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**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Rob Robinson, Long Range Planning Manager

**DATE:** July 15, 2016

**SUBJECT:** Background Report and Master Plan Compliance Analysis:  
Application X-7067-2015:  
Request to annex the approximately 23 acre Johnson Properties located at 12201, 12251, 12301 and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland into the City of Gaithersburg and rezone four parcels from the County's R-200 and NR 0.75 H 45 zones to the City of Gaithersburg's MXD Zone with associated annexation plan.

**APPLICANT/OWNERS**

Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC  
10315 Kensington Pkwy #205  
Kensington MD 20895-3358

**TAX MAP REFERENCE:**

Tax Sheet: ES53 & ES52

**TAX ACCOUNT NUMBER:**

Block B Parcel 0000 –ID# 06- 03411400 (12311)  
Parcel N088 –ID# 06- 02952482 (12251)  
Parcel N144 –ID# 06- 00395701 (12301)  
Parcel N139 –ID# 06- 02952493 (12201)

Mayor and City Council  
X-7067-2015  
130

## REQUEST

The Applicant, Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, has submitted Annexation Petition X-7067-2015. The petition requests the annexation of approximately 23.04± acres of land, consisting of four (4) parcels. The parcels are adjacent and contiguous to the current City limits. Collectively the parcels (Property) are owned by the Johnson Family and are located at 12201, 12251, 12301 and 12311 Darnestown Road. As part of the annexation request, the Applicant is requesting a rezoning from the R-200 and Neighborhood Retail (NR 0.75) Zones to the City of Gaithersburg's Mixed Use Development (MXD) Zone. An annexation plan has also been included in the Applicant's petition.



