

X-7067-2015
6/30/15



PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitthersburgmd.gov · www.gaithersburgmd.gov

ANNEXATION OR DE-ANNEXATION APPLICATION
All information must be complete to initiate processing of application

SUBJECT PROPERTY

Location Northwest corner of Darnestown Road (MD Route 28) and Quince Orchard Road (MD Route 124), Gaithersburg, MD

APPLICANT(S)

Name (Business or Individual) Johnson Family Enterprises, LLC/Three Amigos Real Estate, LLC

Primary Contact Russell Johnson

Street Address 10315 Kensington Parkway #205

City Kensington State MD Zip Code 20895

Telephone Numbers: Work _____ Cell 301-252-0623 E-mail Address russell@johnsonsfloorists.com

ATTORNEY OR APPLICANT'S REPRESENTATIVE

Name(s) Stuart R. Barr, Esq. -- Lerch Early & Brewer

Street Address 3 Bethesda Metro Center, Suite 460

City Bethesda State Maryland Zip Code 20814

Telephone Numbers: Work (301) 961-6095 Cell (571) 213-2354 E-mail Address sbarr@lerchearly.com

PROPERTY OWNER (S)

Name(s) same as Applicants

Street Address _____

City _____ State _____ Zip Code _____

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

TYPE OF APPLICATION

Annexation De-Annexation

PROPERTY DETAILS

Total Acreage 23.45 +/- Total Sq. Ft. 1,021,482 +/- Number of Lots/Parcels 4 plus right of way

ANNEXATIONS ONLY

Present County Zoning NR-0.75, H-45/R-200 Requested Zoning MXD Requested Density see attached

Proposed Use mixed use (see attached) Parcel(s)/Lot/Block Parcels B, C, D and E (Block B)

Tax Sheet ES 52, ES 53 Tax Account Number(s) 06-00395701; 06-02952482; 06-02952493; 06-03411400

Mayor and City Council
X-7067-2015
1

THE CHECKLIST BELOW IS A GENERAL GUIDE FOR ITEMS THAT ARE TYPICALLY REQUIRED FOR APPLICATIONS. PLEASE REFER TO ARTICLE 23A, § 19(o)(3)(ii) OF THE ANNOTATED CODE OF MARYLAND FOR COMPLETE REQUIREMENTS OR CONTACT PLANNING STAFF AT 301-258-6330 FOR CLARIFICATION

SUBMISSION REQUIREMENTS:

- Notarized Petition for Annexation or De-Annexation
- List of Owners with Addresses and Parcel Numbers
- Metes and Bounds Description, One (1) digital copy, Word or PDF
- Boundary Survey
- Vicinity Map
- Names and Addresses of Adjacent Property Owners Within 200 Feet
- Annexation Plan in Accordance with Article 23A, § 19(o)(3)(ii) of the Annotated Code of Maryland
- Approved Natural Resource Inventory and Forest Stand Delineation, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF
- Statement in Support of Annexation/De-Annexation
- Applicable County and City Master Plan Sections

OPTIONAL SUBMISSIONS:

- Conceptual Site Plan or Sketch Plan, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF
- Traffic Impact Statement
- Concept Architectural Elevations, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF



ideas that work

Attorneys at Law

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Bethesda, MD 20814
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Fax (301) 347-1771
srbarr@lerchearly.com

Stuart R. Barr

June 26, 2015

John Schlichting, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg MD 20877

Re: Petition for Annexation into the City of Gaithersburg
Approximately 23.45 acres - Northwest corner of Darnestown Road (MD Route 28)
and Quince Orchard Road (MD Route 124)
Property Owners: Johnson Family Enterprises, LLC and Three Amigos Real Estate,
LLC

Dear Mr. Schlichting:

We are submitting the enclosed Petition for Annexation on behalf of our clients
Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, the owners of the
subject property. The Petition requests annexation of approximately 23.45 acres from
Montgomery County into the City of Gaithersburg into the City's MXD zone.

The total property that is the subject of this Annexation application consists of right-
of-way within Quince Orchard Road (MD Route 124) and the following properties:

12201 Darnestown Road
Parcel D (Plat 18418), Tax Map ES52
(Parcel ID Number 06-02952493)
Owner: Johnson Family Enterprises, LLC

12251 Darnestown Road
Parcel C (Plat 18418), Tax Map ES52
(Parcel ID Number 06-02952482)
Owner: Johnson Family Enterprises, LLC

12301 Darnestown Road
Parcel B (Plat 9943), Tax Map ES52
(Parcel ID Number 06-00395701)
Owner: Johnson Family Enterprises, LLC

12311 Darnestown Road
Parcel E (Plat 22583), Tax Map ES53
(Parcel ID Number 06-03411400)
Owner: Three Amigos Real Estate, LLC

We are enclosing the following materials in support of the Petition for Annexation:

1. Annexation Application and Checklist
2. Petition for Annexation
3. Statement in Support of Petition for Annexation
4. List of Adjoining and Confronting Property Owners and Community Associations within 200 feet of property
5. Metes and Bounds Description of Property
6. Tax Map, Boundary Survey
7. County and City Zoning Vicinity Maps
8. Sketch Plan, Phasing plans
9. County and City Master Plan Sections
10. Approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD)
11. CD of documents

If you have any questions or need any additional information, please let us know.
Thank you very much for your cooperation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stuart R. Barr".

