

From: [Kay Permison](#)
To: [Planning External Mailing](#)
Subject: Johnson property annexation
Date: Wednesday, November 11, 2015 10:56:06 AM

Planners,

Please add my voice to the numbers that are concerned and protesting the proposed annexation of the Johnson property at Rt 28 & Quince Orchard Road to the City of Gaithersburg. The proposed development is an improbable and undesirable use for this tract of land that will create overdevelopment and commercialization of this neighborhood, increase existing school overcrowding and exacerbate the traffic nightmare that already exists at this intersection.

The neighborhoods surrounding this area already have difficulty exiting their local streets several times of the day. Traffic backs up for several light cycles as students & teachers try to access Quince Orchard High School in the A.M. Furthermore, no planning or relief of this situation seems to be in the purview of this annexation.

Unmitigated development of this area is of great concern to existing residents and seems only to be of positive value to the developers. Please give your utmost consideration to these issues before granting this windfall to the Johnson property owners. Thank you.

Kay Permison
Fox Hills Green
N.Potomac, MD 20878

Kpermison@yahoo.com

Mayor and City Council
X-7067-2015
66

From: [Standards Based Programs, Inc.](#)
To: [Kay Permison](#); [Planning External Mailing](#)
Cc: [Alyssa Donaldson](#)
Subject: Re: Johnson property annexation
Date: Wednesday, November 11, 2015 11:03:05 AM

Bravo, right-on.
Very well stated.

Stephen B. Permison, MD
Standards Based Programs
Phone: 301.537.7019; Fax: 301.330.4785
Email: sbp@standardsbasedprograms.com

The information contained in this e-mail message is privileged and confidential and is only for the personal and confidential use of the intended recipient(s). If the reader of this message is not the intended recipient or their agent, you have received this document in error and should discard it. Dissemination, distribution, or copying of this message is strictly prohibited.

From: Kay Permison <kpermison66@gmail.com>
To: planning@gaithersburgmd.gov
Sent: Wednesday, November 11, 2015 10:56 AM
Subject: Johnson property annexation

Planners,

Please add my voice to the numbers that are concerned and protesting the proposed annexation of the Johnson property at Rt 28 & Quince Orchard Road to the City of Gaithersburg. The proposed development is an improbable and undesirable use for this tract of land that will create overdevelopment and commercialization of this neighborhood, increase existing school overcrowding and exacerbate the traffic nightmare that already exists at this intersection.

The neighborhoods surrounding this area already have difficulty exiting their local streets several times of the day. Traffic backs up for several light cycles as students & teachers try to access Quince Orchard High School in the A.M. Furthermore, no planning or relief of this situation seems to be in the purview of this annexation.

Unmitigated development of this area is of great concern to existing residents and seems only to be of positive value to the developers. Please give your utmost consideration to these issues before granting this windfall to the Johnson property owners. Thank you.

Kay Permison
Fox Hills Green
N.Potomac, MD 20878

Kpermison@yahoo.com

From: Rob Robinson
To: ["Katie Rapp"](#)
Subject: RE: Questions re Johnson property
Date: Friday, November 13, 2015 11:46:00 AM

Ms. Rapp,

The intersection of the two State arterial roads is a geographic gateway point to the City as its sited at the current southwestern terminus of the City's incorporated limits.

Rob Robinson III, AICP CEP
FCA Qualified Professional
Long Range Planning Manager
City of Gaithersburg
301-258-6330 Ext. 2122

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

From: Katie Rapp [mailto:wookyluvr2002@yahoo.com]
Sent: Wednesday, November 11, 2015 8:02 PM
To: Rob Robinson
Cc: COUNCILMEMBER.KATZ@MONTGOMERYCOUNTYMD.GOV;
COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV; Munish Mehra; Lindsay Hoffman
Subject: Re: Questions re Johnson property

Hi Rob,

Please respond to my question #5 below regarding the gateway concept. I would like to understand what is meant by that and how it applies to the properties on all the corners of the 28/QO intersection surrounding Quince Orchard High School as indicated in the Gburg Master Plan.

Switching gears, I have a question about the Magruder property annexation (X-7089-2015).

Although there is currently no residential component requested by the Magruders for that property, once it is annexed and rezoned MXD can they or someone who purchases the property from them add a residential component? What is the process for that, notifications, hearings, etc?

I see there is a hearing about the Magruder property on Monday, 11/16. Is there a deadline for submitting written comments? What is the process for residents who wish to speak at that hearing?

