

From: [Jason Green](#)
To: [Rob Robinson](#)
Subject: Concerns about the Johnson property development and annexation
Date: Friday, October 30, 2015 12:45:18 AM

Dear Mr. Robinson,

I am writing concerning the Johnson annexation plans for the property on Route 28 across from Quince Orchard High School. I understand you are involved in the discussions and I wanted to reach out to you for whatever help you might be able to offer.

In short: I was very upset when I heard about the planned development and I am strongly opposed to it.

For over ten years, I have lived in the Willow Ridge neighborhood adjacent to the property in question. For a few years prior to that, I lived just down the road in the Lakelands community. I have two teen aged children who have both grown up in the local MCPS schools, and I walk, bike, and drive the streets and sidewalks of the local neighborhoods every day. I am therefore intimately familiar with local school resources, traffic infrastructure, and population density.

As it is, the neighborhood schools are already over-crowded and use portable classrooms. I'm very concerned about adding such a large concentrated increase in population to the system and the impact it would have on TMES, Ridgeview MS, and Quince Orchard HS.

Currently, traffic on local roads, especially Route 28 and Quince Orchard Road, is very dense. At morning and evening rush hour and even at mid-day, it is very difficult and often quite dangerous to drive out of the Willow Ridge neighborhood onto Route 28. It often takes quite a long time to get out of the neighborhood because we have to wait for an opportunity to safely cross four lanes of dense traffic with no traffic light. In the mornings, the traffic situation in front of the neighborhood is compounded by many cars making a U-turn to get back to the QOHS entrance. In the evenings, the west-bound traffic is so dense and slow that it often backs up to a crawl all the way down past the fire station.

The entrance to my neighborhood is adjacent to the property in question and one block west of the the proposed center of this new development. As bad as traffic is on 28 already, and I can only imagine how much worse it would become if this proposed annexation and development were allowed.

I'm also very concerned about pedestrian safety as we add more people on foot, on bikes, and in cars to this neighborhood. My children would be walking from Willow Ridge to Quince Orchard HS and crossing those four lanes of traffic which are already pretty dangerous. Add a couple of entrances to a high density housing neighborhood and it is going to be much more dangerous for pedestrians. As it is, we have a couple of white "ghost bikes" chained up in front of the McDonalds from pedestrians/bikers that were killed last year because of the traffic situation.

On a more personal note, I chose to live in this neighborhood specifically because it is a beautiful, quiet, and uncrowded suburban neighborhood of single family homes surrounded by trees, parks, and nature. Annexing a large portion of that neighborhood into the City of Gaithersburg and building multi-story higher density housing is going to radically impact the neighborhood and the community for the worse. We are still reeling from the upcoming destruction of large wooded meadow and addition of a PEPCO substation on the other side of the neighborhood at the corner of Route 28 and Riffle Ford Rd. The county seems to think that every bit of space should become a Rio or a Downtown Rockville, and I think it is ruining our beautiful county one neighborhood at a time.

In closing, I urge you to listen to the strong concerns and protests of myself and the hundreds of neighbors that agree with me. Please do not allow this annexation or re-zoning to move forward. Let the Johnson property be developed in a more conservative way in accordance with its current zoning to protect the neighborhood, the schools, the traffic density, and the safety of the many families and children who love living here.

Thank you for your attention in this urgent matter.

Best Regards,
Jason W. Green
301-466-8195

From: [Thomas Lonergan](#)
To: [Rob Robinson](#)
Subject: FW: Community concerns about Johnson property annexation / process
Date: Friday, October 30, 2015 11:31:00 AM

See below.

From: Phil Usatine [mailto:philu@missinglinksoftware.com]
Sent: Friday, October 30, 2015 9:45 AM
To: Jud Ashman - External; Neil Harris; Ryan@RyanSpiegel.com
Cc: Thomas Lonergan
Subject: Community concerns about Johnson property annexation / process

Hi,

I've seen a lot of e-mail traffic over the past couple of days over what appears to be the impending annexation of the Johnson property at the corner of 28 and Quince Orchard by Gaithersburg. I'm seeing two types of concerns - 1. Lack of openness in the process about discussions. 2. Significant concerns about proposed development densities which are understood to be the main driver for the annexation.

Not sure about you guys' perspectives or the background on this, but at a minimum I believe the process concerns should be addressed. Below is the latest e-mail thread that I was copied on.

Thanks,
Phil

Booster Club Parents, we need your help **BY NOON TOMORROW**. We have just been informed of a plan to build up to 180 new houses behind Safeway, which will feed into TMES/RMS/QOHS. Ms. Working just received the email below. High level summary:

- QOHS is already over capacity by 100+ students
- this proposal will add more congestion to the corner of 28/QO
- this proposal will add more students to the high school
- there has been NO review of how this will affect our schools, and the persons trying to develop this land are circumventing the county and going straight to the city for an expedited approval.
- **the city has given no notice of this vote and we have exactly 18 hours to respond.**

The details of the deal are below, but our ASK TO YOU, please, by NOON tomorrow:

Email Michael.Bello@montgomeryplanning.org and tell him that we are overcrowded at QO, that the congestion at the intersection of 28/QO is already dangerous, that we have traffic issues and safety concerns about our children crossing the street, and to SLOW DOWN and make an informed decision, not a dollar decision. Please keep your correspondence rational, as perplexing as this is they will not listen to us if we become belligerent. THANK YOU QO PARENTS! We stopped the bus parking at QO, we can stop this too. Go Cougars!