Stuart R. Barr

Attachments, as described

cc: Russell Johnson
Josh Sloan, VIKA

MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG

PETITION FOR ANNEXATION

June 26, 2015

Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC (collectively, the "Petitioners"), the owners of the property located at 12201, 12251, 12301 and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland (collectively, along with a portion of Quince Orchard Road (MD Route 124) right-of-way, as delineated in the attached exhibits, the "Property"),¹ hereby petition the Mayor and Council of the City of Gaithersburg, pursuant to Sections 4-401 *et. seq.*, Local Government Article of the Annotated Code of Maryland, to annex the Property into the corporate boundaries of the City of Gaithersburg. In support of this Petition, the Petitioners state as follows:

1. The Property that is the subject of this Annexation Petition consists of approximately 23.45 acres and is located in the northwest quadrant of the intersection of Darnestown Road and Quince Orchard Road. The Property consists of four platted parcels and right-of-way, more particularly described as: (1) Parcels C and D, in the subdivision known as "QUINCE ORCHARD, Parcel C & D, JOHNSONS FLOWER CENTER," as per plat thereof recorded in Plat Book 163 at plat 18418, among the Land Records of Montgomery County, Maryland ("Parcel C and D"); (2) Parcel B, in the subdivision known as "QUINCE ORCHARD, Parcel 'B', a resubdivision of Parcel 'A', JOHNSON FLOWER CENTER," as per Plat thereof recorded in Plat Book 91 at plat 9943, among the Land Records of Montgomery County, Maryland ("Parcel B"); (3) Parcel E in Block B, in the subdivision known as "WILLOW RIDGE," as per Plat thereof recorded at plat 22583, among the Land Records of Montgomery County, Maryland ("Parcel E"); and (4) a portion of Quince Orchard Road right-of-way as per the metes and bounds description attached herein per State Highway Administration Plat Nos. 54097 and 54385. The Property is further described in the attached metes and bounds descriptions.
2. Parcels B, C and D are owned solely and entirely by Johnson Family Enterprises, LLC, a Maryland limited liability company. The deed evidencing ownership of Parcels B, C and D is recorded among the Land Records for Montgomery County, Maryland at Liber 28867, folio 344.
3. Parcel E is owned solely and entirely by Three Amigos Real Estate LLC, a Maryland limited liability company. The deed evidencing ownership of Parcel E is recorded among the Land Records for Montgomery County, Maryland at Liber 48527, folio 436.

¹ According to SDAT records, Parcel E, Parcel Identification Number 06-03411400, has a premises address of "Orchard Grove Road" without a specific numerical address. Other information indicates that the building located on Parcel E has an address of 12311 Darnestown Road.

4. The Property is contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg.
5. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Gaithersburg, real property proposed to be within the corporate limits of the City of Gaithersburg as a result of the proposed annexation, or any combination of such properties.
6. The Property is within the maximum expansion limit ("MEL") of the City of Gaithersburg, as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 2009.
7. Parcels B, C and D are currently classified in the "Neighborhood Retail" NR-0.75, H-45 Zone in Montgomery County, and Parcel E is currently classified in the R-200 Zone. The existing zoning classifications are consistent with the current and duly adopted Great Seneca Science Corridor Master Plan. The Petitioners request that the Property be classified in the MXD Zone ("Mixed Use Development") in the City of Gaithersburg, consistent with the recommendations from the City's 2009 Land Use Plan. The MXD zoning classification in the City of Gaithersburg will permit a land use substantially similar to uses permitted in Montgomery County's NR-0.75, H-45 Zone and R-200 Zone.
8. Petitioners are the owners of more than 25% of the assessed valuation of the Property, and there are no persons residing within the area of the Property who are registered voters in the precinct within which the Subject Property is located. No additional consents to this Annexation Petition are required pursuant to Sections 4-401, *et seq.*, Local Government Article of the Annotated Code of Maryland.
9. In support of this Petition for Annexation, the Petitioners submit the attached Statement of Support and the attachments described therein.

