



date: 8/2/2010

scale: 1" = 30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



CONCEPT SITE PLAN
Jackson Property
(P476 & P477; L.27902 f.181)
City of Gaithersburg, Maryland

CONCEPT SITE PLAN NOTES:

1. Area of property - 2.92 acres (127,195 sf)
2. Proposed zoning: RP-T (Medium Density Residential)
3. Proposed use: single-family attached townhomes
4. Permitted density in the RP-T zone - maximum of 9 du per gross acre (26 du)
5. Proposed density - 19 du (6.5 du per gross acre)
6. Existing water and sewer service categories - W-1, S-1
7. Area proposed to be dedicated to City for public streets - 16,700 sf
8. Net tract area after dedication of streets - 110,495 sf
9. Area proposed to be covered by buildings - 12,920 sf (11.2%)
10. Area in lots - 31,770 sf (28.7%)
11. Area proposed for open space - 75,225 sf (68%)
12. Area proposed for forest conservation - 40,000 sf (36%)
13. Area proposed for parking and driveways - 11,000 sf (9.5%)
14. Development Standards:

	Required	Provided
Setback from Emory Grove Road	35'	35'
Setback from Outside Boundary	20'	20'
Maximum Building Height	35'	35' or less
Open Space	50%	62.4%
Common Use Open Space	1,000 sf/du	35,000 sf

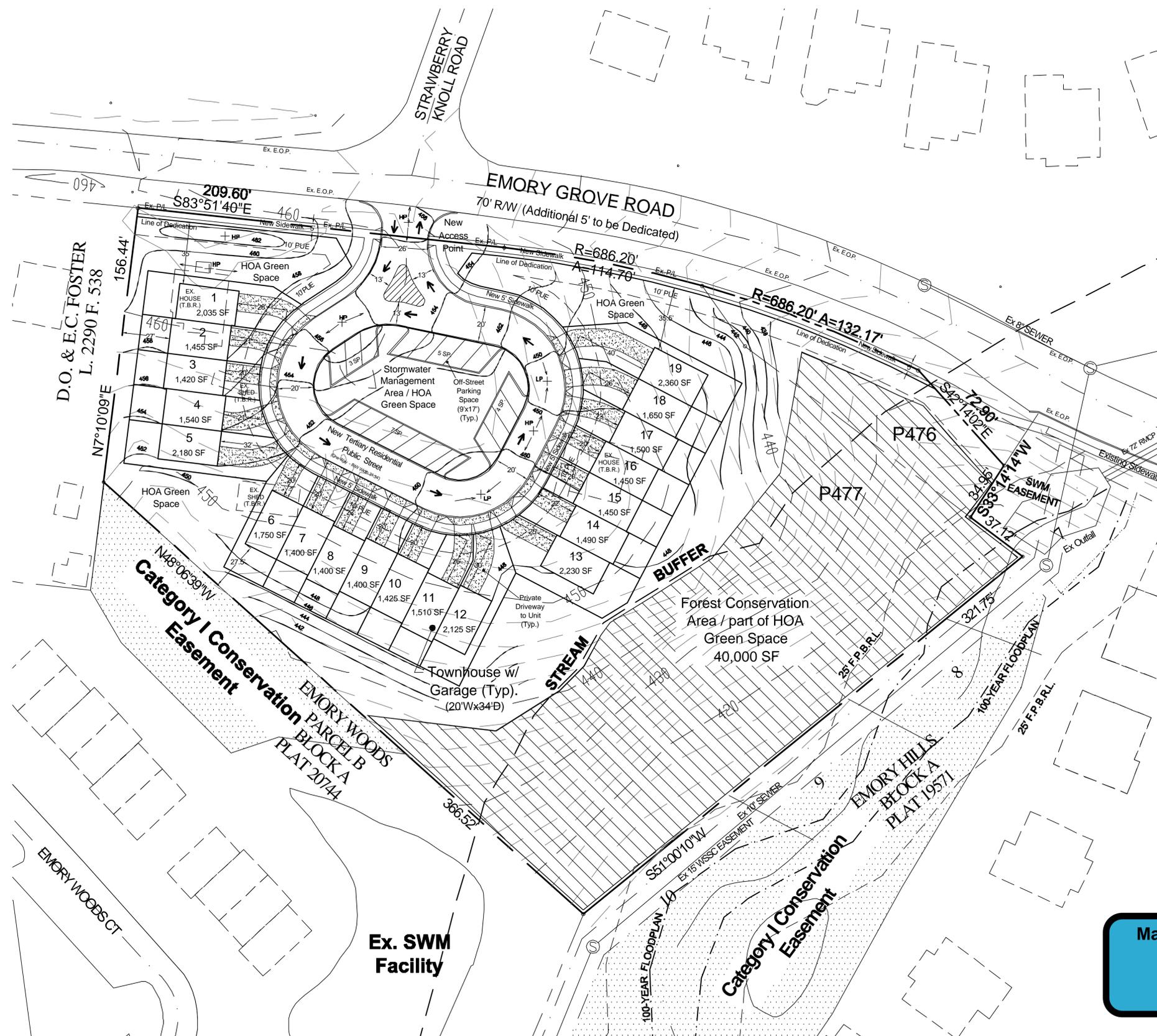
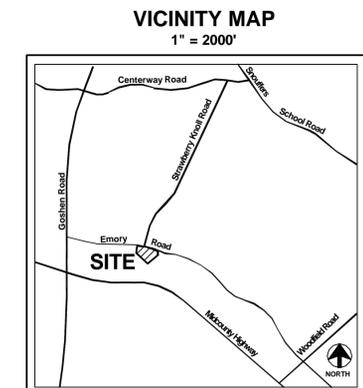
15. Off-Street parking required - 2.5 spaces/du or 47.5 spaces total
16. Off-Street parking provided - 48.5*
* 9.5 spaces for garages (each space counts as 1/2 space),
20 driveway spaces (Lot 19 includes 2), and 19 off-street spaces
17. Stormwater management concept to consist of disconnection of rooftop area with drywells or other containment/infiltration devices, porous pavement for driveways and off-street parking spaces, and bioretention or other similar technique for stormwater from the new public street.
18. Forest conservation requirements to be met with on-site retention of existing forest including protection of forested stream buffer area (0.9 acres±).
19. The floodplain area shown on this plan was taken from plat #19571 for Emory Hills - Lots 7-11.

LEGEND:

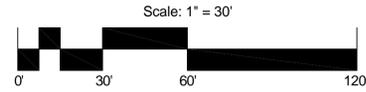
Existing Building	
Proposed Townhouses	
Private Driveways	
Existing Contour	
Proposed Contour	
Stream Buffer	
Forest Conservation	
Vehicular Circulation Flow	
Direction of Slope	

Mayor and City Council
X-183
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PREPARED FOR:
**Habitat for Humanity of
Montgomery County MD, Inc.**
c/o John Paukstis
91100 Gaither Road
Gaithersburg, MD 20877
301-990-0014



NOTE:
Boundary & topographic information shown on this plan from a field survey completed in March 2010 by -
Thomas A. Maddox, Professional Land Surveyor
8933 Shady Grove Court
Gaithersburg, MD 20877
301-984-5804



From: [Lauren Pruss](#)
To: [Rob Robinson](#)
Subject: FW: Student Generation
Date: Wednesday, September 29, 2010 9:33:02 AM

-----Original Message-----

From: Crispell, Bruce [mailto:Bruce_Crispell@mcpsmd.org]
Sent: Tuesday, September 28, 2010 5:59 PM
To: Lauren Pruss
Subject: RE: Student Generation

Laureen,

Those figures are correct.

Bruce

Bruce Crispell

Director, Division of Long-range Planning
Montgomery County Public Schools
(240) 314-4702 (office)
(240) 314-4707 (fax)

2096 Gaither Road - Suite 201
Rockville, Maryland 20850
bruce_crispell@mcpsmd.org

-----Original Message-----

From: Lauren Pruss [<mailto:LPruss@gaithersburgmd.gov>]
Sent: Tuesday, September 28, 2010 9:42 AM
To: Crispell, Bruce
Cc: Rob Robinson
Subject: Student Generation

Bruce,

Could you please confirm the following student generation rates for a 19 unit townhouse project:

4 elementary school students (19 units x 0.181 generation rate = 3.4)
3 middle school students (19 x 0.114 generation rate = 2.2)
3 high school students (19 x 0.156 generation rate = 2.9)
10 total students

Thanks for your help.

