

September 15, 2025

Via Electronic Mail

President Kate Stewart and Members of the
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

**Re: University Boulevard Corridor Plan (Planning Board Draft) — Four Corners Properties
(Public Hearing: September 16, 2025)**

Dear Council President Stewart and Members of the Council:

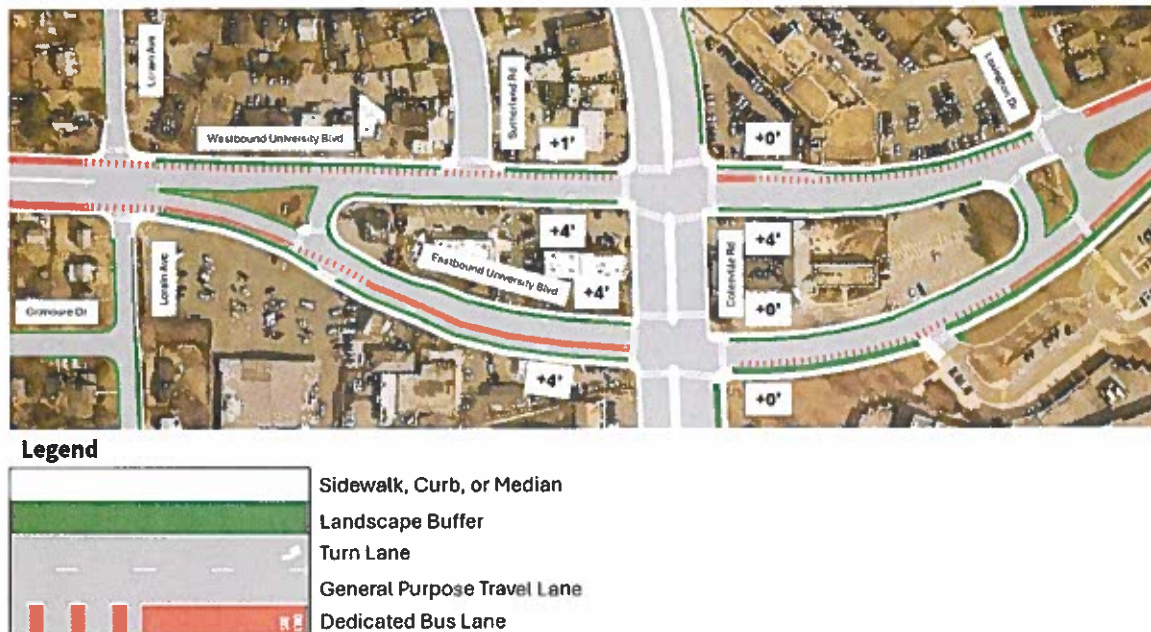
On behalf of Montgomery 1936 Land Company, LLC (“MLC” or the “Company”), the owner of several properties located in the Four Corners area, shown as Areas 1, 2, and 3 on Attachment I (collectively, the “Property”), we present these written comments as our client’s testimony on the Planning Board Draft *University Boulevard Corridor Plan* (the “Draft Plan”). Our client supports the Draft Plan recommendations for zoning changes to encourage reinvestment (Planning Board Draft Plan, Four Corners West Neighborhood, p. 65), but has significant concerns about the impact of transportation and right-of-way recommendations that are likely to functionally prevent the intended reinvestment.

These zoning recommendations lay the foundation for meaningful long-term change. However, corresponding recommendations that call for added dedications of frontage areas, can seriously undermine the reinvestment opportunities. Without refinements, several of the Draft Plan recommendations could unintentionally impair existing businesses, compromise circulation, and render redevelopment of uniquely constrained parcels—particularly those properties in the “island” between the separated lanes of University Boulevard in Four Corners—infeasible. As you can see from Attachment I, MLC owns properties (1) in the “island” formed by the separated lanes of University Boulevard and west of Colesville Road, and (2) on the south side of eastbound University Boulevard, also west of Colesville Road. Without adjustment and recognition of the need for flexible responses to physical conditions, the Draft Plan risks sacrificing viability and functionality on the altar of dedicated lanes for transit service of untested efficiency and no certainty of intended success.

I. Right-of-Way Acquisition and Site Functionality

The Draft Plan recommends expanded rights-of-way and redesigned intersections at Four Corners to improve pedestrian safety and accessibility (Draft Plan, Four Corners Street Network, p. 105). While these goals are laudable, and may be necessary, given the existing conditions of the surrounding transportation network, their implementation in this context risks disproportionately impacting already constrained parcels. Specifically, on Four Corners island sites, even a modest

frontage expansion can collapse internal circulation aisles, prevent safe alignment with service station pumps, and eliminate queuing space for existing drive-throughs. Additional measures, such as reducing curb radii and consolidating driveways, are also recommended by the Draft Plan, which can further constrain operational feasibility (Draft Plan, Four Corners Long-Term Vision, p. 113).



Planning Board Draft Plan, Figure 74: Four Corners Aerial and Near-Term Recommendations.