The Petitioners respectfully request that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

[SIGNATURE PAGES FOLLOW]

Witness

Eileen B. Coe

Johnson Family Enterprises, LLC:

By: Russell Bishop Johnson

Name: Russell Bishop Johnson

Title: Managing Member

STATE OF MARYLAND *
*
COUNTY OF MONTGOMERY *

to wit:

I HEREBY CERTIFY THAT on this 6 day of MAY, 2015, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared RUSSELL JOHNSON who acknowledged himself/herself to be the Managing Member of **JOHNSON FAMILY ENTERPRISES, LLC**, and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Eileen B. Coe
Notary Public

MY COMMISSION EXPIRES:
Eileen B. Coe
Notary Public State of Maryland
Montgomery County
My Commission Expires August 6, 2017

Witness

Eileen B. Coe

Three Amigos Real Estate, LLC:

By: Russell Bishop Johnson

Name: Russell Bishop Johnson

Title: Managing Member

STATE OF MARYLAND *

* to wit:

COUNTY OF MONTGOMERY *

I HEREBY CERTIFY THAT on this 6 day of MAY, 2015, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared RUSSELL JOHNSON who acknowledged himself/herself to be the Managing Member of **THREE AMIGOS REAL ESTATE, LLC**, and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Eileen B. Coe
Notary Public

MY COMMISSION EXPIRES:

Eileen B. Coe
Notary Public State of Maryland
Montgomery County
My Commission Expires August 6, 2017

MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG

STATEMENT IN SUPPORT OF ANNEXATION PETITION

June 26, 2015

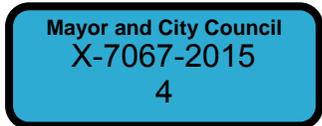
Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC (collectively, the "Petitioners"), the owners of the property located at 12201, 12251, 12301 and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland (collectively, along with a portion of Quince Orchard Road (MD Route 124) right-of-way, as delineated in the attached exhibits, the "Property"),¹ submit this Statement in Support of the Petition for Annexation, to annex the Property into the corporate boundaries of the City of Gaithersburg (the "City"). The Property consists of approximately 23.45 acres on four separate and adjoining parcels plus portions of abutting right-of-way. The annexation proposes to reclassify the Property from Montgomery County's NR-0.75, H-45 and R-200 Zones to the City's MXD ("Mixed Use Development") Zone to facilitate the proposed development of a comprehensive mixed-use development in three phases.

I. INTRODUCTION AND BACKGROUND INFORMATION

The Johnson Family has owned the Property for multiple generations. For many years, the Family operated a Johnson's Florist and Garden Center at the corner of Darnestown Road and Quince Orchard Road (in addition to its other stores located in Washington, D.C., Kensington and Olney). Initially, the Family planned to continue, expand, and relocate the Florist and Garden Center from the corner to the largely unimproved, vacant land on the western side of the Property. While the corner property was redeveloped for commercial uses in 2007, ultimately, the Family determined that the 14 acres on the west side would be more suitable for a residential community to serve as a transition from the established residential communities to the north and west of the Property to the existing commercial uses on the Property.

Now the Family believes that the Property has the potential to be a very well designed mixed-use community serving as an important addition and gateway to the City. In particular, the 14 acres on the west side has the potential to become a beautiful walkable, pedestrian-friendly, environmentally sensitive residential community with open spaces and a variety of unit types for a variety of life styles. The 14-acre portion of the Property is generally open and suitable for development. Public water and sewer are immediately available, and the Property has excellent road access. Larger lots will be provided on the perimeter of the Property to buffer existing homes providing an appropriate transition and connectivity to the commercial portions of the Property that

¹ According to SDAT records, Parcel E, Parcel Identification Number 06-03411400, has a premises address of "Orchard Grove Road" without a specific numerical address. Other information indicates that the building located on Parcel E has an address of 12311 Darnestown Road.



will be redeveloped over time. Eventually, the corner property could become an iconic gateway property to the City.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

