

January 21, 2026

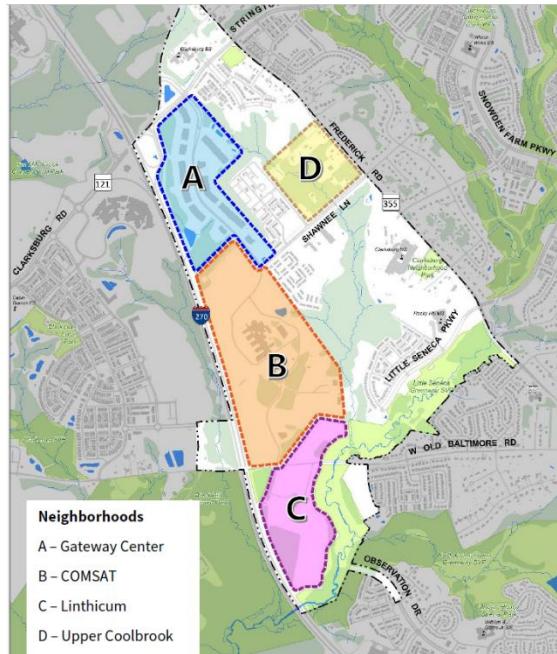
The Honorable Natali Fani-González
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: Public Hearing Testimony on Clarksburg Gateway Sector Plan

Dear Council President Fani-González and Members of the County Council:

This firm represents JNP Capital Management and Avanti Properties Group (together “JNP/Avanti”) as the developer and contract purchaser of the Linthicum Property, the second largest development parcel in the Clarksburg Gateway Sector Plan (the “Plan”). The Linthicum Property consists of 78 acres located in the southern portion of this sector plan area, and is designated as Neighborhood C on the Plan excerpt shown below.

Figure 1 – Neighborhood Districts Map



JNP/Avanti proposes to deliver a new residential community of approximately 700 units on the Linthicum Property, consisting of a mix of multi-family, town home, duplex, and single-family units. See Figure 2 below. This development would help the County achieve a significant goal of the Plan by substantially increasing the amount and variety of housing available in Clarksburg. Not only will the

amount of housing available in Clarksburg increase, but the proposed neighborhood is uniquely situated to take advantage of scenic views of the Little Seneca Stream Valley to the east and promote the active engagement of future residents with the surrounding environment, to ultimately create a neighborhood Clarksburg residents will be excited to call home.

