
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: August 3, 2016

ANNEXATION PETITION: **X-7067-2016**

TITLE: 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.

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: **12201, 12251, 12301 and 12311
Darnestown Road**

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant: **JOHNSON FAMILY ENTERPRISES, LLC AND
THREE AMIGOS REAL ESTATE, LLC**
Attorney: **LERCH, EARLY & BREWER**
Engineer: **VIKA**

STAFF PERSON: Rob Robinson, Long Range Planning Manager

Enclosures:

Draft CPC Recommendation
Staff Analysis
Assorted e-mail comments (6)
Form e-mail comments (15)

Mayor and City Council
X-7067-2015
135

During the Wednesday, July 20, 2016 Planning Commission meeting, staff and the team representing the Applicant of the Johnson Annexation petition, X-7067-2015 presented the annexation and associated plan, noting the criteria on which the Commission must base its review of the application for recommendation to the Mayor and City Council.

Staff recommended that the proposed annexation request is in compliance to the City Master Plan, that a zoning reclassification to the MXD Zone is appropriate, and that the annexation plan can be adequately served by public utilities, as supported by findings presented in the Staff Analysis. Staff further recommended the Planning Commission defer its recommendation to provide the public the opportunity for submitting written comments until 5:00 PM, July 28, 2016. The Commission directed staff to return August 3, 2016 with a draft recommendation for Commission to review and vote upon.

21 e-mails were received, most voicing opposition to the proposed annexation and a form e-mail (15) expressing support for binding design elements. None of the comments directly addressed the Planning Commission's recommendation role. Staff notes that as it relates to the comments, the current proposal would pass the County School's test and does not reflect any excess residential density based upon the City's APFO school test standards. The proposed residential development could be built under Montgomery County zoning. Staff further notes the students generated potentially by this development would attend Thurgood Marshall Elementary and not Rachel Carson as argued in an e-mail.

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COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council**FROM:** Planning Commission**DATE:** August 3, 2016**SUBJECT:** Petition 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.

At its regular meeting on August 3, 2016, the Planning Commission made the following motion to recommend to the Mayor & City Council that:

1) The proposed X-7067-2015 annexation and associated plan are in compliance with the City's Master and Strategic Plans and finds 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
 - 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 identified as a needed amenity by Montgomery County Planning.

2) The proposed zoning of X-7067-2015 to the City's MXD (Mixed Use) Zone is appropriate based upon the findings related to §§24-160D.2, 4, and 5:

- 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.
- The Property is 23 ± acres in size and is contiguous to the MXD Zoned Potomac Valley Shopping Center.
- 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.
- The Property is currently has both water and sewer service.

- Signage design principles will be defined during any schematic development application and associated Design Guidelines.
- The Property is located at the intersection of MD 124 and MD 28 with full-turning signalized access from MD 28.
- While no specific densities were recommended for this site; 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.
- 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.
- The proposed uses of commercial and single-family housing are allowed in the MXD Zone. The sketch design and layout conforms to the MXD requirements in that single-family detached back onto exiting detached units and buffers are enhanced to separate commercial uses from existing residential.

3) The proposed X-7067-2015 annexation and associated plan can be served by both existing and future public facilities. The Commission 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. Further, 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. 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. The Property 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 11, all the schools have capacity under the City Code (Schools not exceeding 150% Capacity in SY 2020-2021).

Vote:

The Commission stressed that should the annexation be approved, as part of the MXD Zone; solid, higher-quality design guidelines reflecting a cohesive integration of the commercial portion with the residential in terms of vehicular/pedestrian/bike connectivity, landscaping, circulation, signage and architecture will be expected at the time of any schematic development plan application.

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)