DETAILS ABOUT THE PROPOSAL:

Dear Principals.... the county planning department is finishing their report on recommendations about the proposed annexation and redevelopment of the Johnson property.

They are collecting messages from the community which will inform their decision and which will be included in their report. The more messages they receive, the stronger the voice of the community.

I think it would be very helpful for them to hear directly from the principals of the three schools most affected by this huge change in land use in the Quince Orchard area.

The contact is: Michael Bello 301-495-4597 Michael.Bello@montgomeryplanning.org

Thanks,
Katie Rapp

From: Scott McDowell [mailto:scottmcdowell@mac.com]
Sent: Wednesday, October 28, 2015 5:09 PM
Subject: Fwd: MCPS Capital Budget

Hi Principals,

Not sure if you are aware but Johnson's is planning on doing an annexation with Gaithersburg City in order for them to build a development on the land behind Safeway. They plan on adding 180 new homes (condos, townhouses, single family). This was not approved by the county which recommended parks in the area because of the traffic and school capacity issues. Thus the land owners are asking the city to annex them because the city would be easier to get this accomplished in the coming months. They could break ground immediately afterwards although they did not provide us with a proper timeline. I thought you should know as this has the potential of adding a great deal of students to your school.

This is especially important as our local schools did not get the needed funding to expand in the next 5 years.

Sincerely,

Scott

[[Attachment\(s\)](#) from Katie Rapp included below]

Hello, the Johnson family who own the land that includes the Safeway, CVS, and undeveloped land next to Willow Ridge and Orchard Hills has asked the city of Gaithersburg to annex and rezone all of their property which they would then redevelop. The other corners of QO/28 are also on the Gaithersburg Master Plan slated for possible annexation and redevelopment with the entire area called a "Gateway" to the city. This would surround QOHS with a great deal of development and change the entire area.

The Johnsons are holding a public info session on Tues (10-27) at 7 PM at their red block building behind the Safeway where the barbecue truck parks. Please attend. There's more info below. Share it. Contact me with questions.

Katie Rapp

----- Forwarded Message -----

From: Munish Mehra

Subject: Potential Large Scale Development around Willow Ridge - Please review carefully - If you can, do try to attend the meeting on Oct 27th at 7:00 PM (See attachment)

Hello neighbors,

Munish asked me to write up some of the details about the proposed Johnson property annexation, rezoning, and redevelopment. Here goes.

This is a big deal. It includes ALL of the Johnson property, including the Safeway, CVS, bank, as well as the undeveloped land adjacent to Willow Ridge. I suggest that everyone in Willow Ridge and the whole area should take this very seriously. If it goes through, it will profoundly change this area. I'll repeat, this is a big deal. It changes the nature of the land use allowed on the property in a very big way.

Land Use: Here is some history as I understand it. Currently, the ~14 acres closest to Willow Ridge are zoned R-200 which only allows single family homes. The Johnsons could have built homes on this land at any time. They chose not to include it in the land sold to the Hidden Ponds developers. They had other plans (unknown to us).

Current Special Exception: The Johnsons were able to get a "special exception" on that property decades ago with (as far as I know) no community disagreement, because they told Willow Ridge neighbors that they just planned to move a few greenhouses to the land, greenhouses that needed to be relocated when Thurgood Marshall ES was built. However, the special exception allows a number of uses other than single family homes, including a garden center.

Garden Center Proposal: The community was surprised in 2004-2005 to learn that the Johnson's wanted to take advantage of this special exception and develop a very large-scale garden center on the entire 14 acres. This met a great deal of community opposition and the Johnsons came back quickly with a scaled back plan, using just the 6 acres closest to 28 for a new garden center. The rest of the property was going to be undeveloped/storm drainage area.

Garden Center Approved/Not Built: This plan was approved, but the Johnson's chose not to build the garden center. I was told by Russell Johnson that it was because the price of construction materials had gone up too much after Hurricane Katrina.

Another neighbor told me it was because the Johnsons were required to make expensive improvements to intersections on 28.

Rezoning to Commercial: About 6 years ago, the Johnson's tried to get the 14 acres adjacent to Willow Ridge rezoned from residential zoning to commercial zoning. This was during the "Science City" zoning discussions about Belward Farm which is in the same planning area as us. This rezoning of the Johnson property met with community opposition and they dropped that plan quickly.

Selling to Parks Dept: They also talked about selling the land to the parks department. This is referenced in the current zoning plan for our area, the Great Seneca Science Corridor Master Plan on p.

61 http://www.montgomeryplanning.org/community/gaithersburg/documents/GSSCAppealedandAdopted_web.pdf

The parks department did not have the funding to purchase the property at the price the Johnson's were offering it. The end result is that nothing happened at that time. The county did not rezone the land and the parks dept did not purchase it.

Current Zoning/Allowed Uses: The map on p. 62 of the Great Seneca plan shows the current zoning. The 14 acres adjacent to Willow Ridge are zoned for single family home residential development. The commercial properties including the gas station, Safeway, CVS, and bank, are zoned C-1 which is neighborhood convenience. That is, allowed uses are limited to businesses that people need close to home such as groceries, gas, pharmacy, hair salons, doctor offices, etc. It's not supposed to be a "draw" for people to come from a distance. This keeps it to local traffic... it's not drawing in crowds.