Figure 2 – JNP/Avanti's Linthicum East Concept Plan

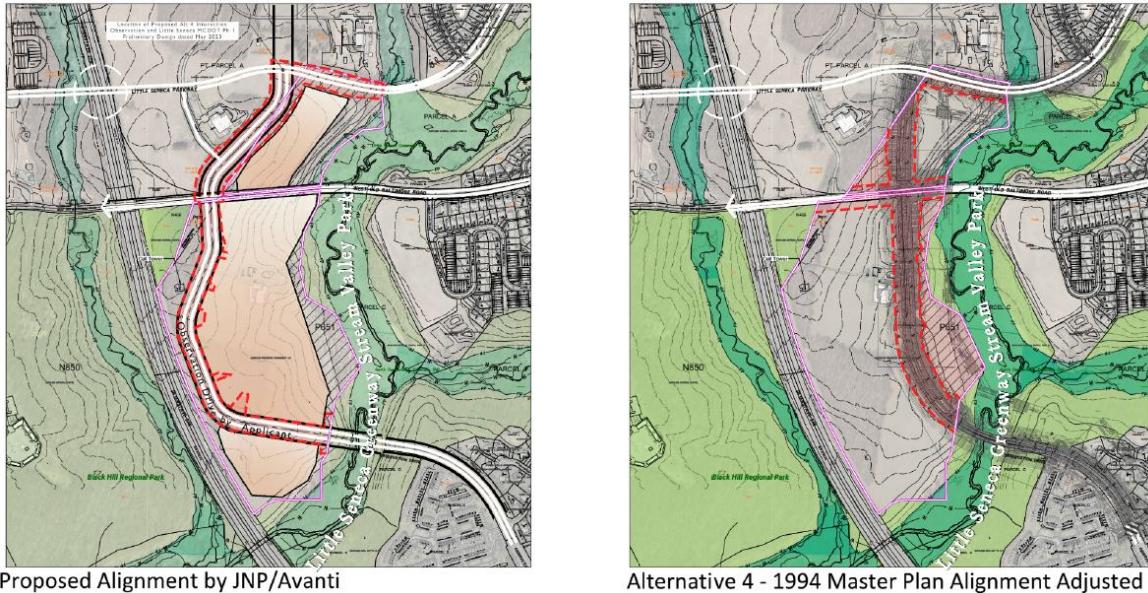


The Draft Plan recommended by the Planning Board is the product of much thought and robust discussion over numerous work sessions. JNP/Avanti engaged with the Planning Board and Planning Staff throughout the process and appreciates the hard work and thoughtful consideration given to the details of this Plan. While JNP/Avanti believes that the Draft Plan is successful in many aspects, there are a few key areas in which more work is needed to ensure that this Plan can be implemented as intended in the future. This letter seeks to highlight some of the successes of the Draft Plan, identify areas in which more work is needed, and suggest potential improvements for the Council's consideration.

1. JNP/Avanti support the realignment of Observation Drive Extended as recommended in the Draft Plan.

JNP/Avanti engaged in the early phase of the CGSP's development process to encourage Planning Staff to revise the alignment of the portion of Observation Drive that traverses through the Linthicum Property. The 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* proposed the construction of Observation Drive in close proximity to the Little Seneca stream valley. The Draft Plan proposes a realignment that shifts Observation Drive closer to I-270 on the western portion of the Linthicum Property as depicted below.

Figure 3 – Proposed Observation Drive Realignment



Planning Staff and the Planning Board both recognized the benefits of shifting the alignment of Observation Drive as proposed by JNP/Avanti. This alignment will minimize the grading necessary to build Observation Drive Extended and reduce environmental impacts in the Little Seneca stream valley.

As part of the proposed development, JNP/Avanti has begun discussions with MCDOT to bring Observation Drive Extended online faster than the standard CIP process would allow by entering into a Road Participation Agreement. This road has been planned since 1994 and is an essential piece of the overall future transportation network in a more developed Clarksburg. JNP/Avanti also engaged during

the Planning Board process to ensure that street sections proposed for Observation Drive Extended adequately provide for essential elements such as stormwater management within the right-of-way. These steps demonstrate JNP/Avanti's commitment to working with County stakeholders to finally implement this long-awaited transportation improvement for the greater Clarksburg community.

2. The Planning Board correctly decided against including a 200-foot setback for residential development along I-270 in the Plan.

Although Planning Staff initially recommended a 200-foot setback from I-270 for all residential development, the Planning Board correctly concluded that such a requirement would do more harm than good by unnecessarily burdening residential development in the Plan area. On the Linthicum property alone, JNP/Avanti anticipates that a 200-foot setback would result in 22-26% or approximately 150-180 fewer achievable units. Such a drastic reduction in units could jeopardize the feasibility of the project, and would at the very least significantly detract from the stated goal of the Plan to provide more housing in Clarksburg. Figure 4 below provides a visualization of the impact on the Linthicum Property.