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

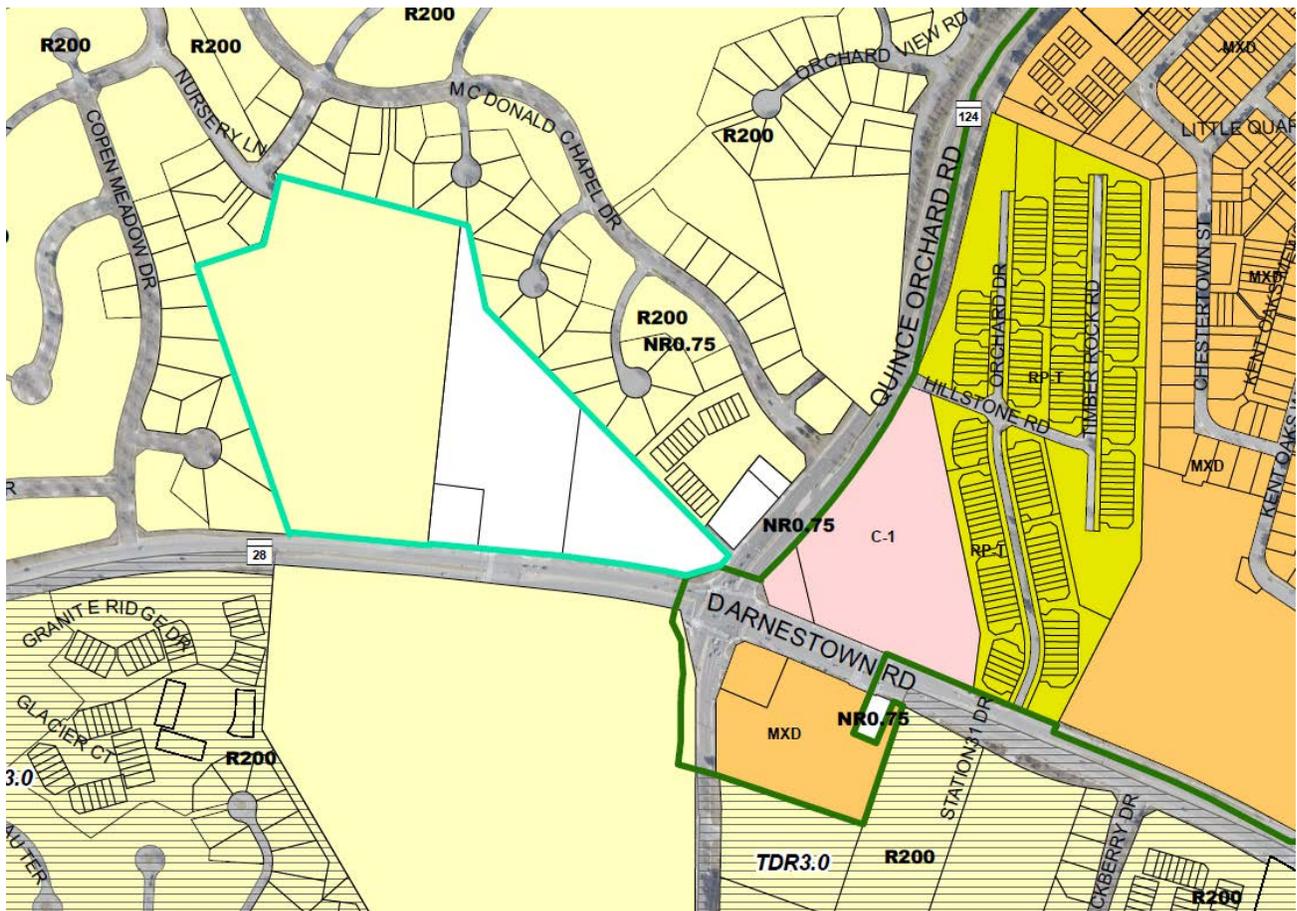
GENERAL INFORMATION

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

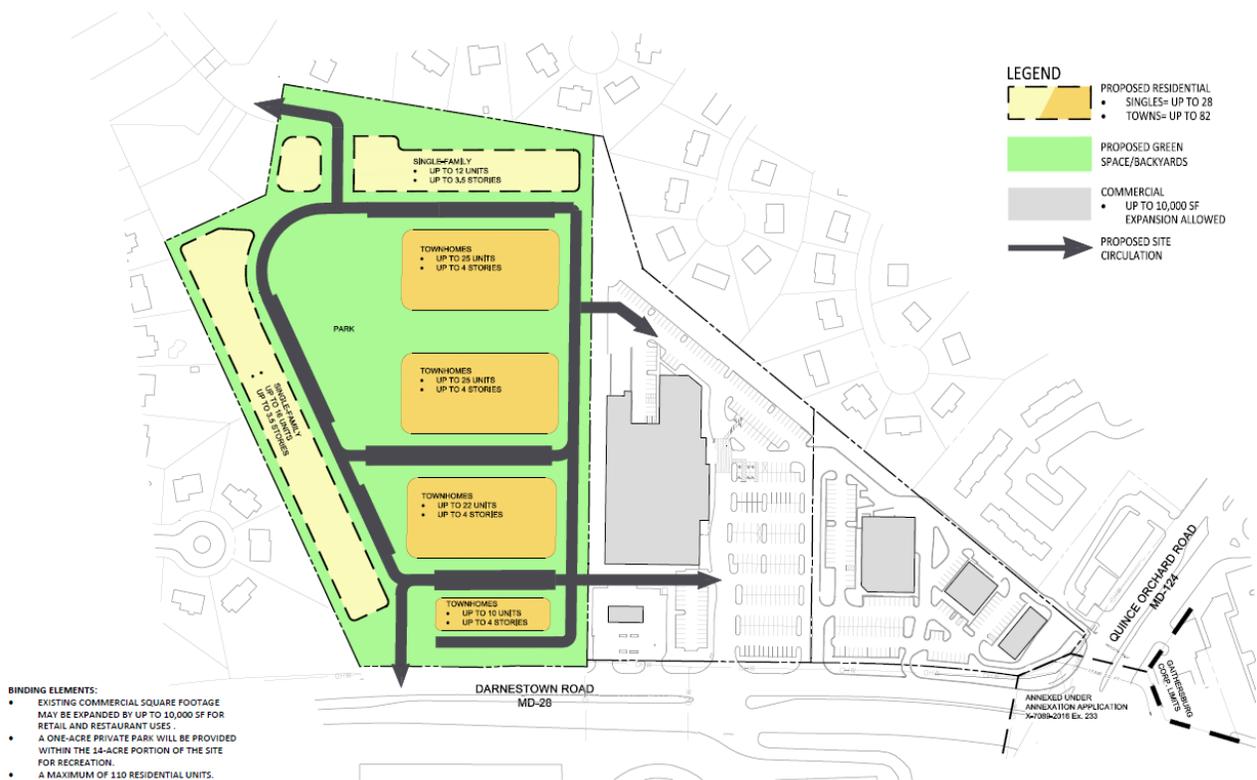
The Applicant originally filed with the petition for Annexation of the Property into the City of Gaithersburg on June 26, 2015 an annexation plan. That proposal consisted of a total of 305 units and 375,000 square feet of non-residential space as follows: up to 180 residential units of up to four-stories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

