



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**ITEM #**  
**9/20/07**

**MEMORANDUM**

**DATE:** August 28, 2007

**TO:** Montgomery County Planning Board

**VIA:** Richard Hawthorne, Chief  
Transportation Planning Division *RC Hawthorne*

**FROM:** Shahriar Etemadi, Transportation Planning Division (301-495-2168) *DICH*  
Catherine Conlon, Development Review Division (301-495-4542) *for*

**REVIEW TYPE:** Adequate Public Facilities (APF) Review

**APPLYING FOR:** 1.3 million square feet of office use previously approved

**PROJECT NAME:** Churchill – Far North Village, Preliminary Plan 119870120 (1-87012)

**CASE NO.:** APF200801

**ZONE:** TS – Town Sector

**LOCATION:** Located on the west side of Interstate 270 at the existing northern terminus of Crystal Rock Drive, northwest of Father Hurley Boulevard

**MASTER PLAN:** Germantown

**APPLICANT:** North Village – 270 Limited Partnership

**ATTORNEY:** Lerch, Early & Brewer, Chartered

**EXECUTIVE SUMMARY:** The validity period for the adequate public facilities (APF) review for Preliminary Plan No. 119870120, Churchill – North Village, runs until November 28, 2007. On March 1, 2007, the Planning Board held a hearing on a request by the Applicant to extend this validity period until November 28, 2019. The Planning Board discussed the request, which was not supported by staff, but did not take any action pending submittal by the Applicant of an updated traffic study for the application. Subsequent to that hearing, the Applicant withdrew the request for extension of the APF review, completed a new traffic study, and is requesting Planning Board approval of a new APF validity period for the subject application. This memorandum summarizes staff's latest review of APF for the previously approved 1.3 million square feet of office use, and justification for our support of a new, 8-year validity period.

## **STAFF RECOMMENDATION:**

Approval of a new validity period for the Adequate Public Facilities (APF) review for Preliminary Plan No. 119870120, Churchill – North Village, until November 28, 2015, subject to the following conditions:

1. Development on the property is limited to 1,300,000 square feet of office use.
2. All previous conditions of approval for this development, as stated in the Montgomery County Planning Board Opinions dated November 3, 1998, November 28, 1995, and January 31, 2003; remain in full force and effect.
3. The applicant must provide the following additional roadway improvements:
  - (a) An additional lane on Crystal Rock Drive approaching Kinster Drive/Waters Landing Drive by re-striping the existing pavement to be used as a shared through/right turn lane on northbound and southbound Crystal Rock Drive, subject to approval by the Montgomery County Department of Public Works and Transportation (DPWT).
  - (b) The modification of the signal operation on MD 27 in the eastbound/westbound direction at its intersection with MD 355 to eliminate the split phase, subject to approval by the Maryland State Highway Administration (SHA) and DPWT.
  - (c) A dual left turn lane from eastbound Ridge Road to northbound Observation Drive, and a dual right turn lane from southbound Observation Drive to westbound Ridge Road, subject to approval by DPWT. Alternatively, the applicant has the option of re-striping the northbound and southbound approaches of Observation Drive to Ridge Road to provide exclusive dual left turn lanes, along with providing LATR non-automobile transportation amenities equivalent to a 60 peak hour trip credit, using measures that are acceptable to DPWT.
  - (d) Re-striping of the eastbound MD 118 approach at MD 355 to provide for a second through lane and appropriate transition to a single eastbound lane east of MD 355, subject to approval by DPWT and/or SHA.
  - (e) Construct the intersection of MD 27 and Brink Road to provide for:
    - i) One additional through lane on the westbound approach of Brink Road;
    - ii) One additional through lane on the northbound approach to MD 27;
    - iii) One additional left turn lane on the southbound approach of MD 27; and

- iv) Re-striping of the right turn lane on the southbound approach of MD 27 to provide for a shared through/right turn lane.

If these improvements are under construction by others prior to the issuance of any building permit for more than 500,000 square feet of the permitted office density, then a pro rata share must be paid by the applicant to the developer constructing the improvement.

