



ideas that work

ATTACHMENT 11

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June 2, 2017

By Electronic Mail

Mr. Patrick Butler
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: WMAL Preliminary Plan No. 120160290 - Request for Longer Adequate Public Facilities Validity Period

Dear Mr. Butler:

On behalf of Toll Bros. Inc. (the "Applicant") and in connection with the Planning Board's consideration of the above-referenced Preliminary Plan, we respectfully request a 10 year adequate public facilities period, pursuant to Subdivision Ordinance Section 50-20(c)(3). As explained below, the minimum validity period of five years is insufficient, given the scope and complexity of the project.

Scope and Complexity

The Applicant proposes the development of 309 single family homes, consisting of 159 single family detached units and 150 attached units. Following Preliminary Plan approval, the Applicant anticipates that it will take at least 1.5 years before construction of the homes may commence. Unlike many projects, the Site Plan will be processed subsequent to the Preliminary Plan, instead of concurrently, thus further delaying the start of the project, but not the commencement of the APF period. The Applicant anticipates that it will be at least one year from the Preliminary Plan approval until the Site Plan is approved and the record plats recorded. The majority of the site work for phase 1 is anticipated to take a minimum of nine months to complete and only then can the construction of the first phase of the houses commence. The site work will then continue as the Applicant builds through the site. The ESD facilities will likely be installed last, as the Applicant completes each street.

Development Schedule

Critically, the residential market is such that communities are built in phases, with the pace of development dependent upon the market demand. While it is the Applicant's objective to construct and sell the houses as quickly as possible, market forces will ultimately control the construction schedule. Based on the Applicant's experience, given the proposed housing types, they expect to deliver approximately 50 houses annually. Based on this projection, the Applicant anticipates the following development schedule:

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Years 0-1 -- Entitlements and Recordation of Plats

Year 1-2 --Site work

Year 2-3 -- Commencement of construction for first phase – 50 units

Year 4 -- Delivery of first 50 units

Year 5 -- Delivery of second 50 units

Years 6 -10 -- Delivery of approximately 50 units per year

While a five year APF period is sufficient for a small residential subdivision, it is simply not adequate for a subdivision involving 309 residential lots. That a longer APF period may be needed is contemplated by the Subdivision Ordinance, which provides for a validity period range of 5 to 10 years.

Public Interest

Given the scope of the project and the expectation that full build out will take more than 5 years, it is in the public interest to provide upfront a realistic APF validity period to allow for the implementation of the approved project. To do otherwise will result in a waste of administrative resources and agency expense, by requiring staff to process and the Planning Board to review the Applicant's extension request. Moreover, providing a realistic APF validity period at the time of the Preliminary Plan approval assists the County in its capital planning efforts.

The full build out of the project is also in the public interest in that it provides needed single family housing in the down-county, including 40 MPDUs. Finally, it is in the public interest to ensure the completion of an approved, planned community, as opposed to the visual blight that would accompany a community that is only partially developed. Importantly, the project involves a significant amount of infrastructure and the majority of the infrastructure, including the roads, water and sewer, will be required to be constructed up front. It is a waste of resources to provide infrastructure to support 309 residential units, with the threat that the 309 units may not be able to be constructed, because an insufficient validity period was provided.

For these reasons, we respectfully request approval of a 10 year validity period. We appreciate your consideration of this request.

Very truly yours,



Patricia Harris

cc: Mr. Tom Mateya