Sincerely,

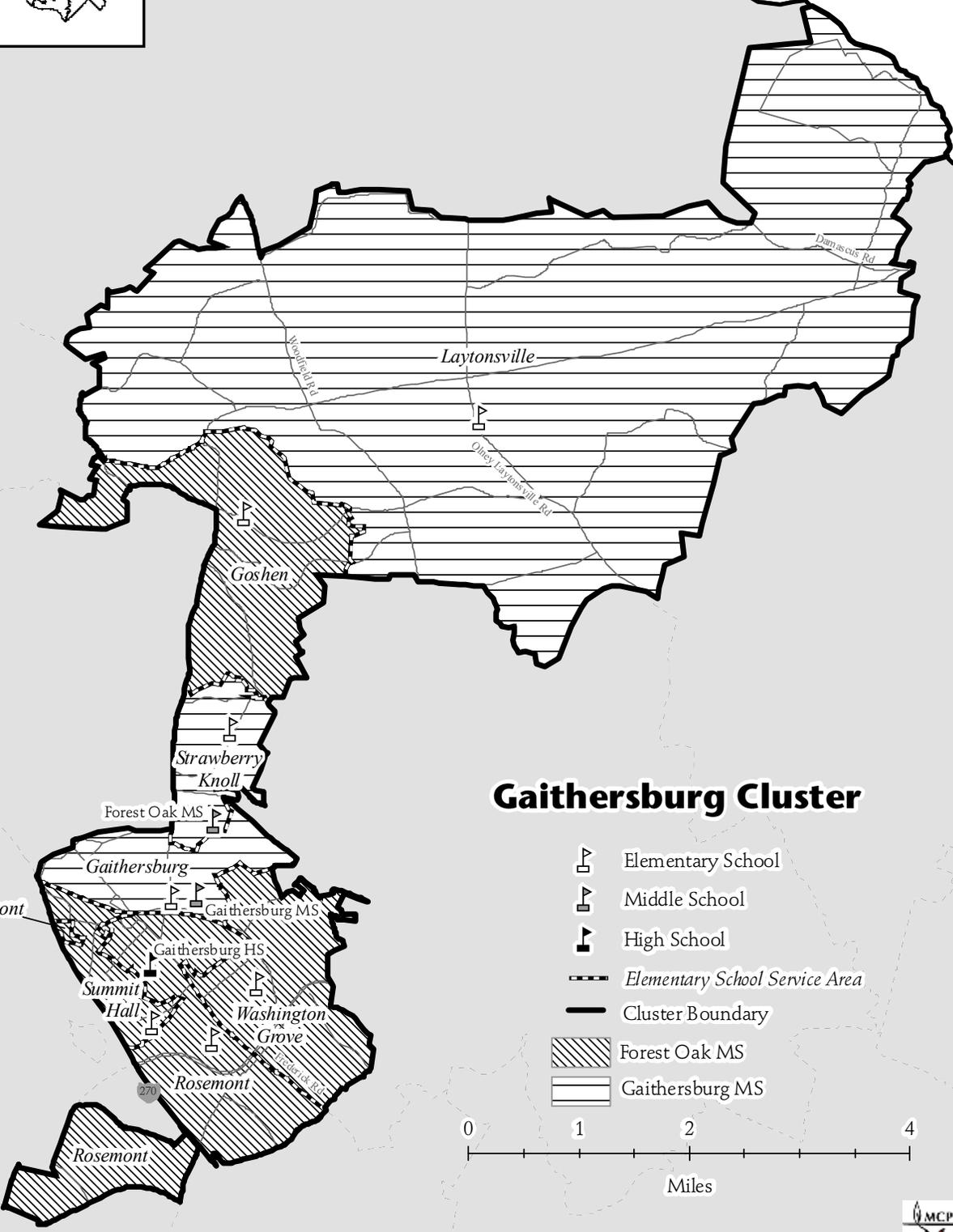
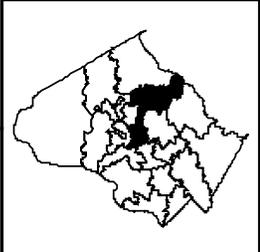
Lauren Pruss
Planning Director
Planning and Code Administration
City of Gaithersburg
31 S. Summit Ave.
Gaithersburg, MD 20877-2098
301-258-6330

Mayor and City Council
X-183
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301-258-6336 (fax)

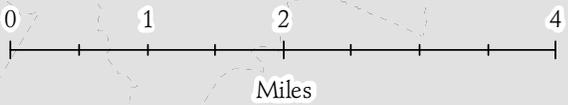
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The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council



Gaithersburg Cluster

- Elementary School
- Middle School
- High School
- Elementary School Service Area
- Cluster Boundary
- Forest Oak MS
- Gaithersburg MS



Montgomery County Public Schools - Division of Long-range Planning - October 13, 2009

CLUSTER PLANNING ISSUES

Planning Issue: The Shady Grove Sector Plan will increase housing around the Shady Grove METRO station. Most of the new development is located within the Gaithersburg Cluster.

SCHOOLS

Gaithersburg High School

Capital Project: A modernization project is scheduled for this school. An FY 2010 appropriation was approved for planning funds to begin the architectural design of the modernization. The scheduled completion date for the modernization of the facility is August 2013 with site work scheduled for completion in August 2014. In order for this modernization to be completed on schedule, county and state funding must be provided at the levels approved in this CIP.

Capital Project: The Department of Health and Human Services (DHHS) Capital Budget includes planning funds for the architectural design of a School-based Wellness Center at this school. The design and construction of the Wellness Center will be included as part of the modernization of the school.

Gaithersburg Middle School

Capital Project: Restroom renovations are approved for this school for completion in the 2010–2011 school year.

Laytonsville Elementary School

Capital Project: Restroom renovations are approved for this school for completion in the 2015–2016 school year.

Strawberry Knoll Elementary School

Utilization: Projections indicate enrollment at Strawberry Knoll Elementary School will exceed capacity by four classrooms or more by the end of the six-year planning period. Enrollment will be monitored to determine the need for a future project. Relocatable classrooms will be utilized until additional capacity can be added.

Summit Hall Elementary School

Utilization: Projections indicate enrollment at Summit Hall Elementary School will exceed capacity by four classrooms or more by the end of the six-year planning period. Enrollment will be monitored to determine the need for a future project. Relocatable classrooms will be utilized until additional capacity can be added.

Washington Grove Elementary School

Capital Project: Projections indicate enrollment at Washington Grove Elementary School will exceed current capacity by four classrooms or more throughout the six-year period. An FY 2008 appropriation for construction was

approved to construct a 12-classroom addition. The addition project opened in January 2010.

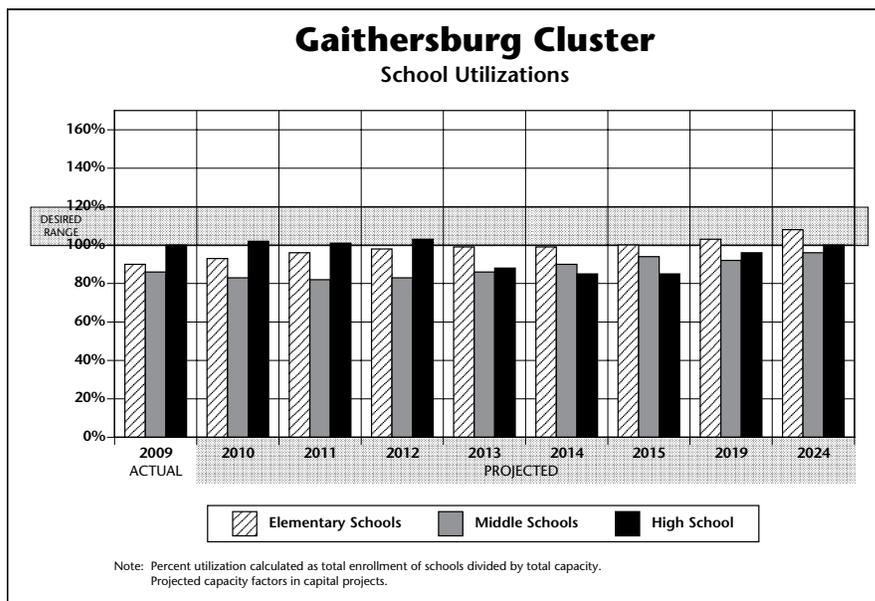
CAPITAL PROJECTS

School	Project	Project Status*	Date of Completion
Gaithersburg HS	Modernization	Approved	Aug. 2013
	Site work	Approved	Aug. 2014
	Wellness Center	Approved	Aug. 2013
Gaithersburg MS	Restroom renovations	Approved	SY 2010–2011
Laytonsville ES	Restroom renovations	Approved	SY 2015–2016
Washington Grove ES	Classroom addition	Approved	Jan. 2010

*Approved—Project has an FY 2011 appropriation approved in the FY 2011–2016 CIP.

