

**ANNEXATION AGREEMENT**  
(X-7089-2015)

THIS ANNEXATION AGREEMENT (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between DARNESTOWN VALLEY – WHM LP, a Maryland limited partnership and DARNESTOWN VALLEY PETROLEUM – WHM, LLC, a Maryland limited liability company, both having their principal offices at 12165 Darnestown Road, Gaithersburg, Maryland 20878 (“WHM”), THE CITY OF GAITHERSBURG, a municipal corporation of the State of Maryland, and THE MAYOR AND COUNCIL OF GAITHERSBURG (collectively, “City”) having their principal offices at 31 South Summit Avenue, Gaithersburg, Maryland 20877.

WHEREAS, WHM is a fee simple owner of approximately 4.6734 acres or 203,572 square feet of property generally located in the southeast quadrant of the intersection of Darnestown Road (Maryland Route 28) and Quince Orchard Road (Maryland Route 124) and known of record as: (i) Parcel D pursuant to that plat recorded among the Land Records for Montgomery County, Maryland as Plat No. 11291 (Parcel “N727” on Tax Map ES 562) and further defined as Part of Parcel D due to an acquisition by the State Highway Administration in the Deed recorded among the Land Records for Montgomery County, Maryland at Liber 13900, folio 589; (ii) Parcel C pursuant to that plat recorded among the Land Records for Montgomery County, Maryland as Plat No. 9255 (N244 on Tax Map ES 562); and (iii) Parcel F pursuant to that record plat recorded among the Land Records for Montgomery County, Maryland as Plat No. 14305 (N273 on Tax Map ES562) and further defined as Part of Parcel F due to an acquisition by the State Highway Administration in the Deed recorded among the Land Records

**Mayor and City Council**  
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for Montgomery County, Maryland at Liber 13415, folio 374 (collectively the “Subject Property”); and

WHEREAS, WHM has petitioned the City to annex the Subject Property, as well as certain portions of the abutting right of way of Darnestown Road (Maryland Route 28) and Quince Orchard Road (Maryland Route 124), which together total approximately 8.2877 acres of land, as more particularly described on Exhibit “A” attached hereto and incorporated herein (collectively the “Property”), into the corporate boundaries of the City of Gaithersburg pursuant to Annexation Petition No. X-7089-2015 (“the Petition”); and

WHEREAS, the Property is contiguous to and adjoins the existing corporate boundaries of the City and annexation of the Property as proposed does not create any unincorporated area bounded on all sides by (i) real property presently within the corporate limits of the municipality, (ii) real property proposed to be within the corporate limits of the municipality as a result of the proposed annexation, or (iii) any combination of such properties; and

WHEREAS, pursuant to the requirements of Subtitle 4 of the Local Government Article of the Annotated Code of Maryland, 2013 Replacement Volume (the “Code”), the City has verified the signatures on the Petition and ascertained that the entities signing the Petition are the owners of not less than twenty-five percent (25%) of the assessed valuation of real property located in the area to be annexed and constitutes not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in Montgomery County (the “County”) electives in the precincts in which the territory to be annexed is located; and

WHEREAS, pursuant to the provisions of Section 4-404 of the Local Government Article of the Code, a resolution has been introduced by the City proposing to change the municipal boundaries of the City of Gaithersburg as requested in the Petition (the “Resolution”); and

WHEREAS, pursuant to Section 4-406 of the Local Government Article of the Code, all required public notices and hearings pertaining to the proposed annexation have been published and conducted by the City; and

WHEREAS, the City has found and determined that annexation of the Property will: (i) promote the City’s goal of annexation within the City’s maximum expansion limits; (ii) promote the themes of the City of Gaithersburg 2009 Land Use Plan; and (iii) permit the City to control any future redevelopment of the Subject Property; and

WHEREAS, the City intends to annex the Property as requested by WHM; and

WHEREAS, the WHM has requested and the City has recommended that the Subject Property be placed in the MXD, Mixed-Use Development Zone and by resolution the City intends to zone the Subject Property to the MXD Zone; and

WHEREAS, pursuant to Section 4-416 of the Local Governmental Article of the Code, the Montgomery County Council has expressly acknowledged the authority of the City of Gaithersburg to approve the Petition and reclassify the Subject Property from the NR – 0.75 H-45, Neighborhood Retail Zone to the MXD Zone; and

WHEREAS, the MXD Zone will permit the continuation of the existing and similar uses on the Subject Property, providing WHM some flexibility to adaptively accommodate customers and tenants of the Subject Property within its existing improvements and allowing the Subject Property to remain viable and responsive to changing market conditions until such time as the Subject Property is redeveloped; and

WHEREAS, the parties desire to set forth the terms, conditions and agreements relating to the annexation of the Property into the corporate boundaries of the City of Gaithersburg in an enforceable contract pursuant to this Agreement.

NOW, THEREFORE, and in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the parties agree as follows:

1. RECITALS. The recitals set forth above are incorporated herein and made a part hereof as if fully set forth herein.

2. ZONING. Concurrent with the adoption of the Resolution, the City will, by resolution, classify the Property in the City's MXD Zone (Chapter 24 of the City Code, Article III, Division 19, Section 24-160D11, *et seq.*; ("MXD Zone").

