

# The Town of Kensington

## Development Review Board Committee

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### *Development Review Board Committee Structure and Process Guidelines*

#### **History**

Beginning in 2008, The Town of Kensington, (the “Town,” “Kensington”) worked for over four years to update the Kensington Sector Plan (“Sector Plan”), the master plan for development within the Town of Kensington. Prior to this update, the most recent Master Plan for Kensington was approved in 1978 and reflected a very different vision for the Town of Kensington and surrounding area. The purpose of this updated Kensington Sector Plan is to provide an updated vision for development, or in some cases, re-development of area land (herein referred to generally as “development”) in and around the Town of Kensington and design guidelines for achieving designs that comply with the vision set forth in the Sector Plan. The updated Kensington Sector Plan was formally adopted on March 20, 2012. Following the Sector Plan, the Sectional Zoning Map establishing Kensington’s Commercial Residential Town (“CRT”) and Commercial Residential Neighborhood (“CRN”) zones was adopted October 16, 2012. Finally, the Town approved the Kensington Sector Plan Design Guidelines on March 7, 2013.

The Town Council created the Development Review Board (“DRB”) by passing Resolution R-05-2013, on March 25, 2013. Since its inception, the DRB function has been revised through subsequent Resolutions of the Mayor and Town Council (“Council”). Chief among these has been the dissolution of the Town’s Revitalization Committee and incorporating its functions into the DRB, to include a revision of the DRB membership structure (R-09-2015), establishment of a Chair of the DRB (R-10-2016), and a further change to the membership structure by making the Council positions on the DRB appointed by the Mayor during the Organizational Meeting (R-13-2017).

#### **Purpose**

As described in R-05-2013, the DRB was created to review proposals for development in the Town with respect to their conformance with the Kensington Sector Plan, the CRT and CRN Zones, the Kensington Sector Plan Design Guidelines, and historic preservation requirements (herein collectively referred to as the “Kensington Sector Plan Guidelines”).

The DRB reviews plans for development at an early stage of the development process, ideally prior to an applicant's filing with Montgomery County, and makes recommendations to the Council with respect to the development.

The DRB is an advisory committee only. As such, its role is to review development projects with applicants, solicit additional information from and provide feedback to applicants regarding their proposed development plans. At the Mayor's request, the DRB will present their report on any development project to the Town Council and/or the Town Attorney. The DRB's report is meant to provide the Council with the DRB's overall impression of an applicant's plan and its conformance to the Kensington Sector Plan Guidelines. Finally, the DRB may make a recommendation to the Council related to a proposed development project. Example recommendations may be:

- For the Town Attorney to review the project
- For the DRB to continue meeting with the applicant to help revise the applicant's plans to better conform to the Kensington Sector Plan
- For the Council to draft a letter of support or opposition of the proposed plan as appropriate
- For the Council to introduce and vote on a resolution of support or opposition of the proposed plan and to whom a copy of the resolution and the vote count should be sent

DRB members are expected to be knowledgeable of the Town and the Kensington Sector Plan Guidelines and to be willing to review development plans and engage with the applicant in order to:

- Provide feedback to applicants;
- Solicit additional information from applicants;
- Recommend changes to a development plan to bring it into conformance with the Kensington Sector Plan Guidelines;

The DRB process is intended to make the Town Council's review of projects more efficient and effective. In its capacity as an advisory committee, however, the DRB's role is not to directly support or oppose a project, but to advise the Town Council.

## **Development Review Board Process**

The DRB meets as a committee as needed. As an applicant prepares a plan for development of a property within the Town of Kensington, the Town asks that the applicant meet with the DRB to present the plan and to allow the DRB to review the plan and its conformance to the Kensington Sector Plan Guidelines.

The Council must post notice of DRB meetings per the Maryland Open Meetings Act (Md. Code §3-101). DRB meetings are open to the public and members of the public are entitled to attend DRB meetings, per the Open Meetings Act. Md. Code §3-103. The DRB shall follow Section 408 of the Town Charter and determine its own rules and order of business for DRB meetings.

During the course of reviewing a development project, the DRB will review the applicant's plans and exhibits and interview their team. The DRB will typically assess preliminary site plans, elevations, schematics, floor plans, engineering plans, to determine where the development is located, the scope of the development, the intended use, and the type of development (e.g. by-right, optional method, or conditional use). The DRB may develop job aides, such as questionnaires or checklists, to support its review process of applicant plans. From time to time where it may be beneficial, the DRB may invite members of the County Planning Department's Technical Staff to attend DRB meetings with or without the Applicant.

The DRB will review plans for compliance with the Kensington Sector Plan Guidelines. Specifically the members will assess project density, floor area ratio ("FAR"), total square footage, architecture, building height, setbacks, building massing, materials, step backs, parking, lighting, signage, landscaping, floor plans, intended use, and traffic circulation. Whenever possible, the DRB will encourage applicants to schedule and participate in one or more public community meetings prior to filing any application with Montgomery County.

At the conclusion of a DRB meeting, the DRB Chair will prepare minutes of the meeting. These minutes are public record and will be posted to the Town of Kensington's website and shared with the Mayor and Town Council. In addition, DRB updates to be provided to the Town Council will be included on the agenda of the Town Council meeting where the DRB Report will be given.

## **Committee Membership**

The DRB consists of seven (7) members to be appointed by the Mayor, with the approval of the Council. The composition of the DRB, as established through a Resolution of the Council, is as follows:

- Two (2) members of the Town Council, to be appointed by the Mayor during the Organizational Meeting of the Council in July of each year. Members from the Council serve a one-year term, coinciding with the Town's election cycle.
- Two (2) members from a professional field related to development, each of whom is an architect, engineer, developer, or land use attorney. Professional field members serve a two-year term.
- Two (2) members that are residents of the Town of Kensington. Town resident members serve a two-year term.
- One (1) member of the Town business community. Town business members serve a two-year term.

The town resident, professional, and town business members of the DRB serve staggered, two-year terms such that three positions are appointed on even numbered years and two positions are appointed on odd number years. The Town Council positions are appointed annually by the Mayor during the Council's Organization Meeting, typically held in July.

Members of the DRB are appointed by the Mayor and confirmed by a vote of the Council. The Mayor may appoint or re-appoint any member provided the appointee meets the criteria of each role as a resident, business member, or professional. Appointees from the town business and professional category are not required to be residents of the Town.

Serving on the DRB is an unpaid, volunteer position. Should the criteria for a member of the DRB change such that he/she no longer meets the criteria, the member will be required to resign, and the Mayor will appoint a new member who meets the criteria as a replacement. For example, if a member of the DRB serving in a Town resident role were to move out of the Town of Kensington, they would no longer qualify as a resident and thus would be required to resign their role on the DRB.

Members of the DRB are required to submit an annual financial disclosure to the Town and are subject to the Town's Public Ethics rules stated in Article 3 of the Town of Kensington's Code of Ordinances.

### **Committee Chair**

The Mayor shall appoint, with the approval of the Council, one member of the DRB to serve as Chair of the DRB. The Chair of the DRB is the main point of contact between the Mayor and Council and the DRB and is responsible for scheduling DRB meetings and for providing DRB reports on projects reviewed by the DRB to the Mayor and Council during Town Council meetings as requested by the Mayor. As may be requested by the Mayor, the Chair of the DRB may be called upon to testify in front of the Montgomery County Planning Board, the Office of Zoning and Administrative Hearings ("OZAH") Hearing Examiner, the OZAH Appeals Board, or the Circuit Court in relation to a project reviewed by the DRB.