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JUN 15 2004

WHEATON URBAN DISTRICT

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
Catalie Cantor
Director

Douglas M. Duncan
County Executive

June 11, 2004

The Honorable Derick P. Berlage
Chairman, Montgomery County Planning Board
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Schematic Development Plan Amendment (DPA 03-3)
for the Nguyen Property in Wheaton, Maryland

Dear Chairman Berlage:

At the June 8 meeting of the Wheaton Urban District Advisory Committee, the members voted unanimously to express our support for the approval of DPA 03-3, as amended by the applicant. We understand that a number of changes to the applicant's plan have been proposed to address neighborhood concerns. We want to thank the applicant for agreeing to make many of the changes requested by both your staff and the community which we believe will improve the development situation on the Nguyen property. The property included in the application consists of two lots (P/O Lot 7 & Lot 23) classified in the C-T Zone.

When the property was rezoned C-T, the County Council approved a schematic development plan (SDP), proposed by the landowner, that limited development to the existing dwellings. Over time, the dwellings have fallen into disrepair and the applicant proposes to redevelop the site with one two-story building. Despite efforts by the owners, the marketability of the properties has been diminished and a number of the tenants willing to lease the space have not been desirable.

The Nguyens own an adjacent third lot (Lot 22) that is also zoned C-T; this third lot is not subject to optional method zoning limitations as are the two other lots. While we have been unable to discern a consensus from what appears to us to be a divided community, it seems to us that most community members appear to be generally satisfied with the changes proposed by the applicant but would like the County Council to clarify and resolve the following issues as part of their approval:

1. The size and locations of two buildings proposed for the three lots appear generally to be acceptable; provided that we can be assured that the two properties (the three lots) will be developed as shown on the applicant's Schematic Development Plan (dated April 9, 2004).

Mid-County Services Center

2424 Reedie Drive • Wheaton, Maryland 20902-4669
240/777-8100, TDD 240/777-8112, FAX 240/777-8110 or 240/777-8111
At Wheaton Metro Station

2. There is insufficient parking on the two lots subject to DPA 03-3 to accommodate the development shown for those lots. The community has indicated that they want assurance that all required parking for the three lots (the entire project) will be provided and maintained with appropriate deed or plat restrictions.
3. The applicant's color drawings show windows and doors on the sides of the building proposed for Lot 23 in DPA 03-3. The Zone requires a 15-foot setback for buildings with windows and doors and no setback if the walls do not contain windows and doors. The applicant is willing to provide windows and doors on the sides provided that the community will agree to not oppose a minor subdivision to delete the interior lot lines.
4. The community is concerned that the Nguyen application proposes retail uses for the property. This issue does not appear to be significant since the applicant can only use the property in accordance with uses allowed in the C-T Zone, which allows retail uses only by approval of a special exception by the Board of Appeals.

The Committee believes that the applicant is willing to stipulate through a binding element that the three lots will be submitted for site plan approval as one application. A single site plan application will also assure that the parking requirements are met for the entire project. In addition, the Committee supports a minor subdivision, as part of the site plan review process, which deletes the interior lot lines to allow the building, currently shown on Lot 23, to have windows and doors on the sides of the building. If the community does not support the resubdivision, then we understand that the applicant will delete the windows and doors from the sides of that building. The Committee does not support reducing the size of the building shown on Lot 23 to address the setback issue because the size and scale of the building now shown appears to be appropriate and compatible with the neighborhood.

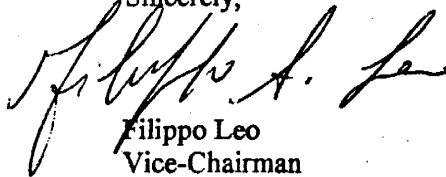
We realize that the Wheaton CBD & Vicinity Sector Plan recommends that C-T zoned lots not be assembled and resubdivided to allow larger buildings. The intent is to assure that new commercial-transitional development remains at a smaller scale, compatible with the existing neighborhood. We note that the Wheaton CBD & Vicinity Sector Plan is almost 15-years old; thus certain recommendations may not be as applicable as they once were or may need to be interpreted in light of current needs. We believe that the proposed buildings are at a size and scale appropriate for the neighborhood and will actually improve the appearance and use of the property. Removal of the lot lines in this case should not be a precedent to large-scale development. Resubdivision would facilitate a more attractive project that would be more compatible with the community than retention of the existing buildings.

