



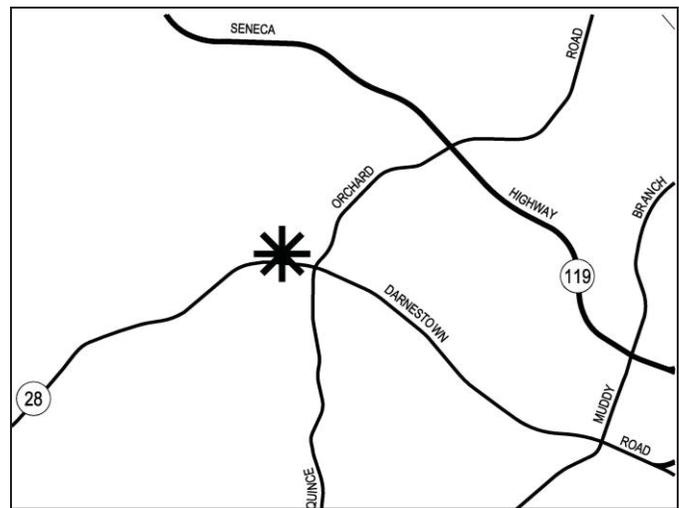
Revised Johnson Property, Annexation, X-7067-2015

-  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: 6-15-16

Description

- Request to annex approximately 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 April 25, 2016.
- Applicant: Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC.
- The City of Gaithersburg has not yet published a hearing date for this Application.



Summary

This Application is a revision to the first Application reviewed by the Planning Board on November 12, 2015 (Attachment 1).

Staff Recommendation:

Approval to transmit the following comments to the Montgomery County Council and the City of Gaithersburg:

The development proposed with this Application does not include land uses that are substantially different than the authorized uses under the current zoning and is not more than 150% of the density that could be granted for the entire property under the zoning classifications of Montgomery County at the time of annexation.



PROPERTY DESCRIPTION AND BACKGROUND

The Property, 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 the Quince Orchard Road (MD Route 124) right-of-way in Gaithersburg, Maryland. The Property 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 Property is surrounded by a mix of commercial and residential uses. Properties to the north and west are zoned R-200 and are improved with a combination of single-family detached houses and townhomes. The property directly to the south, 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