Thanks,

Katie Rapp

From: Rob Robinson <RRobinson@gaithersburgmd.gov>
To: Katie Rapp <wookyluvr2002@yahoo.com>
Cc: "COUNCILMEMBER.KATZ@MONTGOMERYCOUNTYMD.GOV"
<COUNCILMEMBER.KATZ@MONTGOMERYCOUNTYMD.GOV>; Martin Matsen
<mmatsen@gaithersburgmd.gov>; "COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV"
<COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV>
Sent: Tuesday, November 3, 2015 1:29 PM
Subject: RE: Questions re Johnson property

Hi Ms. Rapp,
Answers in Red below.

Rob

Rob Robinson III, AICP CEP
FCA Qualified Professional
Long Range Planning Manager
City of Gaithersburg
301-258-6330 Ext. 2122

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

From: Katie Rapp [<mailto:wookyluvr2002@yahoo.com>]
Sent: Wednesday, October 28, 2015 11:06 PM
To: Rob Robinson
Cc: Munish Mehra; COUNCILMEMBER.KATZ@MONTGOMERYCOUNTYMD.GOV;
COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV
Subject: Questions re Johnson property

Hi Mr. Robinson,

Councilmember Katz's office recommended I contact you with questions.

1. If the whole 23 acres is annexed and rezoned MXD is there any requirement that it be developed in phases the way the Johnson's presented it to us Tues evening? That is, is there a requirement that the western 14 acres always be residential? Or would he have the option of doing commercial on the whole 23 acres (mixed with residential)?

The proposed plan, if annexed is a binding Sketch Plan- there would be no option to expand commercial uses beyond what is shown.

2. When MXD property is redeveloped, is there any requirement to inform adjoining property owners and HOAs?

MXD zoned properties have multiple development plan stages. As part of each stage-

neighbors within 200' are notified of any meetings or public hearings.

3. Because this would be city property and the surrounding residents are in the county and not Gburg constituents, there is quite a lot of concern about what we perceive will be a lack of interest on the city's part to care about our input. I don't expect you to respond to that, but it's an issue that's creating a great deal of dis-ease about the annexation. We'll have this little sliver of city in our midst and no say about it and no representatives on our side.

4. Community members are hugely concerned about the impact of high density housing like this on the schools and roads which are both saturated. The Johnson's response was pretty much that those issues don't enter into their plans for annexation and aren't dealt with until much later in the development process. There is a great deal of community concern about the impact of this type of development on the quality of life for the whole Quince Orchard area and especially directly surrounding the high school with it.

The City's Adequate Public Facilities (APFO) Tests are implemented at Schematic Development Plan when preliminary subdivision occurs and final development densities and types are established and not at Annexation/Sketch.

5. On that topic, I saw in the Gburg master plan the interest in annexing and rezoning all the corners surrounding QOHS and the word "gateway" is used for this area. Why? I understand gateway for Rio/Crown since they're near 270 and a lot of people enter the city there. I don't understand it on the western edge, with low density rural development in Darnestown and the ag reserve beyond. Why plan to create a built up "gateway" at QO/28?

6. Are roads really not considered in the plan? The Johnsons said since these are state routes it's not dealt with by the city and as far as they know SHA hasn't been involved yet. Is this a city planning issue to get SHA involved? And how wide could they make 28? The bottleneck at Riffle Ford is so ridiculous now. I live in Willow Ridge and we simply can't use the Copen Meadow exit for left turns at morning or evening rush. The area needs better infrastructure to accommodate current traffic. How can you plan for and approve higher density development when the infrastructure isn't there?

State Agencies such as SHA and other agency stakeholders are notified and solicited for comment at the Schematic Development Plan Stage- this is when actual preliminary subdivision and 80% engineering are completed. Please be aware that annexation/sketch plans are "bubble" plans that provide a basic development framework and limits and are not used for traffic impacts and mitigation or establishing student generation impacts.

7. Back to the Johnson property, if the land is annexed/rezoned, is there a timing requirement for redevelopment of the current commercial properties? That is, could they leave the Safeway as it is for 20 years before they decide to do anything? Or do they submit plans with the rezoning request and have a timeline for implementing them? What's the max commercial development on the whole 23 acres?

There is no specific timetable for the phased development.

8. It sounded like the concept plan was all that was required for the annexation/rezoning. How much is allowed to change from the concept plan to what is eventually built? And how are nearby homeowners and HOAs involved if it is annexed? Are there requirements for informing us of plans and do we have the right to comment at hearings (again an issue for us since we aren't city residents and we doubt that anyone would listen).

All subsequent development plans submitted must comply with the annexation/sketch plan. Again, each subsequent development plan process includes mailed notification to all property owners within 200' of the application. Anyone may testify on an application.

