



November 26, 2003

The Honorable Derick Berlage, Chairman
 Montgomery County Planning Board
 The Maryland National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, Md. 20910

Re: Request for Reconsideration
 Kingsview Village
 Site Plan Review 8-97007A and 8-94031C

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OFFICE OF THE CHAIRMAN
 THE MARYLAND NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

Dear Chairman Berlage:

Pleasants Investments Limited Partnership, pursuant to Section 11 of the Rules of Procedure For The Montgomery County Planning Board, hereby requests reconsideration of the November 13, 2003 decision to deny the above referenced Site Plan revisions.

In so far as the final written decision has not been published, the grounds for this request are based on the motion that was adopted by the three members of the Planning Board that were present and voting at the November 13, 2003 meeting.

The decision to deny followed a request by Elm Street Development Company, the developers of the Clopper Mill West Subdivision (Preliminary Plan 1-91090) that the Planning Board not approve the site plan revision until such time as Pleasants paid a certain sum of road participation money that Elm Street alleged was required by the 1995 approved Preliminary Plan of Subdivision for Kingsview Village. In adopting the motion to deny, the Planning Board members stated that additional details were necessary with regard to forest removal and conservation comparisons between the proposed revised site plan and the previously approved site plan, and that additional information was needed regarding impervious surfaces.

The additional information requested is already part of the record in the form of the submitted Forest Conservation Plan and landscaping plan. The need for clarification of forest conservation and imperviousness did not arise until after the Staff presented its report and the applicant completed its presentation. Neither the applicant nor the Technical Staff were provided an opportunity to clarify what was already contained in the Staff Report and in the submissions to the Development Review and Environmental Planning Divisions of M-NCPPC. Had we been given the opportunity to do so, the Applicant would have clarified that the revised site plan that reduced the number of multi-family buildings from six to three new upgraded luxury elevator buildings and the addition of a swimming pool and club house also presented an overall improvement in environmental elements over the original approved Site Plan.

The Applicant and the Technical Staff, had they been given the opportunity to do so, also could have clarified the imperviousness comparisons between the approved and proposed plans.

4920 Elm Street, Suite 200
 Bethesda, Maryland 20814

Tel 301.986.4142
 Fax 301.656.3740

ATTACHMENT THREE

The Honorable Derick Berlage, Chairman
November 26, 2003
Page 2

Unfortunately, the focus of the hearing narrowed to a heated discussion about whether Pleasants was or was not required by its 1995 approved Preliminary Plan to participate in the cost of constructing Richter Farm Road between Great Seneca Highway and Route 118. That digression got in the way of clarifying any legitimate site plan issues.

Prior to a Reconsideration Board Hearing, we will submit the documentation that details the chronology as well as the individual road construction and participation obligations of the Clopper Mill West Kingsview Village, King Hargate and Kings Crossing projects with respect to road improvements, including the construction of Richter Farm Road. Clopper Mill West was the first project to obtain preliminary plan approval in the Germantown West area with a staff transportation condition to build all of Richter Farm Road from Great Seneca Highway to Rt. 118.

As with the forest conservation and impervious issues addressed above, the records of the Department of Park and Planning include all of the documentation, maps and memoranda that is needed for any issues to be resolved. That was not possible at the hearing on November 13, given the fact that the Elm Street's request for payment, which was essentially the sole basis upon which the Planning Board acted to deny this Site Plan Revision, was not provided to this Applicant until moments before the hearing began.

We submit that reconsideration is appropriate under the Planning Board's Rules of Procedure and that the opportunity for an up front, fair airing of issues known in advance should be granted when the entire Planning Board is present to participate.

Very truly yours,

DUFOUR & KOHLHOSS, CHTD.

By: 

Stephen J. Orens