

November 11, 2005

Ms. Cathy Conlon
Development Review Division
Montgomery County Department of Park & Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Hallman Grove Subdivision
Application #7-06004
North Potomac, MD

Dear Ms. Conlon,

I am an architect with a house on Fellowship Lane and our family will be directly affected by the proposed Hallman Grove subdivision. I know that your staff comments for this subdivision are due on November 17th and I wanted to share an independent analysis I have completed on the proposed subdivision with you prior to the completion of the staff report. If I am not able to get in touch with you in the next couple of days, I will send a letter to Rose Krasnow.

On November 2nd, the developer for the Hallman Grove subdivision presented a revised concept to the community utilizing the MPDU development provisions of Section 59-C-1.6. of the Montgomery County Code Zoning Ordinance. As the proposed density for the development is inconsistent with specific provisions of the ordinance, we are writing in opposition to the proposed Hallman Grove Subdivision as currently presented. The developer is proposing an MPDU development with thirty dwelling units on a 12.65 acre parcel. Fourteen of the proposed dwelling units are proposed as townhouses. The current zoning on this property is a combination of R-200 and R-200 TDR-3. The development provisions of section 59-C-1.62 allow an MPDU density of 2.44 dwelling units per acre or a total of 30 dwelling units for the 12.65 acres provided specific provisions are complied with. Two of the conditional provisions prescribed in the zoning ordinance will not permit the development as currently proposed.

- Section 59-C-1.628 (e) contains specific MPDU development provisions for development in different zones. All of these provisions must be complied with. Paragraph 59-C-1.628 (e) (3) states the following:
 - (3) The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately.

The portion of the parcel located in the R-200 TDR-3 zone is 4.86 acres (Sketch SK-1). Using the tabular density from 59-C-1.62, the developer has proposed a density contribution of 11 dwelling units for this component area of the combined tract. Using the MPDU development criteria of Section 59-C-1.6, 11 dwelling units can not be developed on this component area of the combined tract. Please refer to the attached drawing SK-2 which diagrams the specific development restrictions on this component area. They include significant restrictions imposed by the following:

- The 100 year flood plain and its associated buffers
- The presence of an existing stream and it's associated buffers

- The presence of an existing access easement.
- The requirement for storm water control on this portion of the site.
- The lot size and setback requirements prescribed in 59-C-1.62

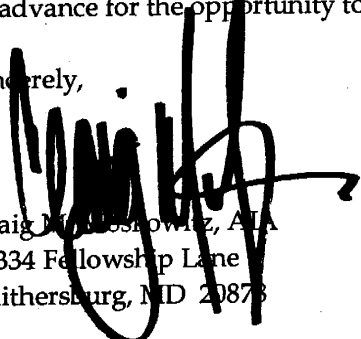
My analysis indicates that no more than 6 dwelling units would be permitted in the separate development of this component tract area. (Refer to SK-3 attached) The zoning ordinance allows these 6 units to be used in the density calculation for the combined tract. The resulting maximum density permitted by the zoning ordinance for the combined tract is 25 dwelling units.

- The proposed development includes 14 townhouses. The development standard's (59-C-1.62) footnote #1 restricts the number of townhouses in an R-200 development zone to 40% of the total. A maximum of 12 townhouses is permitted in a 30 unit development. In the 25 unit development permitted on this combined tract, 10 townhouses would be permitted. The 40% restriction can only be increased if the planning board concludes that the proposed development is more desirable from an environmental standpoint and it is compatible with existing and approved adjacent development. None of the adjacent existing developments include more than 40% of the units as townhouses. Additionally, the proposed solution is environmentally insensitive as it has destroyed a significant portion of the existing mature tree growth (even at buffer zones adjacent to the existing Quince Orchard estates) to achieve a density not allowed by the zoning ordinance.