The Committee is aware that if the Planning Board is satisfied that all of the issues have been addressed, the application can be forwarded directly to the County Council for action. The Committee believes that if the applicant demonstrates to the Board's satisfaction that the community issues have been addressed, it would be appropriate to send the application directly to the Council and bypass the lengthy and

rigorous Hearing Examiner review procedures. We note that the Nguyen property will be subject to a full site plan public hearing by the Planning Board before the property can be redeveloped.

The Wheaton Urban District Advisory Committee believes that an upgraded development across the street from the renovated Westfield Shoppingtown will further strengthen the downtown's redevelopment. Our support for this project is contingent upon the applicant agreeing to include the recommended changes identified in this letter as binding elements of their amended schematic development plan. We appreciate the opportunity to comment on this application and hope that you will support the Nguyen's efforts to improve this commercial property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Filippo A. Leo".

Filippo Leo
Vice-Chairman

cc: Natalie Cantor, Director, Mid-County Regional Services Center
Stanley Abrams, Esq.



WHEATON URBAN DISTRICT

Douglas M. Duncan
County Executive

Natalie Cantor
Director

June 15, 2004

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JUN 17 2004

The Honorable Derick Berlage
Chairman
Maryland National Capital Park and Planning
Commission
8787 Georgia Avenue
Silver Spring, Maryland 20906

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

Dear Mr. Berlage:

I am writing to you on behalf of the eleven members of the Wheaton Urban District Advisory Committee (WUDAC) in the hope that you will be able to respond to a process issue that is of concern to us. The policies and procedures of the Montgomery County Department of Park and Planning have always been quite inclusionary. However, we believe that there has been an oversight with regard to hearing the Wheaton Urban District's voice. I am referring specifically to our inability to have any dialogue with Planning Staff about projects which abut the Wheaton Urban District.

Recently, the Nguyen project (DPA-03-3) has been studied by Planning Staff and has been scheduled for review by the Planning Board in July. The abutting community was consulted frequently by Planning Staff yet the appointed representatives of the Wheaton Urban District were not asked to join the discussion. Worse, when the Director of the Mid-County Services Center repeatedly reminded staff that the Urban District has an opinion about a project which directly affects the District, she was told that we would have an opportunity to make our voice heard at the public hearing. There seems to be an inequity when one interested group in an area is consulted while another is shut out. WUDAC members respectfully request the ability to participate in any dialogue involving development in our downtown. Thank you in advance.

Sincerely,

Kevin McLaughlin, Chairman
Wheaton Urban District Advisory
Committee



Mid-County Services Center

2424 Reedy Drive • Wheaton, Maryland 20902-4669
240/777-8100, TDD 240/777-8112, FAX 240/777-8110 or 240/777-8111
www.montgomerycountymd.gov/midcounty • midcounty.citizen@montgomerycountymd.gov
At Wheaton Metro Station



WHEATON URBAN DISTRICT

Douglas M. Duncan
County Executive

September 16, 2003

Natalie Cantor
Director

Mr. Derick Berlage, Chairman
Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Berlage:

The members of the Wheaton Urban District Advisory Committee, at their September 9 meeting, voted to endorse, with conditions, the development concept presented to them by Mr. Vincent Nguyen on behalf of his family for properties at 2907 and 2909 University Blvd., West. While these properties are not within the Wheaton Urban District, they are at its boundary, directly opposite Westfield Shoppingtown Wheaton. They are viewed by the Committee as a Gateway to the Wheaton Urban District, per the 1999 legislation expanding Urban District activities and interests to those close-in areas which have a direct impact on an Urban District, and vice-versa. The properties are situated within the Wheaton Central Business District and are discussed in the 1990 Wheaton Sector Plan.

Mr. Nguyen's plan would combine three parcels, currently occupied by two single-family homes which have been converted to commercial use. The parcels are zoned Commercial Transitional and the two with structures have restrictions on them which would only allow interior modifications without any expansion. Over the years, the properties have deteriorated and have been leased by undesirable tenants such as a brothel ("massage parlor") and a fortuneteller. The Committee understands that the Nguyen family, as the landlords, are ultimately responsible for the type of tenants the community has endured, but also believes that the restrictions on the property have been a great disincentive for the type of reinvestment needed to attract more suitable services.