Programmed—Project has expenditures programmed in a future year of the CIP for planning and/or construction funds.

Proposed—Project has facility planning funds approved for the FY 2010 Capital in the FY 2011–2016 CIP for a feasibility study.



GAITHERSBURG CLUSTER

Projected Enrollment and Space Availability
Effects of the Adopted FY 2011–2016 CIP and Non–CIP Actions on Space Available

Schools		Actual	Projections								
			09–10	10–11	11–12	12–13	13–14	14–15	15–16	2019	2024
Gaithersburg HS	Program Capacity	2009	1992	1992	1992	2284	2284	2284	2284	2284	2284
	Enrollment	2013	2014	2017	2060	2005	1951	1948	2000	2050	
	Available Space	(4)	(22)	(25)	(68)	279	333	336	284	234	
	Comments		+1 SCB	Replacement of School in Progress		Replace. Complete Aug. 2013	Site Work Complete Aug. 2014				
Forest Oak MS	Program Capacity	886	886	886	886	886	886	886	886	886	
	Enrollment	847	854	786	764	811	821	849	900	925	
	Available Space	39	32	100	122	75	65	37	(14)	(39)	
	Comments										
Gaithersburg MS	Program Capacity	881	881	865	865	865	865	865	865	865	
	Enrollment	671	657	647	681	700	748	789	800	825	
	Available Space	210	224	218	184	165	117	76	65	40	
	Comments			+1 AUT							
Gaithersburg ES	Program Capacity	740	740	740	740	740	740	740			
	Enrollment	531	581	619	636	647	655	644			
	Available Space	209	159	121	104	93	85	96			
	Comments										
Goshen ES	Program Capacity	632	632	632	632	632	632	632			
	Enrollment	594	599	599	588	582	574	581			
	Available Space	38	33	33	44	50	58	51			
	Comments										
Laytonsville ES	Program Capacity	487	487	487	487	487	487	487			
	Enrollment	472	478	464	490	503	487	490			
	Available Space	15	9	23	(3)	(16)	0	(3)			
	Comments										
Rosemont ES	Program Capacity	608	608	608	608	608	608	608			
	Enrollment	501	509	537	556	574	581	575			
	Available Space	107	99	71	52	34	27	33			
	Comments										
Strawberry Knoll ES	Program Capacity	467	467	467	467	467	467	467			
	Enrollment	549	561	581	574	575	573	569			
	Available Space	(82)	(94)	(114)	(107)	(108)	(106)	(102)			
	Comments										
Summit Hall ES	Program Capacity	449	439	439	439	439	439	439			
	Enrollment	498	527	525	540	541	558	547			
	Available Space	(49)	(88)	(86)	(101)	(102)	(119)	(108)			
	Comments		+ HSM								
Washington Grove ES	Program Capacity	515	505	505	505	505	505	505			
	Enrollment	360	373	401	420	432	447	473			
	Available Space	155	132	104	85	73	58	32			
	Comments	Addition Complete Jan 2010	+ HSM								
Cluster Information	HS Utilization	100%	101%	101%	103%	88%	85%	85%	88%	90%	
	HS Enrollment	2013	2014	2017	2060	2005	1951	1948	2000	2050	
	MS Utilization	86%	86%	82%	83%	86%	90%	94%	97%	100%	
	MS Enrollment	1518	1511	1433	1445	1511	1569	1638	1700	1750	
	ES Utilization	90%	94%	96%	98%	99%	100%	100%	103%	106%	
ES Enrollment	3505	3628	3726	3804	3854	3875	3879	4000	4100		

GAITHERSBURG CLUSTER

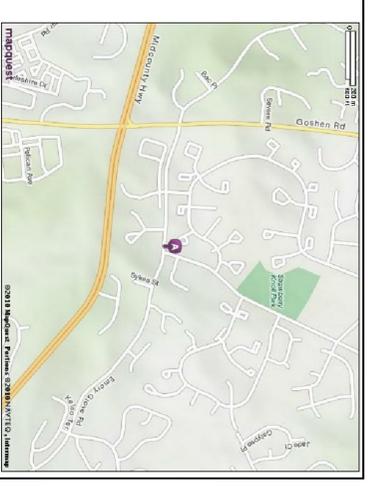
Facility Characteristics of Schools 2009–2010

Schools	Year Facility Opened	Year Reopened Mod.*	Total Square Footage	Site Size Acres	Adjacent Park	FACT Assess. Score	Child Care**	Reloc-atable Class.	LTL/SBHC***
Gaithersburg HS	1951		323,476	40.8	Yes	1214		3	
Forest Oak MS	1999		132,259	41.2					Yes
Gaithersburg MS	1960	1988	157,694	22.82					Yes
Gaithersburg ES	1947		94,468	8.39		TBD	Yes		Yes
Goshen ES	1988		76,740	10.5				1	
Laytonsville ES	1951	1989	64,160	10.4				1	
Rosemont ES	1965	1995	88,764	8.9			Yes	1	Yes
Strawberry Knoll ES	1988		78,723	10.8	Yes			4	
Summit Hall ES	1971		68,059	10.2	Yes	TBD		6	Yes
Washington Grove ES	1956	1984	86,266	10.7		TBD		9	Yes

*Schools with a date before 1986 underwent a renovation, not a full modernization of the facility. Schools that were reopened but not fully modernized or completely rebuilt, will be included in the assessments for future modernization based on the year the school was originally opened. See Appendix K for additional information.