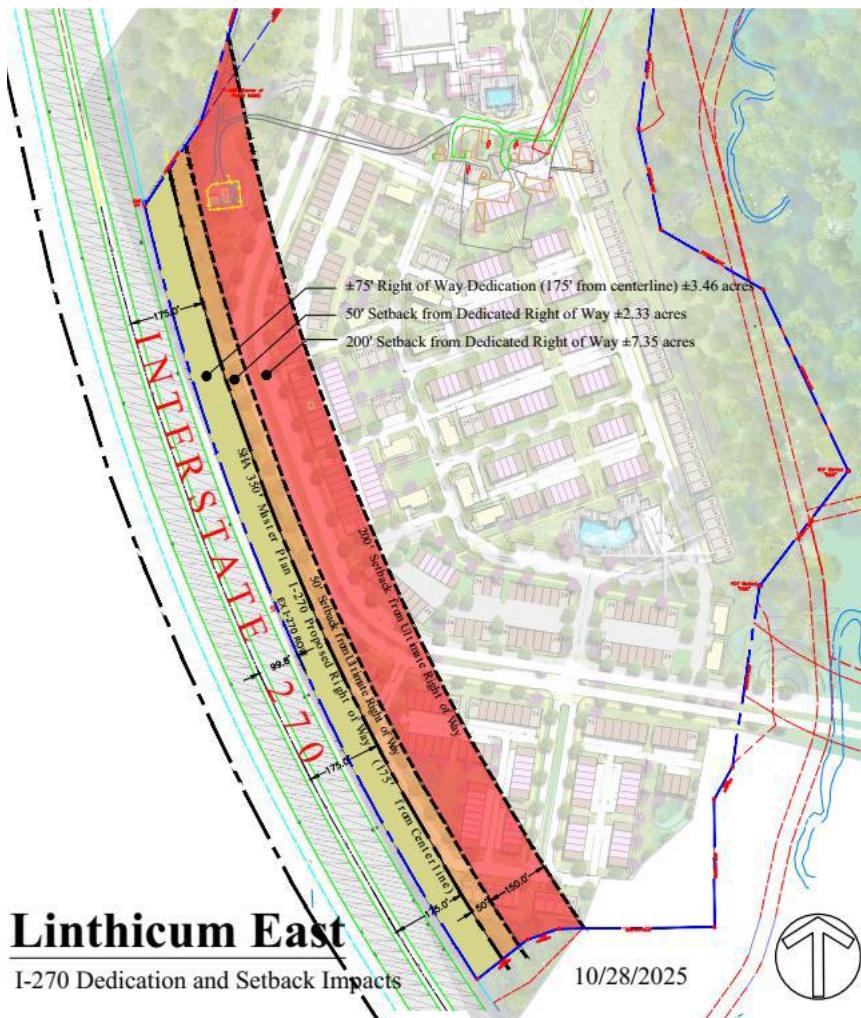


Figure 4 – I-270 Dedication and Setback Impacts

In addition to the obvious loss of units in the red shaded 200-foot setback area shown on Figure 4 above, the reconfiguration necessary to work with the existing slope of the Linthicum Property will result in excessive grading that will have a cascading effect and compromise additional units outside the setback area. Not only would the housing delivered in the Plan area be substantially reduced, but this reduction in density would also inhibit JNP/Avanti's ability to facilitate faster construction of Observation Drive Extended through the Road Participation Agreement.

JNP/Avanti has designed and built projects in our region that are accessible via roads/highways as well as transit sited close to residential communities. JNP/Avanti recognizes, and so did the Planning Board, that while a 200-foot setback is too aggressive, a reasonable buffer from I-270 should be planned to provide adequate separation from the highway for the proposed residential development on the Linthicum Property. To that end, the Draft Plan now calls for (i) a 75-foot right-of-way dedication along I-270 from the Linthicum Property that due to existing utility and gas lines will likely never be utilized and remain as a vegetated buffer, (ii) an additional 50-foot forested buffer along the ultimate I-270 right-of-way line; and (ii) a further sound wall if required under the County's Noise Ordinance. These requirements will allow for residential development that maximizes new housing while ensuring the completed neighborhood is one that is a highly sought after place to live, work, and play.

