

## Item 7 - Correspondence

**From:** [Robins, Steven A.](#)  
**To:** [MCP-Chair](#); [Butler, Patrick](#)  
**Cc:** [Robert J. Elliott Jr. \(bob@lantiandevlopment.com\)](#); [Mike Alexander](#); [Gary F. Unterberg \(gunterberg@rodgers.com\)](#); [Vincent Biase](#); [Balcombe, Marilyn](#); [Chris Conklin - MCDOT \(Christopher.Conklin@montgomerycountymd.gov\)](#); [Sartori, Jason](#); [Kronenberg, Robert](#); [Anspacher, David](#); [Aldrich, Stephen](#); [Robins, Steven A.](#)  
**Subject:** 20240213\_LerchEarlyBrewer\_002.pdf  
**Date:** Tuesday, February 13, 2024 1:35:56 PM  
**Attachments:** [20240213\\_LerchEarlyBrewer\\_002.pdf](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good afternoon. Attached please find correspondence related to Item #7 on the Planning Board's February 15, 2024 agenda. I would appreciate it if you would distribute this correspondence to members of the Planning Board and place a copy in the record for this item. Thank you very much and have a great day.

Steve Robins

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**Steven A. Robins**, Attorney

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February 13, 2024

**VIA ELECTRONIC DELIVERY**

Artie Harris, Chair  
Montgomery County Planning Board  
Maryland-National Capital Park & Planning Commission  
2425 Reddie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

Mr. Patrick Butler, Upcounty Planning – Division Chief  
Maryland-National Capital Park & Planning Commission  
2425 Reddie Drive  
Wheaton, MD 20902

Re: Review of County Executive’s Recommended FY25 Capital Budget and FY25-30  
Capital Improvements Program – Transportation Elements/February 15, 2024 Planning  
Board Agenda Item #7

Dear Chair Harris & Mr. Butler:

Our firm represents Lantian Development, the owner of the Comsat Property in Clarksburg. We are working with Lantian on the Clarksburg Gateway Sector Plan and would like to comment on the County Executive’s Recommended FY25 Capital Budget and FY25-30 Capital Improvements Program – Transportation Elements as it relates to the Observation Drive Extended (Project P501507). In addition to Observation Drive, we have a significant interest in the proposed I-270 Exit 17 interchange as well as other various transportation/road network matters that would greatly improve connectivity and economic development in the UpCounty.

Lantian’s property, which is over 200 acres, is the largest property in the Clarksburg Gateway Sector Plan, comprising approximately 20% of the total plan area. However, when considering the actual developable area of the plan, by removing schools, existing neighborhoods and environmental areas, the property’s overall percentage and importance increases substantially. It is undoubtedly the most significant opportunity for the future growth and economic development of Clarksburg and the Upcounty.

Lantian recently transmitted a letter to MCDOT and M-NCPPC specifically outlining its preferences and concerns for the alignment of Observation Drive and its timing as it relates to the

Sector Plan and the CIP. Rather than duplicating our thoughts, I am attaching a copy of the letter (with the attachment) and request that it be placed in the record for this Planning Board agenda item #7. While our property is impacted by Phase II of the Observation Drive Extension project and there seems to be general agreement in delaying Phase II until the completion of the Section Plan, we remain very concerned about Phase I and the need to revise the existing design so that it too will match the alignment contained in the Sector Plan that has yet to be approved. The future alignment of Observation Drive's planned extension and its associated Phase I Design process and timing are critically important to our Property as well as the success of Sector Plan. We also offered our position on the Exit 17 Little Seneca/I-270 interchange that currently is recommended in the existing Clarksburg Master Plan and is being carried forward in the pending Sector Plan.

We appreciate your consideration of the attached correspondence and our thoughts herein as you deliberate on this item. Thank you for your continued consideration of our concerns and thoughts as it relates to the Observation Drive alignment and its design timing.

Sincerely,

LERCH EARLY & BREWER, CHTD.



Steven A. Robins

Enclosures: Letter from Robert Elliott, CEO of Lantian Development

cc: Robert Elliott, CEO Lantian Development  
Mike Alexander, Lantian Development  
Marilyn Balcombe, Montgomery County Council  
Christopher Conklin, Director MCDOT  
Jason Sartori, Planning Director  
Robert Kronenberg, Deputy Planning Director  
David Anspacher, Acting Chief, Countywide Planning & Policy Division  
Stephen Aldrich, PE, Countywide Planning & Policy Division  
Gary Unterberg, Rodgers Consulting  
Vincent G. Biase, Esq.