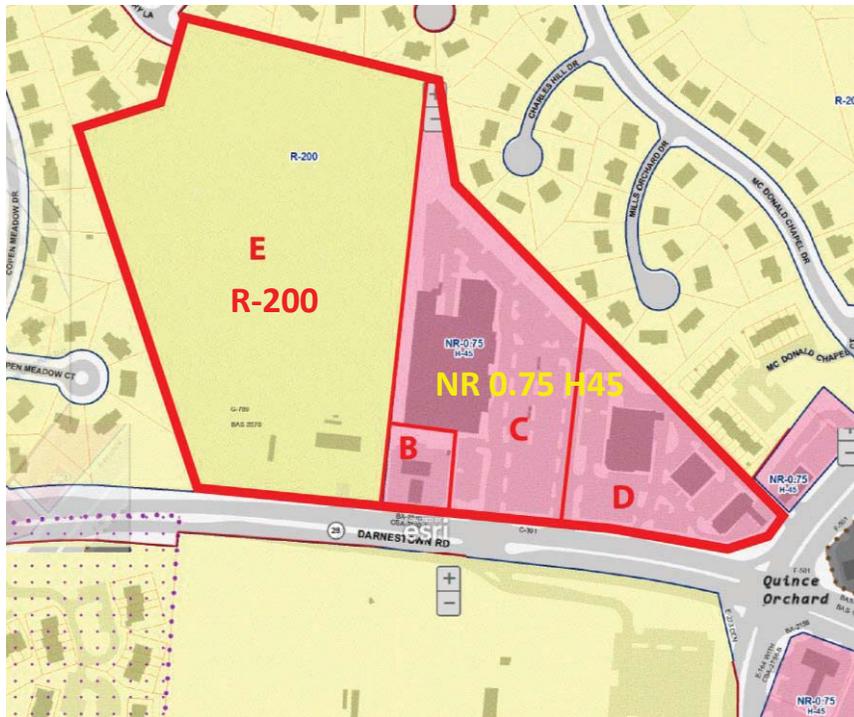


Figure 2 –Parcels and Current Zoning

PREVIOUS PROPOSAL

The Applicant originally filed a petition for Annexation of the Property into the City of Gaithersburg on June 26, 2015. That proposal consisted of a total of 305 units and 375,000 square feet of non-residential space as follows: up to 180 residential units of up to four-stories on the R-200 portion of the Property (Parcel E- Phase one); up to 125 residential units of up to six-stories on the NR 0.75 H45 zoned portion (Parcels B and C - Phase two); and up to 375,000-square feet of commercial development on the remainder of the NR 0.75 H45 zoned portion (Parcel D - Phase three).

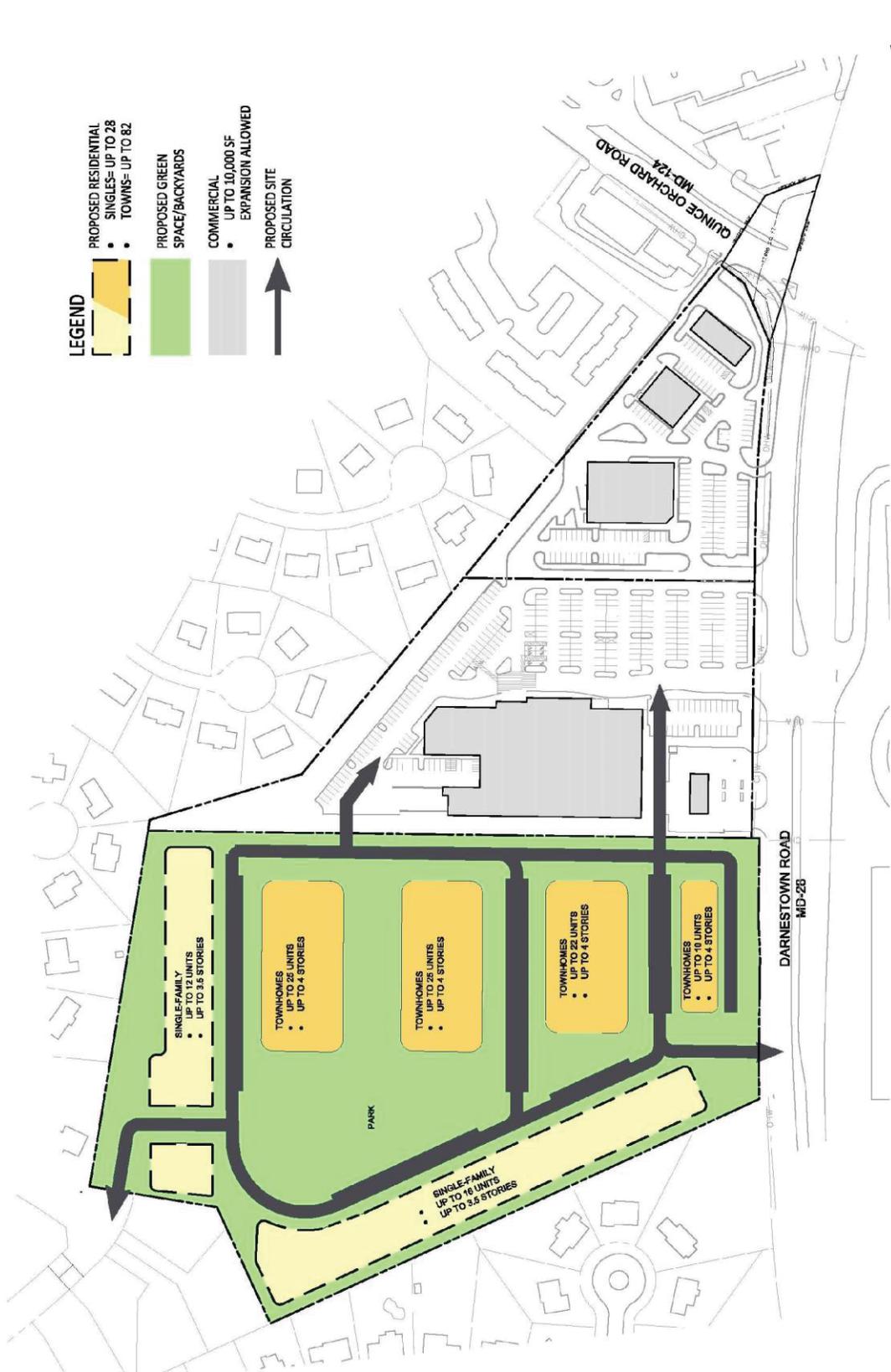
The Planning Board reviewed the proposed annexation on November 12, 2015, and agreed with its staff's analysis and recommendations (Attachment 1) that:

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 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 *Great Seneca Science Corridor Master Plan*;
 - b) the GSSC Master Plan recommended against annexation of the Property; 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.

In December 2015, the Applicant requested a postponement of the Annexation review process to have additional time for community outreach and assessment of the development plan. In a letter dated April 25, 2016 (Attachment 2), the City of Gaithersburg notified the Planning Department that it has received a revised annexation plan and that the City is “reinitiating the City Annexation Process.” It further stated that the “Mayor and City Council will hold a public hearing regarding the proposed annexation on a date to be announced following the date that any determination as to “substantial conformance” of the revised annexation plan by the Montgomery County Planning Board is issued and any actions by the Montgomery County Council, if necessary, are conducted.”

REVISED PROPOSAL

The Applicant has revised their earlier proposal from a total of 305 housing units and 375,000 square feet of non-residential space to a total of 110 units, a minimum of one acre of multi-use open space, and 100,000 square feet of non-residential use (including 90,000 square feet of existing commercial space to remain). The residential portion of the revised development proposal consists of up to 28 single-family homes and up to 82 townhomes (including Moderately Priced Dwelling Units and Workforce Housing Units complying with the requirements of the City of Gaithersburg). All residential units and multi-use open space are proposed on Parcel E (currently zoned R-200) while 10,000 additional square feet of commercial use will be located on Parcels B, C, and D (currently zoned NR 0.75 H45). The Applicant proposes the annexation plan to be subject to certain “binding elements” such as the mix and total number of proposed units, MPDUs and workforce housing units, and at least one acre of open space.



- LEGEND**
- 
 PROPOSED RESIDENTIAL
 • SINGLES- UP TO 28
 • TOWNS- UP TO 82
 - 
 PROPOSED GREEN
 SPACE/BACKYARDS
 - 
 COMMERCIAL
 • UP TO 10,000 SF
 • EXPANSION ALLOWED
 - 
 PROPOSED SITE
 CIRCULATION

Figure 3 – Revised Sketch Plan



Figure 4 – Revised Illustrative Plan

ANALYSIS AND FINDINGS

All previous analysis and findings regarding the *Great Seneca Science Corridor Master Plan* Master Plan, Public Facilities and Services, Environment, and Transportation as reviewed by the Planning Board on November 12, 2015 (Attachment 1) remain valid. This report focuses only on the zoning analysis of the revised square footage of development and how it meets Section 4-416 of the Maryland Code’s Local Government Article, which states in relevant part:

Different land use or density

(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

The following table provides a comparison of what could be approved under the current zoning and the proposed development after annexation:

Table 1- Project Data Table

Parcels/Current Zoning	Maximum Development Allowed Under Current Zoning	Proposed Development
R-200 Portion, Parcel E (609,404.4 sf or 13.99 acres)	Up to 34 units (with MPDU) (Section 59.4.4.7.C, optional method—13.99 x 2.44 units per acre)	110 units
NR 0.75 H 45 Portion, Parcels B, C, & D (434,433 sf or 9.97 acres)	Up to 40 units and 228,077 sf of non-residential floor area*	100,000 sf non-residential floor area (90,000 sf existing plus 10,000 sf proposed)
Total Development on the Entire Property	74 units and 228,077 sf non-residential	110 units and 100,000 sf non-residential

*Maximum of 325,825 sf non-residential at full 0.75 FAR, or 288,077 sf of non-residential (70 %) and 97,747sf of residential (maximum 30%), which could yield 40 units at 2,400 sf average per unit.