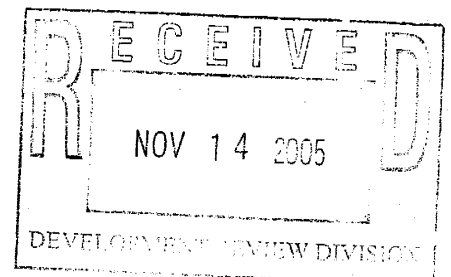
I understand the property owner's right to develop the land, but feel very strongly that the proposed development must be consistent with the density that is permitted by the existing zoning ordinance. The MPDU development concept is intended to encourage the construction of moderately priced housing in the county by granting increased density to developers. This is achieved by reductions in minimum lot sizes and setbacks, etc. On this site, the developer is ignoring the provisions in the zoning ordinance protecting communities from abuse of the MPDU development guidelines to increase the project's density. Restricting development on this site to the 25 units permitted by the zoning ordinance would allow the developer to craft a much more environmentally sensitive solution that would provide appropriate buffers to the existing communities and limit the traffic on existing community roads. I intend to present this information to the planning board on December 1st and ask that you include a copy of this package in the documents circulated to the board prior to the hearing. Further, I ask that you give the facts presented above careful consideration prior to completing the staff recommendations to the planning board on this proposed development.

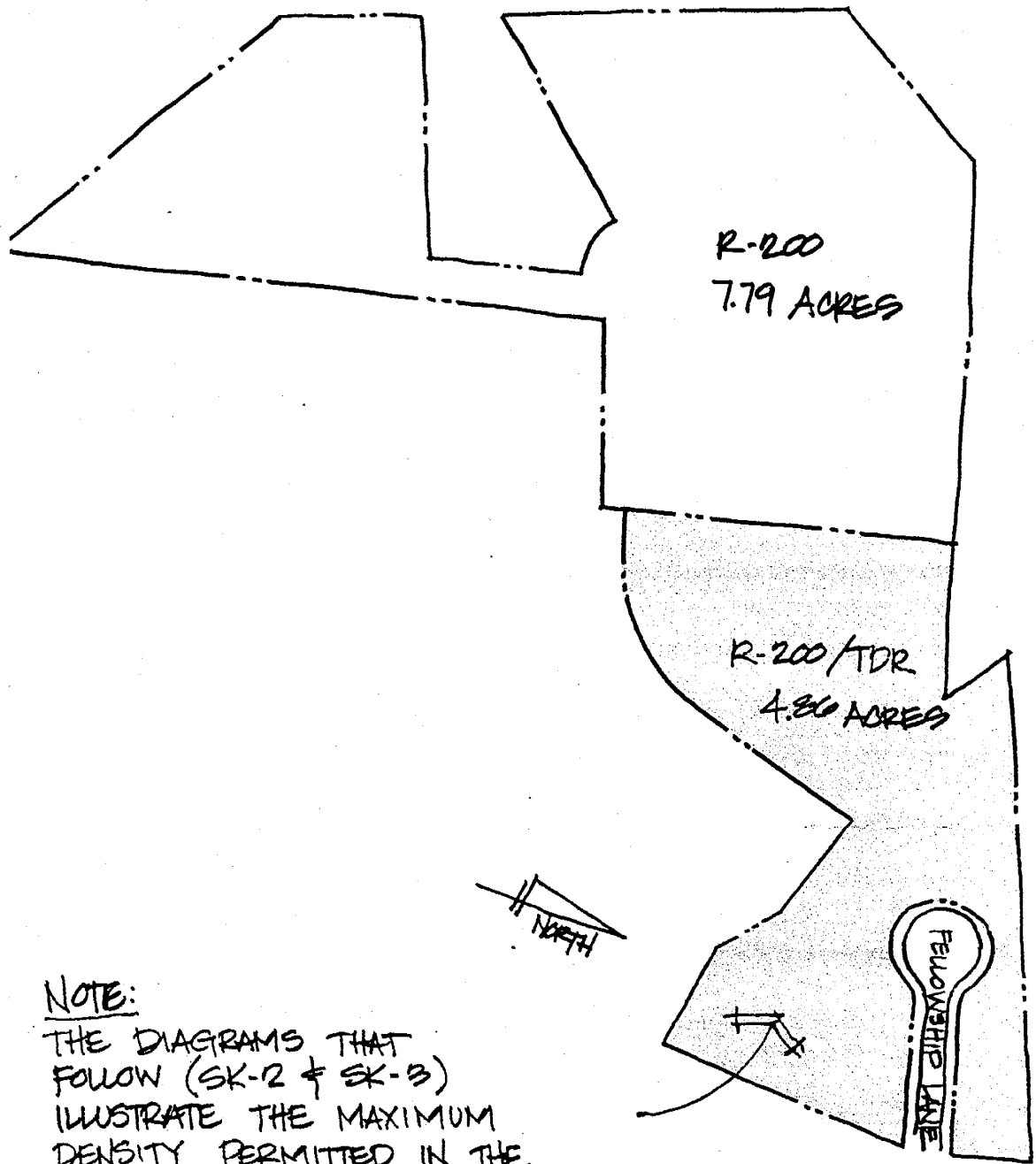
The community is very interested in participating in the development discussions for this parcel. Please keep us informed of the earliest opportunity to express our concerns directly with your staff. Thank you in advance for the opportunity to participate in the development process.