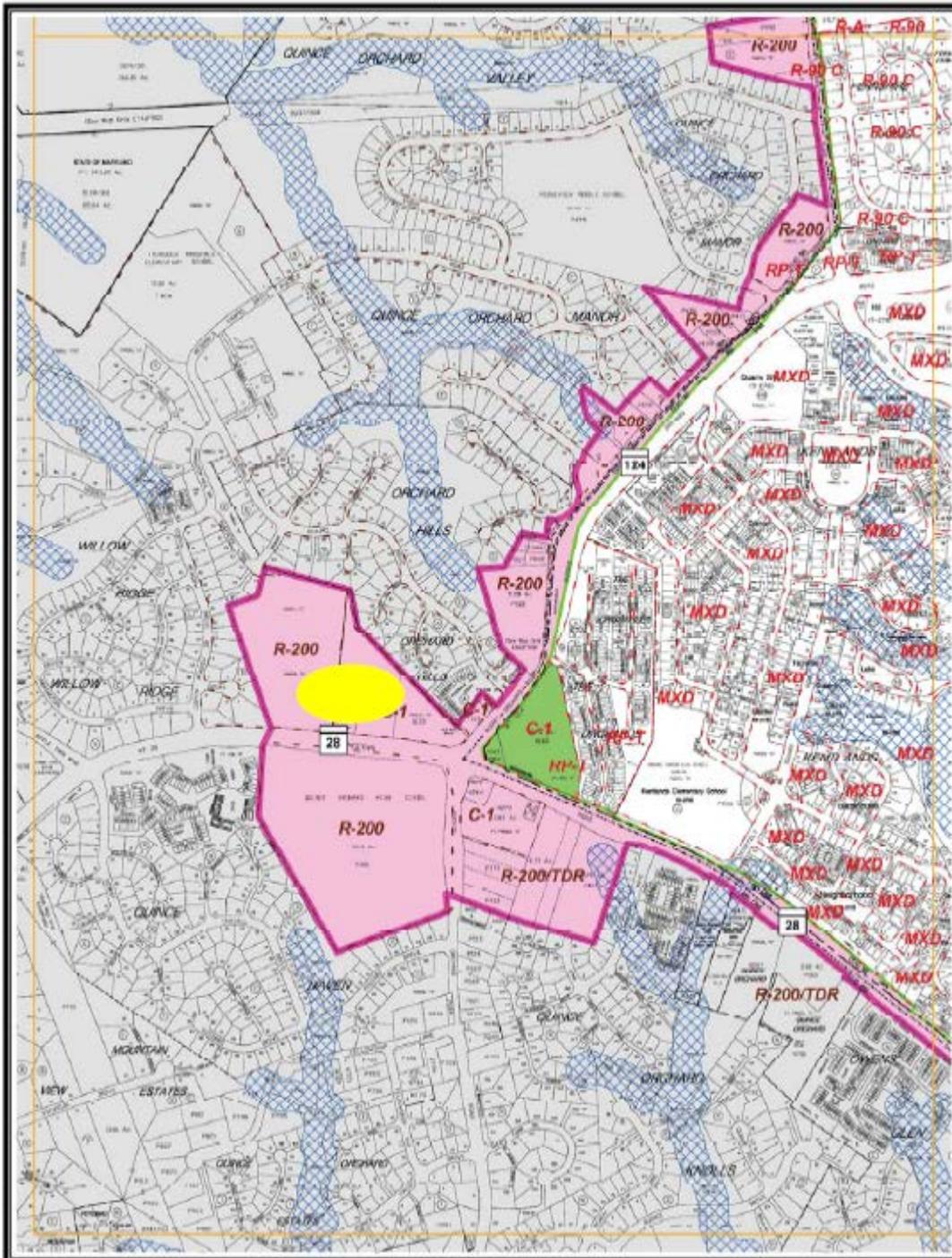
1. The development proposed with the annexation petition does not include land uses that are substantially different than the authorized uses under the current zoning and is not more than 150% of the density that could be generated for the entire Property under the current zoning.