Location

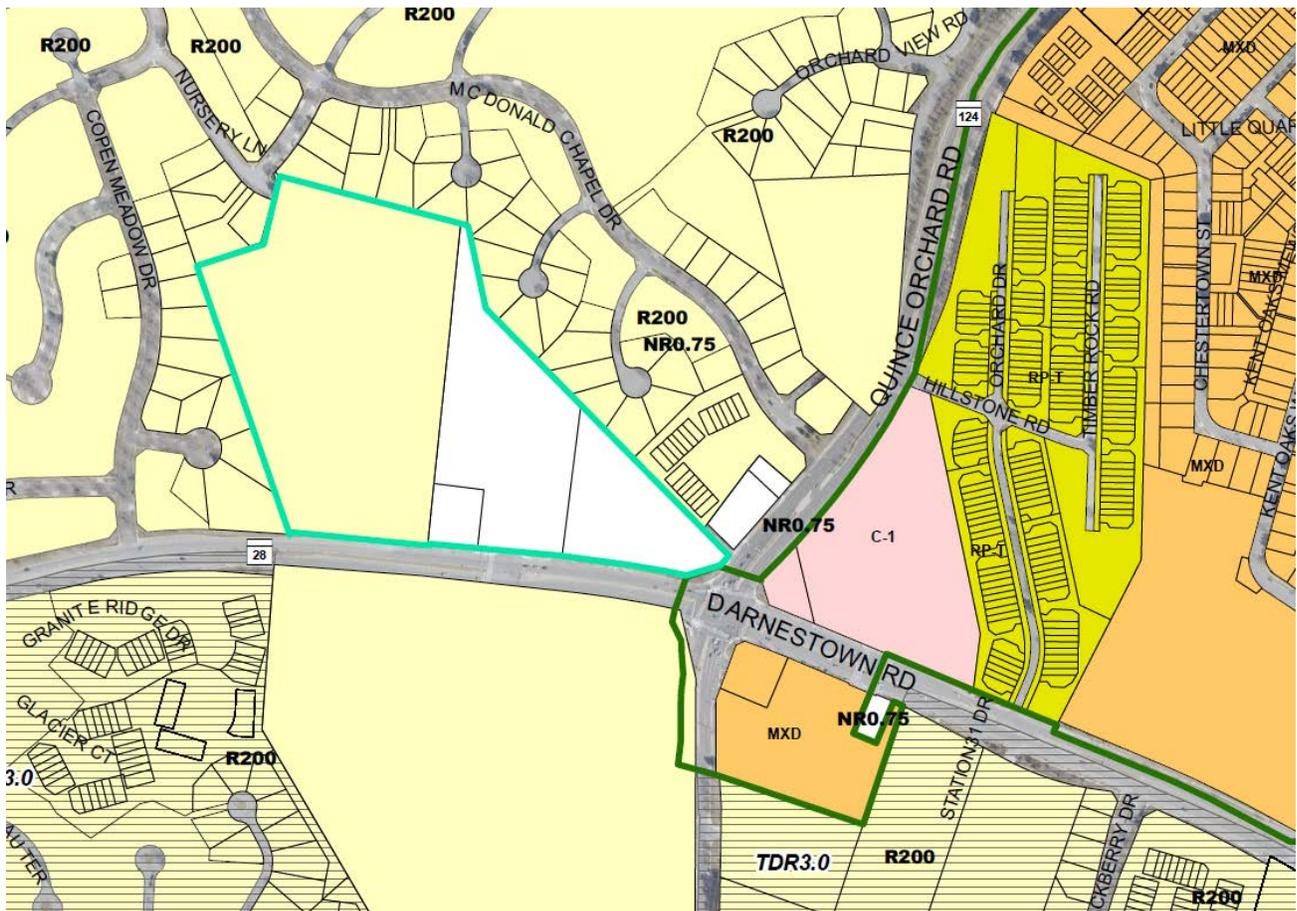
## GENERAL INFORMATION

### LOCATION:

The Property is located in the northwest quadrant of the intersection of Darnestown Road (MD 28) and Quince Orchard Road (MD 124). The Property is comprised of four parcels with Parcel B (0.60 acres), Parcel C (5.45 acres), and Parcel D (3.0 acres) being the existing 90,000 square foot (SF) strip shopping center and padsites. The remaining Parcel E (13.99 acres) is the largely vacant and undeveloped former nursery site.

### SURROUNDING LAND USES AND ZONING:

The Property is surrounded by a mix of commercial and residential uses. Properties to the north and west of the Site are zoned R-200 in the County and are improved with a combination of single-family detached houses and townhomes. The property directly to the south of the Property, 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 and southeast are located within the City of Gaithersburg limits and are zoned either C-1 (Local Commercial) or MXD (Mixed Use) for the recently annexed Potomac Valley Shopping Center and improved with low-density commercial uses.



**EXISTING LAND PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION:**

The Applicant, as part of this application, has included an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) plan (ENV-6991-2015). This roughly triangular site, as stated includes a currently improved site containing a retail strip center, three (3) standalone commercial pad sites, a gas station, and surface parking lots. The shopping center topography is relatively flat, sloping 2 - 4% from Darnestown Road to the rear of the property. Vegetation on the shopping center portion of the Property consists of parking lot trees in islands, in fair to good condition. A number of trees in the Safeway parking lot have been topped.

The western portion of the site (Parcel E) is approximately 14 acres of largely undeveloped property. There is a small warehouse that fronts on Darnestown Road at the southeast corner of this parcel with a gravel area in the rear. A sediment control pond is located behind the warehouse. The open field has a narrow windbreak of trees running down the middle and trees along the outer boundary except where the parcel fronts on Darnestown Road. A ridge runs down the center of Parcel E creating a drainage divide.

Vegetation on Parcel E consists of a wind break on the ridge with pine, spruce and cedar and a few black cherries, black gum and southern red oak. Trees along the periphery of the Property are mostly pines and black cherries. The remainder of the parcel is open field. The following chart shows there are twenty-two (22) significant trees of which six (6) are greater than 30" DBH and one white pine is 75% of the state champion DBH either within or adjacent to the Property.

TREE NO.	SPECIMEN	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	COMMENTS
178		PRUNUS SEROTINA	BLACK CHERRY	27	GOOD	ON-SITE AT FENCELINE WESTERN PROPERTY LINE
179		PRUNUS SEROTINA	BLACK CHERRY	24	GOOD	ON-SITE AT FENCELINE WESTERN PROPERTY LINE; VINES
180		PRUNUS SEROTINA	BLACK CHERRY	24	GOOD	ON-SITE AT FENCELINE WESTERN PROPERTY LINE; VINES
182		LIRIODENDRON TULIPIFERA	TULIP POPLAR	24	GOOD	OFF-SITE AT FENCELINE WESTERN PROPERTY LINE; NOT TAGGED
183		PRUNUS SEROTINA	BLACK CHERRY	27	GOOD	TWIN-TRUNK; ON-SITE AT FENCELINE WESTERN PROPERTY LINE
184	✓	LIRIODENDRON TULIPIFERA	TULIP POPLAR	30	GOOD	OFF-SITE AT FENCELINE WESTERN PROPERTY LINE; NOT TAGGED
185		PRUNUS SEROTINA	BLACK CHERRY	24	GOOD	OFF-SITE AT FENCELINE WESTERN PROPERTY LINE; NOT TAGGED
186		PINUS STROBUS	WHITE PINE	28	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD
187		PINUS STROBUS	WHITE PINE	28	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD
188**	✓	PINUS STROBUS	WHITE PINE	40	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD (CHAMPION SIZE)
189	✓	PINUS STROBUS	WHITE PINE	31	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD
190	✓	PINUS STROBUS	WHITE PINE	33	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD; OLD TREE TAG # 89
191	✓	ACER RUBRUM	RED MAPLE	35	FAIR/GOOD	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; TRUNK CAVITY; SOME BROKEN BRANCHES
192		PRUNUS SEROTINA	BLACK CHERRY	24.5	POOR	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; LARGE TRUNK CAVITY; BROKEN BRANCHES
193		ACER SACCHARINUM	SILVER MAPLE	29	GOOD	OFF-SITE AT FENCELINE NORTHERN PROPERTY LINE; NOT TAGGED
194		ACER SACCHARINUM	SILVER MAPLE	29	GOOD	OFF-SITE AT FENCELINE NORTHERN PROPERTY LINE; NOT TAGGED
195		PRUNUS SEROTINA	BLACK CHERRY	26	POOR	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; LARGE TRUNK CAVITY; BROKEN BRANCHES
196		FRAXINUS AMERICANA	WHITE ASH	24"	FAIR	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; LEANING INTO FENCE
197	✓	ULMUS RUBRA	SLIPPERY ELM	30	GOOD	TWIN-TRUNK; ON-SITE AT FENCELINE EASTERN PROPERTY LINE
198		PINUS STROBUS	WHITE PINE	26	GOOD	OFF-SITE IN EASEMENT BEHIND TOWNHOUSES NORTHEAST PROPERTY LINE
199		PINUS STROBUS	WHITE PINE	26	GOOD	OFF-SITE IN EASEMENT BEHIND TOWNHOUSES NORTHEAST PROPERTY LINE
200		PINUS STROBUS	WHITE PINE	27	GOOD	OFF-SITE IN EASEMENT BEHIND TOWNHOUSES NORTHEAST PROPERTY LINE