- (f) Construct an exclusive right turn lane on the southbound approach of Middlebrook Road at the intersection with MD 118. If this improvement is under construction by others prior to the issuance of any building permit for more than 500,000 square feet of the permitted office density, then a pro rata share must be paid by the applicant to the developer constructing the improvement.
- 4. The intersection improvements included in condition 3(a)-(d), above, must be complete and open to traffic before any building permits are released for more than 500,000 square feet of the permitted office density. If the improvements noted in conditions 3(e) and (f) are not under construction by others prior to the release of a building permit for more than 500,000 square feet of the permitted office density, then this applicant must begin construction to obtain their building permit, and the improvements must be complete and open to traffic prior to the release of any building permit for more than 750,000 square feet of the permitted office use.
  - 5. All the improvements or substitute improvements stated above must be acceptable to SHA and DPWT for design and construction, and must be implemented in a way to provide sufficient reduction in the specified Critical Lane Volumes (CLVs) to pass the Local Area Transportation Review (LATR) test.
  - 6. The applicant must obtain permits from DPWT, post all necessary bonds with DPWT, and commence construction of Crystal Rock Drive and Dorsey Mill Road within the boundaries of the property as required by the original preliminary plan approval, prior to the issuance of any building permits for more than 200,000 square feet of the permitted office density.

## **I. SITE DESCRIPTION**

The subject property consists of approximately 110 acres of land in the Town Sector (TS) zone, located on the west side of Interstate 270 (I-270) northwest of Father Hurley Boulevard (Attachment A). The property is surrounded by M-NCPPC parkland to the north-northwest and residential townhouses that are also in the TS zone to the south-southwest. The site is within the Little Seneca Creek watershed (Use class I-P and IV-P). The main stem of Little Seneca Creek runs north to northwest in the parkland abutting the property, and a tributary stream extends onto the property. Approximately two thirds of the site is forested, and a golf course driving range is currently operating on the unforested portion abutting I-270.

## **II. PROJECT DESCRIPTION**

The preliminary plan for Churchill – Far North Village, also referred to as Water's Landing Corporate Park and the Lerner Property ("Subject Property"), was approved by the Planning Board at two separate regularly scheduled public hearings, the first on October 27, 1988 and the second on November 11, 1995. The approvals created up to twelve lots for a total of 1.3 million square feet of office use (Attachment B). The development includes the extension of Crystal Rock Drive through the site, and looping around to Century Boulevard, as recommended in the Germantown Master Plan. Subsequent to preliminary plan approval, two site plans (Nos. 8-99006 and 8-02003) covering the entirety of the site and its full subdivision density were also approved. Subdivision record plats for the entire subdivision have been recorded by plat, including public road rights-of-way, but no development has taken place.

### **A. Previous Adequate Public Facilities Approval**

The date of mailing of the Planning Board Opinion for the 1988 approval was November 3, 1988 (Attachment C), and the opinion for the 1995 approval was mailed November 28, 1995<sup>1</sup> (Attachment D). Pursuant to Section 50-20(c)(3)(A) of the Montgomery County Code, Subdivision Regulations, the validity period of the adequate public facilities (APF) review for the Subject Property is set at 12 years from the date of mailing of the 1995 Planning Board Opinion, or November 28, 2007. On February 12, 2002 the preliminary plan was brought before the Planning Board at a regularly scheduled hearing to amend the previous conditions of approval. That request was approved; the date of mailing of the Planning Board Opinion was January 31, 2003 (Attachment E).

The original APF validity period was approved subject to conditions requiring the applicant to provide roadway improvements to mitigate traffic impacts of their development. To date, the Applicant has met most of these conditions, with the exception of the Crystal Rock Drive extension.

### **B. Previous APF Extension Request**

On September 26, 2006 staff received a request for an extension of the APF validity period on behalf of the developer of the property, North Village – 270 Limited Partnership ("Applicant"), for an additional 12 years until November 28, 2019. The Planning Board discussed the request, which was not supported by staff, during the March 1, 2007 public hearing but did not take any action pending submittal by the Applicant of an updated traffic study for the application. Subsequent to that hearing, the Applicant withdrew the request for extension of the APF review, completed a new traffic study, and is requesting Planning Board approval of a new APF validity period for the subject application (Attachment F).

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<sup>1</sup> Although portions of the project were approved in the 1988, the date for APF time limit purposes is 1995.

### III. ANALYSIS AND FINDINGS FOR ADEQUATE PUBLIC FACILITIES

#### A. Roads

##### Local Area Transportation Review

As part of the APF test, a traffic study was required for the proposed use since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and/or evening (4:00 p.m. – 7:00 p.m.) peak periods.

