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

November 11, 2003

Mr. Derrick Berlage  
Chairman  
Maryland National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Kingsview Village  
Site Plan 8-97007A and 8-94031C

Dear Chairman Berlage,

Please add a condition to Site Plan 8-97007A which reads:

5. No building permits are to be issued until participation is confirmed in the road projects as outlined in the Transportation Planning memo of November 7, 2003.

The reasons for this request are as outlined in my letter to you of June 9, 2003.

Sincerely,

David D. Flanagan  
President

DDF:slb

ATTACHMENT TWO



June 9, 2003

Mr. Derrick Berlage  
Chairman  
Maryland National Capital Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Site Plan 89-970074A  
Kingsview Village – Sec. 8

Dear Chairman Berlage:

I am writing to comment on the proposed Site Plan revision 8-97007A. Traditionally, we do not comment on the proposed plans of other developers. However, we are moved to comment in this case by an inequity, which has occurred in relationship to this overriding Preliminary Plan (1-90017) and our Preliminary Plan for Clopper's Mill West. Delaying of the processing of this Site Plan until previous commitments have been fulfilled is one way to rectify this inequity.

Many years ago several projects were being proposed by various developers in the Germantown West policy area. The first project to receive approval was our Clopper's Mill West subdivision. As part of obtaining our approval we were required to construct Richter Farm Road from Route 118 to Great Seneca Highway. This road improvement generated traffic capacity for many developments.

On March 31, 1995 a meeting was held at Park and Planning with representatives of Elm Street Development (Clopper's Mill West), Arcola Investments Associates (Kings Crossing), Pleasants Development (Kingsview Village) and Greenberg Realty (Hoyles Mill Village). The meeting was convened by Park and Planning Development Staff and Transportation Planners to provide fair treatment for all parties as it relates to cost participation in the construction of Richter Farm Road and other Germantown roads, which would provide Transportation benefits to all parties. At this meeting a plan was presented by Park and Planning detailing participation responsibilities among the four parties for various road improvements.

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One of the Sections of Richter Farm Road (Great Seneca Highway to Route 118) was to be constructed by Elm Street Development. The exhibit distributed by Park and Planning (copy attached) at that meeting indicated that the above four developments would have cost sharing responsibility for our portion of Richter Farm Road. Conditions of approval were placed on all four preliminary plans which required these cost sharing payments. Ultimately, three of the four developers did pay their participation shares. Pleasants Development has not done so and has refused to do so, despite numerous requests. Pleasants Development's participation amount is \$454,585.

The collaborative road improvement process as overseen by your Development Review and Transportation Planning Staff has relied for many years on developer's agreements to financially pay for road improvements which benefit multiple parties. Over the years we have both paid and received money under this system. We have always abided by the conditions placed on us by Staff that we have agreed to during the Preliminary Plan Approval process. Pleasants Development does not feel inclined to abide by the same rules, and the enforcement mechanism has thus far not required them to do so.

We are requesting that Park and Planning defer action on this Site Plan until the conditions of the underlying Preliminary Plan are fulfilled through the payment of \$454,585 to Elm Street Development. We also ask that no more building permits be issued for Kingsview Village until we have received their payment. This request is in accordance with Charlie Loehr's letter to us of November 27, 2000 (copy attached).

If there is no enforcement mechanism in place that ensures that the system works, then we will have to question the integrity of the system in the future. Failure to enforce participation will also send a signal to others that they can thumb their nose at their preliminary plan conditions without potential repercussions.

Thank you for your consideration of this issue and our request.

Sincerely,



David D. Flanagan  
President

DDF:klc

cc: Charles R. Loehr, MNCPandPC