\* Diameter at breast height in inches

\*\* Champion Tree - DBH at least 75% of State Champion for species

There are three soil types, Gaila and Glenelg silt loams as described in the soil table. The Property does not contain any floodplains, wetlands, highly erodible, unsuitable, and unsafe soils, or steep slopes. There have been no rare, threatened, or endangered species observed, identified or known to occur on or near the site. While the property does receive noise pollution from vehicles on Darnestown Road, a noise study was not required as a component of the Natural Resource Inventory. No structures on the Property are identified in either the Montgomery County Locational Atlas or designated in the County Master Plan for Historic Preservation.

## **MASTER PLAN HISTORY:**

### **Montgomery County Master Plan**

The Property is located within the Quince Orchard district of the 2010 Great Seneca Corridor Master Plan (GSSC). The GSSC Master Plan's recommendations are 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.”

“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.”

## **ZONING:**

### **Existing Montgomery County Zoning**

The Property is currently zoned R-200 and Neighborhood Retail - NR 0.75 H-45 in Montgomery County. The R-200 Zone generally allows two housing units per acre and is similar to the City's R-A (Low Density Residential) Zone. Additional density may be achieved through the inclusion of moderately priced dwelling units in a project. This would equate to a maximum unit count of thirty-four (34). The NR .75 H-45 zone allows for neighborhood retail uses not to exceed .75 FAR in square footage with a height cap of forty-five (45) feet. The NR zone also allows residential units with the total SF not to exceed 30% of the allowable FAR. In the case of the existing shopping center; 97,747 SF of residential units or forty (40) units at 2400 SF/ unit would be allowed.

## **PETITION AND ANNEXATION PLAN X-7067-2015**

The Local Government Article and Land Use Article of the Maryland Annotated Code and Chapter 24 (Zoning) of the City of Gaithersburg Code outline the process and requirements for a proposed annexation. Chapter 24 of the City Code defines the role of the Planning Commission. The role of the Planning Commission is to recommend to the City Council on the following:

- Does the annexation plan comply with the City's Master Plan and goals;
- Is the proposed zoning appropriate; and
- Can the annexation plan be served by public facilities?

The Planning Commission is required to review the proposed annexation and plan and provide a recommendation to the Mayor and City Council at least 15 days prior to the required Mayor and City Council public hearing. The public hearing before the Mayor and City Council is scheduled for September 19, 2016.