3. The Planning Board's recommendation for green cover is well reasoned and should be adopted in the Plan.

Planning Staff's initial recommendation for green cover in this Plan was "a minimum of 35% green cover over a property's developable area, calculated on a net tract area basis, excluding forest conservation easements." This recommendation failed to appreciate the context of this Plan. The vast majority of development in this Plan area will be in the form of greenfield development on two major properties, which in and of itself requires a different approach to the concept of green cover than in the urban infill context where the County has previously used a 35% green cover requirement. Furthermore, it did not consider that a large portion of the developable area on the Linthicum Property was sacrificed to relocate Observation Drive in an effort to better preserve the stream valley running along the eastern side of the Linthicum Property.

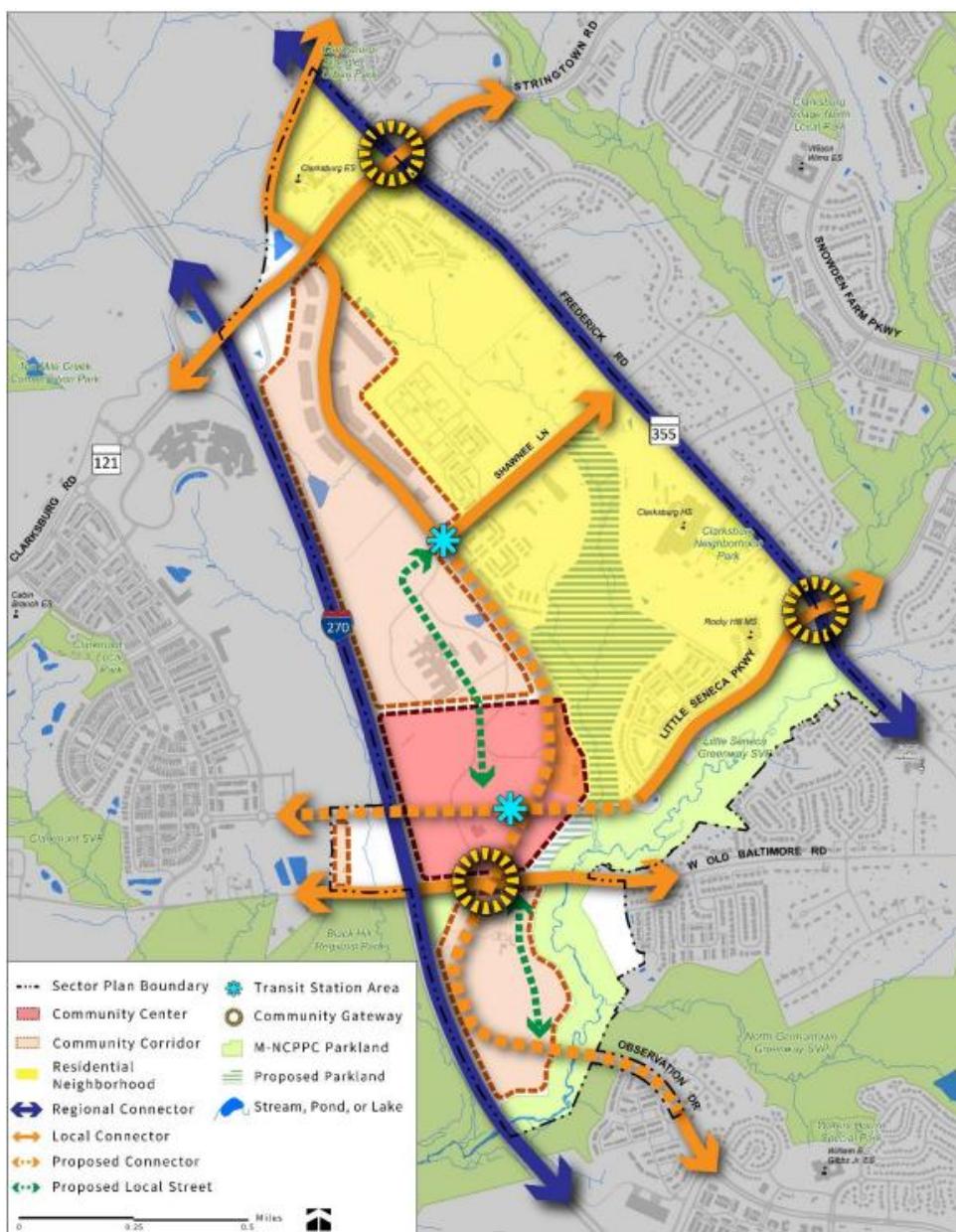
After much discussion with Staff and careful consideration of a significant amount of written and oral testimony on the issue, the Planning Board ultimately recommended the language in the Draft Plan, which is much more suitable for this Plan than the initial Staff recommendation. The revised language recognizes that provision of green cover can come in many forms and that regardless of whether the green cover is located on private property, land dedicated for public right-of-way, or parkland, it provides a benefit to the residents of that community.

