



September 30, 2004

BY HAND DELIVERY

Catherine Conlon
Wynn Witthans
Development Review Division
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20850

Re: Request for Extension of Preliminary Plan No. 1-00076 and Site Plan
No. 8-00033

Dear Ms. Conlon and Ms. Witthans:

Our firm represents Edgewood Hill Associates, the Applicant of Preliminary Plan No. 1-00076 and Site Plan No. 8- 00033. The Board approved these applications on August 23, 2000 and August 22, 2000, respectively. The Applicant also is the Petitioner in Special Exception Nos. S-2376 (Child Day Care Facility) and S-2377 (Housing and Related Facilities for Elderly or Handicapped Persons). The Montgomery County Board of Appeals approved both of these Special Exception uses and granted an extension of the Special Exceptions until October 31, 2004. We will be seeking additional time in which to implement the Special Exceptions shortly. The property that is the subject of this request is presently known as Parcels A-F, Lots 1-49, Block 1, Glenmont Mews Subdivision and located northeast of the intersection of Glenallen Avenue and Layhill Road, Silver Spring, Maryland, in the RT-12.5 zone (the **Property**). Last year the Planning Board granted a one-year extension of time for implementation of both the Preliminary Plan and Site Plan pursuant to Section 50-35(h)(3) of the Montgomery County Subdivision Regulations and Section 59-D-3.8 of the Montgomery County Zoning Ordinance (until October 2, 2004). We are respectfully requesting an extension of the validity period until September 23, 2005 (at which time the APF approval will expire).

As a condition of approval for both Special Exceptions, the Applicant was required to obtain (and did obtain) preliminary plan of subdivision approval pursuant to Chapter 50 of the Montgomery County Code (No. 1-00076) and Site Plan approval pursuant to Section 59-D-3 of the Montgomery County Zoning Ordinance (No. 8-00033) prior to the recording of the Record Plat and the release of any building permits for both uses. Unfortunately, for the reasons set forth below, the Applicant's ability to validate the plans have been delayed but in no way dismissed. The Applicant also encountered difficulties in being able to fully comply with some of the Planning Board's various conditions of approval. In particular, after much coordination, the Applicant resolved a situation in which there were conflicting streetscape design requirements along Layhill Road between M-NCPPC Staff and

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the State Highway Administration (a situation that was beyond the Applicant's control). There also was other interior landscaping issues that needed to be addressed. The Applicant and Staff resolved the issues associated with the conditions, particularly the ability to provide adequate landscaping and streetscaping along Layhill Road. These conditions did not preclude the implementation of the plans within the October 2nd deadline. The Applicant also is working diligently on the ability to provide off-site reforestation to meet requirements for the project. As a result of these efforts, the Applicant worked closely with Planning Staff to complete the Signature Set Site Plan for final submission. The Signature Set, along with the Site Plan Enforcement Agreement, is completed and still needs to be executed by the Planning Board.

As part of the Site Plan Signature Set, Technical Staff suggested that the Applicant consider certain revisions to the proposed landscaping within the central courtyard area to make the plan even better. These changes were somewhat difficult to accommodate due to the location of certain utilities on the site. It took some time for Applicant to work through those issues with the landscape architect and the civil engineer. The landscaping has been resolved and now is reflected in the Signature Set.

During the time that the Applicant was working on the remaining Site Plan issues, the Applicant continued to move forward by preparing the Record Plat. The preparation of this Plat proved to be time consuming and complex. As part of the Record Plat preparation process, the Applicant unexpectedly encountered surveying issues that have taken well over a year to resolve. These issues involve the Property's relationship to the adjoining properties, notably Washington Metropolitan Area Transit Authority and the State Highway Administration property. We understand that the issues are essentially resolved and, as a result, we should be in a position to file the Record Plat shortly. These boundary issues did preclude the Applicant from validating both plans within the October 2nd timeframe.

