. The City will provide specific comments regarding access to public streets, stormwater management, tree permits and other issues of significance to the City. The Department will provide the City with minutes of the DRC discussions within one week of the DRC meeting.
- The City and the Department will cooperate in scheduling any preliminary plan of subdivision or site plan application for Planning Board action recognizing the County Council mandated review periods for processing such applications. The City will provide written recommendations and resolutions to the Department for inclusion into the public record at least ten days prior to the scheduled Planning Board public hearing.
- The City, at its discretion, may attend public hearings for preliminary plans of subdivision and site plans and present testimony to the Planning Board concerning all issues of relevance to the City. In accord with the provisions of Article 28, a two-thirds majority vote of the Planning Board is required to take any action relating to land use planning within the City that is contrary to a Resolution of the Mayor and City Council.
- All Planning Board actions on preliminary plans and site plans for land within the City will be transmitted to the City at the same time that such actions are transmitted to applicants and all other parties of record.
- Record plats are not reviewed by the DRC and follow a different approval process, as reflected on the attached flow chart, included as Attachment # 2 . Record plat applications will be transmitted to the City within one week of receipt by the Department, as stipulated for other types of applications described above. The City's staff will review plats for compliance with City regulations and requirements that may apply in addition to conditions of preliminary plan and site plan approvals, if applicable. City's staff will transmit comments to the Department

within one week of receipt of the application noting if there are any errors, omissions or deficiencies on the plat, as submitted. The Department will then schedule the record plat for Planning Board approval, in accordance with the normal plat approval procedures. Any comments provided by the City's staff will be provided to the Planning Board for their consideration prior to taking action on the record plat.

- Where appropriate, the City may recommend specific conditions to be noted on a record plat relating to matters within the City's authority; such as stormwater management, tree save and street access. In such instances, the plat should be signed by the City Administrator prior to recordation.
- Upon recordation, a copy of the new record plat for property within the City will be transmitted to the City by the Department for the City's records.

BUILDING PERMIT REVIEW PROCESS

The City of Takoma Park, the Montgomery County Planning Board and Montgomery County agree on the following points relating to the implementation of a coordinated review process for building permits submitted for projects located in the Commercial Revitalization Overlay Zone located in Takoma Park. A joint review of County building permit applications and City building permits will provide an opportunity for the City's staff and the Department to coordinate project reviews so that Master Plan recommendations, conditions of subdivision and site plan approval and any development regulations or guidelines intended to apply to new development or redevelopment within the Zone can be implemented in a timely manner that assures implementation of public plans, regulations, policies and guidelines. The major points of the permit review process are as follows:

- When a County building permit is submitted for any project involving land located within the Commercial Revitalization Overlay Zone located within the corporate limits of the City of Takoma Park, MCDPS will promptly forward copies of the permit application to the Department and the City of Takoma Park for building permit review and "sign-off", as currently required by applicable laws and regulations. In addition, MCDPS will advise the applicant to contact the City to initiate the review process for the City's permits and thus facilitate the expedited review desired by this process. The County building permit application instructions will also be revised to provide notice to applicants that for projects located within the City of Takoma Park, in the Commercial Revitalization Overlay Zone, certain permits must be approved by the City prior to commencing construction.
- The City's review team will consist of staff of the Departments of Housing and

Community Development, Public Works and other staff, as appropriate. The Department's review team will consist of staff of the Community Based Planning, Development Review and other Divisions, as appropriate.

- City's staff will schedule a meeting to be held in City offices and invite staff of the Department to attend and discuss the application for purposes of identifying all issues and proposing solutions that assure implementation of applicable laws, plans, policies, regulations and guidelines. The intent is to provide for coordinated, concurrent review by the City and the Department. In order to assure that the review is timely, the meeting should occur within five working days of receipt of the application packet from MCDPS by both the City and the Department. The application packet consists of the application form and site plans of the proposed development. The meeting will be conducted by appropriate City staff who will be responsible for preparing and distributing minutes of the review team meetings. Minutes must be finalized and distributed to the meeting participants within one week of the meeting. Additional meetings may be scheduled, as necessary, to assure that issues are resolved in an expeditious manner.
- The City and Planning Board agree that new development and/or redevelopment projects within the Commercial Revitalization Overlay Zone are of critical importance to the long term viability of these areas and are crucial to the interests of both Montgomery County and the City of Takoma Park. Therefore, the implementation of applicable laws, plans, policies and guidelines within this overlay Zone must occur in a coordinated approach as described in this memorandum. The reviews must be expedited by both staff of the City and the Department in order to assure a timely review process that will not unduly delay projects.
- The Department will provide comments concerning a building permit review to MCDPS and the applicant in accordance with current procedures. The Department will perform the normal electronic "sign-off" for a building permit so that MCDPS will know that the Department's review has been completed. As the City completes its review and action on stormwater management plans, street access permits, tree permits and other permits required by the City, City staff will provide comments/notice to MCDPS. Both the Department and the City staff will inform the other of permit approvals and "sign-offs".
- It is understood by the City and M-NCPPC that the building permit approval by MCDPS cannot be delayed if the project meets all of the requirements for building permit approval as established in County law. MCDPS will provide weekly reports to the City identifying the location of properties subject to new building permit applications and sediment and erosion control permit applications filed during the preceding week.