

RALE

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FOR IMMEDIATE RELEASE

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MONROVIA TOWN CENTER DEVELOPERS DEFY COUNTY COUNCIL BY REFUSING TO COOPERATE IN NEW HEARINGS

HIGHLIGHTS

- MTC's lawyer sends letter to Council stating:
 - MTC "will not submit a new application and will not consent to any procedure with respect to further proceedings before the Planning Commission;" and
 - MTC "has absolutely no intention of presenting its case again . . . to the Planning Commission or providing any additional information to County staff."
- MTC has filed record plat and site plan applications, preempting Council's call for new hearings.

On 1 September 2015 the County Council, responding to a Circuit Court Order, directed that the MTC developers return to the Planning Commission for rezoning proceedings to "begin again."

On 18 November 2015 Mr. Paul Rose, attorney for the developer of the proposed Monrovia Town Center development (MTC) wrote a letter to the Council stating that his client "will not submit a new application and will not consent to any procedure with respect to further proceedings before the Planning Commission." [Attachment 1.] Mr. Rose was writing in response to a November 16 County letter confirming the review process mandated by the Council. [Attachment 2.] RALE's president, Steve McKay, observed that "the developer no longer controls the County's development approval process and so has lashed out at both the County Council and County Executive Jan Gardner" in its November 18 letter.

On September 1 the County ordered that the Planning Commission conduct new proceedings, to create a record free of any taint, and on September 1 had every reason to think that the developer would cooperate. It is now clear it will not do so. RALE has confirmed that following the September 1 hearing, the developer has processed post-zoning documents. RALE relayed its concerns in a November 9 letter to the Council which cited four separate applications, including final approval requests on the site plans for both the residential and commercial

portions of the proposed development. [Attachment 3.] “Rather than restart the process to ensure a full and fair hearing and clean record, as directed by the Council, the developer instead seeks to validate the BOCC’s prior approval,” said McKay. “The Court and the Council have both independently concluded that the prior proceedings were tainted. But the developer seeks to implement the BOCC’s action and by November 9 it was clear to RALE that the developer had no intention of complying with the Council’s decision.”

The Circuit Court sent the matter back to the Council after RALE subpoenaed testimony by former Commissioner Paul Smith to establish the circumstances surrounding the letter from the Frederick Area Committee on Transportation (FACT), including how it came to be and how it was used at the last moment in the BoCC hearings on MTC. The County asked that the matter be remanded to the Council, and while Judge Nicklas concluded “that the testimony of Commissioner Smith is appropriate” granted the Council’s request for a remand.

The Council made the right decision on 1 September, a decision that mirrored comments made by Judge Nicklas regarding the tainted record. Hundreds of local residents have fought for nearly two years for a fair and transparent process on MTC. When the Council voted to restart the process, RALE expected that the parties would proceed in good faith to establish a fair process. The developer’s actions and correspondence confirm that it has no such intention. RALE calls upon the County to take affirmative action to ensure that its decision of September 1 is implemented fully.