Sincerely,


 Craig D. Koskowitz, AIA
 12334 Fellowship Lane
 Gaithersburg, MD 20878

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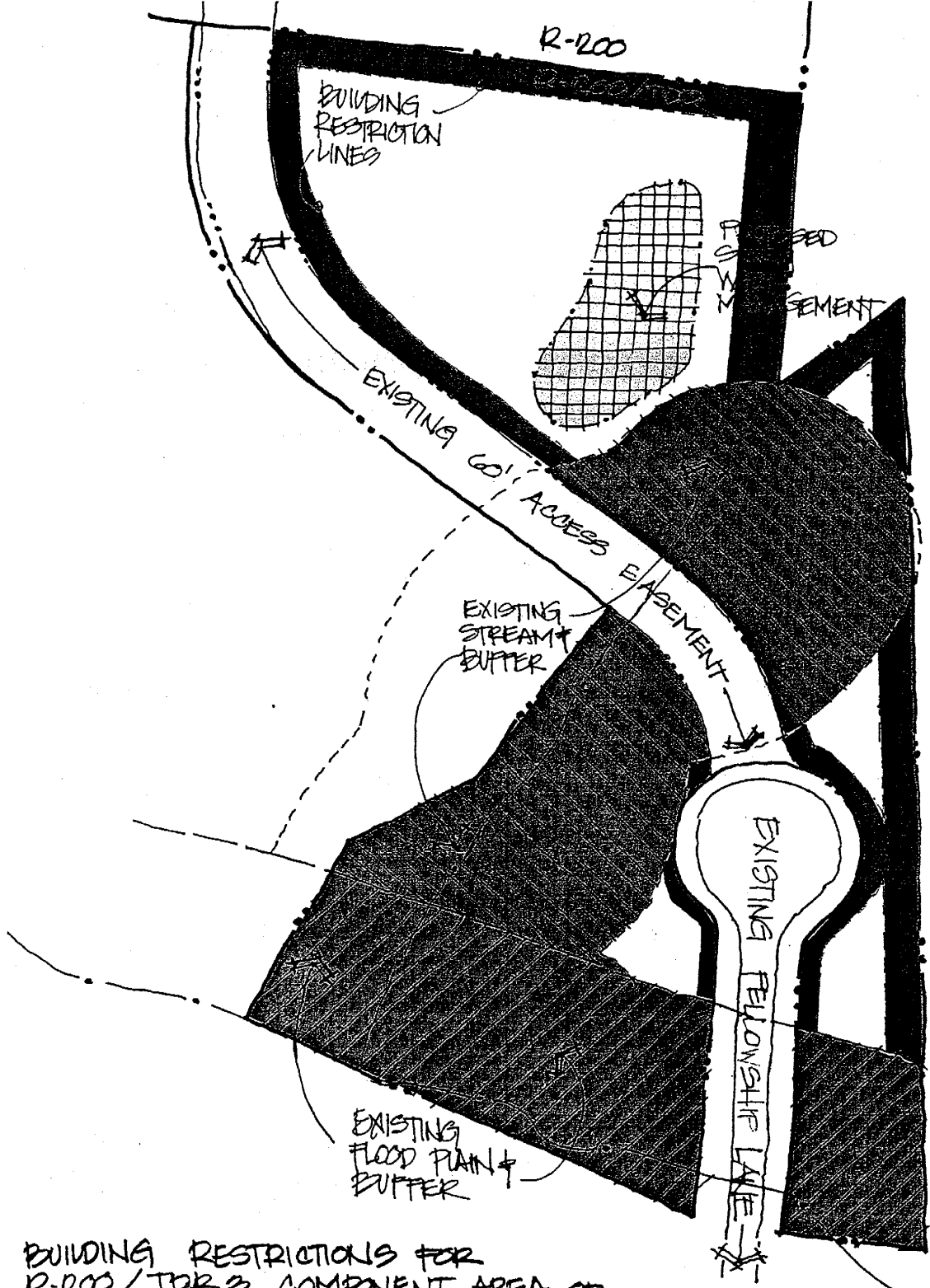