The applicant submitted a new traffic study dated May 15, 2007 and updated June 15, 2007, with subsequent revisions and updates, that examined traffic-related impacts of the development on nearby intersections. Staff's review of the study indicated that the study complied with the requirements of the *Local Area Transportation Review (LATR) Guidelines* and the traffic study scope provided by staff.

The traffic analysis estimated that the office use proposed on the site would generate 2,202 total trips during the weekday morning peak-hour, and 1,892 total trips during the weekday evening peak-hour. A summary of Critical Lane Volume (CLV) Analysis is provided in Table 1, below.

TABLE 1. Critical Lane Volume (CLV) Analysis

Intersection	Traffic Conditions							
	Existing		Background		Total		Total with Applicant Funded Imps	
	AM	PM	AM	PM	AM	PM	AM	PM
1. Crystal Rk Dr/Kinster/Waters landing Dr.	401	550	401	550	2317	2031		
With Improvement							1386	1272
2. Father Hurley Blvd & Middlebrook Rd./Sweetgum Circle	670	718	865	977	1102	1139		
3. Father Hurley Blvd. & Crystal Rock Dr.	984	667	1234	847	1421	1415		
4. Ridge Rd. & Observation	942	1065	2409	2040	2536	2061		
With Improvement							1935	1849
5. MD 27 & MD 355	1036	1496	1815	2038	1937	2143		
With Improvement							1771	2033
6. MD 27 & Brink Rd.	1007	1073	2069	2030	2221	2096		
With Improvement							1734	1541
7. Crystal Rock Dr. & Cloverleaf Center Dr./Waters Landing Dr.	620	546	791	644	882	668		
8. MD 118& Middlebrook Rd.	864	1272	1155	1514	1167	1581		
With Improvement							1124	1483

Intersection	Traffic Conditions							
	Existing		Background		Total		Total with Applicant Funded Imps	
	AM	PM	AM	PM	AM	PM	AM	PM
9. MD 118 & Crystal Rock Dr.	869	1232	1104	1437	1104	1437		
10. MD 118 & Aircraft Dr.	880	1080	1071	1285	1084	1360		
11. MD 118 & Observation Dr.	583	754	838	955	902	1007		
12. MD 118 & MD 355	1566	1389	1990	1860	2067	1862		
With Improvement							1953	1862
13. Middlebrook Rd. & Crystal Rock Dr.	812	715	880	864	889	890		
14. Middlebrook Rd. & Great Seneca Highway	795	984	851	1120	859	1167		

As indicated in the table, six intersections exceed the congestion standards for CLVs as a result of the trips generated by the proposed development, however, the total future CLVs will be reduced to, or below, the CLVs in the background level upon completion of the required roadway improvements. With these improvements, all intersections will operate within the congestion standards. The project will, therefore, meet APF requirements and the request for an additional 8-year APF validity period is justified.

#### **B. Other Public Facilities and Services**

Public facilities and services are available and will be adequate to serve the proposed development. Public sewer and water service is available to the property. Proposed buildings will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the property.

#### **IV. CITIZEN CORRESPONDENCE**

Staff received one letter from Justine Beachley, president of the adjacent Cloverleaf Townhouse Association (Attachment G). The letter supported the recommendation for a new traffic study, which has now been done, and raised concerns about the ultimate street pattern planned for the area. Specifically, the Association would like to see plans for a future connection between existing Kinster Drive and future Crystal Rock Drive eliminated. This connection of Kinster Drive, which is an extension of existing Waters Landing Drive, is recommended by the Germantown Master Plan, which classifies both roads as arterial roadways. Staff does not support eliminating this important roadway connection. As noted above, this intersection was analyzed as part of the recent traffic study, and it will operate within acceptable standards with the recommended improvements.