Request for Annexation: After they were not able to get the land rezoned in 2009, the Johnson's went to the city of Gaithersburg and asked for annexation. This is referenced in the 2009 Gaithersburg city Master

Plan: http://www.gaithersburgmd.gov/~media/city/documents/government/master_plan/2011/Land_Use.pdf

Creating a Western "Gateway": Note that the Gaithersburg plan calls for annexation and rezoning of the all the corners of 28/QO (except QOHS) and they are calling this a "Gateway" to the city. For reference, the definition of Gaithersburg MXD zoning: [Municode Library](#)

The Gaithersburg city council discussed and agreed to enter into an annexation agreement with the Johnsons this past summer. The documents are here:

<http://sirepub.gaithersburgmd.gov/sirepub/agdocs.aspx?doctype=minutes&itemid=11744>

Here's more info about the Gaithersburg planning process.

<http://www.gaithersburgmd.gov/services/planning-services/planning---faq>

My Questions: I have many questions about this proposal, as I am sure most people in Willow Ridge have. Here are some of mine:

1. What is the density of housing allowed on MXD land and what is proposed? I have concerns because we need to keep in mind what they could do down the road, not just what they say they want to do now.
2. Will they have to notify neighbors when they develop/redevelop the land? With the current R-200 zoning, the county requires that they contact adjacent landowners and community associations so we're aware of plans. We have the right to comment on plans. I do not know if this is the case if the land is annexed and rezoned by the city.
3. They are proposing to eventually knock down all the existing commercial buildings on the developed properties (including the Safeway, CVS, bank, restaurants like the new Inferno pizza place). What would they put in its place? Again what is planned and what is allowed. Again, the concern about what they could do down the road. They do not currently have to notify neighbors about C-1 development plans. What is the situation for MXD in city of Gburg?
4. Why are they calling this a Gateway to the city? I have a huge issue with this. The current development plans for Montgomery County call for heaviest development along the I-270 corridor. I understand considering Rio/Washingtonian/Crown a Gateway into the city of Gaithersburg. People are arriving off the interstate. It is a destination. Who would we be the gateway for? People who live in Darnestown and the agricultural reserve? Darnestown is in the Potomac planning area (from Riffle Ford on) and this is low density development because of distance from I-270. The agricultural reserve has limitations on development. Why would city of Gaithersburg plan a large scale gateway to the city for people coming from the west?
5. Annexing the Johnson land would mean that City of Gaithersburg extends in an odd way into the middle of Willow Ridge and Orchard Hills. Would that mean they would eventually want to annex our communities and what would that mean for us? Taxes, services, etc?
 - Traffic... an obvious huge issue when we already have a great deal of difficulty leaving the neighborhood

From: [Doris Stokes](#)
To: [Rob Robinson](#); [Michelle Coupe](#)
Subject: FW: Johnson Property Annexation
Date: Monday, November 02, 2015 3:06:27 PM

From: Oslund, Charlotte - BLS [mailto:Oslund.Charlotte@bls.gov]
Sent: Friday, October 30, 2015 2:52 PM
To: Michael.Bello@montgomeryplanning.org
Cc: Jud Ashman; CityHall External Mail
Subject: FW: Johnson Property Annexation

Mr. Bello:

The annexation of the Johnson Property by the City of Gaithersburg came to my attention late last night. Since I am at work, I am having to quick-study this issue that is new to me. I have great concerns. Per the instructions below, I am contacting you. Although you are apparently with the County and not the City, so I'm not sure why it's you we should contact rather than the City Council and Mayor Ashman. I will CC Mayor Ashman and City Manager Tomasello (through the general city hall email since I can't find a direct email for him) on this email.

It looks as if the Mayor and City Council are behind this annexation and resulting development, and I can see how the City would be interested in increasing its long-range tax base. However, the terms described in the July 31, 2015 [memorandum](#) from the City Attorney to the Mayor and City Council make it seem as if the City is recruiting Johnsons by providing incentives such as the exemption from the APFO schools test and by waiving City property taxes on the commercial sites for 10 years. However, it is very clear that the situation is reversed with Johnsons desperately trying option after option to develop this land, including the most recent option of requesting annexation by the City. It seems the City of Gaithersburg has the upper hand on this but is not acting as such.

I can hardly imagine the area at Quince Orchard Road and Darnestown Road being even more crowded than it is now. My children attend Quince Orchard High School and navigating that intersection already adds 5-10 minutes to the trip to school. It takes between 1 and 3 light cycles to pass through that intersection, which leads to the choice between departing home even more early on what is already an early morning for teenagers, or being tardy. The flow is so bad that there are two other improvised drop off lanes that we parents use. The flow is beyond inadequate even with current population levels. It is inconceivable how it would be with another 180 families in the area. Even more difficult to grasp is why the APFO Schools test is being waived. Quince Orchard HS is bursting at the seams and has increased student enrollment every year. I already consider it a fire and safety hazard when the kids change classes because the hallways are so completely over crowded. If they had to evacuate the school quickly, it simply could not be done. Development of this new land into a mixed-use area would beyond overwhelm the school with new students as well as the roads with additional traffic.