a. Property Description

The Property is located in the northwest quadrant of the intersection of Darnestown Road (MD Route 28) and Quince Orchard Road (MD Route 124), as shown on the attached Tax Map. The Property consists of four platted parcels and right-of-way, more particularly described as: (1) Parcels C and D, in the subdivision known as "QUINCE ORCHARD, Parcel C & D, JOHNSONS FLOWER CENTER," as per plat thereof recorded in Plat Book 163 at plat 18418, among the Land Records of Montgomery County, Maryland ("Parcel C and D"); (2) Parcel B, in the subdivision known as "QUINCE ORCHARD, Parcel 'B', a resubdivision of Parcel 'A', JOHNSON FLOWER CENTER," as per Plat thereof recorded in Plat Book 91 at plat 9943, among the Land Records of Montgomery County, Maryland ("Parcel B"); (3) Parcel E in Block B, in the subdivision known as "WILLOW RIDGE," as per Plat thereof recorded at plat 22583, among the Land Records of Montgomery County, Maryland ("Parcel E"); and (4) a portion of Quince Orchard Road right-of-way as per the metes and bounds description attached herein per State Highway Administration Plat Nos. 54097 and 54385. The Property has frontage on Darnestown Road and Quince Orchard Road. Parcel B is currently improved with a gasoline filling station. Parcel C is currently improved with a Safeway grocery store and other retail establishments and associated surface parking. Parcel D is currently improved with a Capital One bank branch, a CVS pharmacy and two other small retail establishments constructed in approximately 2007. Parcel E is currently largely unimproved, vacant land, with the exception of a small building near the entrance off of Darnestown Road that is currently used for storage.

b. Surrounding Land Uses

The Property is surrounded by a mix of commercial and residential uses. Properties to the north and west of the Property are zoned R-200 and are improved with residential uses, with a combination of single family detached units and townhomes developed under an optional method of development allowing greater density and smaller lot sizes than typical in the County's R-200 zone. The property directly south of the Property, on the opposite side of Darnestown Road, is zoned R-200 and is improved with the Quince Orchard public High School and associated facilities. The properties to the east are located for the most part within the City limits and are zoned C-1 and improved with low-density commercial uses.

c. Existing Zoning

The Property is currently zoned R-200 and NR-0.75, H-45 ("Neighborhood Retail"). Pursuant to Section 3.1.6. of the Montgomery County Zoning Ordinance, restaurants, retail/service establishments, office and various other commercial uses are permitted by-right in the NR Zone. Additionally, single unit, townhouses and multi-unit residential uses are permitted in the NR zone as a limited use. The R-200 zone allows for various residential uses either by-right or as limited uses.

d. County's Master Plan

The Property is currently located within the Quince Orchard District of Montgomery County's 2010 Approved and Adopted Great Seneca Science Corridor Master Plan. The County Master Plan recommends residential uses, including single family residential and townhouse development, and convenience commercial uses on the Property. The County Master Plan also identifies Parcel E as a possible public park site, though discussions with the County department of parks concerning that possibility have not been successful.

e. Potential County Rezoning under prior County Zoning Ordinance and current County Zoning Ordinance

When the County's Great Seneca Science Corridor Master Plan was approved and adopted, the recommendations for townhouse development would be most appropriately accommodated through a Local Map Amendment application for a Residential Townhouse (RT) Zone under the County's prior Zoning Ordinance, although no specific density recommendation was provided in the Master Plan. The County's prior RT Zones (the current County Zoning Ordinance eliminated the RT Zones) allowed densities from 6 to 15 units per acre. Thus, the mid-level RT Zones, such as RT-10.0 or RT-12.5, would have allowed approximately 140 to 175 units on Parcel E. With additional Moderately Priced Dwelling Units (MPDUs), the density allowed would have increased to approximately 170 to 213 units, respectively, if developed in the County under the County's prior Zoning Ordinance and RT Zones.

After annexation into the City, the proposed development will provide 7.5% MPDUs and 7.5% Work Force Housing units – 15% units total. Thus, the proposed development after annexation is comparable to the previously allowed densities under the County's prior Zoning Ordinance with RT-10.0 or RT-12.5 MPDU development. Significantly, the purpose of the RT Zones is to provide amenities such as open space, which the proposed development provides.

If the Property was not annexed and remained in the County and was developed under the current County Zoning Ordinance adopted in 2014, there are a couple of ways to accommodate townhouse development on Parcel E, as recommended by the Master Plan -- Optional Method MPDU Development, or a Local Map Amendment Application of a floating zone. Because Optional Method MPDU Development limits townhouse development to 40% of the total number of units, this approach is not viable, and a floating zone is necessary to accommodate a realistic yield for townhouse development. Under County Zoning Ordinance Article 59-5, Floating Zone Requirements, the Property meets the pre-requisites and requirements to request up to 61 units under the Apartment Floating Zone or up to 1.0 FAR under a Commercial Residential Floating Zone (CRF, CRTF or CRNF). These provisions would allow a proposal of up to approximately 200 townhouse units. The enclosed Sketch Plan proposes fewer units on Parcel E than could be requested under the provisions of the Montgomery County Zoning Ordinance.