## **V. CONCLUSION**

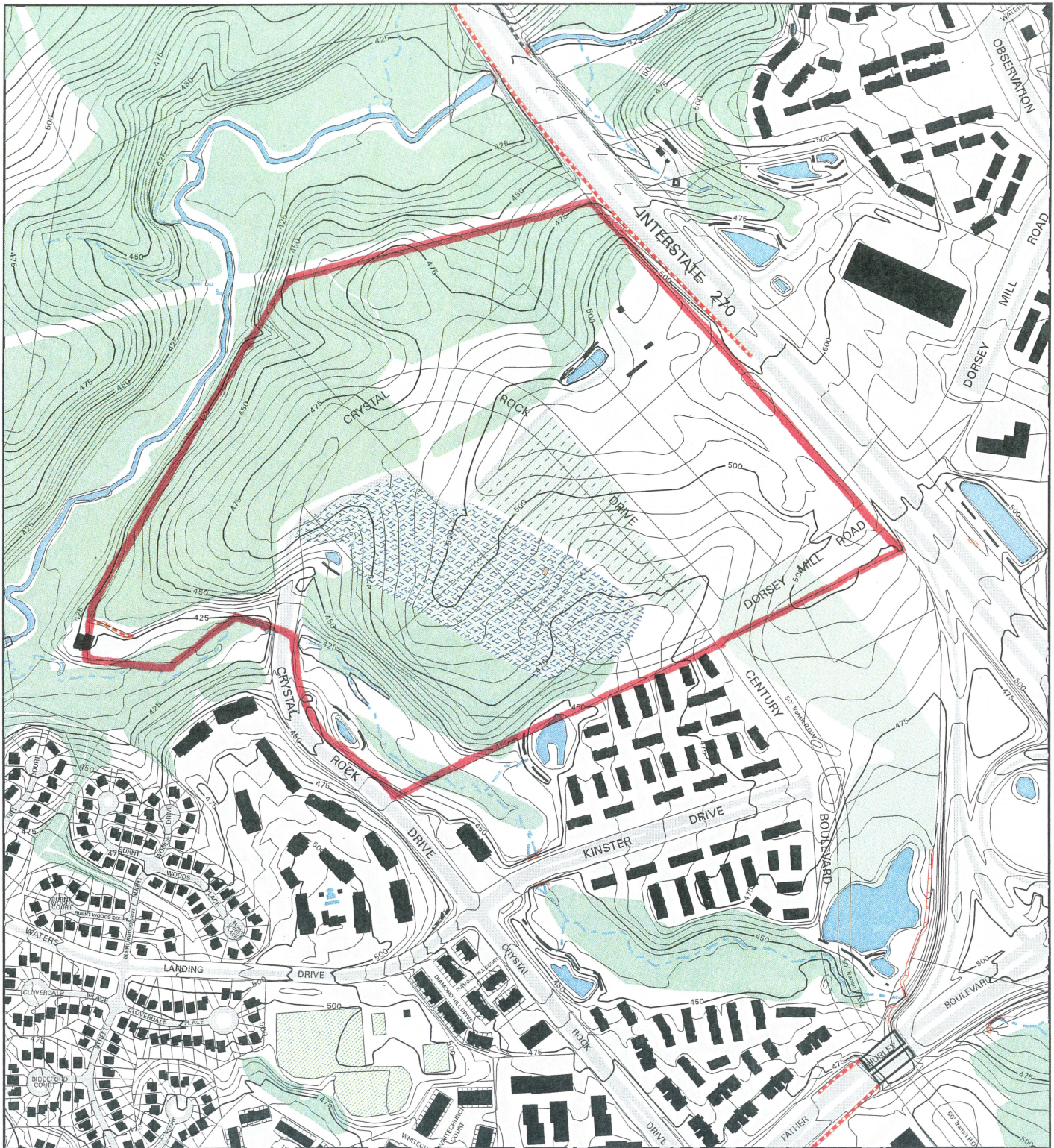
As an un-built development on previously subdivided and recorded land, the subject property is eligible for review of adequate public facilities (APF) without review of a preliminary plan. A new traffic study from the Applicant has been reviewed by staff and found to be complete and in compliance with the LATR Guidelines. The study indicates that roadway improvements in addition to those originally required for the subdivision are needed. With these and previously conditioned roadway improvements, many of which have already been constructed, the proposed development meets the APF requirements of section 50-35(k) of the Subdivision Regulations. Staff therefore recommends establishment of a new APF validity period until November 28, 2015, with the conditions specified above.

## **ATTACHMENTS**

Attachment A – Vicinity Map  
Attachment B – Approved Preliminary Plan  
Attachment C – November, 1988 Opinion  
Attachment D – November, 1995 Opinion  
Attachment E – January, 2003 Opinion  
Attachment F – Applicant's Request for New APF  
Attachment G – Citizen Letter



## CHURCHILL - NORTH VILLAGE, VICINITY MAP



Map compiled on September 10, 2007 at 9:22 AM | Site located on base sheet no - 229NW13

## NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



N



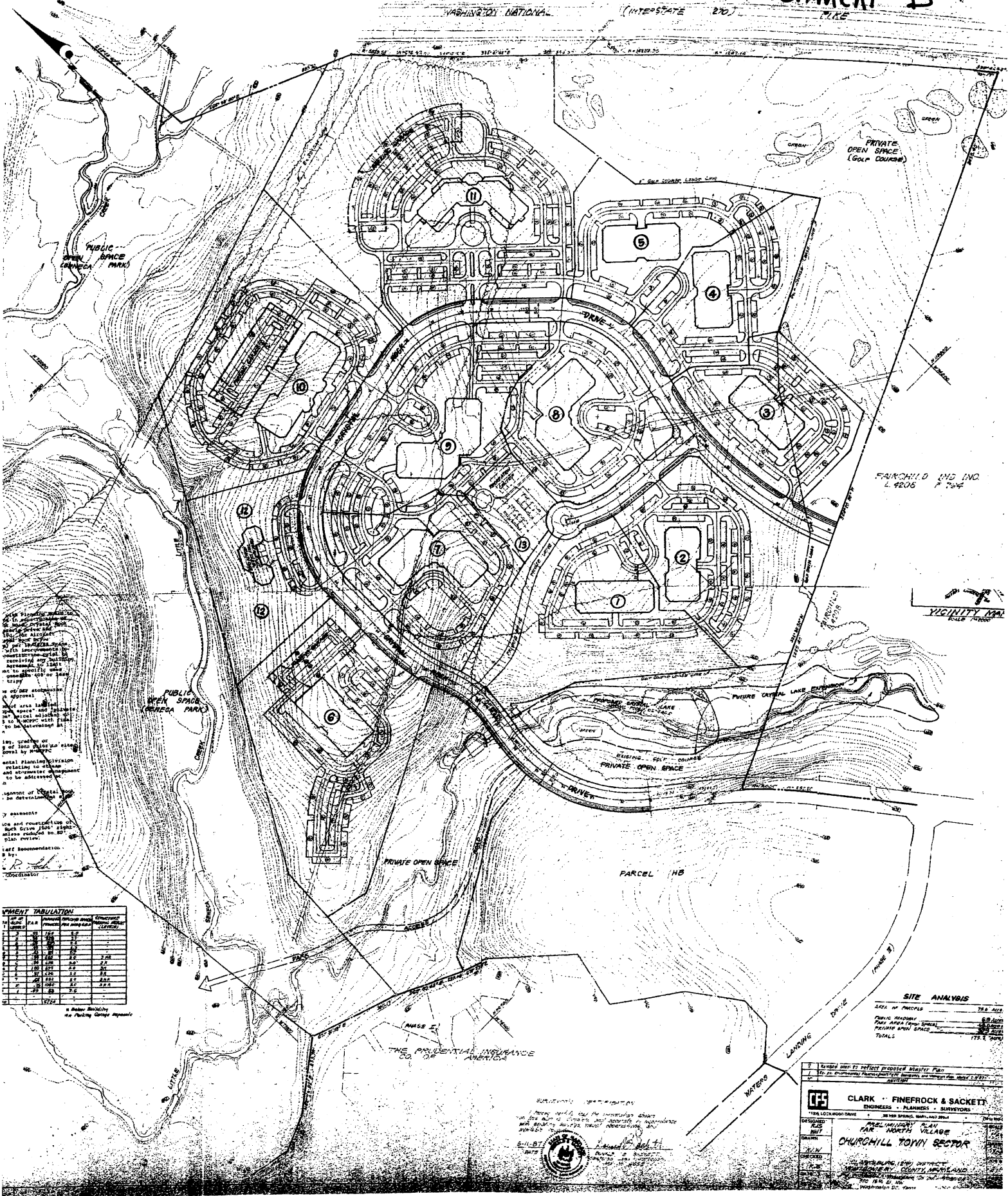
0 600  
Research & Technology Center

1 inch = 600 feet  
1 : 7200





# Attachment B



1. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

2. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

3. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

4. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

5. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

6. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

7. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

8. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

9. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

10. The proposed development is located on a 100-acre site, of which approximately 25 acres are currently occupied by existing structures and parking areas. The remaining 75 acres are to be developed for residential use.