I know Montgomery County and the City of Gaithersburg are keen on developing every square inch of land to increase our tax base, but at some point you have to factor in the negative effect on quality of life of those already living here. I grew up in Wyoming and even after 22 years here, I still can't stand to be crammed in her like sardines. The "smart development" of mixed-use areas near the metro stops make a whole lot more sense. Where this location is, there will be no other option than to add cars to the roads. I just don't understand the City's desire for this development and I definitely do not understand the waiving of the APFO and commercial taxes (for 10 years).

If there are materials out there that explains the City's thinking on this, please point me toward them. As I mentioned, I am quick-studying this issue and dug around as best I could in my limited time.

Regards,
Charlotte Oslund
Gaithersburg resident

From: Charlotte Oslund [mailto:char_math_stats@hotmail.com]
Sent: Thursday, October 29, 2015 11:23 PM
To: Oslund, Charlotte - BLS
Subject: FW: Please read – need your QO Voice to be Heard!

> Date: Thu, 29 Oct 2015 19:50:23 -0700
> From: goptsa.president@gmail.com
> To: qohs-ptsa@googlegroups.com
> Subject: Please read – need your QO Voice to be Heard!
>
> PTSA Members,
>
> We need your help in a short turnaround time. We have just been notified about a potential development (180 new homes) across the street from Our high school around the Safeway shopping center area. In the past, the county has denied rezoning this area but the land owners have asked that the city annex them to push the development through.
> QOHS is already over capacity and this proposal will add more students to our high school and more congestion to the corner of 28 and Quince Orchard. There has not been a review of how this will affect our schools, but the development has certainly not been considered in our student numbers or funding.
>
> Details about the development and the community meeting held this week are below. Since we only have about 18 hours to respond to the Planning Department before their recommendation report is finalized, I'm asking if you'll take some time and read this and send on an email or make a phone call to the Planning Coordinator with your concerns about how this will affect the overcrowding at our school, the worsening traffic and the safety of our students at an already dangerous intersection. His contact information is:
> Mike Bello
> 301-495-4597
> Michael.Bello@montgomeryplanning.org
>
> We only have tonight and tomorrow to respond! We certainly have affected change in the past, so I'm hoping our QO community will rally and be heard!
>
> This past Tuesday night the neighboring communities were invited to a meeting to discuss this. Here is a brief synopsis from an attendee:
> The community learned about the Johnsons plans for the property surrounding the Safeway. What is now zoned for 30 single-family homes would be 180 housing units plus there could be buildings as high as six stories. That number of families will cause a great deal of crowding for Thurgood Marshall, Ridgeview, and QOHS, but also traffic and safety issues with the high school right across the street. The community members gathered for the meeting Tuesday night at the Johnson property and had two hours of hard questions for Russell Johnson and his attorney. This is a huge development, a huge change that impacts the whole Quince Orchard area in a very negative way.
> The county planning department is currently putting together the final recommendation report regarding the Johnson annexation. If they do not approve the annexation, it means that the Johnsons would need to wait five years to develop this property. This is a huge delay. Please write or call Mike Bello at the planning department with your concerns. He's doing the report and the more people that write our call with concerns, the better. This needs to be done by COB Friday, October 30.
>

> There are more details in the notes below:

>

> From: Scott McDowell

> Sent: Wednesday, October 28, 2015 5:09 PM

> Subject: Fwd: MCPS Capital Budget

>

> Hi Principals,

>

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>

> Sincerely,

>

> Scott

>

> [Attachment(s) from Katie Rapp included below]

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- > Here's more info about the Gaithersburg planning process.
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 - > Annexing the Johnson land would mean that City of Gaithersburg extends in an odd way into the middle of Willow Ridge and Orchard Hills. Would that mean they would eventually want to annex our communities and what would that mean for us? Taxes, services, etc?
 - > Traffic... an obvious huge issue when we already have a great deal of difficulty leaving the neighborhood at certain times of the day. Safety is a huge issue.
 - > Widening of 28? If they build this much development, would they need to further widen 28 and/or widen it into Darnestown or beyond to accommodate traffic? It's a bottleneck now as it narrows at Riffle Ford. What would happen if traffic significantly increases? How far would the backups extend at rush hour?
 - > Why would they surround a high school with heavy development like this? What are the safety implications for students at QOHS?
- > These are just a few questions I have off the top of my head. I'm sure everyone will think of more. I want to re-state that this is a huge issue that I urge everyone takes very seriously. Feel free to share this info with people in adjoining communities. The whole area will be deeply affected. I encourage everyone to attend meetings and understand the issues clearly. This is not a done deal. Make sure your voice is heard.
- > Katie Rapp
- >
- > Thank You!!!
- >
- > --
- > You received this message because you are subscribed to the Google Groups "QOHS PTSA" group.
- > To unsubscribe from this group and stop receiving emails from it, send an email to qohs-ptsas+unsubscribe@googlegroups.com.
- > For more options, visit <https://groups.google.com/d/optout>.