Because the site is designed as an integrated master-planned, mixed-use, walkable community, the County's Commercial Residential Floating Zone would be applied to the entire Property, including Parcel E, and developed with transitional building types from detached units to multi-use, mid-rise buildings. As shown in the Sketch Plan, the proposed development accommodates the allowed number of detached and townhouse units on the vacant parcel in a compatible relationship with adjacent development. The plan is described in more detail under IV. Proposed Development, below.

III. PRIOR DEVELOPMENT APPROVALS

The Property has received the following development approvals over the years:

Parcel B (existing Sunoco gasoline station) – 12301 Darnestown Road.

- Record Plat 9943.
- Special Exception approval – Montgomery County Board of Appeals Case Number CBA-2740 and 2740-A (automobile filling station).
- Rezoned from C-1 to NR-0.75, H-45 in 2014.

Parcel C (existing Safeway grocery store and other retailers totaling approximately 61,500 square feet) – 12251 Darnestown Road.

- Preliminary Plan Approval – Case Number 119870240.
- Site Plan Approval – Case Number 819880790.
- Record Plat 18418.
- Rezoned from C-1 to NR-0.75, H-45 in 2014.

Parcel D (existing Capital One bank branch, CVS pharmacy, and other retailers totaling approximately 23,000 square feet) – 12201 Darnestown Road.

- Preliminary Plan Approval – Case Number 119870240.
- Record Plat 18418.
- Rezoned from C-1 to NR-0.75, H-45 in 2014.

Parcel E (existing storage building, but otherwise unimproved) – 12311 Darnestown Road.

- Preliminary Plan Approval – Case Number 120010580.
- Preliminary Plan Approval – Case Number 120030180.

- Record Plat 22583.
- Special Exception approval – Montgomery County Board of Appeals Case Number S-2070 and S-2070-A (retail/wholesale horticultural nursery and garden center).

IV. PROPOSED DEVELOPMENT

The Petitioners propose to redevelop the Property, on a long-term phased basis, with a mixed-use development containing a maximum of 375,000 gross square feet of commercial uses and a variety of types of residential units, including a mix of multi-family, townhome, and single-family detached residences (the "Project"). The Project will be implemented generally in three separate phases, but it should be emphasized that phases two and three could be very long-term.

a. Development Program

1. Phase One (Near Term)

Phase One will include the construction of up to 180 residential units on Parcel E. This number of units is a theoretical maximum number, and the ultimate number could be fewer, perhaps significantly fewer depending on the final design. As shown on the attached Sketch Plan, the Petitioners are proposing to construct a mix of residential unit types. To be compatible with the surrounding communities, single-family detached residences have been strategically located along the northern and western property boundaries, to serve as a transition between the existing residential neighborhood and the more intensive residential and commercial development proposed along Darnestown Road. Townhome units will be constructed toward the interior of the site and multi-family residential buildings potentially will be constructed adjacent to the mixed-use development that is proposed as part of Phase Two and along Darnestown Road.

2. Phase Two (Future)

Currently, Parcels B and C are improved with commercial uses, including a gasoline filling station, large grocery store and associated surface parking. The existing grocery store was constructed in the early 1990s. Phase Two will facilitate the eventual redevelopment of this commercial center with a pedestrian friendly, mixed-use development. Specifically, Phase Two could include the construction of up to 250,000 gross square feet of mixed-use development and up to 125 residential units in several mid-rise buildings (up to 6 stories in height). Again, the amount of square footage and number of units are a theoretical maximum amount. The proposed mixed-use development will be designed to serve the surrounding areas and future residents of the Project. Open space will serve as a buffer along the northern property line.

3. *Phase Three (Long Term)*

As previously mentioned, the Project is intended to provide context sensitive design. Phase Three responds to the Property's prominent location at the intersection of Darnestown Road and Quince Orchard Road. The more intensive commercial/office development is proposed to be located on Parcel D, which is located directly at the intersection. Phase Three could include the construction of up to 125,000 square feet of commercial/office development, in a mid-rise building (up to 6 stories in height). Open space again will serve as a buffer along the northern property line.

b. Site Design

Vehicular access to the Property is currently provided along both Quince Orchard Road and Darnestown Road. Access to the Project will be accommodated primarily from Darnestown Road and from Nursery Lane, which currently terminates at the northwest corner of the Property. The Project will incorporate an internal street network to promote efficient circulation among the entire development and the various uses. The Project will also provide for safe, convenient, and attractive pedestrian connections throughout the site.

The Project incorporates a significant amount of green area, which will predominately be located along the Property's northern and western boundaries, to serve as a buffer for the existing residential neighborhoods and provide recreation and amenity space for the proposed and existing neighborhood.

c. Environment

1. Forest Conservation

The project is subject to forest conservation requirements of Chapter 22 of the Municipal Code of Gaithersburg. A description of the general environmental features is provided in the attached approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD).