9. What is the maximum number of residential units that can be built on the whole property? What is the maximum height? Can they be rental units? Is there a cap on the percentage of rentals?

Attached is the proposed phasing exhibit which defines all of your questions.

Thanks for helping us understand a little better what this annexation would mean for our surrounding community. I'm sure I will have more questions and I appreciate your time.

Katie Rapp
Willow Ridge Civic Assn



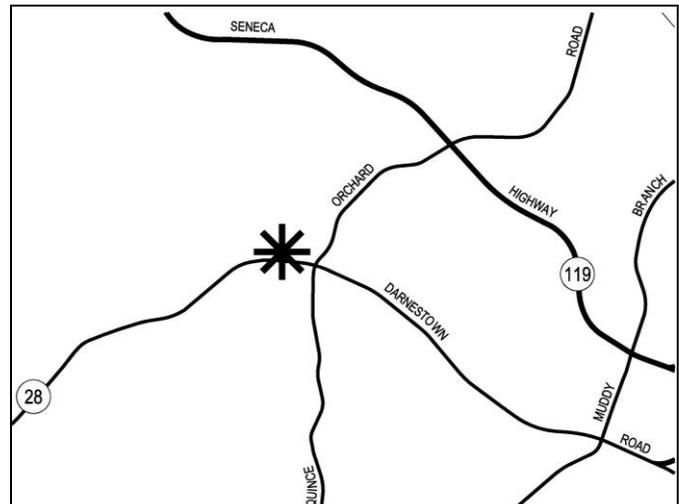
Johnson Property, Annexation, X-7067-2015

-  Michael Bello, Planner Coordinator, Area 2 Division, Michael.Bello@montgomeryplanning.org, 301-495-4597
-  Khalid Afzal, Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650
-  Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed/Revised: 11-5-15

Description

- Request to annex 23.45-acre Johnson Property into the City of Gaithersburg and rezone the parcels from the County’s R-200 and NR 0.75 H 45 zones to the City of Gaithersburg’s MXD Zone.
- Located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland within the area of the 2010 *Great Seneca Science Corridor Master Plan (GSSC)*.
- Filed June 26, 2015.
- Applicant: Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC.
- Action required for the City of Gaithersburg public hearing on November 16, 2015. Comments to the City’s Planning Commission are due by November 20, 2015 in order to be considered at their December 2 meeting. The City Council’s public record will remain open through their February 1, 2016 public hearing.



Summary

Staff recommends approval to transmit the following comments to the Montgomery County Council and the City of Gaithersburg for a public hearing on November 16, 2015:

1. The zoning and the development proposed with the annexation petition includes substantially higher density and uses substantially different than those authorized by the existing zoning.

Mayor and City Council
X-7067-2015
69

2. The County Council should not approve the development proposed with this annexation petition under Local Government Article Section 4-416(b), since:

- a) the proposed density and uses are substantially higher and different than those allowed in the existing zone recommended by the 2010 GSSC Master Plan;
- b) the GSSC Master Plan recommended against annexation of the Site; and
- c) the annexation will create an enclave that will be contiguous to the City of Gaithersburg only through a dedicated right-of-way, but otherwise completely surrounded by Montgomery County.

BACKGROUND AND LOCATION

The Site, owned by the Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, is located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) and along a portion of Quince Orchard Road (MD Route 124) right-of-way in Gaithersburg, Maryland. The Site is within the Quince Orchard District of Montgomery County's 2010 *Great Seneca Science Corridor Master Plan*. It consists of approximately 23.45 acres on four separate and adjoining parcels plus a portion of the abutting right-of-way of Quince Orchard Road (MD 124). The parcels are described as Parcel B (0.60 acres), Parcel C (5.45 acres), and Parcel D (3.0 acres), which are owned by Johnson Family Enterprises, LLC; and Parcel E (13.99 acres), which is owned by Three Amigos Real Estate LLC.

The Site is surrounded by a mix of commercial and residential uses. Properties to the north and west of the Site are zoned R-200 and are improved with a combination of single-family detached houses and townhomes. The property directly to the south of the Site, on the opposite side of Darnestown Road, is zoned R-200 and is improved with the Quince Orchard public high school. The properties to the east are located for the most part within the City of Gaithersburg limits and are zoned C-1 (Local Commercial) and improved with low-density commercial uses.