From: [Doris Stokes](#)
To: [Rob Robinson](#)
Cc: [John Schlichting](#)
Subject: FW: Johnson Property proposed annexation and development recommendation review
Date: Friday, October 30, 2015 2:05:40 PM

From: Britta Monaco
Sent: Friday, October 30, 2015 1:11 PM
To: Gordon Henley
Cc: Doris Stokes; Tony Tomasello; Nick & Britta
Subject: RE: Johnson Property proposed annexation and development recommendation review

Mr. Henley, thank you for your e-mail to the City of Gaithersburg regarding the proposed annexation. Your e-mail is being shared with our elected officials for their consideration.

Britta Monaco

Director, Department of Community & Public Relations

City of Gaithersburg | 31 S. Summit Ave. | Gaithersburg, MD 20877

P: 301-258-6310 x2111

bmonaco@gaithersburgmd.gov

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From: Gordon Henley [<mailto:ghenley2@gmail.com>]
Sent: Friday, October 30, 2015 12:14 PM
To: Michael.bello@montgomeryplanning.org; ike.leggett@montgomerycountymd.gov; county.council@montgomerycountymd.gov; craig.rice@montgomerycountymd.gov; carole_a_working@mcpsmd.org; CityHall External Mail
Subject: Johnson Property proposed annexation and development recommendation review

Dear Mr. Bello:

I am a member of the Quince Orchard HS community and live and support Boy Scout district-level volunteer activities near and around Jones Lane, Thurgood Marshall and Rachael Carson Elementary schools. My children attended Ridgeview Middle School and Quince Orchard High school previously where I continue to do extensive Booster Club volunteer support.

After reading about the proposal for the annexation of the Johnson property by the City of Gaithersburg and plans to create a residential development of 180 new homes (condos, townhouses, single family, **I am against this proposal** for the following reasons:

1. The public schools in the area including Quince Orchard High School are severely overcrowded over building limits and the community has been dealing with capacity issues for years. Funding for long overdue improvements is limited, and in some cases, has been removed from MCPS budgets. This development will significantly exacerbate this situation, and impact quality of delivered school services.
2. Congestion at the intersection of Route 28 and Quince Orchard Road is already dangerous - there are traffic issues and safety concerns as our children cross the street. The intersection at Rt 28 and Riffle Ford Rd was recently listed in surveys as one of the most congested in the area, esp at evening rush.

3. The proposal had very little green space and was rejected by the county for traffic and school capacity reasons and they recommended park area instead
4. There is an allowed pre-existing use for the land which has been approved under the current zoning. A complete and unmitigated change to the neighborhood for purely financial gain is unwarranted at this time. The petitioner lives just outside the cluster, where residents attend different schools which are not impacted.

Thank you for your time and consideration in **not approving** this proposal as damaging to the overall quality of life of the area, the safety of citizens, and the insufficient infrastructure and educational services to support it.

Sincerely,

Gordon Henley
12601 Native Dancer Place
N Potomac MD 20878

From: [Ryan Spiegel - External](#) on behalf of [Ryan Spiegel](#)
To: [John Schlichting](#); [Rob Robinson](#)
Subject: Fwd: FW: Johnson Property Annexation
Date: Friday, October 30, 2015 4:47:04 PM

FYI

----- Forwarded message -----

From: **Councilmember Ryan Spiegel** <rspiegel@gaitthersburgmd.gov>
Date: Fri, Oct 30, 2015 at 3:53 PM
Subject: Fwd: FW: Johnson Property Annexation
To: Jud Ashman <jud.ashman@gmail.com>, Tony Tomasello <TTomasello@gaitthersburgmd.gov>

FYI - my response.

----- Forwarded message -----

From: **Councilmember Ryan Spiegel** <rspiegel@gaitthersburgmd.gov>
Date: Fri, Oct 30, 2015 at 3:52 PM
Subject: Fwd: FW: Johnson Property Annexation
To: Oslund.Charlotte@bls.gov

Ms. Oslund, I serve on the City Council and wanted to provide a quick initial response to your email. We or our staff can follow up with a more detailed response, but I thought it was important to at least get an initial response to you quickly.

We've seen a number of emails and calls since yesterday about this issue. Unfortunately there appears to be some misunderstanding about the city's process. Nothing is imminent, nor is annexation a sure thing. This is a process that will take a while and will involve notice to the community and plenty of opportunity for public input before any final decision on development approvals is made. As with any such issue, I caution against jumping to conclusions and believing rumors. At the same time, I recognize the concerns of the neighborhoods and the QOHS community and expect that the City will work with all the stakeholders as the process unfolds in the coming months. At this point, I believe the only thing that has happened is that the city council has authorized the city manager to enter into *negotiations* for a possible annexation agreement. There has been no final vote to approve the annexation or to agree to the terms of an annexation agreement. Even if such approval is eventually granted, there would still be a separate process later for a development application, public hearing, and vote to approve or reject a Site Development Plan for any proposed development on this land if it is annexed under our MXD zone. This will include a professional traffic study to gauge the impacts on the intersection of Darnestown and Quince Orchard Roads.

I've also asked city staff to add a page to the city website that is specific to this proposed annexation, explaining all of this.