2. Stormwater Management

The project will be planned to meet the State and City requirements for stormwater management in accordance with the current Maryland Department of the Environment ("MDE") Stormwater Management regulations. The project will utilize the latest techniques for Environmental Site Design ("ESD") to the Maximum Extent Practicable in accordance with the Chapter 8, Article III of the City Code.

V. COMPLIANCE WITH MASTER PLAN AND ZONING

A. Master Plan

The City's 2009 Master Plan Land Use Element recommends that the Property be given a commercial-office-residential land use designation and be classified in the MXD Zone, if annexed. The proposed development on the Property is in accordance with the recommendations of the City's Master Plan, and the proposed development is consistent with the goals and objectives of the City's MXD Zone.

B. MXD Zone

The Petitioners have requested that the Property be zoned MXD, if annexed into the City. It is the objective of the MXD zone to "establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects." The MXD zone is intended to provide a flexible approach to the comprehensive design and development of multi-use projects. Among the specific objectives of the zone are: (1) to encourage orderly, staged development of large scale comprehensively planned multi-use developments; (2) to encourage the integration and internal and external compatibility of applicable residential and nonresidential uses; (3) to assure compatibility of the proposed land uses with internal and surrounding uses; and (4) to encourage the efficient use of land by locating employment and retail uses convenient to residential areas.

The Sketch Plan has been prepared to meet the specific purpose and development standards of the MXD Zone. The Property will be compatible with the surrounding community and, as discussed above, the proposed Project has been strategically designed to respond to the surrounding community. Importantly, the MXD Zone will allow the existing uses on the Property to remain productive until the market supports redevelopment of all three phases.

The proposed zoning designation is in conformance with the recommendations of the City's 2009 Master Plan Land Use Element, which recommends that the Property be classified in the MXD Zone if annexed. The MXD zoning classification in the City of Gaithersburg will permit a land use substantially similar to uses permitted in the County's NR-0.75, H-45 and R-200 Zones.

VI. ADEQUACY OF PUBLIC FACILITIES

The Property is within the maximum expansion limit of the City of Gaithersburg, as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 2009. Accordingly, the Property is within the Growth Element's analysis for future adequacy of public facilities.

Transportation. The roadway network surrounding the Property and the proposed internal vehicular and pedestrian circulation systems will be safe, adequate and efficient. Bus service currently exists along Darnestown Road and Quince Orchard Road, with stops near the Property.

Schools. The Property is located within the Thurgood Marshall Elementary School, Ridgeview Middle School, and Quince Orchard High School attendance areas. Importantly, the proposed development of the western 14 acres would pass the Adequate Public Facilities test for school capacity in the County, and a residential project could move forward if the property remained in the County. The project would require a school facility payment since Elementary School capacity in the Cluster is currently at 112.3% and High School capacity is currently at 108.3%, according to the FY 2015 Subdivision Staging Policy. Unlike the County APF test for school capacity, however, the City of Gaithersburg requires a review for each elementary school, middle school, and high school (Zoning Ordinance Sec. 24-246). If the Property were currently within the City limits, it would be in residential moratorium based on Elementary School capacity.

As part of this annexation application, the Petitioner will request relief from the City APFO School Test either through a comprehensive City-wide change to the APFO standards or under Zoning Ordinance Sec. 24-244, which allows relief when a property is subject to an annexation agreement.

The Property is located in water and sewer service categories W-1 and S-1 and will be served by public water and sewer. Electric, gas and telecommunications services also will be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are also within appropriate distances to serve the Property.

VII. CONCLUSION

The Petitioner respectfully requests approval of this Annexation Petition. The Property is within the maximum expansion limit of the City of Gaithersburg, as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 2009. The proposed development on the Property is consistent with the Master Plan recommendations, fulfills the purposes and requirements of the MXD zone, and is compatible with the surrounding community. Ultimately, the near-term development and long-term redevelopment of this Property will present an opportunity to create a vibrant mixed-use development at this gateway entrance to the City.

Respectfully Submitted,



By: _____

Stuart R. Barr
Lerch, Early & Brewer, Chtd.
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814
(301) 961-6095