Table 1 shows that the total proposed development is not greater than 50% of what could be allowed on the entire property under the current zoning:

Maximum residential units on the entire property under current zoning =	74
1.5 times the maximum under current zoning (74 x 1.5) =	111
Proposed residential units on the entire property =	110
Maximum non-residential on the entire property under current zoning =	228, 077 square feet
Proposed non-residential on the entire property =	100,000 square feet

COMMUNITY OUTREACH

The Applicant has undertaken the following community outreach efforts over the past few months:

- One-on-one meetings with local civic and community leaders, including the leaders of the Willow Ridge Civic Association, North Potomac Civic Association, Hidden Ponds and Orchard Hills Homeowners Association.
- Meetings with the representatives of the Quince Orchard Cluster, as well as the principals and PTSA presidents of both Quince Orchard High School and Thurgood Marshall Elementary School.
- Small group meetings with adjoining homeowners and the Darnestown Civic Association.
- On February 23, 2016, the Applicant held a community workshop.
- On March 22, 2016, the Applicant held a community wide meeting to present an updated plan based on the input received from previous meetings.
- A website was created – www.johnsonpropertyannexation.net – that includes a contact form where residents can submit questions and comments.
- Email updates to send invitations to community meetings and respond to questions and concerns.

Staff received approximately 180 letters and emails opposing the annexation petition. Of the 180 opposing correspondence, approximately 165 community members assert the following:

1. The proposed development would increase traffic and safety concerns in an area that is already congested.
2. Annexation will create an area that is a part of the City of Gaithersburg surrounded on all sides by neighborhoods and resources that are not part of the City of Gaithersburg.
3. The proposed development would increase school enrollment for the elementary, middle and high schools in schools that are already overcrowded. The City of Gaithersburg's new Adequate Public Facilities Ordinance (APFO) standard of 150% per each school (Thurgood Marshall Elementary, Ridgeview Middle School, and Quince Orchard High School), is inconsistent with Montgomery County's APFO standard of 120% per cluster (Quince Orchard Cluster).
4. Concerns persist regarding the increased residential density.
5. The City of Gaithersburg could approve development exceeding the current proposal.

Staff has also received approximately five emails supporting the current annexation. The email messages state that the current proposal offers smarter urban development that blends with its context.

CONCLUSION

Based on the analyses contained in this report, Staff determines that, Per Subtitle 4-416(b) of the Maryland State Annotated Code, the development proposed with this revised annexation petition will not contain substantially different uses than currently allowed and is not substantially higher (more than 50%) than what could be granted in accordance with the zoning classifications of Montgomery County at the time of annexation.

Attachments:

1. Johnson Property Annexation X-7067-2015 Staff Report dated November 5, 2015
2. Revised petition for Annexation into the City of Gaithersburg dated April 25, 2016
3. Community Letters

From: Steve Lawrence
To: Planning External Mailing; MCP-Chair@mncppc-mc.org; CityHall External Mail; Councilmember.Katz@montgomerycountymd.gov; Bob Robinson; councilmember.rice@montgomerycountymd.gov; 20633@comcast.net; 'Jeff Odom'; 'wookyuvr2002@yahoo.com'; 'Munish Mehra';
Subject: FW: Annexation and Rezoning of 12311 Darnestown Road MD Route 28 (X-7067-2015)
Date: Monday, June 27, 2016 7:53:13 PM
Attachments: Johnson Cover Letter to City for Revised Plan April 2016.pdf

Some feedback has been provided to the community from the City of Gaithersburg June 23rd review meeting (X-7067-2015), while the consensus and concerns remain. Thus I thought I would resend out the attached as a reminder to why many of us are opposed to this high density change of plans as well as to ask that local our community leaders be invited to the City's next Council closed meeting recommendation meeting.

Net Net – The current proposed plan is to Annex and to increase density exceeding the City's 50% requirement increase of the current Counties limitation stated in the 6-23-16 meeting. The current County plan is for 30 single family homes, thus the limit should be held to 45 single family homes and nothing more.