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±
CD Zone Totals:	CD	12.5	393	31±
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±
MXD Zone Totals:		866.7	8,768	10±

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 existing 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**

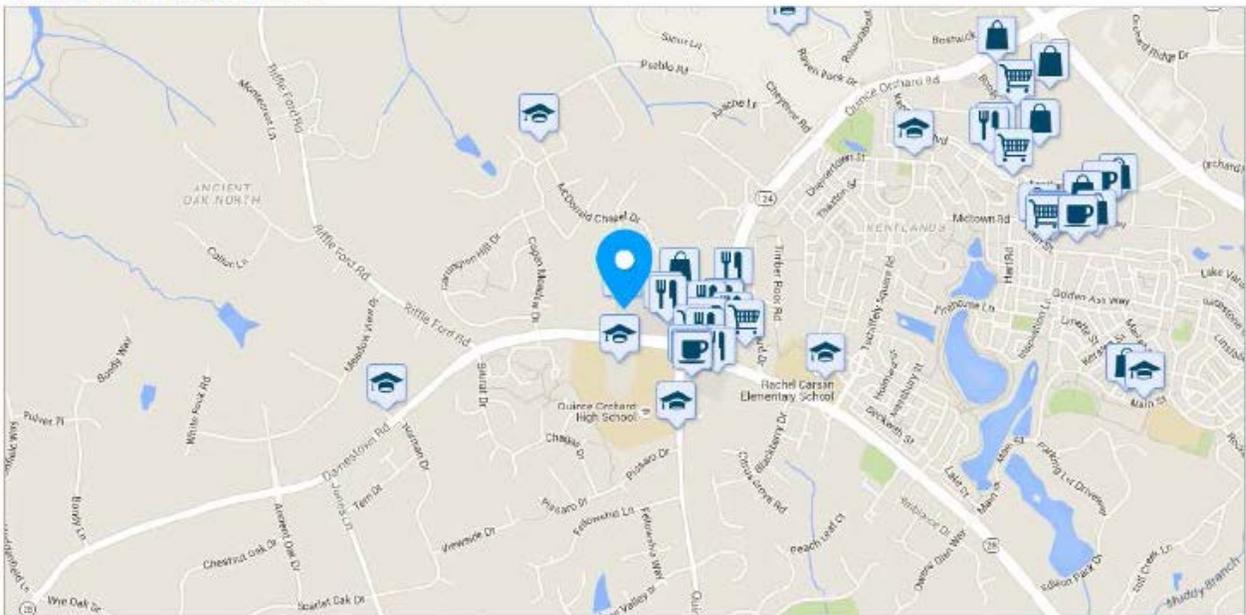
Walk Score
74

Very Walkable

Most errands can be accomplished on foot.

[About your score](#)

[Add scores to your site](#)



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%

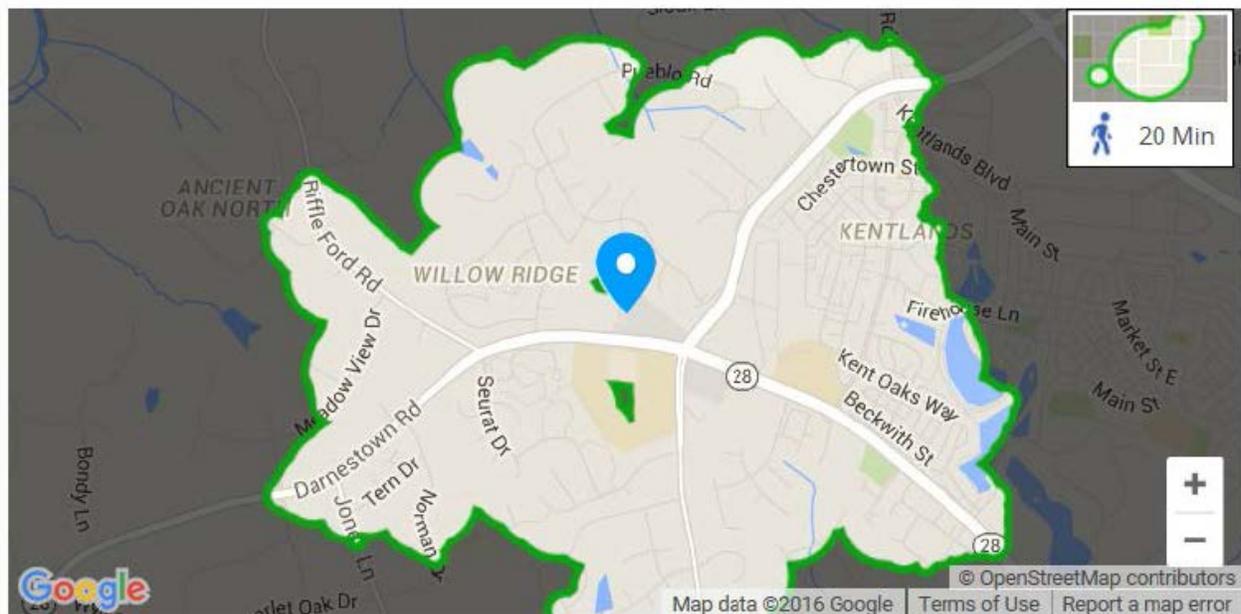
Of note, all three schools would pass the current County Capacity test as well.

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.