The development would create 8,851 square feet of office space within a single office-townhouse structure. After much consideration, the Wheaton Urban District Advisory Committee believes that the concept is very much in keeping with the 1990 Wheaton Sector Plan, which states: "The Plan indicates office use for the University Boulevard frontage between East Avenue and Valleyview Avenue. The remaining residential structures front on a major artery with associated traffic noise and air pollution. The residential sensitivity of these problems is indicated by the deterioration

Mid-County Services Center

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Mr. Derick Berlage
September 16, 2003
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of a number of the homes. The conversion of these houses to offices would tend to stabilize this frontage area and provide a buffer to the existing single-family community to the north. Future development should be similar in scale to the existing conversions that have taken place in the block between East Avenue and Valleyview Avenue."

However, the Committee placed conditions on its endorsement, as follows:

- 1 The developer must keep working with the community to satisfy any reasonable concerns in regard to additional traffic and/or changes in traffic patterns, as well as proper lighting and placement of dumpsters as not to impact residents' quality of life.
- 2 The developer will bring his plan back to the Committee after Site Plan Review to share with members any changes which have been incorporated that differ with his Concept Plan.
- 3 The developer satisfies any concerns of the Hearing Examiner re: the lifting of the restrictions on the property.

Thank you for allowing us to share our views with you. We are excited with all of the progress that has been made in redeveloping Wheaton and feel that adding attractive office space to a downtown Gateway will be beneficial.

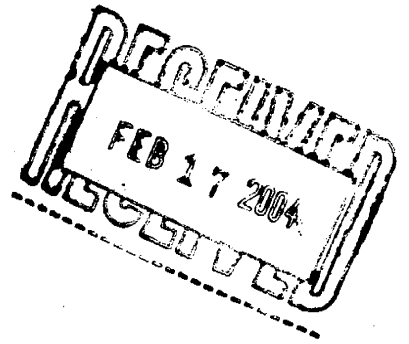
Sincerely,



Kevin McLaughlin, Chair
Wheaton Urban District Advisory
Committee

KM:th

OXFORDCHASERETAIL



February 12, 2004

Stanley D. Abrams, Esq.
Attorney at Law
Abrams, West & Storm, P.C
4550 Montgomery Avenue
Suite 760N
Bethesda, MD 20814

Re: Redevelopment
2907 & 2909 University Boulevard
Wheaton, Maryland

Dear Mr. Abrams,

You have asked me to comment on the proposed elimination of the rear access road to service the proposed building(s) at the above proposed development.

In my opinion, the removal of the access road will be a marginal aesthetic benefit to the rear property owners and a major dis-benefit to the functionality of the property, ultimately impacting the neighborhood.

1. The owner is adding an 8 foot buffer with landscaping between the residential property and the rear access road. This is more that exists today and will enable the owner to plant trees and other landscaping to further buffer the residential from the commercial.
2. The elimination of the service drive will cause deliveries to be through the front door. Front door deliveries disrupt the businesses, track up the floors and disrupt the commercial business floor plan. Experienced business owners will not accept a front door delivery.

The rear access road is valued by all retailers and commercial business owners in order to prevent disruption of the business. If the property is developed without a rear access road, experienced and good operating tenants will not lease the space; that leaves a lower tier less desirable tenant to lease space. There is a value in having good clean operating tenants in the building(s) both to the neighborhood and the owners. Without the rear access, I cannot commit to the owners that the project will attract the quality tenants the property and the neighborhood deserve.

3. Dumpster service and deliveries would be handled in the front of the property.

This means that trucks will be blocking the drive aisles during pick ups.

If the parking lot and drive lanes are blocked, the customers, invitees and employees will find the easiest place to park or leave the premises all together. This will cause parking and congestion Valley View Road.

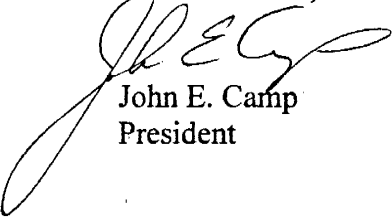
Without rear access the development is being built with functional obsolesces. I strongly recommend the project not be built without rear access.

Thank you for the opportunity to offer my opinion. I will look forward to any questions you or the county may have in this matter.

I will look forward to speaking to you soon.

Sincerely,

Oxford Chase, Inc.



John E. Camp
President



CHARLES E. SMITH COMMERCIAL REALTY

2345 CRYSTAL DRIVE • CRYSTAL CITY • ARLINGTON, VIRGINIA 22202 • 703-920-8500

July 28, 2003

Re: 2907 & 2909 University Blvd., W. and 11107 Valley View Ave.

To Whom It May Concern:

The Nguyen family (owners of the above referenced properties) has hired the Charles E. Smith Company to advise them and to lease the above properties.