### **Annexation Plan X-7067-2015**

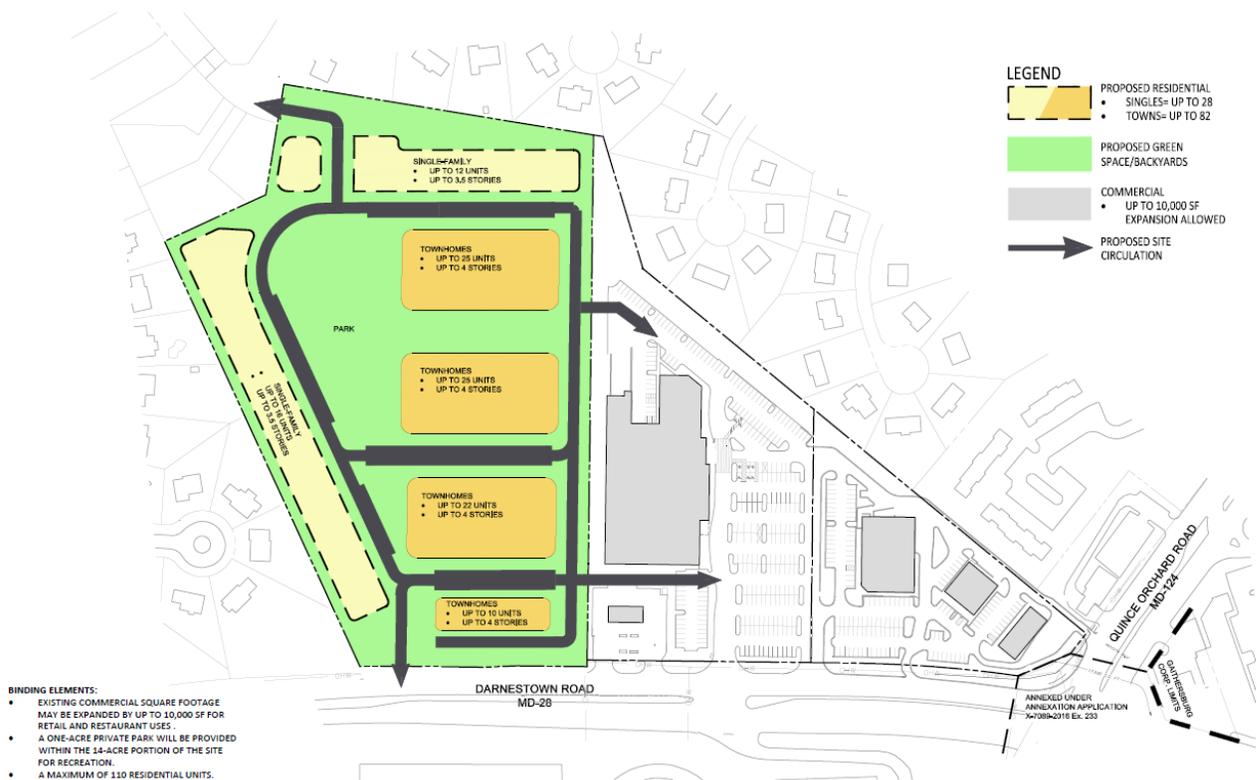
The Applicant originally filed with the petition for Annexation of the Property into the City of Gaithersburg on June 26, 2015 an annexation plan. That proposal consisted of a total of 305 units and 375,000 square feet of non-residential space as follows: up to 180 residential units of up to four-stories 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).

Pursuant to Local Government Article of the Maryland Annotated Code, Subtitle 4-400, Subsection 4-416(b) states:

"Without the express approval of the ... 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 Montgomery County Planning Board reviewed the proposed annexation plan on November 12, 2015, and found the zoning and the development proposed with the annexation petition to be substantially higher density (greater than 50% more) and uses substantially different than those authorized by the existing zoning and recommended the County Council invoke the five year moratorium. In response, the Applicant in December 2015 requested a postponement of the Annexation review process from the City in order to have additional time for community outreach and assessment of the development plan.

Following numerous public outreach initiatives, in April 2016, the Applicant notified the City of a revised annexation plan and requested the process resume. 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 commercial 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.



The revised plan was resubmitted to the County Planning Board for review. On June 23, 2016 County planning staff recommended that the revised plan and its densities and uses are in substantial conformance with currently approved zoning. The following chart was presented in the staff report:

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

The Planning Board concurred with staff’s analysis and transmitted on July 6, 2016 to the County Council:

On a motion by Commissioner Fani-Gonzalez, seconded by Vice-Chair Wells-Harley, with Commissioner Presley and Chairman Anderson voting in favor of the motion, and Commissioner Dreyfuss absent, the Board unanimously recommended approval to transmit the following comments to the Montgomery County Council for your consideration:

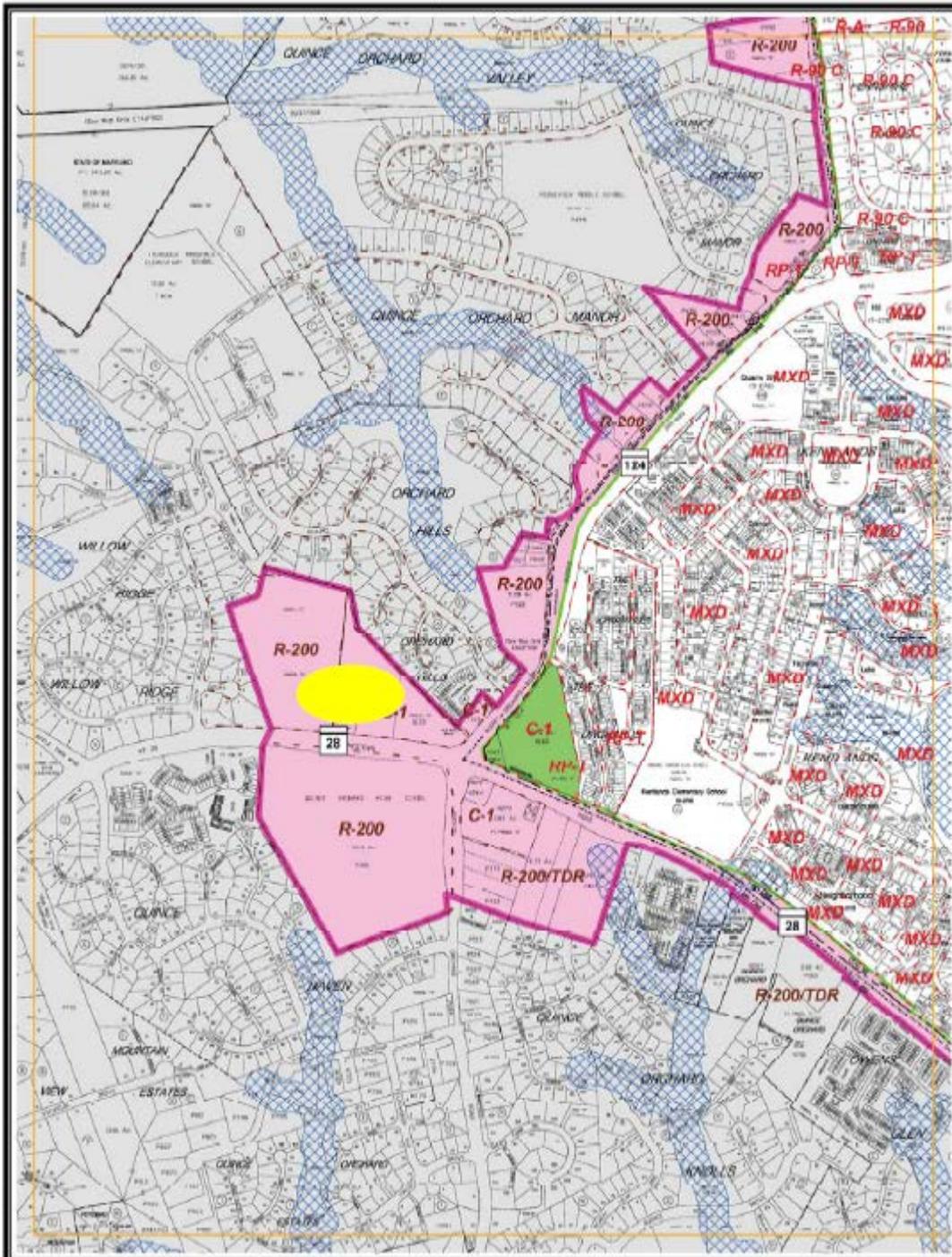
1. The development proposed with the annexation petition does not include land uses that are substantially different than the authorized uses under the current zoning and is not more than 150% of the density that could be generated for the entire Property under the current zoning.

## **CITY OF GAITHERSBURG MASTER & STRATEGIC PLAN:**

### **Municipal Growth**

The subject Property was identified within the 2003 City of Gaithersburg’s Municipal Growth Element (adopted 2009) to be included within the City’s maximum expansion limits (MEL). The map below taken from the Element shows the Johnson lands with the yellow dot:

Map Sheet A-05



Map Sheet A-11

## Land Use

The Property was included in the 2009 City of Gaithersburg's Land Use Element (adopted 2011) as Map Designation 15, which states:

"This 23-acre area currently includes four parcels, of which three are currently developed with commercial uses including a grocery store and gas station. Parcel E is currently undeveloped; however, any future development of this parcel should not be viewed as an isolated project and should be compatible with the other parcels' existing uses. All four parcels should be considered as one mixed-use project in formulating any near or long term developments. While the current uses on Parcels B, C, and D are appropriate for this area and relate to the commercial and institutional uses nearby, potential for redevelopment in the long term with a variety of uses exists. Any proposed redevelopment plans should consider the site's location as a gateway into the city limits.

Land Use and Zoning Actions:

- Adopt Commercial-Office-Residential land use designation, if annexed
- Recommend MXD zoning or a future zone that facilitates a mix of uses and incorporates sustainable development standards, if annexed"

## City FY 17 Strategic Plan

The Annexation of the Johnson Property and associated plan would be in accordance with the following adopted City Key Strategies and Objectives and their Directions:

### Economic Development

- Promote rezoning of parcels that exhibit strong development and redevelopment potential in accordance with the Master Plan

### Housing

- Encourage and support homeownership in the City
- Increase the stock of affordable units throughout the City, particularly for households at or below 100 percent of Area Median Income (AMI)
- Provide opportunities to redevelop or improve underutilized properties

### Parks, Recreation and Culture

- Ensure all communities have accessible, safe, functional, and engaging recreational facilities and amenities
- Ensure resident proximity to parks with goal of less than .25 miles

### Planning

- Identify properties which present opportunities for adding value to the City and aggressively pursue annexations
- Provide amenities in new neighborhoods and strive to add additional neighborhood amenities within established neighborhoods

Staff finds that the proposed X-7067-2015 annexation and associated plan:

- Is identified in the City's adopted Municipal Growth Element and is appropriate to be annexed;
- The proposed plan reflects the uses, zoning, and recommendations approved as Map Designation 15 in the 2009 Land Use Element; and
- The annexation and associated plan comply with the FY 17 City Strategic Plan in that:
  - Its promotes rezoning from low density residential to mixed-use to increase density through redevelopment
  - It includes fee-simple homeownership opportunities
  - It includes affordable housing in a new area that lacks such stock
  - It improves with housing an underutilized site
  - It includes a one acre park
  - The park is within .25 mile of numerous housing communities
  - The new housing and existing commercial uses provide to expand the City tax base
  - It is adding a new park in area identified as a needed amenity by Montgomery County Planning.

