

From: Rob Robinson
To: ["Barr, Stuart R."](#)
Cc: [Doris Stokes](#); [John Schlichting](#); [Martin Matsen](#)
Subject: RE: Johnson Annexation X-7067-2015 - Applicant's Request for Postponement - December 4, 2015
Date: Monday, December 07, 2015 3:14:00 PM

The City will currently defer both the Planning Commission Recommendation and the date of the Public Hearing. Please remove the public Hearing Notification signs from the "property." Of note, the Council's record remains open. Once the Applicant is ready to proceed, please contact the City in order to submit any items in a timely fashion in order to establish new timelines for both the recommendation and public hearing.

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: Barr, Stuart R. [mailto:srbarr@lercheearly.com]
Sent: Friday, December 04, 2015 5:43 PM
To: John Schlichting; Rob Robinson; Martin Matsen
Subject: Johnson Annexation X-7067-2015 - Applicant's Request for Postponement - December 4, 2015

On behalf of the applicants, we request a postponement of the January 6, 2016 City Planning Commission recommendation and the February 1, 2016 City Council public hearing to allow for additional time for community outreach and assessment of the proposed plan. We will follow up with the City once we are ready to resume the review schedule. Thank you very much.

--

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@lercheearly.com
Cell: (571) 213-2354
Bio: www.lercheearly.com/team/stuart-r-barr
Vcard: www.lercheearly.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.lercheearly.com

Mayor Jud Ashman
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

December 14, 2015

Dear Mayor Jud Ashman:

We write to request that your office take seriously the concerns regarding the upcoming planned annexation of the Potomac Valley Shopping Center (PVSC) and Johnson Properties at the intersection of Route 28 and 124. Though we are not in Gaithersburg's city limits, we are significantly affected by the planned annexation of these properties by the City of Gaithersburg. Our communities surround the proposed annexed sites and we share a common goal to ensure that our community continues to adhere to the high standards for education, and infrastructure while still maintaining a suburban character. We hope this vision is shared by you, the City Council, and City Planners. With this preface we respectfully submit our requests and concerns:

1) Notification Area for Annexation and Development - We respectfully request that the city expand the notification area to a one mile radius for development and redevelopment for these properties. It's our understanding that the City of Gaithersburg applies a 200 foot radius for notification. This will result in few if any communities being formally notified of the City's process involving these properties. For example, there are no communities bordering the PVSC property as it is bordered by Firehouse Station 31, Quince Orchard Library, and Routes 28 and 124. A one-mile radius notification area is consistent with Montgomery County's requirements which state "The applicant also must send written notice to abutting and confronting property owners and to homeowners associations and civic associations within a one-mile radius."¹

We've been advised by staff at the City's Planning Board that the leadership of the nearby communities can request to be included in a notification list. We will certainly avail ourselves of this, but still recommend that you reconsider the current notification policy to ensure that residents receive timely and adequate information regarding changes.

2) Rezoning of PVSC and Johnson Properties to MXD - We are especially concerned that with the planned annexations by the City of Gaithersburg, these three corners of Routes 28 and 124 will be rezoned to Mixed Use Development (MXD). This rezoning would allow for significant commercial and residential development. Our concerns are heightened by the long-term vision, as stated in Gaithersburg's Master Plan, for redevelopment of this area as a gateway to the City of Gaithersburg. This area is designed for low-density suburban living that includes an agricultural reserve to the west. We would be concerned if there were changes to have dense commercial/residential development in this area. As area residents and the County planners have observed, the local roads and schools are already overcrowded creating significant traffic and safety issues. Further, high rise buildings would change the look and feel of this intersection considerably from a suburban area to a city area. We could also potentially lose

¹ http://www.montgomeryplanning.org/info/participating_effectively.shtm#FindOut .

many needed and community resources such as the grocery store, banks, and small restaurants. In sum, we are opposed to changes to the zoning for these properties.

3) School Capacity Standards –Our schools in the Quince Orchard Cluster (QOC) are deemed by the Montgomery County Planning Department to have “inadequate” student capacity. Our concerns are exacerbated by the City’s new Adequate Public Facilities Ordinance (APFO) of 150% - per school, before imposing a moratorium on new residential development. This APFO is inconsistent and significantly higher than Montgomery County’s standard of 120% - per cluster. It’s our understanding that this could result in residential development on the Johnson property even if the Quince Orchard Cluster exceeds the County’s moratorium standard for new development of 120%. If this is correct, we are strongly opposed to the City’s APFO as it impacts our County schools.

5) The Johnson Property – On November 12th Montgomery County’s Planning Board decided that the Johnson’s proposed property modifications represented a significant change from today’s approved zoning and, therefore, did not endorse Johnson’s proposal. This included a recommendation by the Planning Board to the County Council to put a 5 year moratorium on any changes to the property upon annexation by the City of Gaithersburg. Since then we’ve learned that the Johnson Family has asked for a delay in their application from the County and the City of Gaithersburg to allow them more time for community outreach and assessment of their proposed plan. We look forward to receiving and reviewing any additional plans for this property.

We thank you for considering our viewpoints and would like these to be part of the record these properties. We are also available to discuss these issues with you at your convenience. We want to also acknowledge your staff, particularly, Trudy Schwarz and Rob Robinson, for their willingness to provide information and address our questions.