<http://www.gaithersburgmd.gov/government/city-projects/johnson-annexation-x-7067-2015>

*"The Applicant has revised and resubmitted their annexation plan. The Montgomery County Planning Board is scheduled to review the amended plan on June 23, 2016 to determine if the proposed development of the annexed land is substantially different than the authorized use, or at a substantially higher density, **not exceeding 50%** than could be granted for the proposed development, in accordance with the zoning classification of the County applicable at the time of the annexation."*

We are standing by to help and participate where it makes sense and to keep the community a vibrant, growing along with a high quality of life for all!

- Steve

From: Steve Lawrence [mailto:slawrence@comcast.net]
Sent: Thursday, May 5, 2016 3:25 PM
To: 'planning@gaithersburgmd.gov' <planning@gaithersburgmd.gov>; 'MCP-Chair@mncppc-mc.org' <MCP-Chair@mncppc-mc.org>; 'cityhall@gaithersburgmd.gov' <cityhall@gaithersburgmd.gov>;
Cc: 'Councilmember.Katz@montgomerycountymd.gov' <Councilmember.Katz@montgomerycountymd.gov>; 'planning@gaithersburgmd.gov' <planning@gaithersburgmd.gov>; 'councilmember.rice@montgomerycountymd.gov' <councilmember.rice@montgomerycountymd.gov>; 20633@comcast.net; 'Jeff Odom' <jvodom@gmail.com>; 'wookyuvr2002@yahoo.com' <wookyuvr2002@yahoo.com>; 'Munish Mehra' <mmehra@qbiop.com>
Subject: Annexation and Rezoning of 12311 Darnestown Road MD Route 28 (X-7067-2015)

Dear Montgomery Planning Board and the City of Gaithersburg Planning:

The push continues for the 14-acre parcel of land just west of Route 124 and 28 (see below and X-7067-2015) 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 110 densely populated living dwellings. Yes, this proposal has changed from the 180 previously proposed units which was pulled from the planning committee before any vote could be considered. This proposed annexation and plan is still almost 4X the current zoning which the infrastructure is struggling to handle today!
https://gallery.mailchimp.com/7ce2f0f5922a6d0f0a0884fea/files/Johnson_Cover_Letter_to_City_for_Revised_Plan_April_2016.pdf

There is very little support in the community for many many reasons. None of which are anti-growth but 100% based on quality of life, common sense, and the reality of what happens when development occurs without proper considerations of the impact on schools, transportation, and infrastructure. In every discussion the community has had with the Proposer, the conversation and concerns is totally focused on these issues. Yet their new proposed plan continues to not address these concerns while only providing a slight reduction to which is still almost 4X Times the current based zoning and plan!

- The current zoning of this parcel is R-200 with 30 single family homes on an already struggling infrastructure, thus the thought of 180 more is impossible to fathom. The Proposer in every proposal to date does not address the increase in school attendance of already crowded schools, increased traffic with an already major problem congested area, or other infrastructure requirements. The County, City, and its residents should not be burden with this impact. There are no funds just laying around to pay for addressing these realities. We cannot have the Proposer and their developer skate using annexation to the City of Gaithersburg to escape its obligations and not address these real issues which will impact the local community and cost us all dearly later.
- Local residents came to this area because they like the community and like to be part of Montgomery County, and not of the City of Gaithersburg. Why does the Proposer keep pushing for getting their disjointed property annexed into the city? The answer is simple, its far easier to get shoddy plans approved and executed, versus ones through the County.
- Why is the annexation of disjointed property even being considered? The Proposer is the only property owner requesting annexation. The surrounding Communities like being part of the County and will remain in the County. This in itself could cause future miscommunications and very disjointed planning.
- If it wasn't easier to get inferior plans approved by the City, why would the Proposer be pushing so hard! It is a fact that local real estate values and resales are higher when not in the City of Gaithersburg. When selling their properties, local community owners even in the City of Gaithersburg like to claim a different location like North Potomac, Rockville, Darnestown for increased property values. The Proposer by getting annexed into the City of Gaithersburg is decreasing their real estate value and guaranteeing lesser dollar amounts on the sale of their developed dwellings by pushing this annexation and plan -- thus losing money and clearly demonstrating their true desire to become annexed into the City of Gaithersburg to circumvent good sound planning and execution.
- Traffic along this section of Route 28 is already a huge problem. In the proposed plan there is no Route 28 relief provided to accommodate the 180 new dwellings and the increased commercial users coming in and out of this proposed development area. The plan will create another entrance / exit within two other very short intersections which will allow right turns only and thus causing even more congestions with needed U turns. I invite any and all to travel to this area and see for yourselves. Is adding these new dwellings and commercial properties enhancement worth the cost impact and/or pain?
- The local Thurgood Marshall Elementary school is already over capacity. Who will pay for this expansion requirements to accommodate? Again if the Developer believes in this proposed plan let them sign up now for paying the County for any and all additions. We cannot afford the mistake of the Kentlands where poor planning had Racheal Carson overflowing on their very first day of operation. Everyone knows how schools get upgraded and expanded – get in line. T