### **CITY OF GAITHERSBURG PROPOSED ZONING:**

The Applicant has requested that the subject properties, if annexed into the City, be zoned MXD. It is the objective of this zone to establish procedures and standards for the implementation of the Master Plan Land Use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent City policies in a manner more closely compatible with City plans and policies than may be possible under other zoning categories.

The following are the sections of the City Code that lay forth the requirements related to MXD zoning. After each subsection, findings are provided.

#### **Sec. 24-160D.2. - Minimum location and development requirements:**

(a) Master plan. No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.

FINDING: Petition X-7067-2015 was identified in both the adopted City Municipal Growth Element and the 2009 Land Use Element which called for MXD Zoning.

(b) Minimum area. No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone. Such parcels are not required to contain multiple uses but should contribute to a multi-use development and are subject to the provisions of 24-160D.9(a)(1).

FINDING: The Property is 23 ± acres in size and is contiguous to the MXD Zoned Potomac Valley Shopping Center

(c) Location. Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

FINDING: The Property is located at the intersection of MD 124 and MD 28 with full-turning signalized access from MD 28 and is proposed to include internal roads connecting the various parcels.

(d) Public water and sewer. No development shall be permitted unless served by public water and sewer.

FINDING: The Property is currently has both water and sewer service.

(e) Signage. Signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of this zone and overall character of the surrounding area.

FINDING: Signage design principles will be defined during any schematic development application.

(f) Frontage on public streets. Anything to the contrary notwithstanding in any regulation in this Code, lots in this zone shall not be required to have direct access to a public street provided that such condition will promote the creation of affordable housing, or will be designed in such a way as to foster the purposes and objectives of this zone, provided that satisfactory access to a public street is provided over private rights-of-way.

FINDING: The Property is located at the intersection of MD 124 and MD 28 with full-turning signalized access from MD 28.

Sec. 24-160D.4. - Density and intensity of development.

(a) The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to section 24-160D.9(a).

FINDING: No specific densities were recommended for this site; however, the adopted Municipal Growth Element provides the following.

Project Name	Zone	Net Acreage	Total Dwelling Units	DU/Acre
Fairfield at West Deer Park	CD	12.5	393	31±
<b>CD Zone Totals:</b>	<b>CD</b>	<b>12.5</b>	<b>393</b>	<b>31±</b>
Casey West	MXD	111.2	1,066	10±
Casey East	MXD	34.2	382	11±
Crown Farm	MXD	139.8	2,250	16±
Vistas	MXD	11.7	83	7±
Hidden Creek	MXD	63.8	567	9±
Kentlands	MXD	199.3	2,209	11±
Lakelands	MXD	258	1,624	6±
Quince Orchard Park	MXD	48.7	587	12±
<b>MXD Zone Totals:</b>		<b>866.7</b>	<b>8,768</b>	<b>10±</b>

The residential density for X-7067-2015 is 7.8 units/ acre on Parcel E and 4.8 units/ acre overall and therefore well within or below the limits of similarly zoned projects.

(b) Commercial/employment/industrial. The commercial/employment/industrial density in the Mixed Use Development Zone shall be compatible with any gross floor area or floor area ratio recommended in the applicable area master plan or special conditions or requirements, if any are stated therein. The maximum density of commercial/employment/industrial development shall be based on the area shown for commercial/employment/industrial uses on the sketch plan or schematic development plan, and shall not exceed a floor area ratio of 0.75; provided, however, that any land zoned to the MXD category prior to January 1, 1991, and any land not exceeding twelve (12) acres in size incorporated into such acreage zoned MXD prior to January 1, 1991, shall have a floor area ratio not to exceed 1.5. The mayor and city council may, by separate resolution, waive any or all the floor area ratio development standards when necessary to incorporate environmental site design or implement the master plan.

FINDING: The X-7067-2015 plan proposes 100,000 SF of commercial uses, whereas under a .75 FAR, 325,825 SF would be allowed and therefore is in compliance.

Sec. 24-160D.5. - Compatibility standards.

(a) All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development.

FINDING: The proposed uses of commercial and single-family housing are allowed in the MXD Zone. The sketch design and layout conforms to the following requirements in that single-family detached back onto exiting detached units and buffers are enhanced to separate commercial uses from existing residential:

“a. No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than one hundred (100) feet, with the setback approved by the city planning commission.

b. No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.”