NO.	DATE	DESCRIPTION	APPROVED	REMARKS
1	1/15/71	Site Plan	OK	
2	2/15/71	Site Plan	OK	
3	3/15/71	Site Plan	OK	
4	4/15/71	Site Plan	OK	
5	5/15/71	Site Plan	OK	
6	6/15/71	Site Plan	OK	
7	7/15/71	Site Plan	OK	
8	8/15/71	Site Plan	OK	
9	9/15/71	Site Plan	OK	
10	10/15/71	Site Plan	OK	

FRANCHISE INC. INC. L. 4205

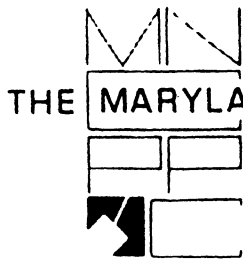
VICINITY MAP

AREA	PERCENTAGE	TOTAL AREA
Public Open Space	15.0%	15.00
Private Open Space	10.0%	10.00
Private Open Space	10.0%	10.00
TOTALS		35.00

CLARK, FINECROCK & SACKETT  
ENGINEERS, PLANNERS, SURVEYORS

CHURCHILL VILLAGE  
PAR. NORTH VILLAGE

WASHINGTON, D.C.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications, (Motion of Comm. Keeney, seconded by Comm. Floreen, with a vote of 5-0; Commissioners Keeney, Floreen, Christeller, Henry and Hewitt voting in favor).

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-87012

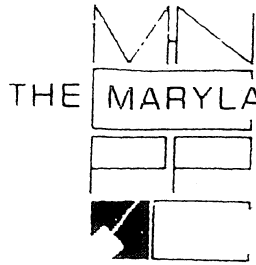
NAME OF PLAN: CHURCHILL-FAR NORTH VILLAGE

On 01-13-87, PRUDENTIAL, submitted an application for the approval of a preliminary plan of subdivision of property in the TS zone. The application proposed to create 12 lots on 81.00 ACRES of land. The application was designated Preliminary Plan 1-87012. On 10-27-88, Preliminary Plan 1-87012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87012 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87012, subject to the following conditions:

1. Agreement with Planning Board to participate in construction of Middlebrook Road, Crystal Rock Drive, Wisteria Drive and Century Blvd. (or Aircraft Drive/Crystal Rock Drive connection) per 10/24/88 Transportation Division memo with improvements to be under construction prior to applicant receiving any building permits. Agreement to limit development to specific uses that will generate 400 or less peak hour trips
2. Conditions of DEP stormwater management approval
3. Dedication of area labeled "public open space" and "private open space" parcel adjacent to Parcel HB to M-NCPPC with final boundary to be determined at site plan
4. No clearing, grading or recording of lots prior to site plan approval by M-NCPPC
5. Environmental Planning Division concerns relating to stream buffers and stormwater management controls to be addressed at site plan

6. Final alignment of Crystal Rock Drive to be determined at site plan
7. Necessary easements
8. Dedication and construction of Crystal Rock Drive (100' right-of-way unless reduced to 80' at site plan review)

Date of Mailing: November 3, 1988



Date of mailing November 28, 1995

Attachment D

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

Action: Approved Staff Recommendation  
(Motion of Comm. Aron, seconded by Comm. Baptiste, with a vote of 4-0; Comms. Aron, Baptiste, Holmes, and Richardson voting in favor, with Comm. Hussmann being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-87012

NAME OF PLAN: CHURCHILL-FAR NORTH VILLAGE

On 01-13-87, C/O THE ASSOCIATED CO., submitted an application for the approval of a preliminary plan of subdivision of property in the TS zone. The application proposed to create 12 lots on 110.20 ACRES of land. The application was designated Preliminary Plan 1-87012. On 11-16-95, Preliminary Plan 1-87012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87012 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87012, subject to the following conditions:

Purpose: Previous Planning Board action of 10-27-88 approved a maximum of 240,000 square feet of office development. Based on the FY 96 Annual Growth Policy there is capacity available for the remaining 4,240 jobs or 1,060,000 square feet pending for this application. With the roadway improvements currently programmed and those proposed by the applicant this application may proceed for approval. All previous conditions remain in full force and effect.

Approval to revise Condition No. 1 as follows:

- 1) Prior to recording of plats, submit an amended agreement with the Planning Board to reflect the approval of an additional 1,060,000 square feet of office development resulting in a maximum total of 1.3 Million square feet (240,000 square feet previously approved). Applicant shall provide for the necessary roadway improvements as outlined in 11-9-95 Transportation Division memo.





