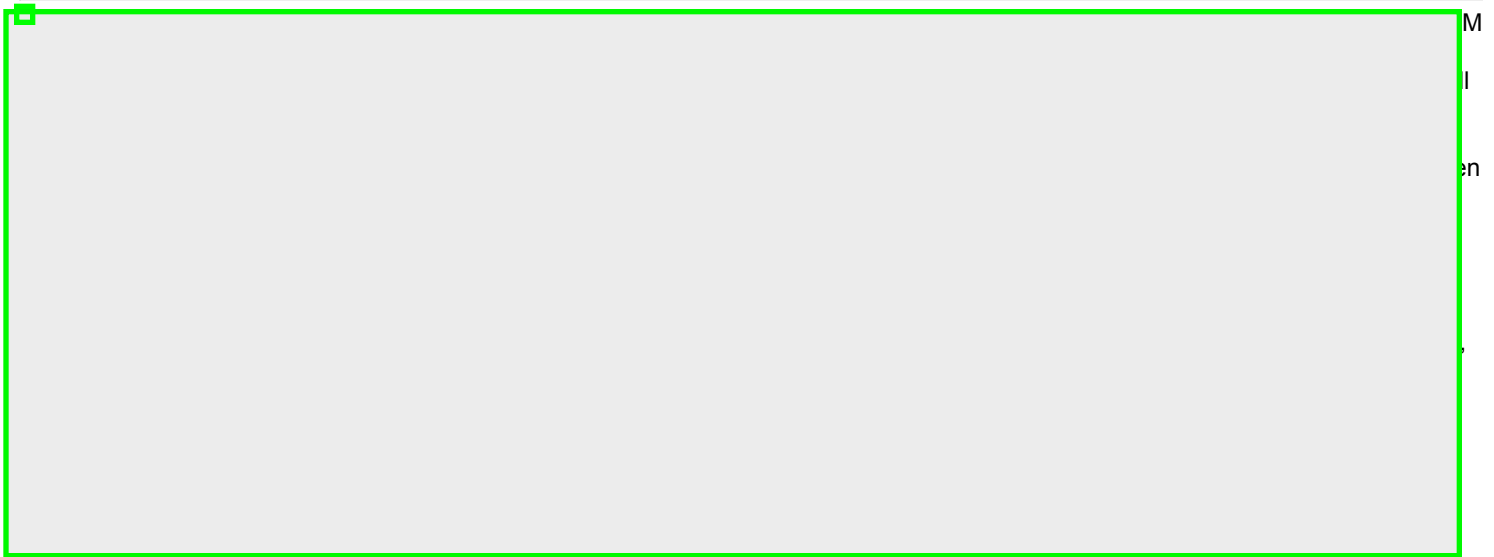


Mission Helper: Update

19 messages



Neighbors: The developer and its attorney Rob Hoffman met with me and Herb O'Connor on Wednesday, and they presented a revised plan. Here is a [link](#), and a copy is attached. The red lines are the proposed new siting for the six buildings, and I have added red arrows to show traffic flow. As you will see, the only change is to move all six buildings 10' north and west; everything else -- the 40 units, the six buildings, the clubhouse, and the 80 new residents -- stays the same as presented before. The revised plan also calls for all traffic in the complex to be routed counter-clockwise onto a one-way Mission Helper Drive that empties onto Chestnut at a relocated security gate.

I was disappointed by this response. In our June "[Statement of Priorities](#)," we made eight specific proposals for alternative site designs and traffic solutions, but they rejected all of them out of hand. Especially puzzling was their response to our request for traffic to be one-way into the project (to minimize traffic competing with existing congestion on Chestnut), which was to propose the exact opposite and funnel all outgoing traffic from the project (and existing Blakehurst residents as well) onto Chestnut.

The core issue that divides us is the number of additional residents allowed on the property. The number of people allowed will drive the number of buildings and the amount of additional traffic. The property is governed by a [1989 Consent Order](#) by the Board of Zoning Appeals (BZA) that resolved these same density and traffic disputes between the neighborhood and the developer 30+ years ago, and which gave birth to Blakehurst. That compromise 1989 agreement between the neighbors and the developer which the BZA adopted in its Consent Order allows Blakehurst to expand into the Mission Helper parcel by 40 additional units *but limited to 54 additional residents*, part of an overall population/density cap that was key to the 1989 agreement. The developer now wants to ignore that limitation and allow 80 people to live there. Those additional 26 residents means one or two additional buildings, and 26 additional cars using Chestnut as their only egress.

This was the second meeting we had with Rob Hoffman (lead attorney) to try and reach a compromise, but it does not appear that his clients are in a mood to yield on the 80 additional

residents. We kept asking "why should we void the agreed-upon population cap now," but got no answer. The only thing they offered was the possibility of extending the existing moratorium on construction south of Cemetery Road (which currently expires in 2042), but that does not address the density and traffic concerns issues their proposal will generate. We are still talking, but I expect them to file shortly, as soon as next week.

The initial battle will be over the development process the developer must follow. Since 1989, the Consent Order and the development plan have been **modified eight times**, all with the consent of the neighbors. The one time the developer tried to amend the Consent Order without the neighbors' consent (in 2000 to add more parking), **the BZA said no and instructed the developer** to obtain the neighbors' consent for that and all future changes. The developer followed that path in 2015 when -- with our consent -- it added eight memory care units. The law also supports the common sense conclusion that only the parties to a consent agreement can modify their own agreement. Hoffman disagrees with this analysis and has indicated that he may seek to obtain development approval without neighbors' consent. There is also a separate zoning process that must be followed. In sum, we may be near the beginning of a long fight.

Please let me know your thoughts, by phone, email, or in person. As a reminder, I am the attorney for the neighborhood Advisory Board which represents all of us in Blakehurst matters. I intend to oppose the developer's applications on behalf of the Advisory Board and seek enforcement of the existing Consent Order and its population cap. Your ideas and feedback are solicited. Thank you.

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