

Comments of Steven McKay (3810 Shakespeare Way, Monrovia, MD) in OPPOSITION to the Proposed New Preliminary/Final Site Plan Approval for the Landsdale PUD

I am hereby submitting these comments for the record of your deliberations on this proposed new approval for the Landsdale PUD. You are being asked to re-approve this Preliminary/Final Site Plan. It is reportedly very similar to the current approval, a portion of which is set to expire this year. On the surface, this would seem to be a simple matter and I suspect many, if not all of you, would vote favorably. However, as you deliberate this issue, I wish to point out that it is not so simple. In fact, I will argue that this developer has been in violation of his Phase 1 zoning approval for years now, and you should in no way award this behavior with your continued consent and approval.

So what am I talking about? The issue concerns Ed McClain Road. When this development was first approved, Ed McClain Rd was barely a lane and a half of unlined country road. The developer rebuilt the southern portion of the road – from the development entrance south to MD80. However, nothing was required and nothing has been done to improve the northern portion of the road. It remains a narrow unlined farm road. To add insult to injury, when the Monrovia Town Center was approved, there were again no mitigation requirements for the northern section of Ed McClain. In fact, during that hearing process, the County’s senior traffic engineer Ron Burns acknowledged that this was probably a mistake. I point this out because we in the community remain VERY sensitive to this critical oversight and to the problems it continues to create on the road.

During the Landsdale Phase 1 approval process, Staff and the BoCC acknowledged this issue (somewhat) and put in place two key conditions on the approval:

- 1) Traffic from the development would be inhibited from turning left out of the development, in the northbound direction of Ed McClain, and
- 2) There was to be no construction traffic on the northern portion of Ed McClain.

Both of these points were conditions of the Phase 1 zoning approval, and both of these points continue to be violated to this date.

There are currently two entrances from the community to Ed McClain Rd. The southernmost entrance was constructed with a physical median to inhibit left turns. I know that some cars will still make the awkward left turn, but I accept that this is what the developer can reasonably do. The northern entrance, which will one day be the middle entrance and (may) link to the road through the Monrovia Town Center property, however, has no such physical median. The photos below were taken by me last summer. The right side of each photo shows the center median which cars drive past to exit onto Ed McClain Rd. The median is straight and does nothing to inhibit left turning vehicles. In fact, I stood there with Ron Burns one afternoon and witnessed four out of five cars making the left turn to go northbound on Ed McClain, in clear violation of the Phase 1 zoning approval. Admittedly, there is a sign stating no left turn – which was ignored by those drivers – but this is not sufficient and was NOT the mitigation strategy stipulated by the BoCC. The discussion at that time was always about a physical median to impede left turns and this hasn’t been accomplished.



I understand that this intersection was ultimately intended to go through, via a connector road, to MD 75. However, we don't know when or if that will ever happen. In the meantime, there were no conditional statements on when the Landsdale developer was no longer obliged to inhibit left turns – they were simply supposed to make it happen and they haven't. One day, there may be a connector road to MD 75. Until that time, this intersection should be redone to match the southern development entrance, including a physical median that inhibits left turns onto Ed McClain Rd. **Ed McClain Rd was not designed for the level of traffic generated by this development. This is a major safety issue. You cannot ignore this issue and should not let the developer continue to ignore it!**

The second Phase 1 approval condition that I refer to is the prohibition on construction vehicle traffic. It couldn't be a clearer issue. The vehicles were forbidden from the northern portion of Ed McClain as a condition of Phase 1 approval. Unfortunately, this has been habitually violated throughout the entire construction of this development. Local residents have complained to the County, and they have complained to the Sheriff's Department. My understanding is that both entities have spoken with the developer – yet, the problem remains unabated. The photos below were taken just last August by me.

I followed this dump truck from MD 75 up Ed McClain Rd, along the portion clearly marked as forbidden to construction traffic. You can clearly see the danger of this situation. This is a narrow road, with an uphill curve. This particular truck left no space for opposing traffic and actually had to stop before the top of the hill because it couldn't navigate the road.

This situation occurs multiple times a week, every week! This isn't an isolated incident, it's an all too frequent occurrence! So what has the developer done? They put up a sign, shown amidst the photos, telling drivers not to use the road. And the sign, like the ones on the other side of Ed McClain, are ignored. These drivers are subcontractors working for this developer. They are the developer's responsibility. Their violations are the developer's violations. Ultimately, the zoning condition prohibiting this traffic falls to the developer, and the developer alone!



In summary, you are being asked to approve these plans. These plans were ill-conceived from the outset, given their ignorance and failure to properly mitigate the road conditions on Ed McClain Rd. This is a serious issue. It threatens the health, safety, and welfare of the residents along this road. You now have the opportunity – and the RESPONSIBILITY – to seriously address this issue. I urge you to vote AGAINST this approval, at least until such time that this developer makes meaningful changes to stop these violations. If there are current mitigation measures being considered – wonderful – however, you should HOLD on approving these plans until these measures have been implemented and shown to correct these issues.

In addition to these very important issues, I would also raise the following questions about the developer's current plans and status with respect to their APFO LOU. I point these out because I would think that the answers would meaningfully inform your decision on these plans before you.

- 1) At what point must building permits be stopped prior to the construction of the connector road to MD 75? As you are undoubtedly aware, the prospects for Monrovia Town Center beginning construction and contributing to the connector road are ambiguous, at best. This road was to be a principal traffic mitigation measure for Landsdale. In fact, it was intended to alleviate the inclination of drivers using Ed McClain to the north. Given the

absence of any progress on the connector road, at what point must building permits cease?

- 2) At what point must building permits be stopped prior to the construction of the water tower? Again, this is a condition of Landsdale's build-out that is dependent on Monrovia Town Center. At what point must Landsdale cease building in the absence of the water tower?

Thank you for your attention to this urgent matter.

Steve McKay