**Private child care is provided at the school during the school day.

***LTL=Linkages to Learning. SBHC=School-based Health Center that includes Linkages to Learning.



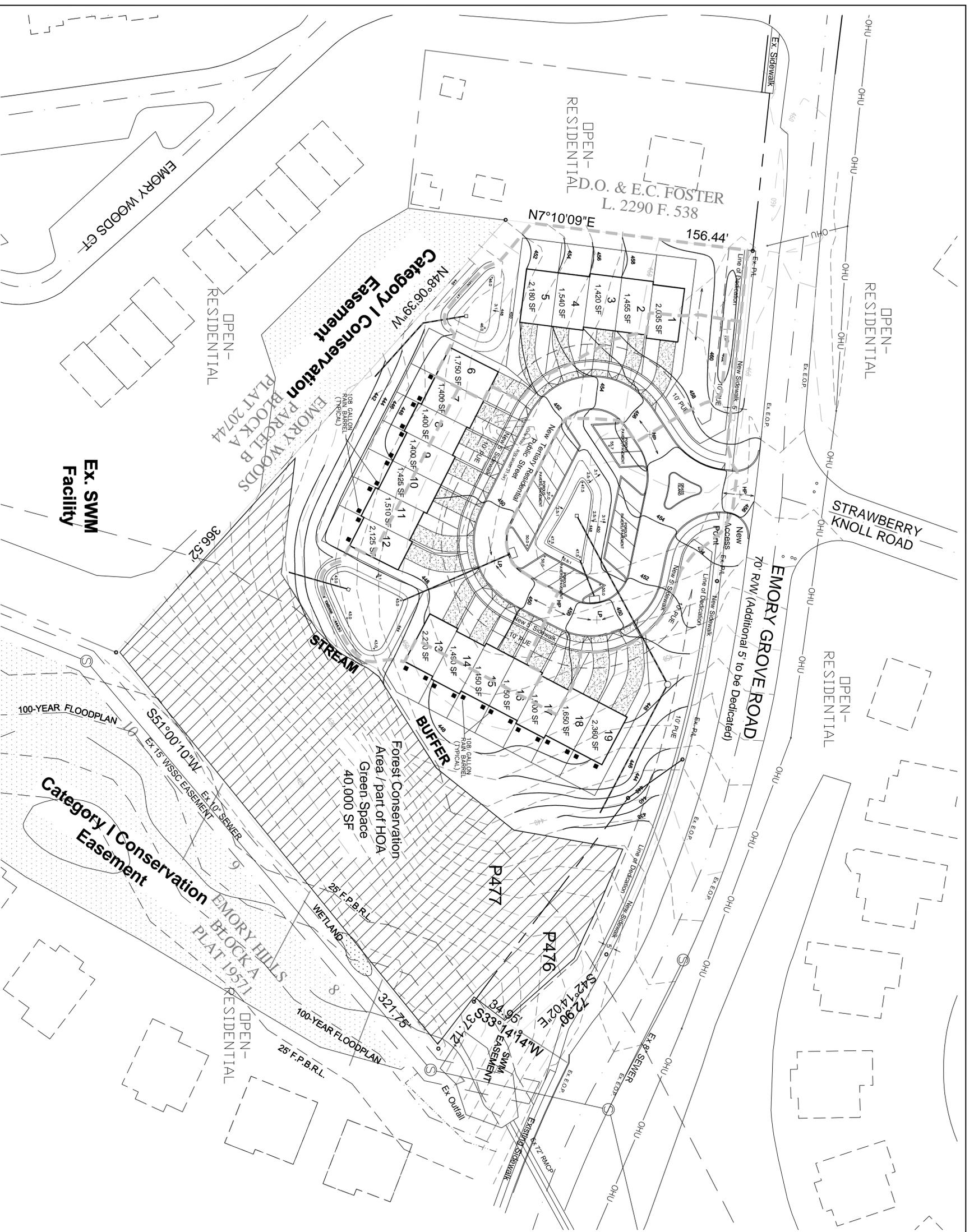
VICINITY MAP

GENERAL NOTES:

1. THIS PROPERTY IS LOCATED ON TAX MAP P163 AND W.S.S.C. SHEET 225NW09.
2. THE SUBJECT PROPERTY IS WITHIN THE SENECA CREEK WATERSHED.
3. THE SUBJECT PROPERTY IS IN THE RP-1 ZONE.
4. BOUNDARY & TOPOGRAPHY SHOWN HEREON IS BASED ON A FIELD SURVEY COMPLETED IN MARCH 2010 BY THOMAS A MADDOX PROFESSIONAL LAND SURVEYOR.

SWM CONCEPT NOTES

1. QUALITY CONTROL FOR A PORTION OF THE HOMES, PUBLIC DRIVEWAY APRONS, PUBLIC SIDEWALK & PUBLIC ROAD WILL BE PROVIDED BY UTILIZING (3) BIO-RETENTION BMP'S.
2. ALL PRIVATE PORTIONS OF THE DRIVEWAYS, ALONG WITH THE PROPOSED PARKING SPACES SHALL BE POROUS PAVEMENT.
3. QUALITY CONTROL FOR THE REMAINING ROOFTOP AREAS SHALL BE PROVIDED BY UTILIZING 108 GALLON RAIN BARRELS AT EACH DOWNSPOUT.



Mayor and City Council
X-183
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PREPARED FOR:
Habitat for Humanity of Montgomery County MD, Inc.
c/o John Paukstis
91100 Gaither Road
Gaithersburg, Maryland 20877
301-990-0014

<p>ENGINEERING JAS DESIGN LLC 5105 MOUNT OAKS SANCTUARY DRIVE BOWIE, MD 20720 PHONE (301)-262-1630 FAX (301)-262-1680</p>	<p>DRAWN BY: JAS DATE: OCTOBER 2010 SCALE: 1" = 30' SHEET NO.: 1 OF 1 DWG FILE: 1385MCMC.DWG</p>												
<p>P476 & P477 JACKSON PROPERTY 9TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND</p>	<p style="text-align: center;">STORMWATER MANAGEMENT CONCEPT PLAN</p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 80%;">REVISIONS</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISIONS										
NO.	DATE	REVISIONS											



Gaithersburg
A CHARACTER COUNTS! CITY

October 7, 2010

Mr. Jeff Zyontz
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: X-183 Jackson Property Annexation to the City of Gaithersburg

Dear Mr. Zyontz;

The City of Gaithersburg has received a petition for annexation for the Jackson Property located at 9000 and 9020 Emory Grove Road. The subject property encompasses approximately 2.9 acres of land. The proposed annexation petition includes a proposed conceptual development plan. The plan proposes 19 townhouse units contained in three buildings.

Official notification, along with an outline for extension of services and public facilities, will be transmitted upon advertisement of the public hearing to be held by the Mayor and City Council as required by Article 66B. This hearing is tentatively scheduled for December 6, 2010. In accordance with Article 66B, advertising for the public hearing will begin on October 27, 2010.

Attached you will find a copy of the complete record received to date. Also included is a copy of the draft annexation agreement, and a tentative timeline for processing of the application by the City of Gaithersburg. You may contact me, Greg Ossont, or Rob Robinson with any questions you may have regarding the application.

Sincerely,

Lauren Pruss
Planning Director
Planning and Code Administration

Mayor and City Council
X-183
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LP/lp

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

CITY MANAGER
Angel L. Jones



October 8, 2010

The Honorable Nancy Floreen
Montgomery County Council
6th Floor
100 Maryland Avenue
Rockville, MD 20850

Re: X-183 Jackson Property Annexation to the City of Gaithersburg

Dear Ms. Floreen;

The City of Gaithersburg has received a petition for annexation for the Jackson Property located at 9000 and 9020 Emory Grove Road. The subject property encompasses approximately 2.9 acres of land. The proposed annexation petition includes a proposed conceptual development plan. The plan proposes 19 townhouse units contained in three buildings.

Official notification, along with an outline for extension of services and public facilities, will be transmitted upon advertisement of the public hearing to be held by the Mayor and City Council as required by Article 66B. This hearing is tentatively scheduled for December 6, 2010. In accordance with Article 66B, advertising for the public hearing will begin on October 27, 2010.

Attached you will find a copy of the original application received by the City. Also included is a copy of the draft annexation agreement, and a tentative timeline for processing of the application by the City of Gaithersburg. You may contact me or Rob Robinson with any questions you may have regarding the application.

Sincerely,

Greg Ossont, Director
Planning and Code Administration

LP/go

Mayor and City Council
X-183
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City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

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ALEM BELAYNEH
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ROBERT E & BARBARA W GARRARD
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LUDMILA RAKITINA
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JAMES C & JEANNETTE B GRIFFITHS
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GAITHERSBURG MD 20877

ANDREW L & ALBINA RUKHIN
10 SYKES ST
GAITHERSBURG MD 20877

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GAITHERSBURG MD 20879

EMORY WOODS HOA INC
C/O ALLIED REALTY CORP
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BETHESDA MD 20814

HIDDEN CREEK I LLC
C/O CENTEX HOMES
14121 PARKE LONG CT #201
CHANTILLY VA 20151

DONALD O & EVA C FOSTER
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LESLIE G & C J LATTIN
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C/O COMSOURCE MNGMT INC
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OLNEY MD 20832

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Rockville, MD 20852

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Gaithersburg, MD 20877

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Mr. Claude Lumpkins
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Silver Spring, MD 20902

Mr. Mike Potter
M.T.M Management Associates
Cedar Village
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Damascus, MD 20872

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Gaithersburg, MD 20877

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Rockville, Maryland 20816

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Allied Realty
Emory Woods Homeowners
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Bethesda, MD 20814

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Foxwood Homeowners Association
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M.T.M Management Associates
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Damascus, MD 20872

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Audubon Square HOA, Inc.
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Germantown, MD 20875-1130

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Germantown, MD 20875

Mr. Craig Chung
The Management Group
Gateway Commons HOA
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Germantown, Maryland 20874

Mr. Dan Lowery
ComSource Management, Inc.
Hidden Creek Homeowners Association
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Olney, MD 20832

Ms. Carla Johnson
Bennington
Bennington Community Association, Inc.
29 Goodport Lane
Gaithersburg, Maryland 20878

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Abaris Realty, Inc.
Brighton East Condominium II
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Rockville, MD 20852

Ms. Barbara B. Jensen
Quantum
Brighton West Condominium III
5101 River Road, Suite 101
Rockville, Maryland 20816