The City's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this would permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall ES, Ridgeview MS, and Quince Orchard HS) due to development within the city limits. Having overcrowded classrooms is not acceptable. The annexation will have serious negative effects on our children and their ability to get a quality education. The schools cannot be properly served by the annexation plan.

- What happened to the plan of adding parks, ball fields, and open spaces in this surrounding community? The Proposer's plan is offering a far cry of what the master plan had originally laid out. We need to follow through with the current master plan, it's a good one. Why not utilize this property in completing this plan and vision?
- Why does the Proposer want to get annexed into the City with disjointed property? Do they have grander plans of once being annexed, of getting changes approved later for higher densities, that would never get approved initially by either the County or the City? What are their future plans for the Commercial real-estate? Their commercial property leased by Safeway would like to get out of their long term contract. If it's such a great plan, then deny this annexation request and let's work through the County planning commission and eliminate any disjointed confusion, communications and possible shell games.

We suggest that the Proposer follow the currently approved 30 single family units plan, extend the current Community, and build something that they, and all of us, will be proud of to be associated with in future years. Let's not have short sightedness, poor planning, and bad decisions that we will all suffer trying to correct in the future.

Many of us families moved to this community almost 30 years ago. We personally moved from Frederick County to live in Montgomery County, and love it.

Regards,

Steve Lawrence
16000 Daven Pine Court
Montgomery County MD 20878

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>; 'wookyuvr2002@yahoo.com' <wookyuvr2002@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)

Mayor and City Council
X-7067-2015
122

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.