From: [Bobbi Fulmer](mailto:Bobbi.Fulmer)
To: [Rob Robinson](mailto:Rob.Robinson)
Subject: FW: Opposition to Application X-7067-2015 Johnson Properties Annexation
Date: Thursday, July 28, 2016 12:42:36 PM

From: Kelvin Choi [mailto:kelvin.choi.tc@gmail.com]
Sent: Thursday, July 28, 2016 11:51 AM
To: Planning External Mailing
Subject: Opposition to Application X-7067-2015 Johnson Properties Annexation

Gaithersburg Planning Committee Members:

I notice that you will be discussing the Johnson Property Annexation petition X7067-2015 on the August 5 meeting. I am writing once again to reflect the strongest opposition to the annexation plan from me and the Willow Ridge CA. We have read the revised proposal submitted by the Johnsons and would like to address several points:

- 1) First and foremost, Johnson Property shows no sincerity and concern for the neighborhood that will be affected the annexation. They claimed to have held numerous meetings to get input from neighbors. In reality, this felt like lip service. All attendees repeatedly voiced the same concerns and they largely ignored our input. Their proposal implies that we agree with their current plan and we do not. No one in Willow Ridge or at the meetings that I have spoken with has any problem with the Johnsons developing under the current R-200 zoning (i.e., with 30 single family home). Everyone I have I spoken with oppose anything greater than 50% of the current zoning.
- 2) Our concerns are exacerbated by 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.
- 3) Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with 3 lanes of traffic merging into 2 on Rt. 28 directly in front of this property, and then 1 lane at Riffle Ford Rd. The only road in our neighborhood, Copen Meadow Dr, which exits onto Rt. 28, is dangerous and almost unusable during the hours of 7am – 9am, and 4pm – 7pm due to the large volume of cars. Their proposed plan contributes significantly to the problem without offering any realistic mitigation. They also suggest to connect Nursery Lane to Rt. 28 through the existing commercial parcel. This will not solve the problem because traffic is already stuck at the outlet of the commercial parcel to Rt. 28. However, it adds traffic accident hazard to the neighborhood, particularly little children who walk to school, as cars run through our neighborhood

to Rt. 28 skipping the Quince Orchard Road intersection.

4) They claim to have reduced the number of housing units from 305 to 110. In reality, the original proposal had 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen to exclude the existing commercial parcel; therefore, including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable. While the Johnsons claim that their revised sketch plan is comparable to what could be done through the county, we do not believe this to be the case. The Johnsons were told by the county planning board last November that they cannot assume a Local Map Amendment would be approved. They have not gone through that process, so with the current R-200 zone, they cannot build townhouses. In addition, the 9-acre parcel that is currently commercial is still a concern. If they obtain Gaithersburg annexation and rezoning, we have no reason to expect anything less than the 125 residential units in their original proposal.

5) The issue is even more consider when considering the already approved annexation of the Mudgruder property at the southeast corner of Rt. 28 and Quince Orchard Road, which will allow development of 10-story building with very little input from the surrounding county residents since it is now part of the City of Gaithersburg. This is simply unfair to surrounding county residents.

In summary, this revised zoning plan is not appropriate and the public facilities cannot handle the increased population it would bring. The Johnson plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by Montgomery County. I understand the City may wish to annex the Johnson property. I sincerely urge you NOT to put the surrounding non-Gaithersburg neighborhoods at higher risk for over-crowding schools, traffic accidents involving little children, and disabling traffic pattern. It is simply unfair and unjust that non-Gaithersburg neighborhoods suffer for the gain of the City of Gaithersburg.

Thank you for taking the time for incorporating the community's input when considering this application.

Kelvin Choi
12632 Carrington Hill Dr
Gaithersburg, MD 20878

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: JOHNSON PROPERTY
Date: Thursday, July 28, 2016 12:46:13 PM

From: Will Husted [mailto:willhusted@gmail.com]
Sent: Thursday, July 28, 2016 11:45 AM
To: Planning External Mailing
Subject: JOHNSON PROPERTY

I am writing to you as a concerned young resident of the North Potomac region. I am a student at Quince Orchard High School and I am educated on the problems associated with the Johnson Property annexation. It is the opinion of both myself and fellow students at Quince Orchard High School that this property not be over run with housing developments. This would only serve to congest the area and put a strain on the class sizes at Quince Orchard. In addition, the positives of of the plan will not outweigh the traffic congestion associated with this annexation. Every day during rush hour, Darnestown Road becomes extremely backed-up. With more cars and houses added to the road, commuters will become increasingly frustrated. Proposals for traffic congestion and a thorough plan for restructuring class sizes would need to be in place if this annexation were to go through. In conclusion, I hope you take into consideration the concerns of young residents such as myself when making the decision on the future of our town.

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Johnson Property Annexation
Date: Monday, July 25, 2016 9:52:37 AM

-----Original Message-----

From: Brent Jamsa [<mailto:bcjamsa@gmail.com>]
Sent: Monday, July 25, 2016 8:31 AM
To: Planning External Mailing
Subject: Johnson Property Annexation

Dear Gaithersburg Planning Commission,

I am writing to you to express my continued opposition to the proposed annexation of the Johnson property into the City of Gaithersburg. If approved, the annexation would drastically change the community I have grown up in and loved. In addition, traffic and injuries associated with the already dangerous intersection of Rt. 28 and 124 continues to be an issue. More development would certainly add more traffic onto local roads and worsen the traffic situation. Moreover, continued overcrowding also plagues the community. As a student at Quince Orchard High School, I witness first hand the large class sizes and desks shortages among other issues. It is unfair that if the property is annexed and the Johnsons decide to develop on their land, that they will be able to follow the City of Gaithersburg's less strict policy regarding school capacity than Montgomery County's policy because a large portion of students who go to Quince Orchard High and its feeder schools are not Gaithersburg residents. In summation, I and my fellow QO Cougars ask that you recommend that the Gaithersburg City Council reject the annexation request.