	Adjoining/Confronting Property Owner	Organization	Mailing Address	City	State	Zip	Block	Lot/Parcel	Tax Account Number
1	DOMESTICI IVANO ETAL	C/O BOA CORP REAL EST ASMT	101 N TRYON ST	Charlotte	NC	28255		N136, PAR D	06-01876564
2	LEE SHU-FEN H & HSIEN M		12508 COPEN MEADOW CT	Gaithersburg	MD	20878	B	3	06-02457543
3	MEHRA MUNISH & S		12500 COPEN MEADOW CT	Gaithersburg	MD	20878	B	4	06-02457554
4	MCKAMY JERRY N & V L		12501 COPEN MEADOW CT	Gaithersburg	MD	20878	B	5	06-02457565
5	CICALA JUDITH		12505 COPEN MEADOW CT	Gaithersburg	MD	20878	B	6	06-02457576
6	HUANG SU-JAN		12509 COPEN MEADOW CT	Gaithersburg	MD	20878	B	7	06-02457587
7	LAM KWOK TUNG	LAM KA MAN	16009 COPEN MEADOW DR	Gaithersburg	MD	20878	B	8	06-02457598
8	BASILE THOMAS J		16013 COPEN MEADOW DR	Gaithersburg	MD	20878	B	9	06-02457601
9	ROSEMAN PHILIP S & S A		16017 COPEN MEADOW DR	Gaithersburg	MD	20878	B	10	06-02457612
10	MAKHMALBAF SHABNAM		16021 COPEN MEADOW DR	Gaithersburg	MD	20878	B	11	06-02457678
11	MCFADDEN BONNIE		16025 COPEN MEADOW DR	Gaithersburg	MD	20878	B	12	06-02457680
12	YEE DENNIS J & S M		16029 COPEN MEADOW DR	Gaithersburg	MD	20878	B	13	06-02457691
13	KETTLEMAN KEVIN J ET AL		16033 COPEN MEADOW DR	Gaithersburg	MD	20878	B	14	06-02457703
14	PEPPER JAMES A & LAUREL E		16037 COPEN MEADOW DR	Gaithersburg	MD	20878	B	15	06-02457714
15	TRAPNELL BEVERLY A		12500 FOSTORIA WAY	Gaithersburg	MD	20878	C	60	06-02457953
16	FRAZIER JOANN		16028 COPEN MEADOW DR	Gaithersburg	MD	20878	C	61	06-02457964
17	IYASU SOLOMON		16024 COPEN MEADOW DR	Gaithersburg	MD	20878	C	62	06-02457975
18	GRESHAM PAUL E & M K		16009 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	26	06-02492012
19	BEDROSSIAN ADAM J &	BEDROSSIAN LEONA C	16005 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	27	06-02492023
20	HAYS ARTHUR V JR & DEBORAH E		16001 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	28	06-02492034
21	KONECKE ERIC F & L M		16000 MILLS ORCHARD DRIVE	Gaithersburg	MD	20878	A	29	06-02492045
22	LIANG LAN	YAN XUEWU	16004 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	30	06-02492056
23	OZER GOKTURK	OZER KEVSER	16008 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	31	06-02492067
24	RANDALL WALLACE ET AL		16012 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	32	06-02492078
25	SCHLATTER PAUL T	SCHLATTER KATIE M	16016 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	33	06-02492080
26	LOMBARD MARK D & P M		16013 CHARLES HILL DR	Gaithersburg	MD	20878	A	37	06-02492125
27	HALLAM SCOTT M & R E		16005 CHARLES HILL DR	Gaithersburg	MD	20878	A	38	06-02492136
28	KASRAIAN MOHAMMAD K &	ASIEH SORBI	16001 CHARLES HILL DR	Gaithersburg	MD	20878	A	39	06-02492147
29	SILBERT ALAN M &	SHARON M SPERLING-SILBERT	16000 CHARLES HILL DR	Gaithersburg	MD	20878	A	40	06-02492158
30	EDWARDS LATOYA L	JOHNSON WALTER E	16004 CHARLES HILL DRIVE	Gaithersburg	MD	20878	A	41	06-02492160
31	MELLEY PETER J & ALISON H		16008 CHARLES HILL DR	Gaithersburg	MD	20878	A	42	06-02492171
32	HICKMAN JOHN B & N O		16012 CHARLES HILL DR	Gaithersburg	MD	20878	A	43	06-02492182
33	BELEN MARCOS & T M		16016 CHARLES HILL DR	Gaithersburg	MD	20878	A	44	06-02492193
34	Chen, Tchaw-Ren & Y. Y.		16009 Howard Landing Dr.	Gaithersburg	MD	20878	A	49	06-02492411
35	SHAMOULIAN MITRA E & MEIR		16005 HOWARD LANDING DR	Gaithersburg	MD	20878	A	50	06-02492422
36	COURTNEY JOHN E &		16001 HOWARD LANDING DR	Gaithersburg	MD	20878	A	51	06-02492433
37	MARTINEZ SARAH K &	JEFFREY S FAIRBANKS	16000 HOWARD LANDING DR	Gaithersburg	MD	20878	A	52	06-02492444
38	CHIN RAYMOND & D L		16004 HOWARD LANDING DRIVE	Gaithersburg	MD	20878	A	53	06-02492455
39	LIU SICHEN &	LAN WANG	16008 HOWARD LANDING DR	Gaithersburg	MD	20878	A	54	06-02492466
40	Knizhnik, Boris	Knizhnik, Irina	12202 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	56	06-02492488
41	GUTTENDORF ROBERT & NANCY		12204 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	57	06-02492490
42	CAO DAVID Y.	HAN YIXING	12206 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	58	06-02492502
43	GEORGE ALBERT L JR & J S		12208 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	59	06-02492513
44	TEHRANI REZA TAJAILI N		16009 ORCHARD GROVE RD	Gaithersburg	MD	20878	A	60	06-02492524
45	FIROVED AARON M	FIROVED REBECCA S	16005 ORCHARD GROVE RD	Gaithersburg	MD	20878	A	61	06-02492535
46	YOUSEFZADEH BAGHER & M		16001 ORCHARD GROVE RD	Gaithersburg	MD	20878	A	62	06-02492546

