

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Item #8

M E M O R A N D U M

DATE: December 17, 2004
TO: Montgomery County Planning Board
FROM: Catherine Conlon
Development Review Division
(301) 495-4542
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for December 16, 2004.

Attached are copies of plan drawings for item #04, #06, #08, #10, #11, #12, and #13. These subdivision items are scheduled for Planning Board consideration on December 16, 2004. The items are further identified as follows:

Agenda Item #04 - Preliminary Plan 1-01030A
Clarksburg Village

Agenda Item #06 - Preliminary Plan 1-02022
Casey Property at Mill Creek

Agenda Item #08 - Preliminary Plan 1-90017E
Kingsview Village

Agenda Item #10 - Preliminary Plan 1-05035
Chevy Chase Section 8

Agenda Item #11 - Preliminary Plan 1-04093
Seitz Property

Agenda Item #12 - Preliminary Plan 1-04103
Travilah Quarry

Agenda Item #13 - Preliminary Plan 1-04056
Atwood Road Property

Attachment



December 17, 2004

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Acting Supervisor *CC*
Development Review Division

Richard A. Weaver, Planner (301) 495-4544 *RAW*
Development Review Division

SUBJECT: Request for an extension to the validity period – Preliminary Plan No.
1-90017E, Kingsview Village – Pleasant's Property

Attached, please find the applicant's request to extend the validity period for the Plan referenced above until April 30, 2005. The extension will afford adequate time for the approved preliminary plan and site plan to be recorded by plat. Pursuant to Section 50-35 (h)(3)(d) of the Subdivision Regulations, "the Planning Board may only grant a request to extend the validity period of a preliminary plan if the Board is persuaded that:

- i. delays, subsequent to the plan approval by the government or some other party, essential to the applicant's ability to perform terms of conditions of the plan approval, have materially prevented applicant from validating the plan, provided such delays are not created by the applicant; or
- ii. the occurrence of significant, unusual, and unanticipated events, beyond applicant's control and not facilitated or created by applicant, have substantially impaired applicant's ability to validate its plan and that exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by applicant to implement the terms and conditions of the plan approval in order to validate its plan) would result to applicant if the plan were not extended."

Rose Krasnow, Chief
Development Review Division
Department of Park and Planning
The Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, Md. 20910-3760

Richard Weaver, Senior Planner
Development Review Division
Department of Park and Planning
The Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, Md. 20910-3760

Re: Preliminary Plan 1-90017R
Pleasants Property (Kingsview Village Section 8)
Site Plan Nos. 8-97007A and 8-94031C

Dear Ms. Krasnow and Mr. Weaver:

On November 23, 2003 we submitted a completed Application for Extension of the validity period of approved Preliminary Plan No. 1- 90017R on behalf of the Applicant, Pleasants Investments, Ltd. The approved Preliminary Plan of Subdivision, as previously amended, authorized the development of a multi-phased TDR residential development in Germantown known as "Kingsview Village." The approved Preliminary Plan of Subdivision required that the final Record Plat for the remaining multi-family units in this phased development be recorded on or before December 10, 2003.

When we first requested the pending extension of the validity period of the Preliminary Plan over a year ago, it was contemplated that final record plats for the Multi-family component of Kingsview Village (part of Phase III of the development) would be approved and recorded prior to March 31, 2004 because Site Plan approval had been previously granted and Final Plats had been recorded for all but the Multi-family portion of Phase III.

However the Site Plan amendment applications seeking approval of the revised Multi-family component of the community was not approved by the Planning Board in November 2003 and over the past thirteen months we have worked with M-NCPPC staff and its Office of General Counsel to resolve the issues that had to be addressed and on September 23, 2004 the Planning Board voted to reconsider its prior action on the Site Plan amendment and set the matter in for a public hearing that has now been scheduled for December 23, 2004.

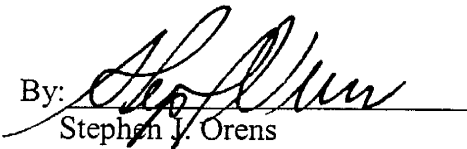
Ms. Rose Krasnow
Mr. Richard Weaver
December 2, 2004
Page 2 of 2

We, along with the Applicant and its engineers and consultants, have been diligent in resolving the issues that were of concern and responding to staff recommendations regarding the pending Site Plan revision. The last Final Plat of Subdivision for Kingsview Village has been prepared, for filing and recordation and will be submitted for processing as soon as the Planning Board acts on this final Site plan revision. Because we want to assure adequate time for final governmental reviews and approvals of the Final Plat we are requesting that the Validity Period of the Preliminary Plan be extended until April 30, 2005.

A copy of our November 23, 2003 letter to Mr. Shaneman and the previously filed application for extension are enclosed. Please advise me if any additional documents are needed.

Very truly yours,

DUFOUR & ORENS, CHTD.

By: 
Stephen J. Orens

SJO/s

cc: Tariq El Baba, Esquire, Assistant General Counsel
W. Donald Pleasants, Jr.
Larry Cartano

November 24, 2003

A. Malcolm Shaneman, Supervisor
Development Review Division
Department of Park and Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Preliminary Plan 1-90017R
Pleasants Property (Kingsview Village Section 8)
Site Plan Nos. 8-97007A and 8-94031C

Dear Mr. Shaneman:

Enclosed herewith is an Application for Extension of the validity period of approved Preliminary Plan No. 1- 90017R. This approved Preliminary Plan of Subdivision constitutes the final revision to the preliminary plan that authorized the multi-phased Kingsview Village residential development in Germantown. Site Plan review has been completed and Final Plats have been recorded for all but the Multi-family component of Kingsview Village. The Multi-family component of Kingsview Village, now identified as "Section 8," is part of the area identified as Phase III in the Planning Board's 1998 Opinion approving the Preliminary Plan of Subdivision.

On March 28, 2003 Pleasants Investments, Ltd., the Applicant, submitted Site Plan Review Applications 8- 97007A and 8-94031C for re-approval of the revised Multi-family component of the community and that application is scheduled for final action by the Planning Board on November 13, 2003.

The Preliminary Plan of Subdivision as approved July 30, 1998 and as amended by Applications No. 1-900017R on May 4, 1999 requires that Record Plats for the final phase of Kingsview Village be recorded by December 10, 2003. Given the time required to prepare, submit and process an application for approval of a Final Record Plat of Subdivision it is unlikely that the Record Plat for the remaining units in the multi-family section of Kingsview Village can be recorded on or before December 10, 2003.

The now pending revision to the Site Plan was prepared to improve the design of the multi-family area and include a swimming pool and clubhouse as additional community amenities. The Applicant and its engineers have been diligent in pursuing completion of the Site Plan revision that is now pending and once that process is completed the last Final Plat of Subdivision for Kingsview Village will be prepared, filed for approval and recorded.

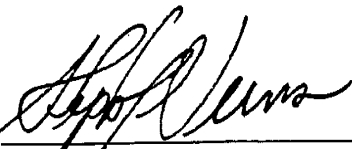
Mr. A. Malcolm Shaneman
November 24, 2003
Page 2 of 2

Because we anticipate that the time required for final governmental reviews and approvals of the Final Plat might cause its actual recordation to be delayed beyond December 10, 2003 we are requesting this extension of the Validity Period of the Preliminary Plan until March 30, 2004.

All check list items and a check for the appropriate fee are enclosed. Please advise me as to any additional documents that may be necessary to complete the processing of this extension request.

Very truly yours,

DUFOUR & KOHLHOSS, CHTD.

By: 

Stephen J. Orens