Ms. Karen Cooper
Paul Associates, Inc.
Carolann Courts Condominium
6935 Wisconsin Avenue Suite 400
Chevy Chase, MD 20815

Ms. Theresa Nolan
Affiliated Property Management
Copperfield Crossing Condominium I
PO Box 8205
Gaithersburg, MD 20898-8205

Mr. Glenn Loveland
Abaris Realty, Inc.
Cross Green Condo's at Lakelands
12009 Nebel Street
Rockville, MD 20852

Ms. Margaret Neal
President
Dorsey Estates Homeowners Association
11535 Sullnick Way
Gaithersburg, MD 20877

Ms. Lisa Franklin
PROCAM
Fireside Condominium
14904 New Hampshire Avenue
Silver Spring, Maryland 20905

Ms. Shireen Ambush
Abaris Realty, Inc.
Gateway Park at Washingtonian Center
12009 Nebel Street
Rockville, MD 20852

Mr. David Studley
President
Hidden Orchards
716 Beacon Hill Terrace
Gaithersburg, MD 20878

Mr. Tom Armstrong
President
Joan's Hill
108 Longdraft Road
Gaithersburg, Maryland 20878

Mr. Jeff Kivitz
Main Street Property Management, Inc.
Kentlands Condominium II
9 Park Avenue
Gaithersburg, MD 20877

Mr. Jeff Kivitz
Main Street Property Management, Inc.
Kentlands Condominium V
9 Park Avenue
Gaithersburg, MD 20877

Mr. Richard Skobel
Main Street Property Management, Inc.
Kentlands View Condominium, Inc.
9 Park Avenue
Gaithersburg, MD 20877

Mr. Michael LaPrade
ComSource Management, Inc.
Lakelands Heathwalk Condominiums
3414 Morningwood Drive
Olney, MD 20832

Ms. Shireen Ambush
Abaris Realty, Inc.
Lakelands Ridge Condo 1
12009 Nebel Street
Rockville, MD 20852

Ms. Shireen Ambush
Abaris Realty, Inc.
Lakelands Ridge Condo 4
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Rockville, MD 20852

Mr. Ibrahim Dukuly
Lighthouse Property Management, LTD
Lilac Gardens Condominiums
P.O. Box 5379
Takoma Park, MD 20913

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Community Association, Inc.
Montgomery Meadows
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Germantown, MD 20875-1130

Mr. Rick Hinton
Vista Management
Newport Estates Section III
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Silver Spring, MD 20902

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Community Management Corporation
Kentlands Citizens Assembly, Inc.
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Chantilly, VA 20153

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Rockville, MD 20852

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Kentlands Craftstar Condo/Towns
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Gaithersburg, MD 20877

Ms. Lisa Franklin
PROCAM
Lakeforest Glen
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Silver Spring, Maryland 20905

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Lakelands Main Street Condos
12009 Nebel Street
Rockville, MD 20852

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Abaris Realty, Inc.
Lakelands Ridge Condo 2
12009 Nebel Street
Rockville, MD 20852

Ms. Shireen Ambush
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Lakelands Ridge Condo 5
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Gaithersburg, MD 20878

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Gaithersburg, MD 20877

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Gaithersburg, MD 20877

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Kentlands Condominium Association I
9 Park Avenue
Gaithersburg, MD 20877

Mr. Jeff Kivitz
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Kentlands Condominium IV
9 Park Avenue
Gaithersburg, MD 20877

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Community Mngmnt. Corp.
Kentlands Ridge Condominium, Inc.
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Rockville, MD 20852

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Olney, MD 20832

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Rockville, MD 20852

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Olney, MD 20832

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Seneca Mews
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Gaithersburg, MD 20877

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Mr. Mike Potter
M.T.M Management Associates
Woods at Muddy Branch HOA Inc.
26223 Ridge Road
Damascus, MD 20872

From: [Greg Ossont](#)
To: [Rob Robinson](#)
Subject: Fw: Constituent Interest in X-183 Jackson property on Emory Grove Road
Date: Thursday, October 14, 2010 2:35:11 PM

From: Hondowicz, David [mailto:David.Hondowicz@montgomerycountymd.gov]
Sent: Thursday, October 14, 2010 02:18 PM
To: Greg Ossont
Subject: Constituent Interest in X-183 Jackson property on Emory Grove Road

Hi Greg:

Today Councilmember Andrews received an e-mail from Mr. Don Galio, who I believe is a member of the Quail Valley HOA Board, in opposition to the annexation of the Jackson property on Emory Grove Road into the City of Gaithersburg. I spoke with Mr. Galio on the telephone to provide an overview of how the annexation process works from the County perspective, including that I did not yet know if this particular annexation will come before the County Council or not. I also shared with him what I understood the City's timeline to be, including a link to the City Planning Commission's packet for October 20th. It appears that Mr. Galio wasn't aware of City Planning Commission meeting, and that the sign that I assume was posted on the property about the meeting is posted in an area of the property that is hard to read. I gave Mr. Galio your e-mail address, your name and Rob Robinson's, and the main telephone number for your office. I encouraged him to review the Planning Commission staff packet, which I sent him a hyperlink to, and to contact you and/or Rob Robinson for more information from the City's perspective about how this annexation will be reviewed and how he and other interested residents may weigh in.

I've pasted a copy below of Mr. Galio's e-mail to Councilmember Andrews (which includes his daytime contact information). I appreciate any assistance you are able to provide Mr. Galio about the annexation review process for this matter.

All the best,
David

-----Original Message-----

From: Galio, Don [mailto:Don.Galio@hg.doe.gov]
Sent: Thursday, October 14, 2010 8:16 AM
To: Andrew's Office, Councilmember
Subject: Proposed construction of Habitat for Humanity Homes
Importance: High

Councilman Andrews,

In regards to the proposed Annexation of the property located at the intersection of Strawberry Knoll Rd and Emory Grove Rd and the subsequent construction of the Habitat for Humanity homes, I am requesting that you vote against this annexation and construction. Not only will these new homes add to the traffic in this area, these low income homes will lower the property values of the homes in the surrounding developments, e.g., Quail Valley, Hidden Creek, etc. Also, the crime rates associated with low income communities will add to the rates in the aforementioned communities. I have been a resident of Quail Valley for the past 26 years and am currently serving on the Quail Valley Board of Directors HOA. The burglaries

Mayor and City Council
X-183
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in this and surrounding areas have increased dramatically over the years and allowing more low income housing in this area will only compound the problem. We already have low income housing up on Route 124 and down on Centerway Road.

I urge you and your fellow councilmen to vote against the annexation of this property and to block the construction of these Habitat for Humanity homes.

Thank you for your time and consideration.

Respectfully,

Don Galio
Phone: 301-903-1860
Fax: 301-903-9872

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: October 20, 2010

ANNEXATION: **X- 183**

TITLE: **JACKSON PROPERTY**

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: 9000 and 9020 Emory Grove Road,
Gaithersburg, Maryland 2077

ZONE: **Montgomery County R-200/TDR 4**

Applicant: Habitat for Humanity of Montgomery County, MD, Inc, John Paukstis

Owner: L. Neil Jackson and Conny Jackson

STAFF LIAISON: Lauren Pruss, Planning Director
Rob Robinson, Planner

Enclosures:

Staff Analysis
Index of Memoranda (Exhibits in **BOLD**)

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Lauren Pruss, Planning Director
Rob Robinson, Planner

DATE: September 8, 2010

SUBJECT: Staff Analysis X-183: Application to annex 2.927 acres of land, known as the Jackson Property, located south of the intersection of Emory Grove and Strawberry Knoll Roads. The application requests a reclassification of the subject property from the current R-200/TDR-4 (Low-Density Residential) Zone in Montgomery County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg.

OWNERS:

L. Neil Jackson and Conny Jackson
9000 and 9020 Emory Grove Road
Gaithersburg, Maryland 2077

OWNER'S REPRESENTATIVE:

James R. Clifford, Esq.
316 East Diamond Avenue
Gaithersburg, MD 20877

APPLICANT/DEVELOPER:

John Paukstis
Habitat for Humanity of Montgomery County, MD, Inc.
9110 Gaither Road
Gaithersburg, MD 20877

APPLICANT'S REPRESENTATIVE:

Stuart Barr and Nat Keller
Lerch, Early, & Brewer Chtd.
3 Bethesda Metro Center #460
Bethesda, MD 20814

LOCATION:

The subject property is located south of the intersection of Emory Grove and Strawberry Knoll Roads. The property consists of two parcels of land, P476 containing 2.748 acres, and P477 containing .179 acres. The roadways and the parcels are adjacent and contiguous to the current City limits.