Also, by State law, the city cannot initiate annexations. A property owner who meets certain criteria can initiate the process through a petition, as long as the property is contiguous to the city's boundary and identified as part of the city's Maximum Expansion Limit in a masterplan document filed with the State. The city is not recruiting the Johnsons to annex this property. Additionally, the County has certain veto powers over municipal annexations. As for the July 31 memorandum that you reference, it was made clear in the document and at the public meeting on August 17 following that memorandum that the conditions (e.g., tax abatement, APFO waiver, etc.) set forth in that memorandum were the conditions initially sought by the applicant. In other words, this was just the wish list of what the Johnsons would like to have, as an opening offer in a negotiation. The City Council made a number of public comments at the meeting expressing our doubts as to a number of these requests. It is not uncommon for parties seeking annexation to ask for much more than we would ever allow, knowing that the conditions will be whittled down during the negotiation process.

I hope this helps to clarify what has, and has not, happened so far.

Best Regards,
Ryan Spiegel

----- Forwarded message -----

From: **Jud Ashman** <jud.ashman@gmail.com>
Date: Fri, Oct 30, 2015 at 3:16 PM
Subject: Fwd: FW: Johnson Property Annexation
To: "Cathy (City) Drzyzgula" <cdrzyzgula@gaitthersburgmd.gov>, "Henry (home) Marraffa" <hmarraffa@starpower.net>, "Mike (City Address) Sesma" <MSesma@gaitthersburgmd.gov>, Neil Harris <misternh@gmail.com>, Ryan Spiegel <spiegelrs@gmail.com>, Tony Tomasello <TTomasello@gaitthersburgmd.gov>, John Schlichting <jschlichting@gaitthersburgmd.gov>, Lynn Board

Mayor and City Council
X-7067-2015
35

<LBoard@gaithersburgmd.gov>, Dennis Enslinger <denslinger@gaithersburgmd.gov>

Dear All,

This is FYI. I don't have time at the moment to respond, but wanted to make sure you're aware.

- Jud

----- Forwarded message -----

From: **Oslund, Charlotte - BLS** <Oslund.Charlotte@bls.gov>

Date: Fri, Oct 30, 2015 at 2:51 PM

Subject: FW: Johnson Property Annexation

To: "Michael.Bello@montgomeryplanning.org" <Michael.Bello@montgomeryplanning.org>

Cc: "jashman@gaithersburgmd.gov" <jashman@gaithersburgmd.gov>, "cityhall@gaithersburgmd.gov" <cityhall@gaithersburgmd.gov>

Mr. Bello:

The annexation of the Johnson Property by the City of Gaithersburg came to my attention late last night. Since I am at work, I am having to quick-study this issue that is new to me. I have great concerns. Per the instructions below, I am contacting you. Although you are apparently with the County and not the City, so I'm not sure why it's you we should contact rather than the City Council and Mayor Ashman. I will CC Mayor Ashman and City Manager Tomasello (through the general city hall email since I can't find a direct email for him) on this email.

It looks as if the Mayor and City Council are behind this annexation and resulting development, and I can see how the City would be interested in increasing its long-range tax base. However, the terms described in the July 31, 2015 [memorandum](#) from the City Attorney to the Mayor and City Council make it seem as if the City is recruiting Johnsons by providing incentives such as the exemption from the APFO schools test and by waiving City property taxes on the commercial sites for 10 years. However, it is very clear that the situation is reversed with Johnsons desperately trying option after option to develop this land, including the most recent option of requesting annexation by the City. It seems the City of Gaithersburg has the upper hand on this but is not acting as such.

I can hardly imagine the area at Quince Orchard Road and Darnestown Road being even more crowded than it is now. My children attend Quince Orchard High School and navigating that intersection already adds 5-10 minutes to the trip to school. It takes between 1 and 3 light cycles to pass through that intersection, which leads to the choice between departing home even more early on what is already an early morning for teenagers, or being tardy. The flow is so bad that there are two other improvised drop off lanes that we parents use. The flow is beyond inadequate even with current population levels. It is inconceivable how it would be with another 180 families in the area. Even more difficult to grasp is why the APFO Schools test is being waived. Quince Orchard HS is bursting at the seams and has increased student enrollment every year. I already consider it a fire and safety hazard when the kids change classes because the hallways are so completely over crowded. If they had to evacuate the school quickly, it simply could not be done. Development of this new land into a mixed-use area would beyond overwhelm the school with new students as well as the roads with additional traffic.

I know Montgomery County and the City of Gaithersburg are keen on developing every square inch of land to increase our tax base, but at some point you have to factor in the negative effect on quality of life of those already living here. I grew up in Wyoming and even after 22 years here, I still can't stand to be crammed in her like sardines. The "smart

development” of mixed-use areas near the metro stops make a whole lot more sense. Where this location is, there will be no other option than to add cars to the roads. I just don’t understand the City’s desire for this development and I definitely do not understand the waiving of the APFO and commercial taxes (for 10 years).

If there are materials out there that explains the City’s thinking on this, please point me toward them. As I mentioned, I am quick-studying this issue and dug around as best I could in my limited time.

Regards,

Charlotte Oslund

Gaithersburg resident

From: Charlotte Oslund [mailto:char_math_stats@hotmail.com]
Sent: Thursday, October 29, 2015 11:23 PM
To: Oslund, Charlotte - BLS
Subject: FW: Please read – need your QO Voice to be Heard!