Thank you for your consideration in this matter, Brent Jamsa

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Stop Johnson Property Annexation
Date: Wednesday, July 27, 2016 8:53:51 AM

-----Original Message-----

From: John [<mailto:jgermuga@yahoo.com>]
Sent: Tuesday, July 26, 2016 7:00 PM
To: Planning External Mailing
Subject: Stop Johnson Property Annexation

To whom it may concern.

Johnson Annexation

Mr. Russell Johnson has requested annexation of 23.5 acres of land at the corner of Darnestown and Quince Orchards Roads. This is the second attempt by Mr Johnson to cash out on his failing business by developing his land through annexation to the county.

In his original plan, Mr Johnson received a huge outcry of opposition to develop this property from local residents. He has claimed to rectify this by cutting back on the density of the property to 110 units and adding a scant amount of park space which will be relatively inaccessible to all but the residents of the proposed development he is planning.

This revised commitment to providing park space for the community is little consolation for the negative impact 110 new residences will have on the neighboring community.

Regarding traffic, this property is surrounded by two schools and the firehouse. Many students walk to school and the current traffic volume already poses a huge safety hazard. As it stands, a bicyclist was recently struck by a car and killed less than 500 yards from the proposed development. Adding 110 new housing units will make matters even worse.

Regarding schools, Rachael Carsen is already over capacity by nearly 60% and is projected to continue well into the future as estimated by the recent 2014-15 statistics (http://www2.montgomerycountymd.gov/CCL_ContactForms/ContactCouncil.aspx).

Again, adding 110 new units, especially townhouses popular with you families will add to the an already overburdened schools.

Mr Johnson claims to be our neighbor, but he does not live in our neighborhood and his plans to congest our streets and our schools is far from neighborly.

Please stop the annexation of the Johnson property and put an end to his opportunistic plans to cash out on the recent uptick in property value at a huge expense to the community, the City of Gaithersburg and the county.

Regards,
A Concerned Gaithersburg Resident

28 July 2016

Gaithersburg Planning Board

Gaithersburg, MD

RE: Hearing on Annexation of Johnson Property, Rt 28

Dear Planning Board and Gaithersburg Council:

I am writing in opposition to the proposed annexation of the Johnson/Three Amigos property by the City of Gaithersburg.

Basically, there is no benefit to the community in any way that I can see resulting from this proposed action. There are many likely negatives including:

- Increased school crowding at Thurgood Marshall and Quince Orchard High School, and middle schools.
- Increased road congestion all of the traffic signals in the area. I encourage all to travel Rt 28 to Riffle Ford between 4 and 5 PM weekdays to see the current bottleneck, labelled by commuter studies as one of the group of bad intersections in the area. This is a difficult situation now for commuter and emergency vehicles, and will only get worse.
- Increased pedestrian hazard as student and spectator traffic crosses Rt 28 to access QOHS.
- Significant likely property value impacts on the surrounding residential communities which will be within 50 feet or so of unanticipated high density development.
- Increased need for police, fire, water and sewer services.

In summary, **only the developer**, who lives out of cluster, **stands to benefit from this proposal**. The community that you represent appears to have the potential for significant impact, mental stress and harm. Why would you support such an annexation that provided no additional benefit or advantages for Gaithersburg or it's citizens?

For these reasons, I urge the planners to recommend against this submittal, and for the Council to vote no on this first step to ongoing high density development and further annexations in this area.

Sincerely,

Carol and Gordon Henley

12610 Native Dancer Place

North Potomac 20878

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: councilmember.katz@montgomerycountymd.gov
Date: Thursday, July 28, 2016 2:37:55 PM

From: David Lee [mailto:david.soho.lee@gmail.com]
Sent: Thursday, July 28, 2016 2:34 PM
To: Planning External Mailing
Subject: councilmember.katz@montgomerycountymd.gov

Dear City of Gaithersburg Planning Commission,

My name is David Lee and I am a resident at 6 Bayswater Ct. in Gaithersburg, MD. I am also the PTA President for Thurgood Marshall Elementary School, going into my 3rd year of term. I have been involved in nearly every meeting and hearing for the Johnson Property Annexation in the past 2 years. I do not support the annexation of the Johnson Property to City of Gaithersburg. Furthermore, I do not feel that the high density of residential units on Parcel E will benefit Thurgood Marshall ES, which is already overcrowded. Plus with traffic and safety concerns with Quince Orchard High School directly across the street, and the 2-1 lane merge that takes place directly in front of the Johnson Property on Route 28, this represents a significant danger to pedestrians and traffic flow overall.

I was very disappointed to see that the Montgomery County Planning Board and PHED Committee approved this annexation request. But as it is currently in the process of being annexed to City of Gaithersburg, I would like to communicate my support of the binding restrictions that the Johnson team have testified to. Below is a list of binding restrictions I would like to be included:

- 1.) A maximum of 110 residential units on all parcels.
- 2.) A maximum of 100,000 square feet of commercial space. (currently 90,000 sq/ft, and adding 10,000 sq/ft)
- 3.) 1 acre of Park space
- 4.) An additional adequate dedicated Parking lot for Park space visitors (this is not listed as a binding restriction to my knowledge but should be considered and included given the density of residential on Parcel E and the already overcrowded parking that will exist there)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,

--
David Lee
Thurgood Marshall ES PTA President

703-623-1721

The attached e-mails all include in the body of the text the following:

“I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.”