As currently drafted, the scale of recommended takings would substantially reduce parcel depth and disrupt the ability of existing businesses to operate safely. Even a modest reduction of two to three feet can eliminate queuing and maneuvering space that today supports angled parking, safe turning movements at gasoline pump islands, and drive-through lanes. In some cases, the loss of frontage depth would render pump islands or drive aisles unusable, creating operational hazards that may force complete business closure, loss of jobs, and correspondingly require full property acquisition, beyond just added right-of-way.

The Planning Board Draft Plan highlights larger properties in Four Corners as key redevelopment opportunities, recommending that future redevelopment provides new public open space and consistent street frontages (Planning Board Draft Plan, Four Corners North Neighborhood, p. 67). Unlike the constrained “island” parcels, however, larger sites benefit from larger dimensions and greater depth, making it more likely possible to absorb right-of-way impacts, while still meeting the Plan’s urban design goals. This contrast underscores the need for differentiated treatment: larger parcels may be able to accommodate right-of-way expansion and urban design upgrades without compromising functionality, but these on the “island” and smaller, shallower parcels cannot. Without flexibility, right-of-way takings in Four Corners will create a two-tiered outcome where larger sites can redevelop, while smaller, constrained parcels are left significantly compromised for future development.

We therefore urge the Council to adopt a context-sensitive right-of-way policy for Four Corners that prioritizes minimizing impacts on parcels and existing businesses while achieving the Draft Plan's pedestrian and safety objectives. This policy should include:

- Eliminating or reducing continuous planter walls along constrained frontages (which can themselves be a safety hazard creating reduced visibility) in favor of curbs, segmented landscaping, or bollards. This would preserve maneuvering space for vehicles to provide access to neighborhood services such as food services, drive-throughs, parking fields, and fueling stations, while still achieving a high-quality streetscape.
- Allowing targeted curb adjustments at driveways to maintain adequate throat length for ingress/egress, queuing, and preserve turning radii necessary for safe access to and from on-site operations.
- Where strict spacing standards would eliminate site specific feasible access, authorize reduced spacing to maintain circulation, while still improving safety.
- Recognizing that constrained parcel depths and fractured parcel ownership limit internal circulation options, and therefore allow administrative flexibility in the approval for drive-through stacking, bypass lanes, and internal loading areas that deviate from prescriptive standard dimensional requirements.

By incorporating these recommendations or similar measures, the Plan can achieve its safety and public realm goals while preventing unintended economic displacement. Without these protections, right-of-way takings at Four Corners risk destabilizing viable neighborhood-serving businesses and leaving behind vacant or underutilized parcels at precisely the location where the Plan seeks redevelopment.

State Highway Administration ("SHA"). Overlaid on all of the roadway recommendations in the Draft Plan, and the discussion above, must be the reality that the two main roads at issue are state highways. In addition to the needed State approvals for Plan recommendations, the SHA is in the process of performing its own analysis of MD Route 193 (University Boulevard). To our knowledge, that analysis has not yet been made available, but could result in conflicts with the recommendations of the Plan.

II. Four Corners Island Parcels and Redevelopment Constraints

The unique geometry of the Four Corners island parcels naturally imposes redevelopment challenges. Bounded on all sides by the University Boulevard and Colesville Road, these properties do not have a clear "rear area" to accommodate parking, loading, or service facilities. At the same time, the Draft Plan sets ambitious urban design expectations, including consistent building frontages, activated ground floors, and provision of publicly accessible open space (Draft Plan, Urban Design Recommendations, pp. 65–67). The law already includes requirements for open space, recreation, forest conservation, all on top of directions in the Draft Plan. Applied strictly, these standards are likely unachievable in the existing Four Corners context. Moreover, after potential right-of-way reductions, properties located in the Four Corners island may be too

narrow for double-loaded structured parking or efficient building design for potential residential uses. To this end, the northern and southern frontages of these properties function as “primary” frontages, making compliance with zoning transparency and build-to requirements impractical. Without flexibility, the redevelopment encouraged by the Draft Plan is extremely challenging and nearly infeasible for these properties.

III. Relief Mechanisms to Enable Redevelopment

To resolve these constraints and potential conflicts between the Draft Plan recommendations and proposed zoning, the Plan should expressly call for or recommend the liberal use of existing relief mechanisms under County law. To this end, Subdivision Waivers under Chapter 50 allow relief from frontage, block size, or open space standards where strict compliance is infeasible due to site geometry. Four Corners island properties are exactly the type of properties for which subdivision waivers are intended. Additionally, alternative compliance, use of site plan review, and other relief established under the Zoning Ordinance permit deviations from strict standards—such as frontage, transparency, screening, or parking placement—when equal or better design outcomes can be achieved. For example, with relief from specific site design requirements, an island parcel could propose parking between building and street on one frontage in exchange for enhanced public space on the other. The approved Plan should also encourage flexible application of site plan findings, emphasizing that achieving the intent of activated frontages and public realm improvements may override strict application of the Zoning Ordinance’s dimensional and bulk regulations. This relief could also be built into the planned overlay zone for the area.

