



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

November 13, 2015

The Honorable George Leventhal, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

SUBJECT: City of Gaithersburg Annexation, X-7067-2015, for Johnson Property.

Dear Council President Leventhal:

At the regular meeting of the Montgomery County Planning Board on November 12, 2015, we reviewed the City of Gaithersburg Annexation petition, X-7067-2015, for the Johnson Property located within the 2010 *Great Seneca Science Corridor (GSSC) Master Plan* area.

The Planning Board received presentations by the planning staff and the Property owner and their representatives, and testimonies in opposition from the citizens and civic associations in the surrounding area. The Board also received more than 550 emails and over 30 voice messages in opposition to the proposed annexation and expressing the concerns of the adjoining communities regarding traffic and safety, increase in school enrollment in a cluster that is already overcrowded, significant change in the character of the area, and development that will not be consistent with the recommendations of the 2010 *Great Seneca Science Corridor Master Plan*.

The Planning Board agreed with its staff's analysis and recommendations, contained in the attached report, that the proposed annexation will have substantially higher density and different uses than allowed in the current zoning. And even though the proposed annexation meets the contiguity, noticing and other technical requirements of the Annexation law, the Planning Board was not supportive of the annexation petition due to the potential adverse impacts of the proposed development on the area's infrastructure, and its inconsistency with the Master Plan's goals and recommendations for this area.

On a motion by Commissioner Presley, seconded by Vice-Chair Wells-Harley, with Commissioner Fani-González and Chairman Anderson voting in favor of the motion, and Commissioner Dreyfuss being absent, the Board unanimously recommended approval to

The Honorable George Leventhal, President
Montgomery County Council
November 13, 2015
Page Two

transmit the following comments regarding the proposed annexation to the Montgomery County Council for your consideration:

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.
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 essentially 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.

Thank you for opportunity to provide the Planning Board's comments on this annexation petition.

Sincerely,



Casey Anderson
Chair

CA:mb:ha

cc: Rob Robinson, Long Range Planning Manager, City of Gaithersburg

Attachment: Staff report

RECEIVED

NOV 16 2015

**PLANNING & CODE
ADMINISTRATION**

From: [Gordon Henley](#)
To: [Planning External Mailing](#)
Subject: Re: Opposed to Annexation - both parcels
Date: Friday, November 20, 2015 3:09:29 PM

Comments on Johnson Annexation sent to Councilor Wu for the public record file.

Thanks

Gordon Henley

On Mon, Nov 16, 2015 at 5:19 PM, Gordon Henley <ghenley2@gmail.com> wrote:

Robert -

Likely cannot make the hearing tonight on the property East of QO, but both this and the Northerly site are requesting annexation

More later, but many many of the area neighbors and constituents **are opposed** to both projects, primarily because the only outcome is a strong overall effect on the entire neighborhood, especially the schools your kids will be attending when full build out is underway or done.

Please ask a lot of questions, but be aware this a difficult issue for the schools in the area, already seriously overcrowded, made worse by the recent change in allowable overflow percentage (in part sponsored by developers) to 150%. Why? Seems crazy and setting up a very difficult situation for all which can be avoided. Are you and others going to want your kids in those 150% schools?

What are the next steps on the Council end after this hearing?

Thanks

Gordon Henley

From: Gordon Henley [ghenley2@gmail.com]
Sent: Friday, November 20, 2015 3:03 PM
To: Robert Wu
Subject: Re: Opposed to Annexation - both parcels

Yes, please enter into the public comment record which closes today.

I will also try to find the website again for comments.

Thanks

Gordon

On Wed, Nov 18, 2015 at 8:01 AM, Robert Wu
<RWu@gaithersburgmd.gov<<mailto:RWu@gaithersburgmd.gov>>> wrote:
Gordon,

Sorry, didn't see this email until now. Do you want me to forward this to be included in the written record or do you also plan to submit written comments? Regardless, thanks for the input. As for the next steps on MacGruder property, the record is now open for public comment. I would encourage you and anyone else who is interested to submit individual comments. Public input matters. I am new so I don't know with certainty the next steps, but would assume it would be negotiation of an annexation agreement and voting on whether annexation will be permitted. Does that answer your question?

Rob

From: Gordon Henley [ghenley2@gmail.com<<mailto:ghenley2@gmail.com>>]
Sent: Monday, November 16, 2015 5:19 PM
To: Robert Wu; kbrower7@hotmail.com<<mailto:kbrower7@hotmail.com>>
Subject: Opposed to Annexation - both parcels

Robert -

Likely cannot make the hearing tonight on the property East of QO, but both this and the Northerly site are requesting annexation

More later, but many many of the area neighbors and constituents are opposed to both projects, primarily because the only outcome is a strong overall effect on the entire neighborhood, especially the schools your kids will be attending when full build out is underway or done.

Please ask a lot of questions, but be aware this a difficult issue for the schools in the area, already seriously overcrowded, made worse by the recent change in allowable overflow percentage (in part sponsored by developers) to 150%. Why? Seems crazy and setting up a very difficult situation for all which can be avoided. Are you and others going to want your kids in those 150% schools?

What are the next steps on the Council end after this hearing?

