

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

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.

4) 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: Rob Robinson
To: ["Gary Colton"](#)
Subject: RE: Johnson's Annexation / Rezoning
Date: Thursday, March 03, 2016 12:52:00 PM

Gary, not with us. They conducted a private (no City involvement) community meeting/design workshop 2 weeks ago, but have not taken any action with the City.

Rob

From: Gary Colton [mailto:gfcolton@gmail.com]
Sent: Thursday, March 03, 2016 12:51 PM
To: Rob Robinson
Subject: Johnson's Annexation / Rezoning

Rob,

Have the Johnsons resumed the annexation / rezoning process? Thanks

From: Steve Lawrence
To: Hoffman, Lindsay
Cc: Planning External Mailing; MCP-Chair@mncppc-mc.org; jvodom@gmail.com; mmehra@qbiop.com; woodylvr2002@yahoo.com; nancy.king@senate.state.md.us; 20633@comcast.net
Subject: RE: Annexation and Rezoning of 12311 Darnestown Road (MD Route 28)
Date: Friday, March 04, 2016 2:22:20 PM

Lindsay thank you so much for your quick reply. I will let others chime in but the presentation and discussion was quite clear – the step back was to re-engage with the community for input. When asked directly the long term plan (which is not approved) of 180 high density dwellings with a few single family homes remained the same. Thus the reason why wanted to ensure all stake holders are aware and involved. It was also stated the one other change was to separate the Commercial properties from the 14-acre residential (12311 Darnestown Road) plot/site.

I also wanted to follow up and ask for a link to the government organization which has oversight of the annexation process so I could do research and become informed?

Thank you again, it is very much appreciated.

- Steve

From: Hoffman, Lindsay [mailto:Lindsay.Hoffman@montgomerycountymd.gov]
Sent: Friday, March 4, 2016 10:12 AM
To: 'Steve Lawrence' <slawrence@comcast.net>
Cc: 'planning@gaithersburgmd.gov' <planning@gaithersburgmd.gov>; 'MCP-Chair@mncppc-mc.org' <MCP-Chair@mncppc-mc.org>; 'jvodom@gmail.com' <jvodom@gmail.com>; 'mmehra@qbiop.com' <mmehra@qbiop.com>; 'woodylvr2002@yahoo.com' <woodylvr2002@yahoo.com>; 'nancy.king@senate.state.md.us' <nancy.king@senate.state.md.us>; '20633@comcast.net' <20633@comcast.net>
Subject: RE: Annexation and Rezoning of 12311 Darnestown Road (MD Route 28)

Dear Mr. Lawrence,

My name is Lindsay Hoffman and I work with Councilmember Katz on land use, planning and zoning. I was at the community workshop last week and have been monitoring this matter very closely, along with Councilmember Katz. As you no doubt at this point understand, the county has a very limited role in the annexation process and does not control it. I wanted to chime in on these emails specifically, however, because my takeaway from last week's meeting was different from yours.

It is my understanding that the whole proposal thus far has been, essentially, scrapped and that Mr. Johnson is starting from scratch. But – and this is what, I think, caused confusion that night – they used old drawings for illustrative purposes without being clear about their intent. As it stands now, the commercial component has been scaled back and all multi-family proposals have been withdrawn. From there, everything was on the table. My understanding is that Mr. Johnson was trying to get a sense of the community's thinking to genuinely find a workable plan for all stakeholders moving forward. My understanding is also that the results of last week's feedback was being taken back to the drawing board to come up with a new plan. Like you, I'm awaiting those results.

Having worked in land use for a while now, I must comment that I think this proposal really got off on the wrong foot. Mr. Johnson isn't a professional developer and I think he acknowledges his missteps, especially in the realm of community engagement, thus far. But, I do think that he is trying to course-correct and do right by the area's neighbors. That said, I think we all need to wait for their next proposal to truly understand where we're at.

Sidney is most attentive to this annexation moving forward – please do stay in touch.