Carol Ann Barth	Montgomery County Civic Federation	10602 Lockridge Drive	Silver Spring	MD	20901			
Matthew Losak	Montgomery County Renters Alliance Inc.	1001 Spring Street #316	Silver Spring	MD	20910			
Joan Fidler	Montgomery County Taxpayers League	7400 Pyle Road	Bethesda	MD	20817			
Judith Christensen	Montgomery Preservation, Inc.	6 Walker Avenue	Gaithersburg	MD	20877			
Susan Fitzpatrick	North Potomac Citizens Assn., Inc.	13617 Glenhurst Road	North Potomac	MD	20878			
Julius Cinque	Northern Montgomery County Alliance	22300 Slidell Road	Boyd's	MD	20841			
Michael Potter	Olde Potomac Park Neighborhood Assn.	P.O. Box 506	Damascus	MD	20872			
Joan Theis	Olde Potomac Park Neighborhood Assn.	15509 Summer Grove Court	N. Potomac	MD	20878			
Dante Jofferion	Orchard Hills Homeowners Assn.	20440 Century Blvd Ste 100	Germantown	MD	20874			
Tony Sinnott	Orchard Hills Homeowners Assn.	16108 Orchard Grove Rd	Gaithersburg	MD	20878			
Paul Murphy	Orchard Hills Homeowners Assn.	12222 McDonald Chapel Dr.	Gaithersburg	MD	20878			
Richard Schinner	Orchard Knolls Homeowners Assn.	15622 Blackberry Drive	No. Potomac	MD	20878			
Sue Windgate	Orchard Valley Homeowners Assn.	P.O. Box 3190	Gaithersburg	MD	20885			
President	Potomac Chamber of Commerce	P O Box 59160	Potomac	MD	20859			
Jeff Wolff	Potomac Grove Homeowners Assn.	20440 Century Blvd. Ste. 100	Germantown	MD	20874			
Edward Rudnic	Potomac Grove Homeowners Assn.	15103 Gravenstein Way	North Potomac	MD	20878			
Jeff Wolff	Potomac Grove Homeowners Assn.	One Bank Stree, Suite 301	Gaithersburg	MD	20878			
Pearl Campbell	Quince Orchard Fellowship Civic	11924 Darnestown Road Unit 206	North Potomac	MD	20878			
Greg Grason	Quince Orchard Homeowners Assn.	12316 Mosel Terrace	Gaithersburg	MD	20878			
Bruce Blumberg	Quince Orchard Homeowners Assn.	12009 Nebel St.	Rockville	MD	20852			
Lee Bowes	Quince Orchard Knolls Citizens Assn.	P O Box 89898	Gaithersburg	MD	20883			
Michael Feltenberger	Quincehaven HOA	1300 Spring St. Ste 201	Silver Spring	MD	20910			
Hal Danoff	Quincehaven Homeowners Assn.	12401 Rousseau Ter.	N. Potomac	MD	20878			
Ralph Caudle	Quincehaven Homeowners Assn.	1430 Springhill Road, #300	McLean	VA	22102			
Bob Sonken	Ridgefield Citizens Assn.	15925 Green Meadow Road	Darnestown	MD	20878			
Jim Fary	Sierra Club - Montgomery County Group	2836 Blue Spruce Lane	Silver Spring	MD	20906-3166			
Shyam Kannan	Washington Metro Area Transit Authority	600 Fifth Street NW	Washington	DC	20001			
Katie Rapp	Willow Ridge Civic Assn.	12515 Carrington Hill Dr	Gaithersburg	MD	20878			
Duane Powell	Willow Ridge Homes Corp.	16119 Hayshire Ct.	Gaithersburg	MD	20878			