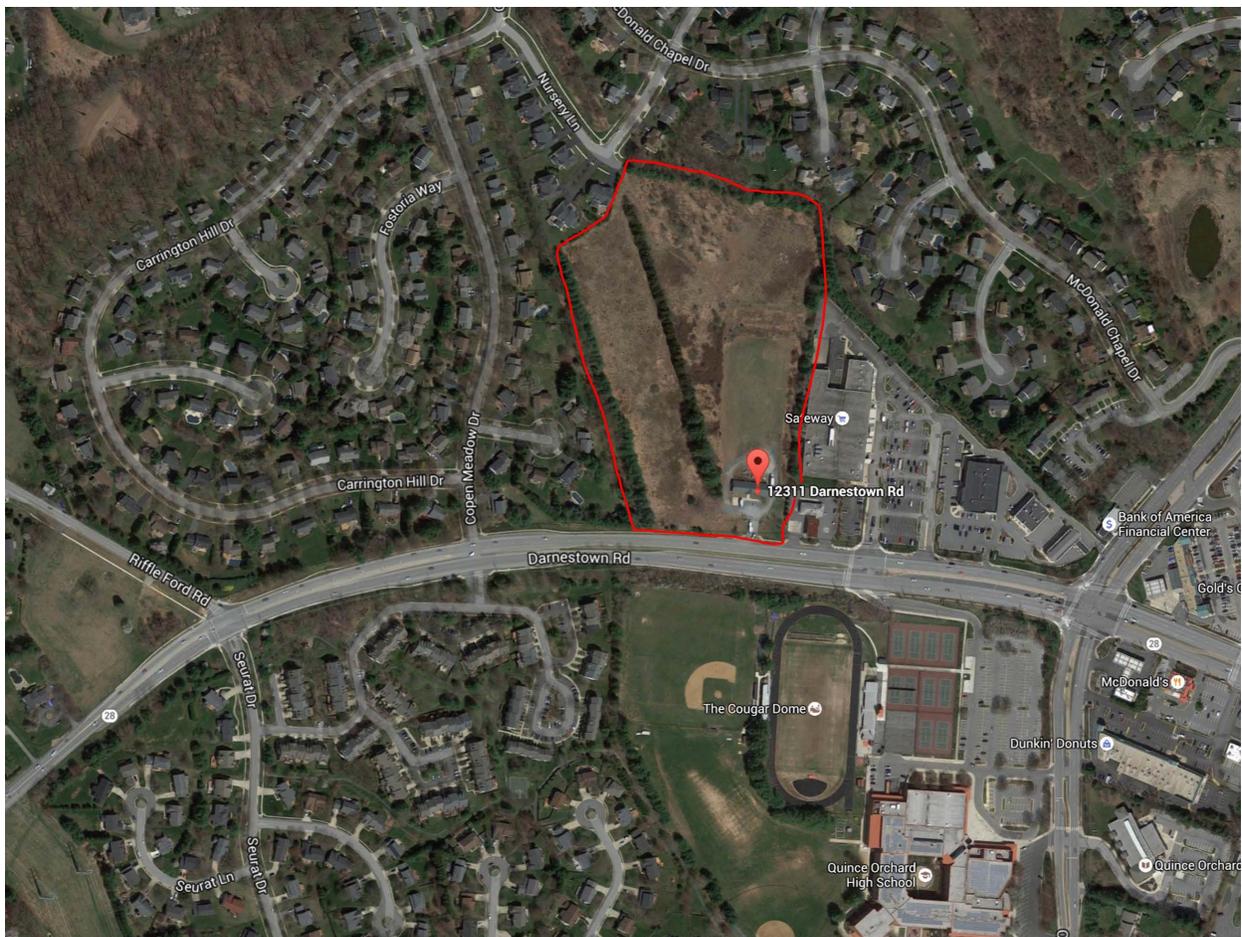
We have no issue with the property owners interest in maximizing his investment. We do need to protect the lives and investments of hundreds of local residents and not let some gamesmanship through the annexation process to have something built that is to the detriment of the local citizens. None of 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



