

Item 1C - Correspondence

From: [Darin Bartram](#)
To: [MCP-Chair](#)
Cc: [Mayor Council](#); blevin@keystarrealestate.com; [Leftwich, Troy](#); [Sanders, Carrie](#)
Subject: Knowles Manor, Site Plan Amendment No. 82019008A
Date: Wednesday, December 16, 2020 10:55:37 AM

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December 16, 2020

Chair Casey Anderson
Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Knowles Manor, Site Plan Amendment No. 82019008A

Dear Chairman Anderson,

I note that the above referenced site plan amendment is on the agenda for the December 17 meeting as a consent item. The Kensington Town Council discussed the site plan amendment at its meeting last night, and wishes to provide the following additional context for the amendment. *To be clear at the outset, we are not asking for the site plan amendment to be denied, delayed, or differently conditioned.* So, in many respects, leaving it on the agenda as a consent item would be appropriate.

As you have read in the staff report, this site plan amendment is back before you solely because of a lawsuit filed by a number of residents in Kensington, a group led by Delegate Al Carr. They filed a petition for review in Circuit Court, and then promptly entered into negotiations not with the Planning Board, which they had sued, but with the developer. The plaintiffs' suit against the Planning Board would have led a court to consider whether the Planning Board committed reversible error. But, over the next four months--a time when bonds funding this nonprofit, senior affordable project were expiring and threatening the overall project--plaintiffs (not one of whom has any background in planning), presented a list of demands.

One of two things was true about the plaintiffs' lawsuit. First, it could have had no merit and was a shake-down of a project that already had thin funding. Alternatively, they could have had a meritorious claim that the Planning Board made an error in approving the project, and they negotiated in secret a settlement where the developer paid \$100,000 to avoid fixing the error. Based on their consistent refusal to explain publicly the basis for their suit, I

believe it had none, and this matter is back before you as a result of a shake-down.

In previous correspondence dated November 13th, the Town has expressed its support for the site plan amendment, which relocates the lay-by lane from being connected to the driveway, to its proposed location being centered on the building. *Our support for that change has not changed.* Our letter of support also expressed concern about the possibility that SHA might prohibit “parking” in the lay-by lane, and our only request here is that the Planning department support efforts by the Town to allow deliveries to be made by vehicles in the lay-by lane.

Here’s why this matters: One of the settlement demands was that the applicant is required to seek from State Highway signage that prohibits *any* parking in the lay-lane. A second requirement is that building staff are required to reject any deliveries to the building that someone attempts to make while parked illegally in the lay-by lane. This means that if someone is trying to deliver a pizza, that person will not be able to deliver through the front door, but will have to get backwards on Knowles in order to access the garage down the driveway.

The result of the combination of these two requirements will either exacerbate traffic in the area, or it will present a dangerous and illegal maneuver. If a delivery person is told they must make deliveries down the driveway, they will have to either go around the block (doubling the number of delivery traffic on Knowles), or they may try to pull a u-turn in the middle of Knowles Avenue, threatening the safety of other drivers. Either one of these outcomes makes the project worse, and has been put in place by the plaintiffs, in secret, without any type of public process or transparency.

As set out above, we are not asking you to reject or delay the site plan amendment. The applicant has endured enough whiplash on this project. They have invested considerable time and expense with the State Highway to accommodate the demands of the plaintiffs, and we don’t want to put them through the cost and effort of going back to their original layout.

Instead, we are making a specific, informal request: We are asking that, when SHA considers signage for the lay-by lane, the Planning Board and/or your staff support the Town in asking State Highway to allow very short-term parking in the lay-by lane, so that deliveries, particularly of perishable items like meals, groceries, flowers, can be delivered through the front door. These deliveries are not made by usual delivery persons who can learn that the building has a package concierge down the driveway in the basement. And, this is the very use that we imagined when we supported the lay-by lane--that it would provide an alternative to vehicles stopping in the travel lanes on Knowles.

Thank you for your consideration.

Best regards,

Darin R. Bartram
Town of Kensington Council Member

Cc: Carrie Sanders
Troy Leftwich
Kensington Town Mayor & Council
Mr. Bruce Levin, applicant