NOTE:





THE DIAGRAMS THAT FOLLOW (SK-2 & SK-3) ILLUSTRATE THE MAXIMUM DENSITY PERMITTED IN THE R-200/TDR-3 COMPONENT AREA OF THE COMBINED TRACT.

DENSITY ANALYSIS
HALLMAN GROVE SUBDIVISION

1" = 120'
 SK-1
 11 NOV 05



BUILDING RESTRICTIONS FOR
R-200/TDR-3 COMPONENT AREA OF
COMBINED TRACT

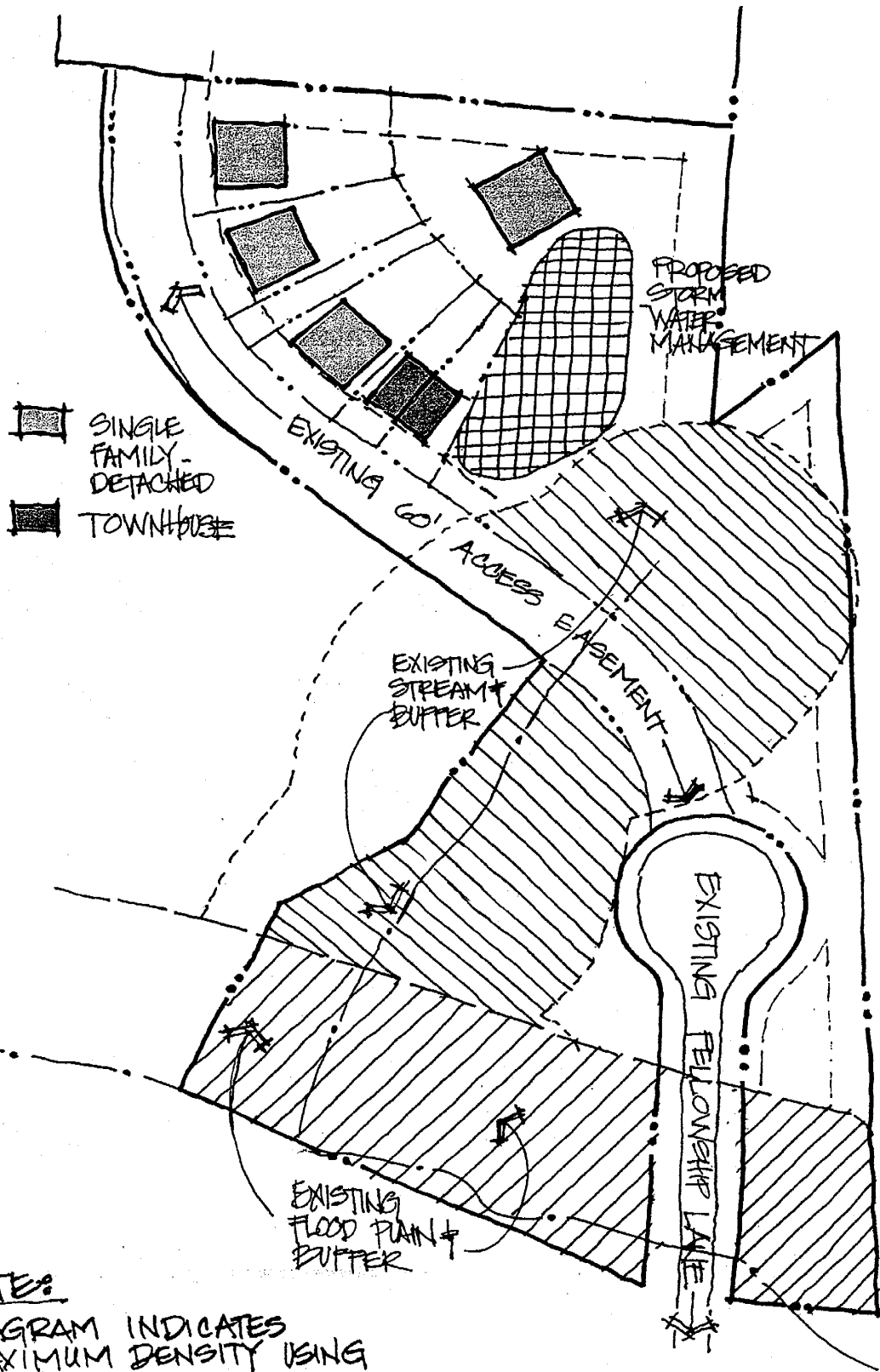
-  FLOOD PLAIN & BUFFER
-  STREAM & BUFFER
-  STORM WATER MANAGEMENT
-  BUILDING RESTRICTION LINES