January 30, 2024

**VIA ELECTRONIC DELIVERY**

Mr. Patrick Butler, Upcounty Planning – Division Chief  
Maryland-National Capital Park & Planning Commission  
2425 Reedie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

Mr. Christopher Conklin, Director  
Montgomery County Department of Transportation  
101 Monroe Street, 10<sup>th</sup> Floor  
Rockville, MD 20850

Re: Alignment of Observation Drive Extension & Proposed Phase I Design Timing

Dear Mr. Butler & Mr. Conklin:

I am writing this letter as the CEO of Lantian Development and owner of the Comsat Property in Clarksburg to follow-up on our most recent meeting on January 10, 2024, as well as numerous other meetings regarding the proposed alignment of the Observation Drive extension. As you know, on many occasions since we acquired the property in 2015, we have also discussed the proposed I-270 interchange, proposed Exit 17 - Little Seneca Parkway/Newcut Road, that will be located on the Comsat Property and other various transportation/road network matters.

The Comsat Property is over 200 acres along the east side of the I-270 Technology Corridor, with over 3600 linear feet of frontage. As the largest property located within the boundaries of the proposed *Clarksburg Gateway Sector Plan*, the Comsat Property's future development represents a significant opportunity for the future growth and economic development of Clarksburg, the Upcounty, and Montgomery County as a whole. The future alignment of Observation Drive's planned extension and its associated Phase I Design process are not only critically important to the Comsat Property, but to the future growth and sustainable development of Clarksburg and the Upcounty.

During our recent January 11, 2024 meeting at M-NCPPC, Lantian expressed its preference for a longer Phase I Design process to fully study and, ultimately, implement an optimal revised alignment for Observation Drive. Lantian has repeatedly conveyed its concern with the pace of Phase I Design to M-NCPPC and MCDOT in previous meetings



over that past several months, most recently with your respective teams on January 10, 2024 as well as additional meetings held on (1) January 11, 2024 with County Executive Marc Elrich, (2) November 9, 2023 at MCDOT, (3) October 4, 2023 virtually with M-NCPPC, (4) September 18, 2023 with M-NCPPC at the Comsat Property, and (5) July 21, 2023 with M-NCPPC and County Councilmember Marilyn Balcombe at the Comsat Property.

Pursuant to the County Executive's recently published "Recommended FY25 Budget," Phase I Design of the Observation Drive extension is funded for the near-term and scheduled for completion in FY27. While Lantian is pleased to learn that designing the Observation Drive extension is a funding priority, we reiterate our concern that the anticipated timeline is problematic given the universal recognition that the current alignment will undoubtedly need to be modified as part of the ongoing sector planning process. As we discussed during our recent meeting, the current Observation Drive extension alignment poses significant environmental issues and does not properly align the road through the Comsat Property and surrounding communities to I-270. As such, the Phase I Design will need to be revised — particularly in the area north of West Old Baltimore Road—to realign Observation Drive out of environmental stream valley area and buffer, providing significant environmental benefit. This realignment will ultimately result in Observation Drive shifting west to become an extension of existing "Gateway Center Drive" – a change which all parties seem to universally support. This realignment, particularly in the vicinity of West Old Baltimore Road and continuing north through our property, will help provide for a more efficient connection to I-270 along Little Seneca Parkway (Please see the enclosed Observation Drive Exhibit showing the existing and proposed realignment). These modifications cannot be implemented if the Phase I Design proceeds on its current timeline and will require a redesign once the Sector Plan is adopted by the Council. At present, it seems like Observation Drive is moving forward "just to move forward" without taking into consideration the significant work that will be done as part of the Sector Plan process.

While we anticipate future scheduled coordination meetings with M-NCPPC and MCDOT, we are submitting this letter to formally express our concern regarding the timing and alignment of the Phase I Design of Observation Drive due the challenges the current alignment will pose for portions of the road north of West Old Baltimore Road as well as Phase II Observation Drive. While we want to support the County's decision to design and implement Phase I Design completion in FY27, we cannot in good conscious do so unless there are funding provisions made to address a realignment now as part of this

current funding. Without realignment, the County's design of Observation Drive will proceed, wasting funds on an alignment that will be in stark contradiction to the Sector Plan. It is critical that we allow for enough time for M-NCPPC and MCDOT to comprehensively study alternative alignments and make necessary changes to address issues with the current alignment. To this end, Lantian believes that the scope and timetable for the Phase I Design should be reconciled with timing of the Sector Plan process. The ongoing Sector Plan update provides the appropriate forum and timeline for M-NCPPC, MCDOT, the Clarksburg community, and other important stakeholders to produce the optimal alignment for Observation Drive – something that all stakeholders appear to agree should happen.

Thank you for your continued consideration of our concerns as it relates to the Observation Drive alignment and its design timing. We very much appreciate the collaborative efforts your teams have taken to understand these issues and look forward to continuing this productive dialogue with M-NCPPC and MCDOT throughout the planning and design processes.

