

Jasmine Forbes

From: tom@connemara.com
Sent: Monday, June 14, 2021 2:19 PM
To: Planning External Mailing
Cc: Thomas Conway
Subject: IMPT: SP-8774-2021 244-unit Multi-Family Residential Building 333 Ellington Boulevard
Final Site Plan Hearing June 16, 2021 7:30PM: Pedestrian Safety Concerns and Notice
of Actual and Imminent Hazards Requiring Immediate Corrective Action

Importance: High

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Dear Members of the City of Gaithersburg Planning Commission,

The following written comments are submitted in advance of a Final Site Plan Review virtual hearing scheduled for SP-8774-2021 Construction of a 244-unit multi-family residential building at 333 Ellington Boulevard in the MXD (Mixed Use Development) Zone at Downtown Crown this Wednesday evening, June 16th 2021 at 7:30PM.

It is respectfully requested that these written comments be entered, incorporated and made part of the formal record in this matter.

The undersigned and his wife own a townhouse condominium located at 152 Copley Circle in the 70-unit stacked townhouse/condominium community located directly across Diamondback Drive from the proposed 244-unit development.

The undersigned and his wife also own a condominium located at 506 Diamondback Drive #438 in The Copley, a 128-unit condominium development located directly across Copley Place from the proposed 244-unit development.

Probably more than most persons, then, the undersigned and his wife are directly impacted by the proposed development.

The undersigned and his wife do not object to the proposed development *per se*. This development appears to have been envisioned as part of the approval of the Crown X-182 annexation application process initiated in 2005 and supported by a Traffic Impact Analysis most recently updated on July 26, 2006. The Applicant and counsel have presented what appears to be a project with relatively attractive design (at least in concept) meeting various objectives in the 2003 Master Plan and subsequent annexation.

The undersigned and his wife would observe, however, that the Traffic Impact Analysis relied on in the X-182 annexation process of the is now almost 15 years old. Much has happened in the area since the time of the analysis both inside and external to the boundaries of Downtown Crown.

The undersigned had the pleasure of meeting with the couple residing in the farmhouse on the Crown property at about the time that this Traffic Impact Analysis was performed. The property was still farmland at the time. Downtown Crown, as it exists today, was still in concept. Other large multi-family residential developments now located adjacent to the property likewise had not been built.

Members of the Commission are likely aware that the song *Take Me Home, Country Roads* popularized by John Denver originally was inspired by a drive out Clopper Road in Gaithersburg before development of the area began in earnest.

While we are not suggesting that a new Traffic Impact Analysis need be completed, we do feel compelled to observe that pedestrian health, safety and welfare are already challenged in various parts of Downtown Crown during certain periods of the day on weekdays and more frequently on weekends. Not only are residents of Downtown Crown and their visitors using the streets. Retail patrons are also using the streets and garages. Neighboring residents in new multi-family residential communities located on or near Key West Highway are using the streets of Downtown Crown (primarily Diamondback Drive) as well, primarily as a cut-through.

The undersigned likes to walk. Additionally, the undersigned and his wife own a dog (as do a significant number of Downtown Crown residents). This dog also likes to walk provided that weather conditions are to his satisfaction.

Perhaps more important, the undersigned and his wife must walk. From the couple's townhouse condominium on Copley Circle, the undersigned must cross Diamondback Drive and then Copley Place to reach their condominium unit at The Copley, where the undersigned will soon be working full-time as he downshifts from his current office location in Rockville. Both the undersigned and his wife must also cross Diamondback Drive and then Copley Place to shop for groceries at the local Harris Teeter. The dog has a mind of his own.

Much of the time, the streets in Downtown Crown are relatively quiet. When the undersigned gets up and goes to the gym at 5:30AM-5:45AM most mornings, the streets are empty. Even during most weekdays, during non-rush hour the streets of Downtown Crown are manageable.