From: [Lily Andrade](#)
To: [Planning External Mailing](#)
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property annexation
Date: Thursday, July 28, 2016 2:04:27 PM

Dear City of Gaithersburg Planning Commission,

I am a resident at 16920 Horn Point Drive Gaithersburg and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,

Lily Andrade

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: JOHNSON PROPERTY ANNEXATION
Date: Thursday, July 28, 2016 3:25:54 PM

From: Binh Do [mailto:binnynee@yahoo.com]
Sent: Thursday, July 28, 2016 2:50 PM
To: Planning External Mailing
Cc: councilmember.katz@montgomerycountymd.gov
Subject: JOHNSON PROPERTY ANNEXATION

Dear City of Gaithersburg Planning Commission,

We reside in the Willow Ridge development and we are against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, we would like to voice our strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although we are disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, we want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, we hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,
Tim and Binh Nee
12547 Carrington Hill Dr

From: [Corrin Ferber](#)
To: [Planning External Mailing](#)
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Johnsons Property
Date: Thursday, July 28, 2016 1:03:21 PM

Dear City of Gaithersburg Planning Commission,

I am a resident in the Willow Ridge neighborhood adjacent to the Johnson Property. I am against the annexation of the Johnson Property to City of Gaithersburg. The planned development will overcrowd schools and create even more traffic at an already over-burdened thoroughfare. Dropping kids off in the morning at Quince Orchard High School is already quite difficult. Heading home weekdays between 4:00 p.m. and 7:00 p.m. is also near impossible as you head west of the intersection of Quince Orchard Road @ Route 28. Another dense housing development will only add to the traffic quagmire.

Since the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,

Corrin Ferber
12546 Carrington Hill Road

From: [Rebecca Firoved](#)
To: [Planning External Mailing](#)
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property annexation
Date: Thursday, July 28, 2016 1:20:51 PM

Dear City of Gaithersburg Planning Commission,

I am a resident in Orchard Hills subdivision and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,
Rebecca Firoved

Sent from my iPhone

From: [Bobbi Fulmer](mailto:Bobbi.Fulmer)
To: [Rob Robinson](mailto:Rob.Robinson)
Subject: FW: Johnson property
Date: Thursday, July 28, 2016 12:49:24 PM

From: Emily Bosco [mailto:emilybosco@rocketmail.com]
Sent: Thursday, July 28, 2016 12:49 PM
To: Planning External Mailing; councilmember.katz@montgomerycountymd.gov
Subject: Johnson property

Dear City of Gaithersburg Planning Commission,

I am a resident in Willow Ridge and I am STRONGLY AGAINST the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,
Dr. Emily Bosco

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: councilmember.katz@montgomerycountymd.gov
Date: Thursday, July 28, 2016 12:42:19 PM

From: Wen Chen [mailto:wengracechen@gmail.com]
Sent: Thursday, July 28, 2016 12:42 PM
To: Planning External Mailing
Subject: councilmember.katz@montgomerycountymd.gov

Dear City of Gaithersburg Planning Commission,

I am a resident at 12215 Pissaro Drive, North Potomac, and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,
Wen Chen

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Johnson Property Annexation- Concerned Resident
Date: Thursday, July 28, 2016 12:45:41 PM

From: Maribeth Foelber [mailto:maribeth.foelber@gmail.com]
Sent: Thursday, July 28, 2016 12:43 PM
To: Planning External Mailing
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property Annexation- Concerned Resident

Dear City of Gaithersburg Planning Commission,

I am a resident in Willow Ridge Neighborhood at 12527 Carrington Hill Dr. and I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

Binding Restrictions:

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,

Maribeth Foelber
maribeth.foelber@gmail.com
301-802-0679

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Johnson Property Public Comment
Date: Thursday, July 28, 2016 12:45:54 PM

From: Meredith Salita [mailto:msalita@gmail.com]
Sent: Thursday, July 28, 2016 12:45 PM
To: Planning External Mailing
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property Public Comment

Dear City of Gaithersburg Planning Commission,

I am a resident in the Quince Orchard Manor community at 12305 Pueblo Road. I have previously voiced my opinion against the annexation of the Johnson Property to City of Gaithersburg. I do not believe that massive development at this site is in the best interest of the surrounding neighborhoods and the schools that serve them.

At this time, I would like to urge the Gaithersburg Planning Commission to ensure that the binding restrictions stated by the Johnsons **are in fact implemented** once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.**
- 2.) Maximum of 100,000 square feet of commercial space.**
- 3.) 1 acre of Park space on Parcel E**

In addition, planning for adequate parking should be among the priorities and implemented as well in a development like this.

With the Johnson Property being surrounded nearly 90% by Montgomery County, it is a concern that the opinions of these county neighbors will go unheard now and in the future.