> Date: Thu, 29 Oct 2015 19:50:23 -0700
> From: goptsa.president@gmail.com
> To: qohs-ptsa@googlegroups.com
> Subject: Please read – need your QO Voice to be Heard!
>
> PTSA Members,
>
> We need your help in a short turnaround time. We have just been notified about a potential development (180 new homes) across the street from Our high school around the Safeway shopping center area. In the past, the county has denied rezoning this area but the land owners have asked that the city annex them to push the development through.
> QOHS is already over capacity and this proposal will add more students to our high school and more congestion to the corner of 28 and Quince Orchard. There has not been a review of how this will affect our schools, but the development has certainly not been considered in our student numbers or funding.
>
> Details about the development and the community meeting held this week are below. Since we only have about 18 hours to respond to the Planning Department before their recommendation report is finalized, I'm asking if you'll take some time and read this and send on an email or make a phone call to the Planning Coordinator with your concerns about how this will affect the overcrowding at our school, the worsening traffic and the safety of our students at an already dangerous intersection. His contact information is:
> Mike Bello
> [301-495-4597](tel:301-495-4597)
> Michael.Bello@montgomeryplanning.org
>

> We only have tonight and tomorrow to respond! We certainly have affected change in the past, so I'm hoping our QO community will rally and be heard!

>

> This past Tuesday night the neighboring communities were invited to a meeting to discuss this. Here is a brief synopsis from an attendee:

> The community learned about the Johnsons plans for the property surrounding the Safeway. What is now zoned for 30 single-family homes would be 180 housing units plus there could be buildings as high as six stories. That number of families will cause a great deal of crowding for Thurgood Marshall, Ridgeview, and QOHS, but also traffic and safety issues with the high school right across the street. The community members gathered for the meeting Tuesday night at the Johnson property and had two hours of hard questions for Russell Johnson and his attorney. This is a huge development, a huge change that impacts the whole Quince Orchard area in a very negative way.

> The county planning department is currently putting together the final recommendation report regarding the Johnson annexation. If they do not approve the annexation, it means that the Johnsons would need to wait five years to develop this property. This is a huge delay. Please write or call Mike Bello at the planning department with your concerns. He's doing the report and the more people that write our call with concerns, the better. This needs to be done by COB Friday, October 30.

>

> There are more details in the notes below:

>

> From: Scott McDowell

> Sent: Wednesday, October 28, 2015 5:09 PM

> Subject: Fwd: MCPS Capital Budget

>

> Hi Principals,

>

> Not sure if you are aware but Johnson's is planning on doing an annexation with Gaithersburg City in order for them to build a development on the land behind Safeway. They plan on adding 180 new homes (condos, townhouses, single family). This was not approved by the county which recommended parks in the area because of the traffic and school capacity issues. Thus the land owners are asking the city to annex them because the city would be easier to get this accomplished in the coming months. They could break ground immediately afterwards although they did not provide us with a proper timeline. I thought you should know as this has the potential of adding a great deal of students to your school.

>

> This is especially important as our local schools did not get the needed funding to expand in the next 5 years.

>

> Sincerely,

>

> Scott

>

> [Attachment(s) from Katie Rapp included below]

>

> Hello, the Johnson family who own the land that includes the Safeway, CVS, and undeveloped land next to Willow Ridge and Orchard Hills has asked the city of Gaithersburg to annex and rezone all of their property which they would then redevelop. The other corners of QO/28 are also on the Gaithersburg Master Plan slated for possible annexation and redevelopment with the entire area called a "Gateway" to the city. This would surround QOHS with a great deal of development and change the entire area.

>

> The Johnsons are holding a public info session on Tues (10-27) at 7 PM at their red block building behind the

Safeway where the barbecue truck parks. Please attend. There's more info below. Share it. Contact me with questions.

>

> Katie Rapp

>

> ----- Forwarded Message -----

> From: Munish Mehra

> Subject: Potential Large Scale Development around Willow Ridge - Please review carefully - If you can, do try to attend the meeting on Oct 27th at 7:00 PM (See attachment)

>

> Hello neighbors,

> Munish asked me to write up some of the details about the proposed Johnson property annexation, rezoning, and redevelopment. Here goes.

> This is a big deal. It includes ALL of the Johnson property, including the Safeway, CVS, bank, as well as the undeveloped land adjacent to Willow Ridge. I suggest that everyone in Willow Ridge and the whole area should take this very seriously. If it goes through, it will profoundly change this area. I'll repeat, this is a big deal. It changes the nature of the land use allowed on the property in a very big way.

>

> Land Use: Here is some history as I understand it. Currently, the ~14 acres closest to Willow Ridge are zoned R-200 which only allows single family homes. The Johnsons could have built homes on this land at any time. They chose not to include it in the land sold to the Hidden Ponds developers. They had other plans (unknown to us).

>

> Current Special Exception: The Johnsons were able to get a "special exception" on that property decades ago with (as far as I know) no community disagreement, because they told Willow Ridge neighbors that they just planned to move a few greenhouses to the land, greenhouses that needed to be relocated when Thurgood Marshall ES was built. However, the special exception allows a number of uses other than single family homes, including a garden center.

> Garden Center Proposal: The community was surprised in 2004-2005 to learn that the Johnson's wanted to take advantage of this special exception and develop a very large-scale garden center on the entire 14 acres. This met a great deal of community opposition and the Johnsons came back quickly with a scaled back plan, using just the 6 acres closest to 28 for a new garden center. The rest of the property was going to be undeveloped/storm drainage area.