TAX MAP REFERENCE:

Tax Sheet: FT 563
Tax ID Number: P476 and P477

BACKGROUND:

The Jackson family and Habitat for Humanity of Montgomery County (contract purchasers of the property) have submitted a petition for annexation, X-183, to the City. As part of the annexation request, the applicants are requesting a rezoning from the Montgomery County R-200/TDR-4 (Low Density Residential) zoning to the City of Gaithersburg RP-T (Medium Density Residential) zoning. Further, a concept site plan proposing nineteen (19) townhomes, to be developed entirely by Habitat for Humanity of Montgomery County, has also been included in the application.

Articles 23A and 66B of the *Maryland Annotated Code* and Chapter 24 (Zoning) of the City of Gaithersburg Code outline the requirements and process for a proposed annexation. The

Planning Commission is required to review the proposed annexation and associated rezoning and land use plan for consistency with the City's master plan¹, and provide a recommendation to the Mayor and City Council at least 15 days prior to the required Mayor and City Council public hearing². The Mayor and City Council are required to hold a public hearing prior to making a final decision on the requested annexation and zoning. The public hearing before the Mayor and City Council is scheduled for December 6, 2010.

EXISTING LAND PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION:

A natural resource inventory/forest stand delineation (NRI/FSD) was submitted and approved as part of the X-183 application³. The site is comprised of two irregularly shaped parcels, each sloping to the southwest corner of the site. Topography on site ranges from a high point of 462 feet above sea level at the northwest corner of the site, to a low point of 414 feet above sea level along the property line near the southwest corner of the site, for a total topographic relief of 48 feet. The steepest slopes of fifteen to twenty-five percent exist within the required 125 foot stream valley buffer occupying the eastern third of the property.

The Montgomery County Soil Survey indicates four soil types present on the site: Glenelg Silt Loam, Baile Silt Loam, Brinklow-Blocktown Channery Silt Loam, and Wheaton-Urban Land Complex. Of these soils, the Baile Silt Loam is considered hydric, and the Brinklow-Blocktown Channery Silt Loam is considered highly erodible. These two soil types occupy much of the developable portion of the property.

The forest stand delineation identifies 2.6 acres of forest on the property. Of this, 0.8 acres are located within the stream valley buffer. Thirty (30) trees were identified as specimen trees within the delineation, with five (5) being in either poor or moderate-poor condition. The forest stand is dominated by Tulip Poplar. Other species present include Boxelder, Red Maple, Silver Maple, White Mulberry, Black Cherry, Black Locust, Eastern Red Cedar, Sassafras, Flowering Dogwood and other native hardwoods. The forest structure is rated as "good" and is considered as having high potential for retention. The portion of the forest stand located within the stream valley buffer is considered of high priority due to the steep slopes and buffer.

The National Wetlands Inventory for Montgomery County does not identify any wetlands on site. However, a site visit did identify 0.01 acres of wetlands along the eastern property line, within the stream valley buffer. A total of 0.02 acres of the site is located within the 100 year floodplain. A stream is located adjacent to the east property line of the site. This stream is considered a perennial stream.

There have been no rare, threatened, or endangered species observed, identified or known to occur on or near the site. While the property does receive noise pollution from vehicles

¹ Article 66B, Section 1.02 Maryland Annotated Code

² Section 24-9 Gaithersburg City Code

³ Exhibit 14

on Emory Grove Road, a noise study was not required as a component of the Natural Resource Inventory.

The property is currently developed with two, one-story frame dwellings⁴. One of the dwellings is located near the westerly property line, and the other more centrally located on the site. Both are served by individual gravel drives. Several accessory structures including a small shed and chicken coops are found on-site. The dwelling structures were constructed in the 1950's. Montgomery County historic preservation staff has indicated that the structures are not identified in either the Locational Atlas or designated in the *Master Plan for Historic Preservation*⁵. In accordance with Section 24-231, the structures would be required to undergo review for potential historic significance prior to any demolition

MASTER PLAN HISTORY:

Montgomery County Master Plan

The *Gaithersburg Vicinity Master Plan*⁶, adopted in 1985 and amended in 1988 and 1990, made no specific recommendations for these parcels; however, it did establish the R-200/TDR-4 base zoning and single family residential land uses. Emory Grove Road, fronting the property, is master planned as primary residential road with a right-of-way (ROW) of seventy (70) feet including 36' of paved width.

City of Gaithersburg

The subject property was not identified within the *1997 City of Gaithersburg Master Plan*. The *2003 City of Gaithersburg Master Plan Land Use Element* also made no land use or zoning recommendations for these parcels, but the *2003 Municipal Growth Element* did identify this area within the City's maximum expansion limits (MEL). The property was included in the MEL as it fronts a natural municipal boundary in Emory Grove Road and is bordered on three sides by the City's incorporated limits.

The *2009 Process and Overview Element*, while not making specific recommendations for this property, did establish the following Guiding Strategies that are applicable to this petition:

- Explore opportunities for those areas located within the City's Maximum Expansion Limits.
- Ensure that the current and future housing stock allows residents to remain in the City as their financial, employment, and familial situations change.
- Limit new development where public utilities, facilities, and services cannot be established without unduly burdening the existing service provision or users.

⁴ Exhibit 21

⁵ Exhibit 20

⁶ Exhibit 9

Continue to enforce the Adequate Public Facilities Ordinance (APFO) and update requirements periodically, if needed.

- Utilize the City's 'Smart Growth' principles to encourage high quality infill redevelopment.
- Protect and restore environmentally sensitive areas during development and redevelopment by promoting land uses that are in balance with, and minimize adverse effects on, the natural environment.
- Seek to eliminate gaps in the pedestrian and bicycle network, creating more walkable communities and encourage the use of transit facilities to reduce traffic congestion, conserve energy and maintain air quality goals.

SURROUNDING LAND USES:



The subject property is sited in an area dominated by single-family residential subdivisions. The areas to the north of the subject property are located within Montgomery County. The subdivision located at the northeast corner of Emory Grove Road and Strawberry Knoll Road, Strawberry Knoll, is zoned R-200/TDR 4 and is developed with single family detached dwellings with a density of 3.4 units per acre. The subdivision located at the northwest corner of Emory Grove Road and Strawberry Knoll Road, Quail Valley Townhomes, is zoned R-60 and is developed with a density of 4.2 units per acre.

The parcel located directly west of the subject property is also located within Montgomery County. This half acre parcel is zoned R-200/TDR 4 and is currently developed with one single-family dwelling. This property is also included in the City's MEL should the property owner petition to annex. The other areas east, west and south of the subject property are

all located within the incorporated City limits and zoned RP-T. These City subdivisions were also originally zoned R-200/TDR 4 within the County prior to annexation into the City of Gaithersburg⁷.

The area directly east of the subject property is known as the Emory Hills Subdivision and is developed with single-family dwellings at a density of 3.8 units per acre. The area to the south and west of the site is known as the Emory Woods Subdivision and is developed with a combination of single-family dwellings and townhouses at a density of 4.44 units per acre.

ZONING:

Existing Montgomery County Zoning

The subject property is currently zoned R-200/TDR-4 in Montgomery County. The R-200 Zone generally allows two housing units per acre and is similar to the City's R-A (Low Density Residential) Zone. The additional designation of this property as TDR-4 (Transfer of Development Rights) allows the property owner to increase the density to four units per acre through the purchase of development rights from the Agricultural Reserve in the upper portion of Montgomery County. The City of Gaithersburg does not participate in the TDR program. Further additional density may be achieved through the inclusion of moderately priced dwelling units in a project. All told, the current allowable dwelling units for the existing property under Montgomery County zoning would be fourteen (14) units, confirmed by Montgomery County Planning Department (MCPD)⁸.

Substantial Change

It should be noted that per Article 23A, Subsection 9(c) of the Maryland Annotated Code:

“no municipality annexing land, may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted Master Plan or plans . . . without the express approval of the . . . County council in which the municipality is located.”