The issue, however—one that all members of the Commission must take seriously—is that during rush hour on weekdays, and more frequently on weekends, traffic on the streets of Downtown Crown surges. Some of this surge no doubt was anticipated by the Traffic Impact Analysis done in July 2006. A material percentage of the current increase in traffic now being experienced in the neighborhood during certain periods of weekdays and on weekends was not fully accounted for in the analysis. As we have observed, much has changed since 2006—and not all changes were foreseen.

Again, we are not requesting a new Traffic Impact Analysis. We are simply pointing out that the analysis is dated. What we are requesting, however, is that the Commission immediately and without further delay take specific and concrete actions in accordance with Sections 24-170 and 24-171 of the Zoning Ordinance after making critically important determinations regarding the proposed plan for purposes of protecting the public health, safety and welfare of current and future residents. Any failure to do so would be no less than a complete and irresponsible abdication of one the Commission's most important responsibilities.

As the members of the Commission likely know, at least one pedestrian in Downtown Crown already has been killed while crossing Copley Place near the LA Fitness and Starbucks locations.

While we have no information or comment on that unfortunate fatality, we can state unequivocally for the record that on two (2) separate occasions we ourselves nearly have been picked off by inattentive drivers driving down Copley Place and turning right onto Diamondback Drive without stopping at the stop sign or crosswalk. Worse, and even more dangerous, on another two (2) separate occasions we narrowly have missed being cut down in the Diamondback crosswalk by impatient, discourteous and/or inattentive drivers barreling down Diamondback from Sam Eig Highway, apparently fixated on margaritas at Paladar (left turn on Ellington) or getting home as quickly as possible (right turn on Ellington).

We are relatively athletic and alert. Others are not as fortunate or may have children or dogs in tow.

We have lived at Downtown Crown for several years now and nothing has been done to improve this situation. Nothing at all. This inaction is reckless and inexcusable.

The Commission is now asked to approve the Final Site Plan for a development that will add 244 units and likely more than 250 additional cars to an already unsafe pedestrian environment. The Commission in its findings states that, "Due to roads being under private ownership, cooperation with the developer will be required to address these

concerns. The Applicant notes that [they] will continue to work with City Staff and the developer to determine any appropriate measures should be taken [sic]. City Staff and the developer [has] participated in discussions on how pedestrian safety can be addressed and are still ongoing [sic]. “ (See pp. 482-483). The Applicant states that it “is aware of the safety concerns, particularly concerns regarding pedestrian safety, expressed by several neighbors regarding intersections in the vicinity of the Property. The Applicant will continue working with City Staff and the master developer to determine any appropriate measures that should be taken in this regard.” (See p. 517).

Enough. If the Master Developer and the Applicant wish to proceed, then let them both work with City Staff immediately and without further delay to obtain approval of the Final Site Plan in full compliance with the Commission’s legal obligation to protect the health, safety and welfare of current and future residents. Solutions might include flashing pedestrian yield signs and lights, speed bumps and other reasonable means of protecting pedestrians in the neighborhood. If one of the visions of Downtown Crown is a walkable environment, then make it so. At present, during certain times of the day, crossing certain busy streets is like playing Russian roulette.

Since we ourselves already have experienced multiple near misses, we are obligated now to put the master developer, the Applicant, and the City of Gaithersburg Planning Commission on actual written notice. If we are injured or killed through no fault of our own while crossing in the crosswalk at either Diamondback Drive or at Copley Place (at right angles to the proposed development at 333 Ellington Boulevard), we or our legal representatives will hold all persons involved legally responsible to the maximum extent permitted by law. Depending upon various scenarios, parties may include the adverse driver, the master developer, the Applicant, the City of Gaithersburg and members of the Planning Commission individually and jointly. In view of the specific facts and circumstances presented herein and the actual knowledge on the part of the master developer, the Applicant, the City of Gaithersburg and members of the Planning Commission of known and imminent existing traffic hazards to residents of Downtown Crown, immunity may or may not apply.

Most reasonable observers would likely agree that any further delay in addressing current pedestrian concerns as part of the approval process of the subject 244-unit multi-residential development will be shocking to the conscience. Let any discussions lead to tangible actions—and forthwith.

Thank you for your kind attention in this regard.

Best wishes,

Tom Conway

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