Best,
Lindsay

Lindsay J. Hoffman
Legislative Senior Aide
Office of Councilmember Sidney Katz
direct: 240-777-7817

From: Steve Lawrence [mailto:slawrence@comcast.net]
Sent: Thursday, March 03, 2016 11:22 PM
To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>
Subject: RE: Annexation and Rezoning of 12311 Darnestown Road (MD Route 28)
Importance: High

Sidney – At your last Town Hall meeting you mentioned that you wanted to hear about issues before they became set in stone. This think is getting railroaded through and we will pay a big price later...

- Steve

From: Steve Lawrence [mailto:slawrence@comcast.net]
Sent: Thursday, March 3, 2016 11:17 PM
To: 'planning@gaithersburgmd.gov' <planning@gaithersburgmd.gov>; 'MCP-Chair@mncppc-mc.org' <MCP-Chair@mncppc-mc.org>
Cc: 'Jeff Odom' <jvodom@gmail.com>; 'Munish Mehra' <mmehra@qbiop.com>; 'woodylvr2002@yahoo.com' <woodylvr2002@yahoo.com>; 'Councilmember.Katz@montgomerycountymd.gov' <Councilmember.Katz@montgomerycountymd.gov>; 'nancy.king@senate.state.md.us' <nancy.king@senate.state.md.us>; '20633@comcast.net'
Subject: Annexation and Rezoning of 12311 Darnestown Road (MD Route 28)

Dear Montgomery Planning Board and the City of Gaithersburg Planning:

It appears there is still a push to have the 14-acre parcel of land just west of Route 124 and 28 (see below) to be annexed into the City of Gaithersburg with the intent of changing the current zoning and plan from 30 Single family homes, to now 180 densely populated living dwellings.

We were invited to a second meeting (Community Workshop) on February 23rd which provided the exact same plan and the exact same feedback was provided. Well over a hundred citizens attended and the resounding question was – why do you keep proposing to have this property annexed by the City with the intent of changing the current zoning for 30 single family homes to 180 high density multipurpose dwellings. What happened to the planned open space and parks? The entire community is in an uproar.

There was no elected officials or Planning Board Members attending or responding in any official capacity so we worry that this is on a path to be implemented without our representation. It is being viewed as an attempt to dissociate this property from the community, to limit communications, to appease the owners wish to change the current zoning and cause undue consequences to the lives of the residents. Schools, traffic, and living densities increases, will impact the quality of life of all residents. The impact of changing from 30 to 180 high density dwellings in a compact space in an already congested area is ludicrous.