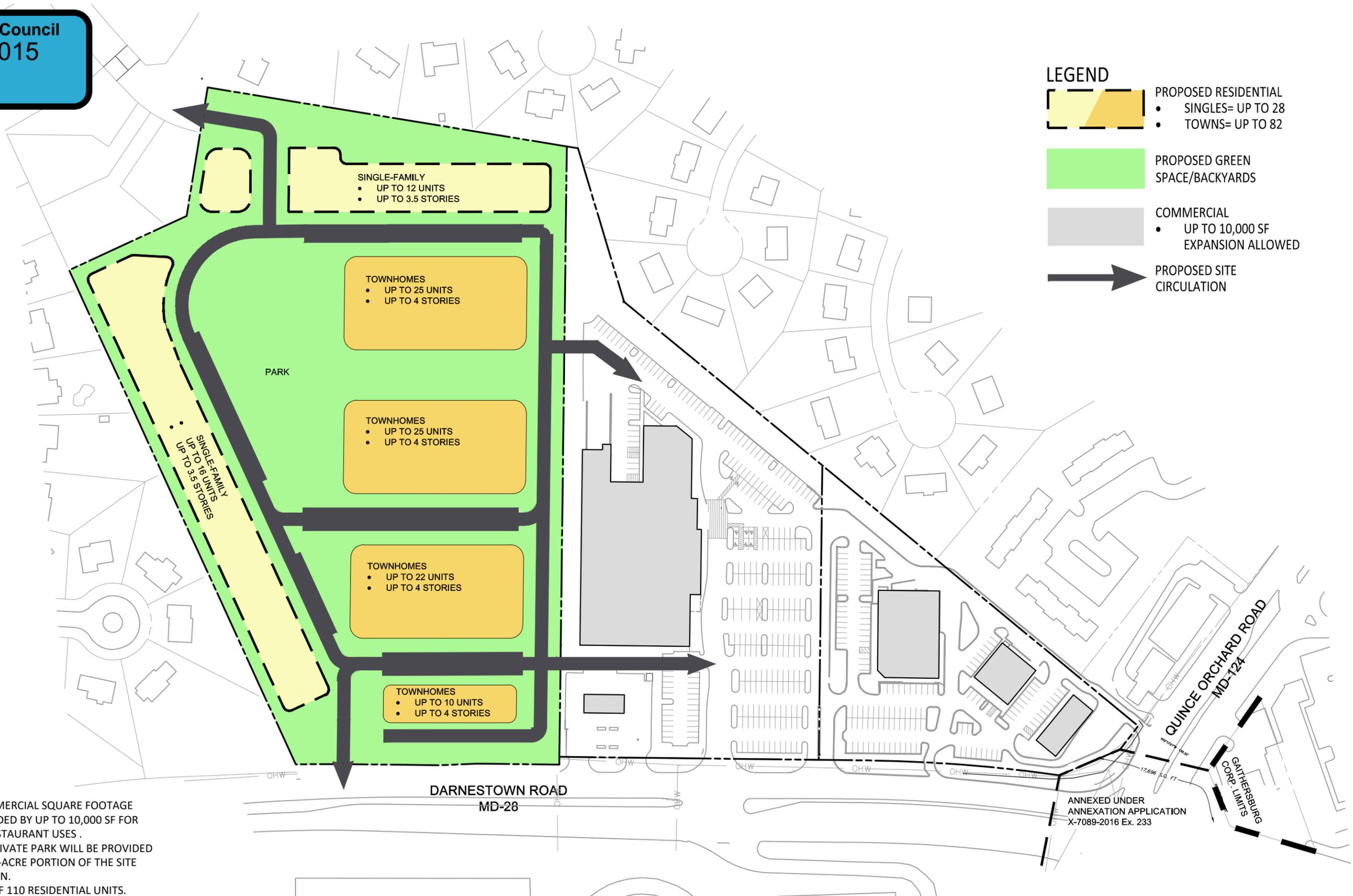
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The Site is surrounded by a mix of commercial and residential uses. Properties to the north and west of the Site are zoned R-200 and are improved with a combination of single-family detached houses and townhomes. The property directly to the south 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

LEGEND

-  PROPOSED RESIDENTIAL
 - SINGLES= UP TO 28
 - TOWNS= UP TO 82
-  PROPOSED GREEN SPACE/BACKYARDS
-  COMMERCIAL
 - UP TO 10,000 SF EXPANSION ALLOWED
-  PROPOSED SITE CIRCULATION



BINDING ELEMENTS:

- EXISTING COMMERCIAL SQUARE FOOTAGE MAY BE EXPANDED BY UP TO 10,000 SF FOR RETAIL AND RESTAURANT USES .
- A ONE-ACRE PRIVATE PARK WILL BE PROVIDED WITHIN THE 14-ACRE PORTION OF THE SITE FOR RECREATION.
- A MAXIMUM OF 110 RESIDENTIAL UNITS.

DARNESTOWN ROAD
MD-28

ANNEXED UNDER
ANNEXATION APPLICATION
X-7089-2016 Ex. 233

QUINCE ORCHARD ROAD
MD-124
GAITHERSBURG
CORP. LIMITS

SKETCH PLAN

JOHNSON'S PROPERTY

GAITHERSBURG, MARYLAND
MONTGOMERY COUNTY

JULY 6, 2016

0 75' 150' 300'

SCALE: 1" = 150'



VKA MARYLAND, LLC ■
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■
SURVEYORS ■ SUSTAINABLE DESIGN ■
20251 CENTURY BOULEVARD SUITE 400 ■
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