Accordingly, JNP/Avanti supports the language in the Draft Plan and respectfully urges the Council to adopt the green cover language without further revision.

4. Current depictions and descriptions of proposed parkland within the Plan area are confusing with respect to the Linthicum property and should be revised for clarification.

The Draft Plan in several cases depicts or describes proposed parkland in areas of the Linthicum Property which JNP/Avanti believes, based on prior staff reports and discussions during the Planning Board review process, were unintentional. Specifically, The Concept Framework Plan on Page 21 of the Draft Plan depicts part of the piece of the Linthicum Property north of W. Old Baltimore Road and south of Little Seneca Parkway as being proposed parkland.

Figure 5 – Concept Framework Plan



The Planning Board received, and Staff and the Board together rejected testimony calling for an extension of proposed parkland in this area to provide better stream protection, as Parks staff noted that any needed preservation would be assessed as part of future development review.

Figure 6 – Excerpt from Work Session #5 Staff Report

Parks, Open Spaces, and Recreation – Testimony Review

TESTIMONY

Expanded Parkland along Little Seneca Greenway Stream Valley Park

- One testimony suggests revisions that on the Linthicum property, the County should preserve more land either through private conservation easements or public parkland dedication in the following locations to provide better stream protection: along the western edge of Little Seneca Creek, and along the western edge of the Cool Brook Tributary, above its confluence with Little Seneca Creek. (Comment #117)

Staff Response: The Draft Plan recommends protection of the Cool Brook Tributary stream valley upstream from Little Seneca Greenway Stream Valley Park, either through conservation easement or parkland dedication (Recommendation 3.E.6.a, p. 68 and Recommendation 3.F.13, p. 76). **Parks Staff does not support additional plan recommendation to expand Little Seneca Greenway Stream Valley Park along the eastern property line of the Linthicum Property since preservation of any sensitive environmental areas in this location may be considered as part of future development review.**

Staff does not recommend revisions to the Draft Plan in response to testimony

 Clarksburg Gateway Sector Plan | Work Session

Proposed parkland in this area shown on Figure 5 would be inconsistent with other Plan recommendations and discussion at the Planning Board discussing the implementation of parklands in the Plan area. At Page 81, the Plan describes a Coolbrook Stream Valley Park that would run “between the end of Little Seneca Parkway and Shawnee Lane,” which is north of the Linthicum property and the area shown on Figure 5. Additionally, recommendations for the Linthicum Neighborhood on Page 105 only refer to potential parkland in the context of the broader Constellation Park network, which is intended to be “centrally located in the Plan area, along or near Observation Drive, and to the extent possible should be proximate to residential development.” (Draft Plan, Page 79). The area shown as proposed parkland on Figure 5 is inconsistent with that vision of the Constellation Park as it is neither centrally located nor sited near Observation Drive.