The proposed uses in this mixed-use project will contribute to the area as a whole. The site currently has a Walk Score of 74 and will only be enhanced through the proposed redevelopment and is appropriate for a mix of uses:

# 12251 Darnestown Road

A location in Darnestown

Commute to **15903 Somerville Drive, Rockville, MD 20855**

24 min 28 min 40 min 60+ min [View Routes](#)

[Favorite](#) [Map](#) [Nearby Apartments](#)

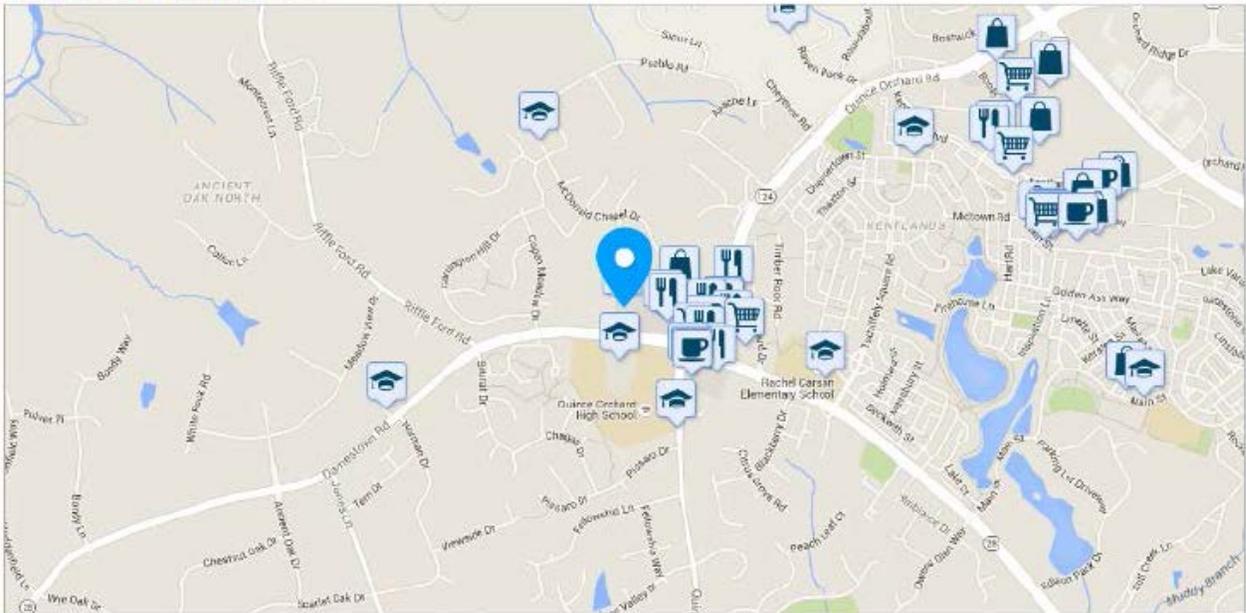
Walk Score  
**74**

**Very Walkable**

Most errands can be accomplished on foot.

[About your score](#)

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## **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

### **Water and Sewer Services and Public Utilities**

The Property is currently developed with both water and sewer service and has WSSC categories of S-1 and W-1. These category designations mean the property is currently served by both water and sewer service and any development could expand those services. Further, the 2003 Municipal Growth Element and the 2009 Water Resources Element both affirmed that there is sufficient water and sewer supply capacity for growth area developments with an overall average density of 32 dwelling units per acre. The proposed residential density for the petition's land use plan is 7.8 dwelling units per acre on Parcel E or 4.8 dwelling units per acre overall and therefore sufficient water and sewer capacity exists to support the proposed development.

### **Fire and Emergency Services**

The City's APFO requires that any development project be served by at least two (2) fire stations with a ten (10) minute response time. The Johnson properties are within the ten (10) minute response areas of Montgomery County Department of Fire and Rescue Services Stations 32, 31 and 8.

### **Schools**

The Site is located in the Quince Orchard Cluster and is served by Thurgood Marshall Elementary School, Ridgeview Middle School, and Quince Orchard High School. Under current code, the schools test of adequacy will be performed at the time of any schematic development plan submittal involving residential uses; however, as of the FY 17 Schools Test, all the schools have capacity under the City Code (Schools not exceeding 150% Capacity in SY 2020-2021):