In the course of preliminary discussions with MCPD, it is felt that the proposed zoning and density shown on the concept plan do not reflect a substantial change from the current County plans. This will be confirmed once MCPD sends its official recommendation to the Montgomery County Council in the near future.

Proposed City Zoning

The applicant has requested that the parcels be zoned RP-T (Medium Density Residential) if annexed into the City. The RP-T zone of the City of Gaithersburg is intended to provide for a variety of residential uses at a density higher than that permitted in the R-90 zone and

⁷ Annexations X-166, 1995: X-148, 1990

⁸ Exhibit 30

to encourage the provision of usable open green space areas. Further, it is intended to encourage creativity in the design of residential development by the elimination of minimum lot sizes and yard requirements. It is to be noted that the adjacent City-incorporated Emory Woods and Emory Hills subdivisions were zoned RP-T following their annexation into the City.

The RP-T allowable density is nine (9) dwellings per gross acre. This density would allow a maximum of 26 units, outside of additional engineering and zoning requirements. Perimeter setbacks are required for the development and the height limitation is 35 feet. Fifty (50) percent of the land area is to be devoted to open space, with a minimum of at least 1,000 square feet per dwelling unit to encourage its communal use in leisure activities by the occupants of the project. The proposed concept plan is in full conformance with the requirements of the RP-T zone.

PUBLIC FACILITIES:

The City of Gaithersburg, in 2007, adopted an Adequate Public Facilities Ordinance (APFO) that establishes requirements related to water and sewer service, emergency services, traffic impacts, and school capacity that must be met for development to occur⁹. As the APFO relates to annexations, Section 24-244 of the City Code states:

“This article (XV. Adequate Public Facilities) shall not apply to any development that has received schematic development plan approval, preliminary site plan approval, or final site plan approval prior to the effective date of this article. Additionally, when a property is subject to an annexation agreement, any provision of this article that is contrary to the annexation agreement shall not be applicable.”

Water and Sewer Service:

The subject property currently has WSSC water and sewer categories of W-1 and S-1 respectively. These category designations mean the property is currently served by both water and sewer service and any development could expand those services. Further, the *2003 Municipal Growth Element* and the *2009 Water Resources Element* both affirmed that there is sufficient water and sewer supply capacity for growth area developments with an overall average density of 32 dwelling units per acre. The proposed density for the petition’s land use plan is 6.5 dwelling units per acre and therefore sufficient water and sewer capacity exists to support the proposed development.

Emergency Services:

The City’s APFO requires that any development project be served by at least two (2) fire stations with a ten (10) minute response time. The Jackson property is within the ten (10) minute response areas of Montgomery County Department of Fire and Rescue Services Stations 8 and 28.

⁹ City Ordinance O-1-07: Chapter 24, Article XV of the City Code

Traffic Analysis

The City's Traffic Impact APFO states that applications for development approvals shall be subject to the adopted Gaithersburg Traffic Impact Study Standards regulations¹⁰. It further states that no application for development approval shall be approved unless it complies with the requirements of Traffic Impact Study Standards regulations, or the applicant has obtained a determination from staff that the standards are not applicable to the applicant's proposed development.

The adopted Traffic Impact Study Standards require a traffic impact study (TIS) for any new development or redevelopment that generates thirty (30) or more total weekday trips in the AM and/or PM peak hours¹¹. The applicant has submitted a Traffic Statement¹². Engineering Services Director Mumpower has concurred that the proposed development will generate a maximum of 16 peak hour trips and does not require a TIS or associated traffic mitigation¹³.

Schools

The subject property lies within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Students generated from the proposed conceptual plan would attend Strawberry Knoll Elementary, Gaithersburg Middle School, and Gaithersburg High School.

The City's APFO states: "With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds 110% of Montgomery County Public Schools Program Capacity two (2) years in the future..."¹⁴ The schools test must be reviewed individually for each elementary school, middle school, and high school. Sharing of capacity between schools is not permitted.

The applicant has indicated the following student generation rates for the conceptual site plan, which have been verified by Bruce Crispell, Director of Long-Range Planning for MCPS¹⁵:

4 elementary school students (19 units x 0.181 generation rate = 3.4)
3 middle school students (19 x 0.114 generation rate = 2.2)
3 high school students (19 x 0.156 generation rate = 2.9)
10 total students

¹⁰ Section 24-245

¹¹ Regulation 01-07

¹² Exhibit 10

¹³ Exhibit 11

¹⁴ Section 24-246

¹⁵ Exhibit 32

The *FY 2011 Educational Facilities Master Plan and FY 2011-2016 Capital Improvements Program* for Montgomery County Public Schools outlines the following information for the applicable schools¹⁶:

Strawberry Knoll Elementary School

The CIP projects the program capacity of the elementary school at 467 students for the 2010-2011 and 2011-2012 school years. Enrollment is projected at 561 and 581 students, respectively. The enrollment projection exceeds the capacity by 94 students for the 2010-2011 school year and 114 students for the 2011-2012 school year. These enrollment projections indicate that Strawberry Knoll Elementary will exceed program capacity by 120.1% during the 2010-2011 school year and by 124.4% during the 2011-2012 school year.

The *Facilities Master Plan* further states the following: “Projections indicate enrollment at Strawberry Knoll Elementary School will exceed capacity by four classrooms or more by the end of the six-year planning period. Enrollment will be monitored to determine the need for a future project. Relocatable classrooms will be utilized until additional capacity can be added.”

Gaithersburg Middle School

The CIP projects the program capacity of the middle school at 881 students for the 2010-2011 school year and 865 for the 2011-2012 school year. The reduction in capacity is due to the modification of an existing regular class room into a class room dedicated for students with autism. Enrollment is projected at 657 and 647 students, respectively. The enrollment projection is less than school capacity by 224 students for the 2010-2011 school year and 218 students for the 2011-2012 school year. No significant modifications are planned that will affect school capacity.

Gaithersburg High School

The CIP projects the capacity of the high school at 1,992 students for the 2010-2011 and 2011-2012 school years. Enrollment is projected at 2,014 and 2,017 students, respectively. The enrollment projection exceeds the capacity by 22 students for the 2010-2011 school year and 25 students for the 2011-2012 school year. These enrollment projections indicate that Gaithersburg High School will exceed program capacity by 101.1% during the 2010-2011 school year and by 101.3% during the 2011-2012 school year.

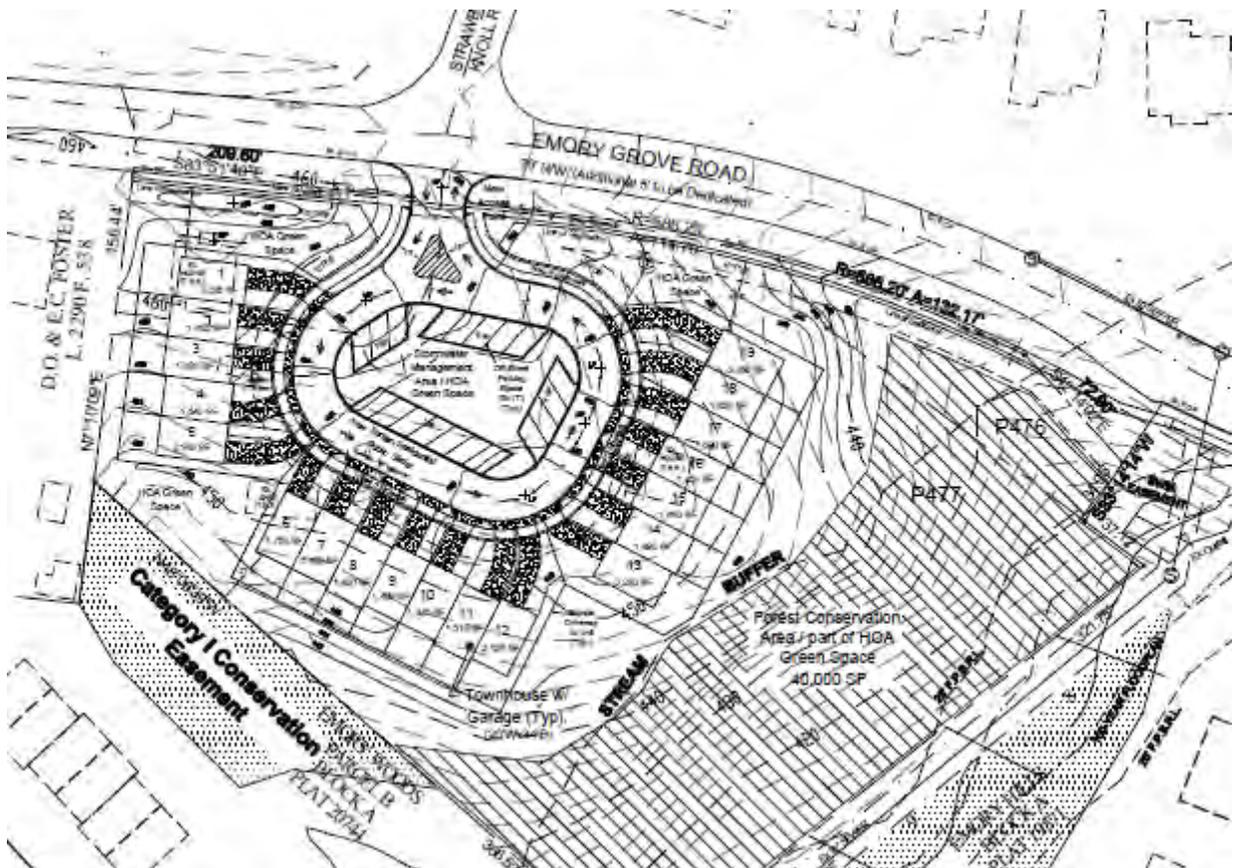
The *Facilities Master Plan* further states the following: “A modernization project is scheduled for this school. An FY 2010 appropriation was approved for planning funds to begin the architectural design of the modernization. The scheduled completion date for the modernization of the facility is August 2013 with site work scheduled for completion in August 2014. In order for this modernization to be