## Attachment E

Date Mailed: January 31, 2003

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by  
Comm. Wellington with a vote of 5-0;

Comms. Berlage, Bryant,  
Robinson, Perdue, and  
Wellington voting in favor

### MONTGOMERY COUNTY PLANNING BOARD

#### OPINION

Preliminary Plan 1-87012

NAME OF PLAN: CHURCHILL-FAR NORTH VILLAGE

On 01/13/87, NORTH VILLAGE-270 LIMITED PARTNERSHIP submitted an application for the approval of a preliminary plan of subdivision of property in the TS zone. The application proposed to create 12 lots on 110.20 acres of land. The application was designated Preliminary Plan 1-87012. On 12/12/02, Preliminary Plan 1-87012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87012 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87012.

Approval of Request to Revise the Previous Conditions of Approval, Subject to the Following Amendments:

Incorporate Revised Conditions 4 --7 into Prior Planning Board Opinion Dated November 28, 1995

- (4) Participate in the County's future CIP Project to construct the four-lane divided highway portion of Century Boulevard from its current terminus near Father Hurley Boulevard to its intersection with Dorsey Mill Road by allocating a portion of their impact taxes when paid to this project
- (5) Construct Crystal Rock Drive as a four-lane divided roadway from its current terminus to its intersection with future Dorsey Mill Road as shown on Site Plan 8-02003
- (6) Participate in construction of an acceleration lane on Father Hurley Boulevard to accommodate the movement from northbound Crystal Rock Drive to eastbound Father Hurley Boulevard
- (7) Participate in constructing an acceleration lane on Crystal Rock Drive to accommodate the movement from westbound Father Hurley Boulevard to northbound Crystal Rock Drive including reconstruction/reconfiguration of the median and travel lanes on the northern leg of the intersection
- (8) All applicable conditions of approval of Planning Board Opinions dated October 27, 1988 and November 28, 1995 remain in full force and effect

AUG -7 2007

August 7, 2007

Ms. Catherine Conlon  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue, 2<sup>nd</sup> floor  
Silver Spring, Maryland 20910

Re: Application for New Adequate Public Facilities Determination  
Preliminary Plan # 1-87012  
Churchill / Far North Village

Dear Ms. Conlon,

This letter constitutes an application on behalf of our client, North Village -270 Limited Partnership, for a new determination of the adequacy of public facilities in accordance with Section 8-32 and Section 50-20 of the Montgomery County Code. This application arises out of the discussion held on July 31, 2007 with Shahriar Etemadi, you, and me, concerning the pending application by the Partnership for the extension of its adequate public facilities determination (No. 119870120) and the decision made at that meeting to withdraw and substitute it with this present application.

We request that all of the materials filed on September 26, 2006, including the filing fee of \$1,390.00 be applied to this application, since it affects the same property with nearly identical issues. The letter submitted by us on behalf of the Partnership, dated September 22, 2006 describes an extension application based on Section 50-20 (c)(10); however, the applicant has chosen to withdraw that application due to the legal inability of the Planning Board to impose new infrastructure conditions despite the voluntary acquiescence of the applicant. The applicant requests a new validity period of eight years, consistent with our recent discussions with Staff.

The applicant submitted a comprehensive traffic study to the Planning Board staff that meets all legal requirements in May, 2007. That study has been deemed complete, and proposes intersection improvements or contributions at six intersections. The applicant agrees to participate in those improvements as a condition of approval of a new APF validity period of eight years.

Ms. Catherine Conlon  
August 7, 2007  
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Please confirm this application's filing under the conditions described above at your earliest convenience. As discussed, we expect that the Planning Board will hear this case on September 6, 2007. Thank you very much.

Very truly yours,



Robert G. Brewer, Jr.

cc: Mr. Shahriar Etemadi  
Mr. Alan Gottlieb; Lerner Enterprises  
Mr. Craig Hedberg; ITE

Attachment G

**Conlon, Catherine**

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**From:** Justine Beachley [JustiB@comcast.net]  
**Sent:** Wednesday, February 28, 2007 4:41 PM  
**To:** Conlon, Catherine  
**Subject:** Re: Churchill Far North Village (#119870120) Extension Request  
**Importance:** High

Dear Ms. Conlon,

It was a pleasure speaking with you today and thank you for helping me to better understand that current request for an extension for the Churchill Far North Village Prelim Site Plan. I would love to be able to attend the public hearing scheduled for tomorrow, March 1, but sadly I have other previous commitments that I am not able to reschedule.