Sincerely,

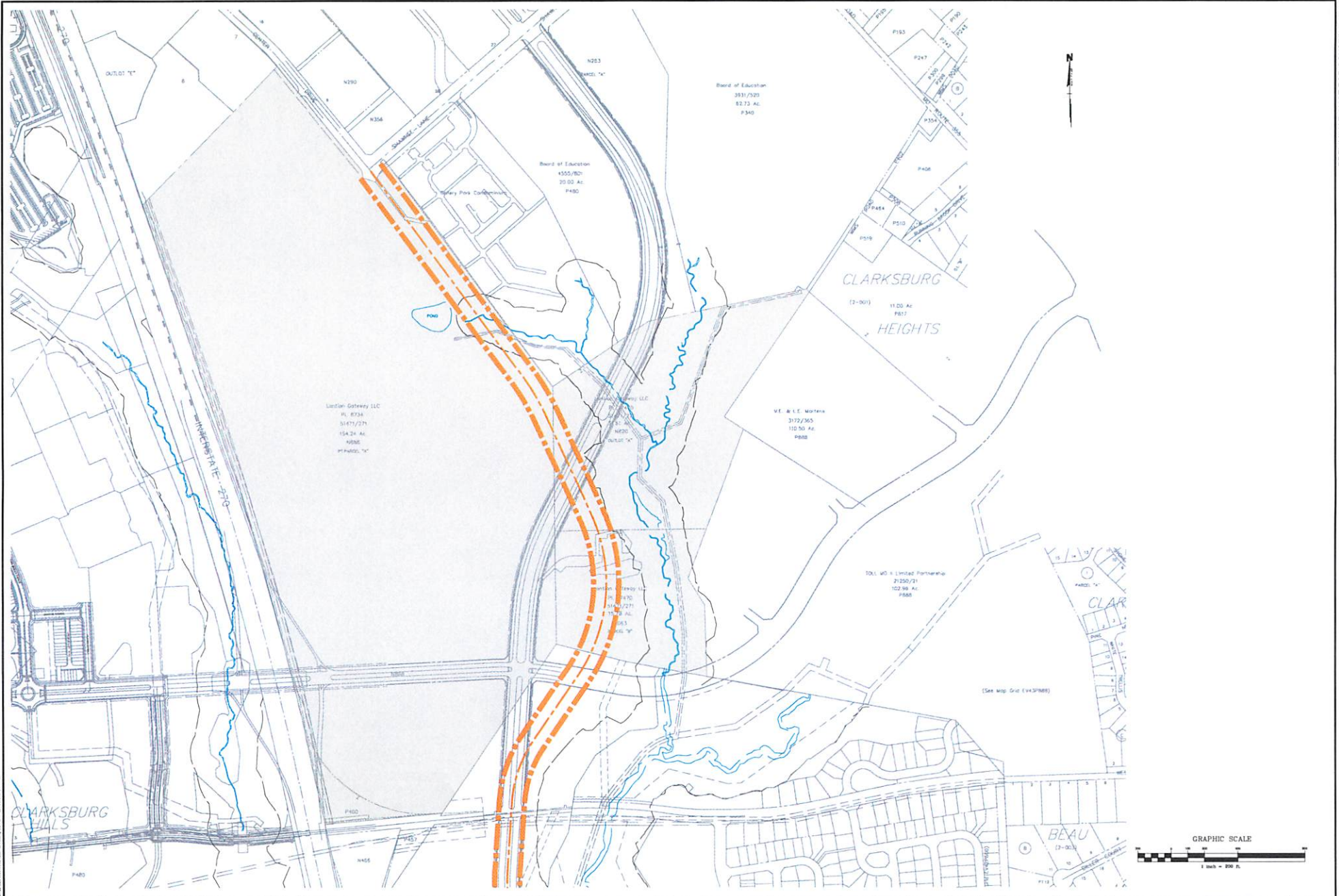
A handwritten signature in black ink that reads "Bob Elliott".

Bob Elliott  
Chief Executive Officer

Enclosures: January 2024 Observation Drive Exhibit (Comsat Property)

Cc: Marc Elrich, County Executive, Montgomery County  
Marilyn Balcombe, Montgomery County Councilmember – District 2  
Artie Harris, Chair, Montgomery County Planning Board  
Jason Sartori, Planning Director, Montgomery County  
Robert Kronenberg, Deputy Planning Director, Montgomery County  
Steven A. Robins, Lerch Early and Brewer  
Gary Unterberg, Rodgers Consulting





REV	DATE	BY	CHKD	DESCRIPTION

**APPLICANT:**  
**LANTIAN DEVELOPMENT**  
 4341 MONTGOMERY AVENUE  
 BETHESDA, MD 20814  
 PHONE: (301) 284-6023  
 CONTACT: MR. STEPHEN SILVER

**OBSERVATION DRIVE EXHIBIT**

**RODGERS CONSULTING**  
 19847 Century Boulevard, Suite 200, Germantown, Maryland 20874  
 Ph: 301.948.4700 Fax: 301.948.6224 www.rodgers.com

REV	DATE	DESCRIPTION

RELEASE FOR:  Professional Use Only

**COMSAT PROPERTY**  
 1/30/24

C:\Users\rodgers\OneDrive\Documents\Projects\COMSAT\1/30/24\11.dwg  
 1/30/24 11:46 AM  
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