Thanks

Gordon Henley

From: [Barr, Stuart R.](#)
To: [Rob Robinson](#)
Cc: [Barr, Stuart R.](#)
Subject: RE: correction - thanks
Date: Tuesday, December 01, 2015 11:04:44 AM

I didn't realize you added Ex. 80 – thanks for doing that, though I don't know why I would have only sent you a fraction of the letter, and I think Ex. 59 looks strange, and is confusing, as only a portion of the letter – possible to remove Ex. 59? Or add some kind of note saying “see Ex. 80 for complete letter”?

--
Stuart R. Barr - Attorney
Lerch, Early & Brewer, Chtd. *ideas that work*
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814
Tel: (301) 961-6095 Fax: (301) 347-1771 - srbarr@lerchearly.com
Cell: (571) 213-2354
Bio: www.lerchearly.com/team/stuart-r-barr
Vcard: www.lerchearly.com/team/stuart-r-barr-vcard

Please consider the environment before printing this message.

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you. www.lerchearly.com

From: Rob Robinson [mailto:RRobinson@gaithersburgmd.gov]
Sent: Tuesday, December 01, 2015 10:44 AM
To: Barr, Stuart R.
Subject: RE: correction - thanks

Stuart, please stop sending this. The item was logged as exhibit 80 last week. Ex 59 stands as that was what you had sent me.

Rob

From: Barr, Stuart R. [mailto:srbarr@lerchearly.com]
Sent: Tuesday, December 01, 2015 9:14 AM
To: Rob Robinson; John Schlichting; Martin Matsen
Cc: Barr, Stuart R.
Subject: RE: correction - thanks

Reminder about this - thanks

--
Stuart R. Barr - Attorney
Lerch, Early & Brewer, Chtd. *ideas that work*
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814
Tel: (301) 961-6095 Fax: (301) 347-1771 - srbarr@lerchearly.com
Cell: (571) 213-2354
Bio: www.lerchearly.com/team/stuart-r-barr
Vcard: www.lerchearly.com/team/stuart-r-barr-vcard

Please consider the environment before printing this message.

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you. www.lerchearly.com

From: Barr, Stuart R.
Sent: Wednesday, November 25, 2015 7:45 AM
To: 'Rob Robinson'; John Schlichting (jschlichting@gaithersburgmd.gov); 'mmatsen@gaithersburgmd.gov'
Cc: Barr, Stuart R.
Subject: correction - thanks

Rob/John/Marty – please make it a priority to correct Ex. 59 on the website – it doesn't contain the complete letter we sent – I'm attaching the complete letter - thanks

--

Stuart R. Barr - Attorney
Lerch, Early & Brewer, Chtd. *ideas that work*
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814
Tel: (301) 961-6095 Fax: (301) 347-1771 - srbarr@lerchearly.com
Cell: (571) 213-2354
Bio: www.lerchearly.com/team/stuart-r-barr
Vcard: www.lerchearly.com/team/stuart-r-barr-vcard

Please consider the environment before printing this message.

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you. www.lerchearly.com

From: Barr, Stuart R.
Sent: Saturday, November 21, 2015 10:04 PM
To: 'Rob Robinson'
Cc: Barr, Stuart R.
Subject: correction - thanks

Rob – I just happened to be scrolling through the City website – can you correct Ex. 59 – it doesn't contain the complete letter we sent – I'm attaching the complete letter - thanks

--

Stuart R. Barr - Attorney
Lerch, Early & Brewer, Chtd. *ideas that work*
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814
Tel: (301) 961-6095 Fax: (301) 347-1771 - srbarr@lerchearly.com
Cell: (571) 213-2354
Bio: www.lerchearly.com/team/stuart-r-barr
Vcard: www.lerchearly.com/team/stuart-r-barr-vcard

Please consider the environment before printing this message.

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank

you. www.lercheary.com

From: [Lynn Board](#)
To: [Trudy Schwarz](#)
Subject: FW: Proposed Johnson Annexation
Date: Wednesday, December 02, 2015 1:07:35 PM

FYI.

Lynn

From: Lawrence Regan [<mailto:lawrenceregan1@yahoo.com>]
Sent: Wednesday, December 02, 2015 12:33 PM
To: Lynn Board
Subject: Re: Proposed Johnson Annexation

Ms. Board:

Please just hold for now.

Larry Regan

On Wednesday, December 2, 2015 11:25 AM, Lynn Board <LBoard@gaithersburgmd.gov> wrote:

Mr. Regan:

Your request was forwarded to my attention and the City has implemented a litigation hold on the documents you requested. With regard to your "Freedom of Information Request", please clarify whether you are seeking copies of related to the Johnson Annexation at this time or whether you are requesting that these documents be retained pursuant to the litigation hold for possible inspection and copying at a later date. If you are requesting copies at this time, I will forward to you an estimate cost for the accumulation and copying of the documents pursuant to the Maryland Public Information Act.

Lynn

N. Lynn Board,
Gaithersburg City Attorney
31 S. Summit Avenue
Gaithersburg, MD 20877
(301) 258-6310
lboard@gaithersburgmd.gov

From: Lawrence Regan [<mailto:lawrenceregan1@yahoo.com>]
Sent: Friday, October 30, 2015 9:41 PM
To: Planning External Mailing; Jud Ashman
Cc: Melissa Carroll
Subject: Proposed Johnson Annexation

This email constitutes a Freedom of Information Request and a litigation hold for all documents and electronic or digital data with respect to the proposed Johnson Annexation abutting Darnestown Road.

Lawrence Regan
16213 Orchard View Court
Gaithersburg, MD 20878

301-704-8979