Sincerely,
Meredith Salita

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Johnson Annexation
Date: Thursday, July 28, 2016 12:50:03 PM

From: Kristen Steffens [mailto:hermitthrush2@aol.com]
Sent: Thursday, July 28, 2016 12:49 PM
To: Planning External Mailing; councilmember.katz@montgomerycountymd.gov
Subject: Johnson Annexation

Dear City of Gaithersburg Planning Commission,

I am a resident at 12314 Galesville Drive, Gaithersburg, MD 20878, and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
- 3.) 1 acre of Park space
- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect - now and in the long term future.

Sincerely,

Kristen Steffens

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: annexation
Date: Friday, July 29, 2016 8:48:59 AM

From: Jen [mailto:jgremba@yahoo.com]
Sent: Thursday, July 28, 2016 4:34 PM
To: Planning External Mailing
Subject: annexation

Dear City of Gaithersburg Planning Commission,

I am a resident at [15809 Lautrec Court in North Potomac, Maryland](#), and I am against the annexation of the Johnson Property to the City of Gaithersburg. However, as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1) Maximum of 110 residential units.
- 2) Maximum of 100,000 square feet of commercial space.
- 3) 1 acre of Park space
- 4) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Thank you for your consideration,

Jennifer Gremba-Cota

Sent from my iPhone

From: [Bobbi Fulmer](#)
To: [Rob Robinson](#)
Subject: FW: Important- building restrictions a MUST
Date: Thursday, July 28, 2016 3:26:02 PM

From: Debbie [mailto:debpeyser@gmail.com]
Sent: Thursday, July 28, 2016 2:50 PM
To: councilmember.katz@montgomerycountymd.gov; Planning External Mailing
Subject: Important- building restrictions a MUST

Dear City of Gaithersburg Planning Commission,

I am a resident of Willow Ridge at 16013 Daven Pine Ct. Gaithersburg, MD 20878 and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
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- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Sincerely,
Brian D. Peyser, DDS
Debra F. Peyser, M.Ed.

Sent from [Mail](#) for Windows 10

From: [Bobbi Fulmer](mailto:Bobbi.Fulmer)
To: [Rob Robinson](mailto:Rob.Robinson)
Subject: FW: Support Johnson property annexation if it includes binding restrictions
Date: Thursday, July 28, 2016 3:27:34 PM

From: Scott Rose [mailto:cyclescott@gmail.com]
Sent: Thursday, July 28, 2016 3:11 PM
To: Planning External Mailing
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Support Johnson property annexation if it includes binding restrictions

Dear City of Gaithersburg Planning Commission,

I am a resident in the Orchard Hills neighborhood and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
- 2.) Maximum of 100,000 square feet of commercial space.
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Although I am disappointed in the decisions by both the Montgomery County Planning Board and PHED Committee, I want to insure that there is accountability by the Johnsons and City of Gaithersburg to follow through with these binding restrictions as it moves to City of Gaithersburg hands. With the Johnson Property being surrounded nearly 90% by Montgomery County, I hope that you respect the opinions of those residents bordering this property and insure that the binding restrictions stay in effect -- now and in the long term future.

Also, any development on this property will impact the surrounding communities that are not currently part of the city, including schools and road use. Property planning is necessary to address the growth in the county in a way that limits negative impact to current and future residents.

Sincerely,

Scott Rose
16108 Howard Landing
Gaithersburg MD

From: [Guoli Wang](#)
To: [Planning External Mailing](#)
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Public comment on the annexation of the Johnson Property to City of Gaithersburg
Date: Thursday, July 28, 2016 1:24:10 PM

Dear City of Gaithersburg Planning Commission,

I am a resident at _15201 Winesap Dr., North Potomac, MD 20878_ and I am against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
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- 4.) Additional adequate dedicated Parking lot for Park space visitors (not listed as a binding restriction but should be considered and included)

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Sincerely,

Guoli Wang

Sent from [Outlook](#)

From: [Bobbi Fulmer](mailto:Bobbi.Fulmer)
To: [Rob Robinson](mailto:Rob.Robinson)
Subject: FW: Strongly against the annexation of the Johnsons Property to Gaithersburg
Date: Thursday, July 28, 2016 3:45:27 PM

From: yi zhang [mailto:zhangyi531@yahoo.com]
Sent: Thursday, July 28, 2016 3:43 PM
To: Planning External Mailing
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Strongly against the annexation of the Johnsons Property to Gaithersburg

Dear City of Gaithersburg Planning Commission,

I am a resident at Gaithersburg, my house is located near Quince Orchard High School. I am strongly against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

- 1.) Maximum of 110 residential units.
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Sincerely,

Yi Zhang

From: [yi zhang](#)
To: [Planning External Mailing](#)
Cc: councilmember.katz@montgomerycountymd.gov
Subject: Strongly against the annexation of the Johnsons Property to Gaithersburg
Date: Thursday, July 28, 2016 3:44:27 PM

Dear City of Gaithersburg Planning Commission,

I am a resident at Gaithersburg, my house is located near Quince Orchard High School. I am strongly against the annexation of the Johnson Property to City of Gaithersburg. But as the annexation is currently in process at this time, I would like to voice my strong support that the binding restrictions stated by the Johnsons are implemented once it is under review by Gaithersburg City Planning Board and City Council.

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Sincerely,

Yi Zhang