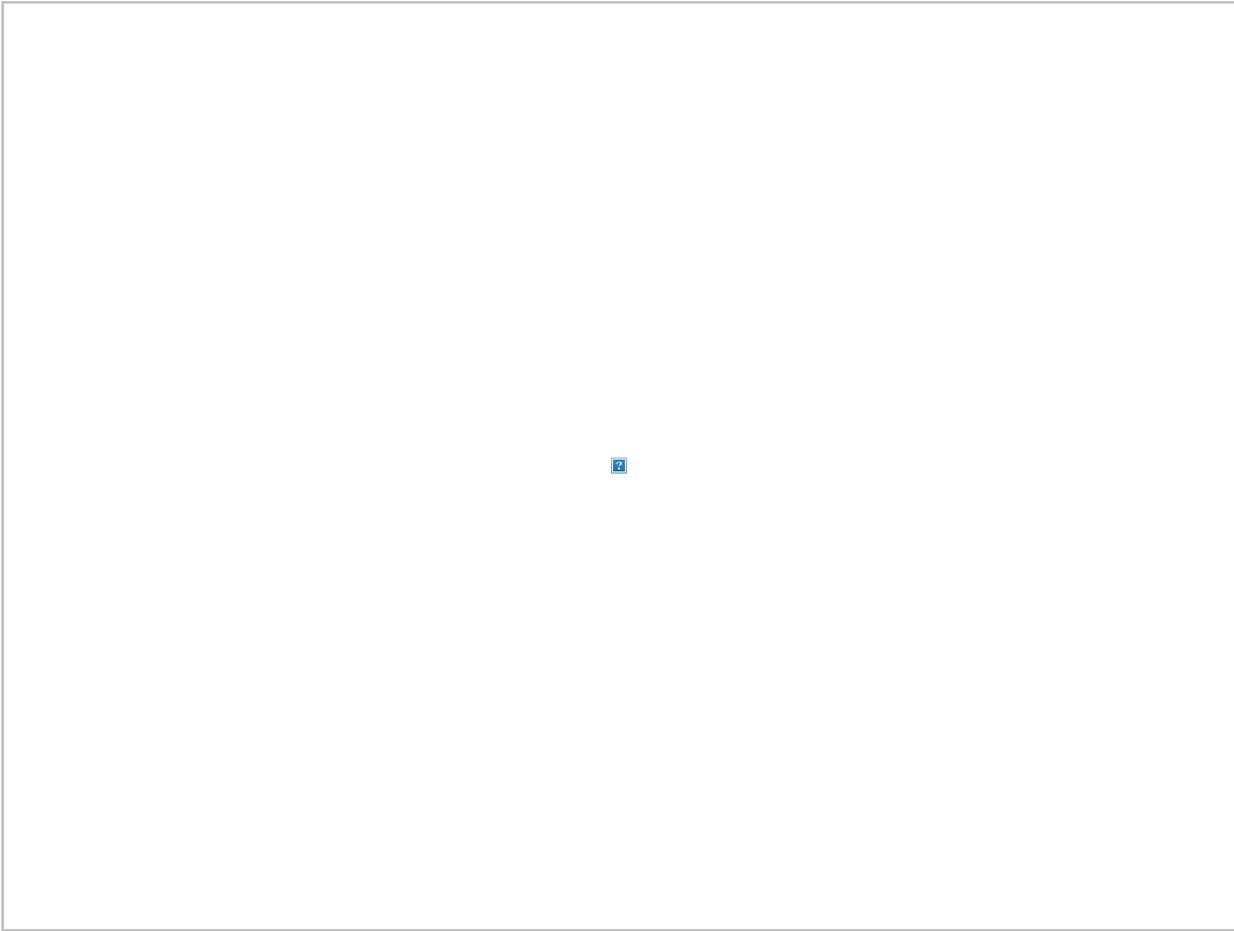
We have no issue with the property owners interest in maximizing his investment. We do need to protect the lives and investments of hundreds of local residents and not let some gamesmanship through the annexation process to have something built that is to the detriment of the local citizens. None of us want this be the next eye sore and bottleneck for the next 50 plus years due to not being involved and ensuring that logic prevails.

We ask only for your involvement and consideration so that good decisions can be made today and to keep the community as a great living and thriving place. Moving this residential property highlighted below from the County to the City is just a play to disassociate community involvement and accelerate the re-zoning process. If this were not true, then why wouldn't the property owner leave this property in the County's jurisdiction and take advantage of the higher real estate evaluations due to its proximity to North Potomac and Darnestown.

Regards,

Steve Lawrence
16000 Daven Pine Court
Montgomery County MD 20878

http://www.montgomeryplanningboard.org/agenda/2015/documents/JohnsonProperty_x70672015_FINALREVISED_001.pdf



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

From: [Doris Stokes](#)
To: [Rob Robinson](#)
Subject: FW: Proposed Annexation
Date: Friday, March 04, 2016 1:27:34 PM
Importance: High

From: Johnson Property [mailto:johnsonpropertyannexation@gmail.com]
Sent: Friday, March 04, 2016 12:11 PM
To: tallemong@gmail.com
Cc: Councilmember.Katz@montgomerycountymd.gov; CityHall External Mail; MCP-Chair@mncppc-mc.org
Subject: Re: Proposed Annexation

Mr. Allemong,

Thank you for sharing your thoughts.