Charles E. Smith Company is the largest commercial real estate company in the Washington DC region. As Senior Director for the Charles E. Smith Company, I specialize in retail commercial properties, representing retail clients and landlords. I have more than 20 years experience in development and leasing commercial properties.

The owners' most recent tenants have been unreliable and undesirable (palm readers, message studios, transportations services). The existing structures on the property are no longer feasible for commercial transition (C-T low-density) use because reliable tenants are seeking modern and functional structures. The current structures will not attract any quality tenants. We have advised the owners that the current structures, even if renovated, have become 'functionally obsolete' and can never be renovated to attract any quality tenant. It is our recommendation that the existing structures be removed and the entire property redeveloped.

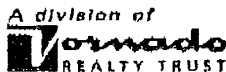
The Wheaton area is in one of the most affluent counties in the country. Quality businesses are actively seeking to locate in this community. In that regard, the customers who frequent the businesses expect the location to meet the standards of other businesses in the county. Having a 1940's era house renovated and converted for a business will not meet the customers' or the businesses' expectations.

Our advice to the owners is to redevelop the property with a new structure that will meet the current business needs and be a quality presentation to and for the community. This will provide the community with a quality project that will enhance the Wheaton community and a long term viable project for the owners.

Should you have any questions please do not hesitate to contact me. I am looking forward to the future of this project and the future of Wheaton.

Regards,

John Camp
Senior Director
Retail Services
703-769-1247





OFFICE OF THE COUNTY EXECUTIVE

ROCKVILLE, MARYLAND 20850

Douglas M. Duncan
County Executive

July 31, 2003

Mr. Viet Nguyen
Lillianne and Sons, LLC
9812 Falls Road, Suite 115
Potomac, Maryland 20854

Dear Mr. Nguyen:

I read with interest about your proposed University Boulevard office project and appreciate the optimism you and your family have regarding Wheaton's future. I agree with you that the Kensington/Wheaton Master Plan (1989) as well as the Wheaton Sector Plan (1990) did not anticipate some of the changes now occurring in downtown Wheaton. An informal group composed of members of the Wheaton Redevelopment Steering Committee and the Wheaton Urban District Advisory Committee are now studying the Sector Plan and will recommend modifications in the late fall.

I have learned from Natalie Cantor, Director of the Mid-County Services Center and Doug Wrcnn, Director, Urban Redevelopment Programs, that you have been working with them and with the Redevelopment and Urban District Committees. I appreciate your involving the neighbors and civic association adjacent to your property and making accommodations to them. Please keep working with them and seeking their endorsements. I believe you will need, and still have time to receive, the formal endorsements of the Redevelopment and Urban District Committees. As you may know, as County Executive, I am not involved in the planning process, which is the responsibility of the Maryland-National Capital Park and Planning Commission. I am sure that you are in contact with that agency regarding your development proposal.

I thank you and your family for your continued interest in and support for Wheaton's revitalization.

Sincerely,

Douglas M. Duncan
County Executive

DMD:th

cc: Charles Joseph, Executive Director
Wheaton-Kensington Chamber of Commerce
Michelle Hinds
Kim Nguyen





Wheaton-Kensington Chamber of Commerce

2401 Blueridge Avenue - Wheaton, MD 20902

301-949-0080/301-949-0081 (F)

wkchamber@juno.com/www.wkchamber.org

July 16, 2003

To Whom It May Concern:

This letter serves to report that the directors of the Wheaton-Kensington Chamber of Commerce, in a meeting of the board held on July 15, voted to endorse the concept of redevelopment activity proposed by the Nyugen family for the parcels of property they own along University Blvd. These properties are specifically identified as 2907 and 2909 University Blvd. and 11107 Valley View Ave.

We understand from discussions held with Mr. Nyugen that the proposed use of the property incorporates a development concept that involves building a new structure on the site where three older buildings now exist, and to lease space to a variety of tenants providing professional services to the community. We believe this use of the property complements other redevelopment activities in the area and will generally enhance local commerce and business. The proposed use of the property was described to us as "low-density, light professional" and we believe this to be consistent with the needs of the local business community.

We also understand that the Nyugen family is working with local civic associations to incorporate the input of the residents in the area, and we strongly encourage the continuation of those processes. As the area undergoes other major redevelopment activities, particularly those of Westfield Shoppingtown Wheaton just across the street, the interests of the residents should continue to be considered.

Sincerely yours,

Charles R. Joseph
Executive Director

FR 20 2003