Thurgood Marshall:	123.0%
Ridgeview:	78.9%
Quince Orchard:	109%

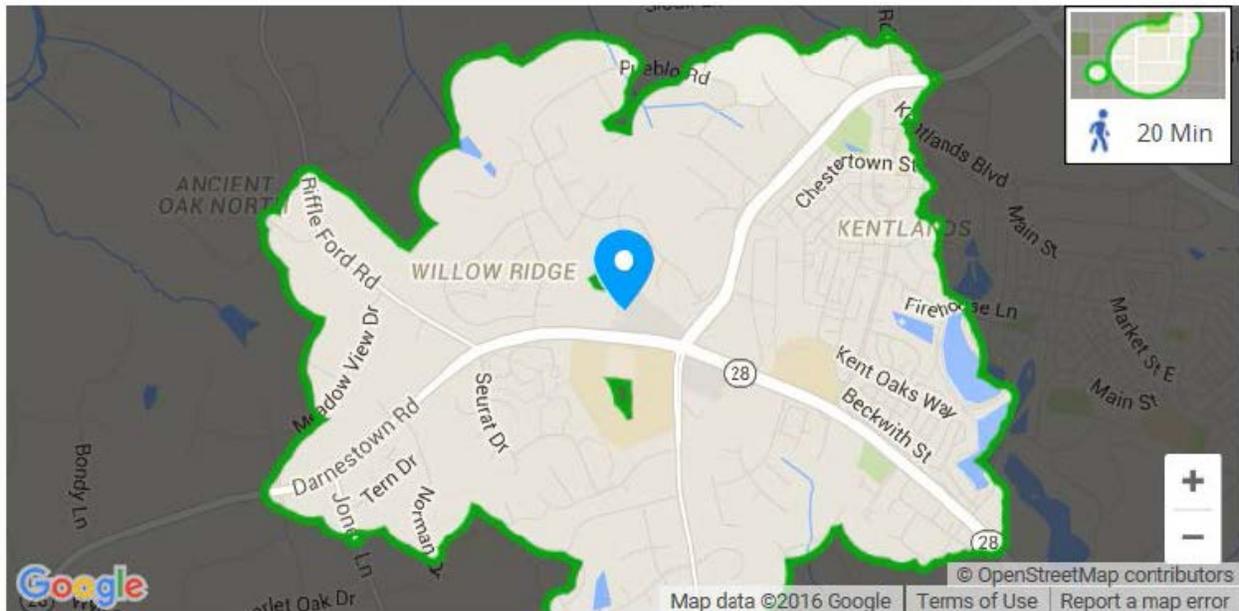
Of note, all three schools would pass the current County Capacity test as well.

At maximum buildout (110 units) using current County generation rates, the X-7067-2015 plan would equate to:

SFD (28):	10 Elementary	5 Middle	5 High
TH (82):	17 Elementary	7 Middle	8 High
Total:	27 Elementary	12 Middle	13 High

## Traffic Impacts

The City's Traffic Impact APFO states that applications for development approvals shall be subject to the adopted Gaithersburg Traffic Impact Study Standards regulations. It further states that no application for development approval shall be approved unless it complies with the requirements of Traffic Impact Study Standards regulations, or the Applicant has obtained a determination from staff that the standards are not applicable to the Applicant's proposed development. The adopted Traffic Impact Study Standards require a traffic impact study (TIS) for any new development or redevelopment that generates thirty (30) or more total weekday trips in the AM and/or PM peak hours. The Traffic APFO is evaluated at Schematic Development Plan application. It is to be noted that the Property is positioned to provide access to numerous other areas. The following illustrates the 20 minute (or one mile) walkshed using Walk Score:



## Other Facilities

### Forest Conservation:

The project is subject to forest conservation requirements of Chapter 22 of the City Code. Forest conservation will be met on-site and defined at Schematic Development Plan.

### Stormwater Management:

The project will be planned to meet the State and City requirements for stormwater management in accordance with the current Maryland Department of the Environment ("MDE") Stormwater Management regulations. The project will utilize the latest techniques for Environmental Site Design ("ESD") to the Maximum Extent Practicable in accordance with the Chapter 8, Article III of the City Code.

Police:

The City of Gaithersburg has its own Police Department and through a memorandum of understanding, the Montgomery County Police Department also serves the City of Gaithersburg. Following the annexation, the City of Gaithersburg Police Department will extend services to the Subject Property

Staff finds that the City of Gaithersburg is a State-designated Priority Funding Area. As such, the City is recognized as having existing infrastructure that would support future development and redevelopment and would meet the requirements of the City's APFO. Future infrastructure needs within the City's designated Growth Areas will be financed through a combination of public and private funds without undue burdens on City residents. The City of Gaithersburg will remain financially stable during future growth periods by coordinating with private developers, Montgomery County, and other agencies that fund public infrastructure. The City with its partners has adequate infrastructure public facilities and financial security to support the annexation of the subject area proposed for annexation.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend to the City Council that:

**The proposed X-7067-2015 annexation and associated plan are in compliance with the City's Master and Strategic Plans based upon the findings presented in the staff analysis;**

**The proposed zoning of X-7067-2015 to the City's MXD (Mixed Use) Zone is appropriate based upon the findings presented in the staff analysis; and**

**The proposed X-7067-2015 annexation and associated plan can be served by both existing and future public facilities based upon the findings presented in the staff analysis.**

Further, Staff recommends that the Planning Commission defer their recommendation for 8 days to receive public comments until 5:00 PM on July 28, 2016, and provide a formal recommendation on the annexation petition and annexation plan on August 3, 2016.