¹⁶ Exhibit 33

completed on schedule, county and state funding must be provided at the levels approved in this CIP..."

The four elementary students generated by the proposed X-183 site plan development would therefore exceed the APFO required capacity. The applicant has indicated within their Statement in Support of Annexation¹⁷ that they will request relief from the elementary school test under Section 24-244 of the City Code, cited previously, through an annexation agreement.

PROPOSED USE / SITE PLAN:



The applicant has submitted a concept site plan to construct 19 townhouse units in three blocks or "sticks"¹⁸. The total site area of 2.927 acres equates to a residential density of 6.49 dwelling units per gross acre. The proposed dwelling units will be approximately 1,400 square feet in size. Staff has reviewed the plan to verify conformance with the proposed zoning and basic engineering to ensure that the proposed plan could physically work. An annexation in itself will not grant any entitlements to this proposed plan, although the annexation agreement may incorporate certain assurances. Should the subject property

¹⁷ Exhibit 7
¹⁸ Exhibit 31

be annexed, the applicant would be required to apply for preliminary plan approval and undergo customary Planning Commission review and approval.

The proposed lot sizes range in size from 1,600 square feet to 2,500 square feet. The foot print for the proposed townhouse units is 20 feet by 34 feet. Each unit will have three bedrooms and 1.5 baths. Craftstar Homes has donated to Habitat for Humanity the architectural/construction blue prints for the housing types to be built. The concept architectural elevations submitted indicate four different elevation types with a combination of brick, stone and siding¹⁹. However, the brick and stone water tables are indicated as options. Each unit is provided with a one car front-load integral garage



Access to the site is located directly across from Strawberry Knoll Road, creating a four way intersection. The applicant will dedicate an additional five (5) feet for the Emory Grove Road ROW and will construct a sidewalk connecting to the existing walks found on adjacent properties. The three proposed townhouse sticks are situated around a modified cul-de-sac. The internal cul-de-sac road is proposed to be a public tertiary residential street, to be owned and maintained by the City. Although the road design is similar to other developments in the City, it may require a road code waiver should preliminary plan approval be sought.

The City code requires 2.5 parking spaces for each townhouse unit, or a total of 47.5 parking spaces for the proposed plan. The Code further requires that each garage parking space within townhouse developments is counted as one-half of a parking space. Accordingly, there are 1.5 parking spaces proposed per unit (one in the drive way and one-half located within the garage), providing a total of 28.5 parking spaces. The remaining required nineteen (19) spaces are located within the center island of the modified cul-de-sac.

¹⁹ Exhibit 15

The applicant will be required to comply with the *Stormwater Management Act of 2007* and Chapter 8 of the City Code, incorporating environmental site design (ESD) to the maximum extent practicable. The conceptual site plan indicates that the stormwater management concept includes disconnection of rooftop drains with drywells or other containment/infiltration devices and porous pavement for the driveways and off-street parking spaces²⁰. Additionally, the area located within the center of the modified cul-de-sac is intended to be a bioretention area.

The existing property is currently served by public utilities. The proposed concept plan has incorporated ten (10) foot public utility easements (PUEs) throughout the development to serve the expansion of utilities to the future nineteen units. As previously stated, the property is currently served by WSSC and extension of water and sewer will be facilitated.

The RP-T Zone requires fifty percent open space. Of this amount, at least one thousand (1,000) square feet per dwelling unit is to be located so as to permit and encourage its use in common by the occupants of the project in leisure activities. The proposed conceptual site plan proposes a total of 62.4% overall open space, or 72,000 square feet. This total includes the proposed forest conservation area which contains 40,000 square feet. The remaining 32,000 square feet of open space is common use open space.

As indicated, this proposed development will be a Habitat for Humanity project. Habitat will administer the development. Of the nineteen units, nine of the units will be offered to families earning between 30-50% of Area Median Income (AMI) and the remaining ten units to those families earning between 50-80% of AMI²¹. It is the intent to construct this development in a single phase with the future homeowners contributing “sweat equity” in the construction. While this project can be considered an “affordable” housing project, it is not required to have an affordable housing component under the City’s affordable housing ordinance, as Section 24-251 does not apply to developments with less than twenty (20) units.

STAFF RECOMMENDATION AND FINDINGS:

Staff finds that the proposed petition for annexation, X-183, complies with the City’s Master Plan. The annexation will further the City’s stated goals of increasing the City’s tax base; increase single-family housing; provide housing opportunities to different demographic groups; create developments that are environmentally sensitive; and promote connectivity among subdivisions. The proposed annexation, as identified in the City’s adopted MEL, will create a natural incorporated municipal boundary and be consistent in land use and zoning with the adjacent City subdivisions.

Lastly, the proposed growth will be accomplished in an orderly fashion, not unduly burdening existing public facilities. Staff recommends that because the nature of the proposed project fulfills many of the City’s stated goals and would be a benefit to the

²⁰ Exhibit 34

²¹ Exhibit 7

greater community, that the Planning Commission recommend to the Mayor and Council that they should work, through an annexation agreement, to provide relief from the schools test required under the City's APFO.

Staff recommends that the Planning Commission hold their record open for 21 days until 5:00pm on November 10, 2010, and provide a formal recommendation on the annexation petition on November 17, 2010.

From: [Barbara Garrard](#)
To: [Rob Robinson](#)
Subject: Replacement Email -- Testimony - X-183 Jackson Property
Date: Monday, October 18, 2010 10:38:48 PM
Attachments: [Gaithersburg Testimony - X-183 Jackson Property.doc](#)

Rob,

The attachment to this email replaces the one I sent at 5:09 this afternoon. The remaining homeowners on Sykes Street have all added their names to the list of those concurring with this testimony.

Again, thank you for your assistance.

Regards,
Barbara Garrard
4 Sykes Street

bcc: all neighbors on Sykes St.

From: [Barbara Garrard](#)
Sent: Monday, October 18, 2010 5:09 PM
To: RRobinson@gaitersburgmd.gov
Subject: Testimony - X-183 Jackson Property

Rob Robinson,

We talked this morning about written testimony for the Oct. 20 Planning Commission meeting, and specifically item X-183, the Jackson Property.

Attached please find my testimony. Three other households on Sykes Street concur with this paper and our names and addresses are listed at the bottom. Since I sent the draft out during the work day, it is possible others may also join, in which case I will send an update. I don't know your deadline for the Planning Commission packet so I want to get this into your hands as soon as possible.

Thanks again for your assistance.

Regards,
Barbara Garrard
4 Sykes Street

bcc: all neighbors on Sykes St.