Sincerely,

Stephen Gammarino
President, Hidden Ponds HOA
3 Hidden Ponds Court
North Potomac, MD 20878

Susan Fitzpatrick
President, North Potomac
Citizens Association
P.O. Box 4216, North Potomac, MD 20885

Lee Bowes
President, Quince Orchard Knolls
Community Association

Walter Johnson
Orchard Hills
Community Association
16004 Charles Drive
Gaithersburg, MD 20878

Munish Mehra
President, Willow Ridge
Community Association
12500 Copen Meadow Court
Gaithersburg, MD 20878

Cc: Montgomery County Council member Sidney Katz,
Montgomery County Council member Craig Rice
Montgomery County Planning Board Chair, Casey Anderson
Gaithersburg Planning Commission Chair, John Bauer
Planning Division Chief, Martin Matsen, AICP
Long Range Planning Manager, Rob Robinson, AICP
Community Planning Manager, Trudy Schwarz
Hidden Ponds Homeowners
NCPA Homeowners
Quince Orchard Knolls Homeowners
Orchard Hills Homeowners
Willow Ridge Homeowners

From: [Doris Stokes](#)
To: [Michelle Coupe](#)
Cc: [John Schlichting](#); [Martin Matsen](#); [Trudy Schwarz](#); [Rob Robinson](#)
Subject: FW: Planned Annexation of Johnson and Potomac Valley Shopping Center Properties
Date: Tuesday, December 15, 2015 9:41:44 AM
Attachments: [LettertoGaithersburgMayor12.14.2015.docx](#)

Michelle,

Please add email and the attached to outside correspondence.

From: Jud Ashman
Sent: Monday, December 14, 2015 5:11 PM
To: Doris Stokes
Cc: Mayor and Council Office
Subject: FW: Planned Annexation of Johnson and Potomac Valley Shopping Center Properties

Hi Doris,

Please add this (and attachment) to correspondence - and to the record on the Johnson Annexation, if we have an open record as of yet.

Thanks,
- Jud

Jud Ashman
Mayor, Gaithersburg, MD
Founder & Chair, Gaithersburg Book Festival
www.gaithersburgbookfestival.org

From: Steve Gammarino [steve.gammarino@gmail.com]
Sent: Monday, December 14, 2015 4:55 PM
To: Jud Ashman
Subject: Planned Annexation of Johnson and Potomac Valley Shopping Center Properties

Mayor Ashman,

Please reference the attached letter from concerned citizens regarding the planned annexation of the Johnson and Potomac Valley Shopping Center Properties.

If you have any questions or would like to discuss please let us know.

Sincerely,

Steve Gammarino
President, Hidden Ponds HOA
240.278.8490

Rob Robinson

From: Montgomery County Council <county.council@mccouncilmd.lmhostediq.com>
Sent: Tuesday, December 15, 2015 3:53 PM
To: Rob Robinson
Subject: Council Reply



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

Dear Mr. Robinson,

Thank you for your correspondence regarding the annexation application for the Johnson Properties. I have made it available to my Council colleagues, and I am pleased to respond on their behalf.

The Planning Board and Planning Department Staff recommended that the Council decline to approve the proposed zoning and development limits. That recommendation was reflected in a Council resolution draft by staff that was never introduced. If the Council agreed with the Planning Board's recommendation, the density of development would have been limited to the County's current zoning until 5 years after the annexation date. In view of those consequences, the Planning Board recommendation, and the amount and volume of neighborhood opposition, the Council postponed its consideration of the issue at the request of the applicant. We understand that the applicant will work on a revised application before seeking the Council's comments. The Council does not intend to take any action until a revised application is on the table.

Thank you for taking the time to share your thoughts on this important matter.

Best,

Nancy Floreen
President, Montgomery County Council

From: [Joanne](#)
To: [Planning External Mailing](#)
Subject: Johnson-McGruder Development Plan
Date: Wednesday, December 16, 2015 9:53:17 AM

Good Morning,

I am writing to express my concern regarding the overdevelopment of the Quince Orchard Road area. Has anyone thought about the public safety hazard that would occur? I am so concerned for the safety of the high school students and staff, I do not support the development of any new or additional housing or businesses in this area.

The risk that would be taken to build on this site and the increase in already heavy traffic with youngsters trying to cross the street in the morning on the way to school, leaving school for lunch is dangerous. Its too much congestion. The planning board may not think much about traffic, but just think of your own driving experiences. Even as adults when traffic is heavy and impatience sets in, or if we are late because our child had an activity, we may make a move to change to a lane that seems to be moving faster than the lane you are currently in, or trying to exit a parking lot just to get into the flow of traffic. Now Imagine a new high school driver who may be late for school or trying to drive to work, navigating this scenario?

Activities continue on long after school is out and the sporting events draw crowds of people young and old. There were already two deaths on this road and the area cannot handle this growth.

I didn't even mention the school which is already overcrowded. I'm sure there will be students moving in where are they going to school? Would they be sent elsewhere? Another argument because it wouldn't make sense to parents to send them into Rockville when students can simply cross the street. How much pushback from other school s will we receive. QOHS does not have the capacity to take in this amount of students and sacrifice the learning of the current students. larger class sizes, no room, what kind of conditions will the students have? Montgomery County has some of the best schools in the country, and we work too hard to keep them that way and afford our children the best opportunity. And now we have to sacrifice their education for builders? I don't think so.

This was not well thought out at all. It's to much of a risk especially with the live of 2,000 high schoolers. I'm sure the area will change in terms of business changing in already existing spaces, but rebuilding is not in the cards. This may not be the most grammatically correct letter, but I am thoroughly frustrated at the thought of this happening in the area and the impact on our schools, elementary, middle and high. UUGGGHH!

Sincerely,

Joanne Briscoe