JNP/Avanti has already met with Parks staff to begin discussing its potential contribution to the Constellation Park network and has identified an ideal location for an active park site. The active park space would be partially comprised of an existing parkland parcel and would be sited north of an existing cell tower on the Linthicum Property, bounded by I-270 to the west, W. Old Baltimore Road to the north, and future Observation Drive Extended to the east, circled in red on the mark up of Figure 7 below.

Figure 7 – Mark Up of JNP/Avanti’s Linthicum East Concept Plan



This assemblage would aid Montgomery Parks in putting its existing unusable parkland parcel to better use and provide part of the Constellation Park network with a centrally located active park space directly accessible from future Observation Drive Extended. In addition to this public park, JNP/Avanti would provide smaller open spaces throughout the proposed residential development to create as many outdoor amenities as possible for neighborhood residents.

Figure 8 – Linthicum Property/M-NCPPC Future Public Park Assemblage



The current Draft Plan is consistent with this vision for the Linthicum Property, but clarifying language would help ensure that JNP/Avanti and future reviewers during the regulatory stage are on the same page about what public park and privately owned public space offerings will satisfy the Plan.

JNP/Avanti therefore requests that the following revisions, which are supported by Montgomery Parks, be incorporated into the Linthicum Neighborhood recommendations at Page 105, Paragraph 6:

“Public open space required as part of new development should include ~~one or more~~ a larger privately owned public spaces or parks that ~~are~~ is part of the recommended Constellation Park network, as well as smaller open spaces throughout the residential community. The Constellation Park network requirement can be met by providing an active park space sited on land that is assembled together with an adjoining parkland parcel located north of the existing cell tower – bounded by I-270 to the west, West Old Baltimore Road to the north and future Observation Drive Extended to the east. These areas Open spaces should be welcoming and foster opportunities for social connection, exposure to nature, and recreation. They should include neighborhood-serving amenities, such as community gardens, playgrounds, benches, and picnic shelters.”

Updating this language and revising the Concept Framework Plan shown in Figure 5 above accordingly would bring the Draft Plan into conformance with the intent of the Planning Board and prevent confusion during regulatory review in the future.

5. The Plan should not require the Linthicum Property to provide a coordinated grid of public streets with the COMSAT laboratories property, as it is highly unlikely the two properties will be under review simultaneously.

The Draft Plan proposes on Page 105 that “the Linthicum Family property should establish compatible development blocks that consider adjacent development and a coordinated grid of public streets with the adjacent former COMSAT Laboratories property.” An image on Page 66 of the Draft Plan shown here as Figure 9 depicts a concept design of such a coordinated grid.

Figure 9 – Community Design Concept Illustration



The overall street network will be in accordance with the Plan for each property; however, it is not practical to have a coordinated internal street network with properties that are under separate ownership, developed at different times and with different overall concepts. JNP/Avanti has come forward with a highly thought-out concept plan that it is prepared to implement soon after the adoption of this Plan. The COMSAT Laboratories property, on the other hand, is still considering several concepts and does not appear to be ready to move forward immediately after Plan approval with development. It would be unwise to include the above language and image in the Plan when it could result in the delay of build out and delivery of the housing proposed on the Linthicum Property.

The Community Design Concept Illustration is also problematic because it includes elements such as a large open space located differently from where JNP/Avanti has located a similar space or spaces in its concept plans. This discrepancy could cause unnecessary confusion during regulatory review as Planning Staff attempt to implement the Plan as adopted. Other provisions of the Plan adequately ensure

that open spaces will be provided on site, so there is no reason to unintentionally create confusion with the proposed illustration.

JNP/Avanti respectfully requests that the Council delete the language on Page 105 and the Community Design Concept Illustration, or at least make significant revisions to avoid the potential confusion described above.

Thank you for your consideration of these comments and suggestions. JNP/Avanti looks forward to continuing to work with the County to make this Plan a reality for the current and future residents of Clarksburg.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC



Soo Lee-Cho