DENSITY ANALYSIS

HALLMAN GROVE SUBDIVISION

1" = 60'

SK-12
11 NOV 05



NOTES:

DIAGRAM INDICATES
 MAXIMUM DENSITY USING
 HOUSING FOOTPRINT SMALLER
 THAN DEVELOPER'S PROPOSED
 HOUSING FOOTPRINT.

R-200/TDR-3 COMPONENT AREA OF
 COMBINED TRACT

DENSITY ANALYSIS

HALLMAN GROVE SUBDIVISION

1" = 60'

SK-3

11 NOV 05

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HALLMAN GROVE 7-06004

JUSTIFICATION STATEMENT FOR +40% ATTACHED UNITS

This subdivision application is made under the provisions of Sec 59-C-1.6, "Development including moderately priced dwelling units," of the Montgomery County Zoning Ordinance. The Development Standards in that section permit up to 40% one-family attached dwelling units as a matter of right, with the remainder one-family detached units. However, the Planning Board may approve a development of up to 100% attached units upon a finding that the proposed development is more desirable from an environmental perspective or upon a finding that limits on development would not allow the achievement of MPDU's on site.

This application requests a nominal increase in the number of one-family attached units from 12 (40%) to 14 (47%). This request is made because such development is more desirable from an environmental perspective. It is more desirable because it will permit the preservation of a greater amount of forested and environmentally sensitive areas on the site. Not only will the site design permit preservation of sensitive areas, but it will also provide additional useable yard areas for the proposed residences and increase the separation of homes from the proposed Forest Conservation Easement areas. Creating larger yards will reduce the temptation to encroach into those conservation areas by homeowners.

This approach will also reduce the amount of imperviousness on the site and thereby provide less impact on the runoff and downstream areas. Increasing the number of attached units while reducing the number of detached units will also permit a somewhat wider area for Forest Conservation Easements and allow a wider landscaped area to screen the proposed development from abutting subdivisions. The resulting development will be more desirable from an environmental perspective for both the future residents of the proposed development as well as for the existing subdivisions in the neighborhood.