Figure 1 – Parcel Layout and Context

ANNEXATION PROPOSAL

The Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, (the Applicant) filed the proposed annexation petition with the City of Gaithersburg to reclassify the Site from the County's R-200 and NR .75, H 45 zones to the City's Mixed Use Development Zone (MXD). The Applicant has proposed a conceptual development plan to be completed in three phases: up to 180 residential units of up to four-stories in Parcel E (Currently zoned R-200) during Phase one; up to 125 residential units of up

to six-stories on Parcels B and C (Currently zoned NR 0.75 H45) in Phase two; and up to 375,000-square feet of commercial development on Parcel D (Currently zoned NR 0.75 H45) during Phase three.

The City of Gaithersburg ~~Mayor and Council submitted a statement dated June 26, 2015 in support of accepted the~~ annexation petition and ~~a~~ conceptual plan on June 30, 2015 (see Attachment). ~~A public hearing is scheduled for November 16, 2015. The City's Planning Staff, Mayor, and City Council support the petition and MXD designation on the Site since~~ The applicant's statement in support of the annexation petition states that *"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."*

The City's Planning Commission will ~~also hold a public hearing and transmit~~ discuss their ~~recommendation comments~~ to the ~~Mayor and City~~ Council on December 2, 2015. The City Council will hold their public hearing on February 1, 2016.

MASTER PLAN AND ZONING

The Site is located within the Quince Orchard district of the 2010 *Great Seneca Corridor Master Plan*, which recommends against annexation of this property. One of the Master Plan's recommendations is to:

"Meet the recreation needs of the GSSC area by identifying and acquiring a site for a new local public park in the Quince Orchard area and requiring the dedication of parkland for new parks and open spaces in the LSC Districts." (GSSC Master Plan, page 10.)

On page 61, the Master Plan states:

"The 1985 Gaithersburg Vicinity Master Plan and the 1990 Shady Grove Study Area Master Plan both recommended a 10-acre local park on the Crown Farm, which has since been annexed into the City of Gaithersburg and is no longer available for a County park site. Consideration should be given, but not limited to the Johnson property at 12311 Darnestown Road. The Johnson family owns the largely vacant R-200 14-acre parcel on Darnestown Road along with the adjacent C-1 commercial property.

Ideally, a new local park would provide two rectangular fields for active recreation. If the R-200 parcel is not acquired as an active recreation park site, the parcel may be appropriate for residential use including single-family detached and townhouse units. Townhouse development could be requested through a Local Map Amendment."

The Montgomery County Department of Parks Staff confirms that the Johnson Family did not accept the Department's offer to purchase Parcel E. Parks Staff is concerned that if this annexation occurs the Master Plan's goal of supplying more parks in the Quince Orchard Area may not be achieved. This occurred previously with the Crown Farm annexation to the City of Gaithersburg. Parks Staff believes there are unmet recreation needs in the area and there are no other large, suitable properties.

On page 13, the GSSC Master Plan states:

"In 2009, the City of Gaithersburg established a new MEL as part of its adopted Municipal Growth Element. The City's new MEL includes nearly all of the GSSC Master Plan area, including the Life Sciences

Center. This Master Plan recognizes that future annexations may occur and that annexing properties surrounded by municipalities would help create coherent boundaries.

Ideally, the boundaries between the County and the municipalities would be logical and well-defined, following roads or natural features such as streams. This Plan strongly opposes annexation of any portion of the Life Sciences Center, which is not an enclave. Over the past 30 years, the County has invested substantial resources to create and develop the LSC. Annexing any of the LSC would leave the County without control of a significant element of its economic development strategy and create irretrievable revenue losses.”

The Site will be contiguous with the City of Gaithersburg only through a small area of the Quince Orchard Road right-of-way, previously dedicated by the applicant. This annexation will create an area that will be technically contiguous to the City of Gaithersburg, but completely surrounded by Montgomery County.

On page 57, the Great Seneca Science Corridor Master Plan states that:

“The communities in the westernmost part of the Plan area are Quince Orchard, Orchard Hills, Willow Ridge, and Parkridge. The Plan recommends that these residential neighborhoods be maintained and preserved.

Quince Orchard and Longdraft Roads divide the County from the City of Gaithersburg. The City’s 2009 Maximum Expansion Limits (MEL) include extensive areas in the vicinity of Quince Orchard. This Plan does not support annexation, which would alter the logical boundaries that currently divide the County and the City and could result in the loss of potential sites for County parks, as occurred when the Crown Farm was annexed into the City of Gaithersburg.”

The GSSC Master Plan designates five enclaves that are completely or nearly completely surrounded by the City of Gaithersburg, within the City’s Maximum Expansion Limits (MEL), that could be considered for annexation (GSSC Master Plan, page 66). This Site is not one of the five enclaves.