>

> Garden Center Approved/Not Built: This plan was approved, but the Johnson's chose not to build the garden center. I was told by Russell Johnson that it was because the price of construction materials had gone up too much after Hurricane Katrina. Another neighbor told me it was because the Johnsons were required to make expensive improvements to intersections on 28.

> Rezoning to Commercial: About 6 years ago, the Johnson's tried to get the 14 acres adjacent to Willow Ridge rezoned from residential zoning to commercial zoning. This was during the "Science City" zoning discussions about Belward Farm which is in the same planning area as us. This rezoning of the Johnson property met with community opposition and they dropped that plan quickly.

>

> Selling to Parks Dept: They also talked about selling the land to the parks department. This is referenced in the current zoning plan for our area, the Great Seneca Science Corridor Master Plan on p. 61

http://www.montgomeryplanning.org/community/gaithersburg/documents/GSSCAprovedandAdopted_web.pdf

> The parks department did not have the funding to purchase the property at the price the Johnson's were offering it. The end result is that nothing happened at that time. The county did not rezone the land and the parks dept did not purchase it.

>

> Current Zoning/Allowed Uses: The map on p. 62 of the Great Seneca plan shows the current zoning. The 14 acres adjacent to Willow Ridge are zoned for single family home residential development. The commercial properties including the gas station, Safeway, CVS, and bank, are zoned C-1 which is neighborhood convenience. That is, allowed uses are limited to businesses that people need close to home such as groceries, gas, pharmacy, hair salons, doctor offices, etc. It's not supposed to be a "draw" for people to come from a distance. This keeps it to local traffic... it's not drawing in crowds.

> Request for Annexation: After they were not able to get the land rezoned in 2009, the Johnson's went to the city of Gaithersburg and asked for annexation. This is referenced in the 2009 Gaithersburg city Master Plan:

http://www.gaithersburgmd.gov/~media/city/documents/government/master_plan/2011/Land_Use.pdf

> Creating a Western "Gateway": Note that the Gaithersburg plan calls for annexation and rezoning of the all the corners of 28/QO (except QOHS) and they are calling this a "Gateway" to the city. For reference, the definition of Gaithersburg MXD zoning: Municode Library

>

> The Gaithersburg city council discussed and agreed to enter into an annexation agreement with the Johnsons this past summer. The documents are here:

> <http://sirepub.gaithersburgmd.gov/sirepub/agdocs.aspx?doctype=minutes&itemid=11744>

>

> Here's more info about the Gaithersburg planning process.

> <http://www.gaithersburgmd.gov/services/planning-services/planning---faq>

> My Questions: I have many questions about this proposal, as I am sure most people in Willow Ridge have. Here are some of mine:

> What is the density of housing allowed on MXD land and what is proposed? I have concerns because we need to keep in mind what they could do down the road, not just what they say they want to do now.

> Will they have to notify neighbors when they develop/redevelop the land? With the current R-200 zoning, the county requires that they contact adjacent landowners and community associations so we're aware of plans. We have the right to comment on plans. I do not know if this is the case if the land is annexed and rezoned by the city.

> They are proposing to eventually knock down all the existing commercial buildings on the developed properties (including the Safeway, CVS, bank, restaurants like the new Inferno pizza place). What would they put in its place? Again what is planned and what is allowed. Again, the concern about what they could do down the road. They do not currently have to notify neighbors about C-1 development plans. What is the situation for MXD in city of Gburg?

> Why are they calling this a Gateway to the city? I have a huge issue with this. The current development plans for Montgomery County call for heaviest development along the I-270 corridor. I understand considering Rio/Washingtonian/Crown a Gateway into the city of Gaithersburg. People are arriving off the interstate. It is a destination. Who would we be the gateway for? People who live in Darnestown and the agricultural reserve? Darnestown is in the Potomac planning area (from Riffle Ford on) and this is low density development because of distance from I-270. The agricultural reserve has limitations on development. Why would city of Gaithersburg plan a large scale gateway to the city for people coming from the west?

> Annexing the Johnson land would mean that City of Gaithersburg extends in an odd way into the middle of Willow Ridge and Orchard Hills. Would that mean they would eventually want to annex our communities and what would that mean for us? Taxes, services, etc?

> Traffic... an obvious huge issue when we already have a great deal of difficulty leaving the neighborhood at certain times of the day. Safety is a huge issue.

> Widening of 28? If they build this much development, would they need to further widen 28 and/or widen it into Darnestown or beyond to accommodate traffic? It's a bottleneck now as it narrows at Riffle Ford. What would happen if traffic significantly increases? How far would the backups extend at rush hour?

> Why would they surround a high school with heavy development like this? What are the safety implications for

students at QOHS?

> These are just a few questions I have off the top of my head. I'm sure everyone will think of more. I want to restate that this is a huge issue that I urge everyone takes very seriously. Feel free to share this info with people in adjoining communities. The whole area will be deeply affected. I encourage everyone to attend meetings and understand the issues clearly. This is not a done deal. Make sure your voice is heard.

> Katie Rapp

>

> Thank You!!!

>

> --

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Jud Ashman
Mayor, Gaithersburg, Maryland
Founder and Chair, Gaithersburg Book Festival
www.gaithersburgbookfestival.org
@judashman