As stated in my prior letter, during the resolution of the various issues, the Applicant's architect continued working on the architectural plans for the project. More specifically, the Applicant and the architect have now refined the details within individual apartments like kitchen layouts, window sizes and locations as well as the layout of common activity rooms and the dining area. As a result of these efforts, the facility truly will be "state-of-the-art". In fact, the architect is close to completing the building permit plans and specifications for both uses. However, it is clear that a Record Plat will not be able to be recorded prior to the expiration of the Preliminary Plan (and the Site Plan that follows the validity period for the Preliminary Plan).

The Applicant has continued to instruct its consultants to prepare other plans and materials necessary for the implementation of the approvals. The Applicant's civil engineer has been preparing sewer and water plans for WSSC approval as well as final stormwater

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management and sediment control plans. We have been advised that these approvals could take six months or longer to obtain from WSSC. Also, since required sewer outfalls may be required to cross WMATA property or run through the state right-of-way of Layhill Road, the process to gain full approvals of these utilities may take longer. The timing for both of these approvals are outside of the Applicant's control. The Applicant also has engaged a structural and mechanical engineer and both professionals are working out their details on the plans.

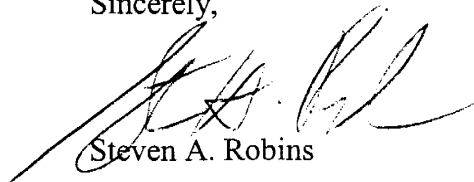
An exciting situation with great promise for the entire Glenmont community has arisen that merits the Board's consideration of our extension request. With the commencement of redevelopment efforts in Wheaton and redevelopment opportunities in Glenmont (like the building of the Shoppers Food Warehouse, Staples and the proposed development of the Indian Spring Country Club property), developers have inquired about redevelopment opportunities for the entire 30-acre parcel. The Applicant, while moving forward and spending money on the Record Plat and other plans involving the Special Exceptions, has commenced negotiations for the redevelopment of the entire property with a local developer with substantial transit-oriented development experience. These discussions, once successful, would include redevelopment of the property, in its entirety, as a transit-oriented development. We anticipate completing negotiations in the next few months. Thus, it would be in the public interest to grant this extension in order to give the Applicant the time necessary to either complete a transaction for the development of the property in its entirety or to complete the approval process for the Special Exception uses.

The uses proposed as part of both approvals continue to present a wonderful opportunity for the Glenmont community. These uses (that both were unopposed before the Planning Board and Board of Appeals) are viewed as the starting point of redevelopment efforts to significantly improve Glenmont. The Applicant remains extremely excited about and, absent a complete redevelopment of the property, is committed to this project as is evidenced by the Applicant's considerable investment of time, energy and funds into diligently pursuing this project with the goal that both uses will assist in the redevelopment and rejuvenation of Glenmont. Accordingly, we would respectfully request that the Board grant our request for the extension of time in which to validate the above referenced Preliminary Plan and Site Plan. Please be assured that, even with the extension, the Applicant will be pursuing all of the remaining approvals (including but not limited to, actual building permits), unless the negotiations referenced above lead to a more comprehensive redevelopment. The record establishes that the Applicant has actively pursued this project and that the extension is the minimum necessary to alleviate any hardship or practical difficulties necessary to implement the plans. We note that the Glenmont area is not in a moratorium and that there are no other projects that would be harmed by the granting of the extension request. As such, we do not believe that anyone would be prejudiced if the Board grants this extension.

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We appreciate the Board's consideration regarding the development of these uses and thank you in advance for your consideration regarding this request. Given all of the reasons set for the above, we continue to believe that this extension of the Preliminary Plan and Site Plan is warranted. We look forward to appearing before the Planning Board at the very first opportunity. Please feel free to contact me if you need any additional information.

Sincerely,



Steven A. Robins

cc: Mr. Gregory Eisenstadt, Trustee
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