As I said at the community workshop last week, my team is in the process of revising the development plans. While I proposed up to 180 residential units, the final number of homes will most likely go down. Also, based on what the team has heard so far, I no longer have plans for the large-scale commercial redevelopment proposed last fall. Instead of 375,000 sq. ft. of commercial space, we are only asking for a modest 10,000 sq. ft. increase.

I have also met with civic and PTSA leaders, as well as school officials, to talk about school capacity and traffic concerns. The feedback and comments from the workshop and our conversations with residents are helping to inform our work on a new plan. I hope to present a revised plan to the community in the coming weeks.

Thank you again for your comments.

Sincerely,
Russell Johnson

On Sat, Feb 27, 2016 at 5:20 PM, Tim Allemong <tallemong@gmail.com> wrote:
Mr. Johnson,

I was not able to attend the meeting since business of my own took me out of town for 5 days. I have, however, been keeping close tabs on the meetings, discussions and proposals through members of our community and research.

Like the vast majority of residents you have spoken with, I side with the feeling that the property should be used exactly for what it was zoned for - 30 single family homes. Nothing more.

I respect that you want to maximize your personal wealth and develop the property as much as you can to generate the most amount of yield. Given that the roles were reversed, I too would be tempted to do the same.

However, I'd like to believe that I'd take into consideration the wants of the community. Over-developing this area does not benefit the residents in any way. To date, I've not spoken with an area resident that sees any benefit to our proposed plan.

I often speak very highly of this cluster to relatives and friends who don't live in the area. While a populous area, it is not over populated. It is not like Rockville Pike near White Flint, where you can waste tremendous time, even on Saturday's, just trying to run errands. Within 2 miles of Quince Orchard High School, we have everything we need - grocery stores, coffee shops, dry cleaning, fantastic restaurants, wonderful schools, and plenty of community services. We simply don't need more. I can leave the city and live my life within the confines of this radius peacefully.

As you've heard, the schools are already over crowded. The intersection of Route 28 and Quince Orchard Road, right next to the high school, is already a problem area. We had a person on a bike killed last year at that intersection near the McDonald's. As it is in the mornings, I cannot get out of the Willow Ridge Community to commute due to the traffic on 28 and lack of appropriate stoplights. Further traffic and congestion is not what we need.

Your proposal wouldn't improve our area. It would only make a vast array of issues worse for those of us who live here.

Adding 180 dwellings means adding another 360-600 residents to our immediate neighborhood. It means at a minimum 180 more cars, if not 300 plus, to our neighborhood. It means longer lines in our grocery stores. It means more over crowding in our schools. It means greater traffic and increased risks of accidents.

We don't need additional commercial development or over-residential development in our future.

My request is that you develop the property as it was zoned - for 30 single family homes.

Regards,

Tim Allemong



Tim Allemong

~~~~~

[tallemong@gmail.com](mailto:tallemong@gmail.com)

**From:** [John Schlichting](#)  
**To:** [Mayor and Council](#)  
**Cc:** [Tony Tomasello](#); [Dennis Enslinger](#); [Lynn Board](#); [Martin Matsen](#); [Rob Robinson](#)  
**Subject:** Johnson Annexation Community Meeting 3/22  
**Date:** Monday, March 21, 2016 2:53:26 PM  
**Attachments:** [image001.png](#)

---

Mayor & Council,

I've just been informed by Stuart Barr that a second Community Meeting on the proposed Johnson Annexation will take place tomorrow evening (Tuesday 3/22) at 7:00 PM in the Quince Orchard High School Cafeteria. The Johnson Team will be presenting a new plan which all but eliminates additional commercial density, eliminates all multi-family residential, and reduces the number of singles and towns on the 14 acres behind Safeway. City Staff has not been asked to participate.

<http://www.johnsonpropertyannexation.net/>



**John Schlichting** | Director, Planning and Code Administration

City of Gaithersburg | 31 S Summit Avenue | Gaithersburg, MD 20877

P (301) 258.6330 | C (240) 421-0812 | [JSchlichting@GaithersburgMD.gov](mailto:JSchlichting@GaithersburgMD.gov)