To effectively acknowledge the need for flexibility, we suggest adding the language below to the Plan in the discussion of near-term recommendations and long-term vision on pages 106-114:

“In evaluating plans for use of properties with frontage on University Boulevard west of Colesville Road, including, without limitation, expansion, reconfiguration, repair, renovation, modernization, and redevelopment, this Plan supports very flexible application of zoning and subdivision requirements in order to accommodate the impacts of near-term and long-term roadway recommendations, including, for example, the use and liberal construction of alternative compliance, subdivision waivers, and variances from Zoning Ordinance Development Standards.”

By recognizing these conflicts and appropriate relief mechanisms, the Plan can provide a predictable pathway for redevelopment of constrained parcels, while maintaining its urban design goals. Without recommendations for these relief mechanisms, the zoning changes proposed in the Draft Plan will likely remain aspirational and not practical to translate into reinvestment.

IV. Street Network and Connectivity

The Draft Plan’s long-term vision proposes “a more connected network of Town Center Streets” to improve multimodal safety and create a more regular block pattern (Draft Plan, Four Corners Long-Term Vision, p. 113). While connectivity is important, the language as drafted could be misinterpreted to require new public streets across island parcels in Four Corners. Such a

requirement would fragment properties into unusable remnants and preclude rational redevelopment. The ultimately approved Plan should clarify that connectivity in Four Corners will be achieved through perimeter improvements, cross-access easements, and shared driveways, not through subdivision of these already constrained parcels. On the other hand, if “a more connected network” is coded camouflage language for a grid pattern of streets, the Draft Plan should be upfront on the issue, so that the public weighs in on the reality.

V. Treatment of Existing Auto-Oriented Uses

The Planning Board Draft Plan contemplates phasing out auto-oriented uses, such as drive-throughs and filling stations, to support a more pedestrian- and transit-oriented environment (Draft Plan, p. 105). While this may be a legitimate long-term governmental goal, outright prohibition creates immediate near-term and long-term consequences for the businesses and property owners, as well as the surrounding neighborhood. These specific uses, which currently exist in Four Corners, are viable neighborhood-serving businesses which are patronized by local residents. Rendering these uses as nonconforming would prevent reconfiguration in response to right-of-way acquisition or modernization generally, potentially forcing closures long before redevelopment is feasible. The approved Plan should clarify that such uses may reconfigure within their parcels to restore safe, functioning operations, or for other business purposes, and may modernize within their existing footprints and with responsible expansion. This approach balances the Draft Plan’s long-term redevelopment objectives with short-term viability, and continuity for the consumer community.

In addition to the proposed use restrictions and prohibitions, the near-term effect of various Draft Plan elements is problematic for existing filling stations in Four Corners. Because pumps, canopies, and drive aisles are calibrated to precise tolerances for these uses, even small frontage shifts may make safe operations impossible. Without the ability to reconfigure, these properties could become functionally obsolete, forcing premature closure or costly public acquisition. To prevent this outcome, the approved Plan should clearly state that service stations impacted by right-of-way acquisitions may reconfigure pumps, canopies, and circulation lanes within their parcels as conforming adjustments. Modernization should also not only be permitted but encouraged—such as EV charging stations, canopy replacements, and ADA upgrades—to improve environmental and safety performance. These changes are consistent with County climate and mobility objectives while ensuring continuity of valued services during implementation of the Plan.

VI. Implementation and Phasing

The Planning Board Draft Plan outlines several infrastructure and design changes, including lane reductions, intersection reconfigurations, and new multimodal connections (Draft Plan, pp. 105, 113). However, clear timing or sequencing for implementation is not definitively established. Without guidance on timing, funding, or agency responsibility, property owners cannot plan responsibly for leases, tenants, or phased redevelopment. This uncertainty itself deters reinvestment, particularly in Four Corners. The ultimately approved Plan should include an implementation framework that links major improvements to agency responsibility/activity,

funding status, and anticipated timeframes, while encouraging early coordination with property owners. To be successful, public and private actions should be coordinated and occur in tandem.

VII. Conclusion

The Planning Board Draft of the *University Boulevard Corridor Plan* represents a positive step toward improving connectivity and redevelopment potential in Four Corners. By encouraging reinvestment through zoning changes, the Draft Plan lays the groundwork for meaningful transformation. At the same time, the Draft Plan must be careful that its cumulative recommendations do not stifle the ability for that reinvestment. Our proposed revisions—including context-sensitive right-of-way design, explicit recognition of relief mechanisms, tailored flexibility for island parcels, clarification of connectivity expectations, protection of reconfiguration rights for existing uses, and stronger implementation guidance—will ensure the Plan’s vision for redevelopment can be functionally implemented in Four Corners to the benefit of the surrounding community.

Thank you for your consideration of our written testimony. We look forward to testifying in person at the Council’s Public Hearing on September 16, 2025. Please do not hesitate to contact us with any questions.

Very truly yours,

Lerch, Early & Brewer, Chtd.



William Kominers



Vince G. Biase

cc: Mr. Paul Dutko
Mr. Mel Tull
Mr. Robert Graham

ATTACHMENT I