As I mentioned to you, I am the HOA President for our community, Cloverleaf TH Association, which is located directly behind the Lerner property (that currently the driving range is leasing) off of Crystal Rock Drive and Kinster Drive. Our community has been in existence since September of 1995, we are a small TH community with only 144 homes. Directly across Kinster Drive from our community is another TH community (Cloverleaf Center II) of 94 homes and at the intersection of Kinster Drive and Crystal Rock Drive is two multi-family buildings (condos I believe) called Astoria Hill.

We have been aware of this prelim site plan and the office complex that it entails. We are also aware of the property next to Lerner's which is owned by Oxbridge Development and their proposed office complex as well.

Our concern as a community is not that these buildings would be constructed or that they would and could bring potential jobs to Germantown, but of course impact of the negative items that such large commercial office complexes will bring to our community and Germantown.

If I am understanding correctly, Lerner is responsible to build/finish Crystal Rock Drive from its current ending point to where it would curve around through the Lerner property and connect with the future Century Blvd. extension.

First, we do agree that Lerner should be responsible for conducting a new traffic study, since the last one was conducted 12 years ago in 1995. As I have witnessed first hand and being part of this growth in the last 12 years, much has changed and not just at this end of Crystal Rock Drive, but also in the other direction with now portions of the Town Center, and restaurant and retail exist, as well as office complexes that did not 12 years

(9)

2/28/2007



ago. So to make sure that the roads are going to meet the needs of such large office/commercial complexes we think would be addressed in such a newer study.

However, we have mixed feelings about the need for Crystal Rock to be completed prior to Lerner building the actual office complex. Two scenarios that exist - if Century extension is constructed, then the Lerner property could be accessed and keep all commercial traffic on Century Blvd from the beginning by the Regal Cinemas, to the Oxbridge and Lerner properties. In addition, then there would not be a need for Kinster Drive to be open and could remain as a dead end, (which is the sole street providing access to our community as well as the Cloverleaf Center II that I mentioned earlier) and it would keep commercial traffic and residential traffic safely apart. It would make sense that if for example UPS was delivering on Century Blvd from Regal Cinemas, and continuing thru all the office/commercial bldgs. that currently exist, they could just continue on one route to the final destination of Lerner's complex without interruption or safety concerns to the surrounding residential communities.

On that same thought process, if Crystal Rock was completed to connect through Lerner's property and then connect to the future Century Blvd extension, it would keep all commercial hopefully on the same route and divert it from needing to be infringing upon the existing residential communities. However, the intersection of Kinster Drive and Crystal Rock Drive would need some sort of traffic safety/speed devices (i.e., lights, 4 way stops) to control a dangerous intersection that would prove to be deadly if traffic volume increases. Again, another reason to have this new traffic study conducted and another reason why there would not be a need to have Kinster Drive open - even Lerner had stated in documents in the Oxbridge files in your office, that Kinster does not need to be open to facilitate the two office complexes.

I also wanted to restate that your very insightful point that for us homeowners, we would have to travel around out of our way if Kinster were not open to access those office complexes, as I mentioned to you, we have been living like this for 12 years. We were here before the completion of the Father Hurley extension over 270, so for us to get to that side of Germantown, we had to go a bit out of our way - again something that we are used too - but also being inconvenienced far out ways safety that large volumes of commercial traffic would and could do to our communities.

We believe that truly keeping commercial and residential separate but within reach is the best choice for all involved.

Certainly, if you need to contact me for any reason, please feel free to do so I can be reached at 301-540-3955.

Again, thank you for your time, and I am looking forward to hearing the Boards decision

tomorrow.

Sincerely,

Justine Beachley

----- Original Message -----

**From:** Crampton, Pamela

**To:** [justib@comcast.net](mailto:justib@comcast.net)

**Cc:** Conlon, Catherine

**Sent:** Thursday, February 22, 2007 4:03 PM

**Subject:** Churchill Far North Village (#119870120) Extension Request

Attn: Justine Beachley @ 301.540.3955

Per your phone inquiry, I am sending this e-mail in order for you to voice any concerns and/or questions you may have regarding the above referenced project.

Cathy Conlon @ (301) 495-4542, is the assigned staffer to to this project. When responding to this e-mail with your questions and/or concerns, please use the "REPLY ALL" function in your e-mail menu, to ensure that the necessary person(s) receive it.

Thank you for your interest.

*Pam Crampton*

*Development Review Division*

*Maryland-National Capital Park & Planning Commission*

*301.495-4586*