3. LAND USE.

(a) WHM and the City agree that under the MXD Zone, the existing improvements, including without limitation, all structures, site design, parking spaces and areas, and uses shown on the Existing Conditions Plan attached hereto and made a part hereof as Exhibit "B" ("Existing Improvements") shall be annexed into Gaithersburg as lawful and conforming development, construction, uses and buildings on the Subject Property. The City acknowledges the following special exceptions at the Subject Property, approved by the Montgomery County Board of Appeals, as uses allowed by right in the MXD Zone: (i) Special Exception S-354 [S-354-A, S-354-B, S-354-C] for a drive-in restaurant operated as a McDonalds; (ii) Special Exception Case No. S-1249 for a drive in restaurant operated as a Wendy's; and (iii) Special Exception Case No. CBA-2158-B for an automobile filling station. Additional or new uses, as permitted in the MXD Zone, such as retail, commercial and office uses, including medical/dental offices, existing uses at the Subject Property (as listed on Exhibit

“B”) and uses similar thereto, and tutoring and instructional uses, such as driving schools, dance studios or other similar uses, may be introduced and implemented at the Subject Property through the permitting process. The City agrees to issue use and occupancy permits for all the existing (as listed on Exhibit “B”), uses at the Subject Property following the requisite inspection(s); provided that all existing uses (as listed on Exhibit “B”) shall be inspected and reviewed for compliance with the laws, codes, building codes, and regulations in effect on the date that Montgomery County issued the existing use and occupancy permit for said use. The City agrees to waive all fees for the issuance of use and occupancy permits for all existing uses or improvement at the Subject Property (as listed on Exhibit “B”) and to confirm thereunder the annexation of said uses and improvements as lawful and conforming development, construction, uses and buildings on the Subject Property under the City of Gaithersburg Code. Any other new uses permitted in the MXD zone that are introduced at the Subject Property may require the amendment of certain approved plans.

(b) The City agrees to issue all necessary permits, following application and the payment of the requisite permit application fee, for the replacement/reconstruction (including, without limitation, in the event of total or partial destruction, including, without limitation, due to a fire, casualty or other similar event), alteration, expansion, repair and maintenance of the Existing Improvements and additional or new uses that may be introduced and implemented at the Subject Property; provided such improvements, excluding the alteration, repair, maintenance, replacement/reconstruction of the Existing Improvements on or within the existing footprint(s), conform to the Gaithersburg City Code requirements; and provided further that, the applicable building codes apply to said improvements and proper permits are applied for and issued by the City. WHM and the City further agree as follows:

(i) no further reviews or approvals, except for those associated with applicable building permits and use and occupancy permits as set forth herein, including, without limitation, subdivision plats, forest conservation, and adequate public facilities review and approvals, shall be required for the continued use, replacement/reconstruction of the Existing Improvements on or within existing footprint(s) (including, without limitation, in the event of total or partial destruction, including, without limitation, due to a fire, casualty or other event) or the alteration, expansion, repair and maintenance of the Existing Improvements. Stormwater management review and approval is not required for the continued use of the Existing Improvements and shall be waived or minimized, to the extent provided by law for the replacement/reconstruction of the Existing Improvements on or within existing footprints

(ii) that for twenty (20) years from the Effective Date of Annexation, no adequate public facilities (APF) review, APF fees, or APF approvals will be required for any replacement/reconstruction of the Existing Improvements on or within the existing footprint(s) (including, without limitation, in the event of total or partial destruction, including, without limitation, due to a fire, casualty or other event), alteration, repairs or maintenance of the Existing Improvements or expansions of the Existing Improvements up to and including twenty percent (20%) of the existing floor area, which totals approximately 39,097 square feet as shown by Exhibit "B"; and

(iii) for twenty (20) years from the Effective Date of Annexation, any forest conservation triggered by any expansion of the Existing Improvements,

which requirements cannot be waived by the City, will be limited to the actual expansion area and actual limits of disturbance and, as permitted by law, can be met by means other than on-site reforestation, including, but not limited to, fee-in-lieu and off-site reforestation, and stormwater management triggered by any expansion of the Existing Improvements shall be minimized to the extent provided by law.

(c) WHM and the City agree that any future expansion of Existing Improvements, at or below twenty percent (20%) as noted in (b) above shall be subject to the procedures and authority of the City Planning Commission to approve an amendment to a final site plan for such development. Such amendment shall not require approval of the Mayor and City Council. WHM and the City agree that any future expansion of Existing Improvements of more than twenty percent (20%) as noted in (b) above shall be subject to the provisions of the MXD Zone.

(d) In no event shall any replacement/reconstruction (including, without limitation, in the event of total or partial destruction, including, without limitation, due to a fire, casualty or other event), expansion, alteration, repair or maintenance of Existing Improvements as noted in (a) – (c) above affect in any way the conforming status of the remaining portions of the use or Existing Improvements or require modifications of the same.

(e) WHM and the City agree that the number, size and configuration of the parking spaces and drive aisles existing at the Subject Property at the time of the Effective Date of Annexation (defined below) satisfy all City standards and requirements of the City. The existing parking spaces at the Subject Property also comply with the American Disabilities Act, except as reflected on Exhibit “B”. WHM and the City further agree that the number of parking

spaces provided at the Subject Property satisfies any existing or new or additional retail, commercial and office uses, including medical/dental offices, existing uses at the Subject Property (as listed on Exhibit "B") and uses similar thereto, and tutoring and instructional uses, such as driving schools, dance studios or other similar uses (as allowed in the MXD Zone) introduced at the Subject Property prior to any redevelopment of the Subject Property. For purposes of this Agreement, redevelopment is defined as the demolition of all the Existing Improvements and the replacement thereof with a comprehensive development under the MXD Zone. Additional parking spaces and drive aisles installed at the Subject Property, prior to redevelopment, will be sized in accordance with the related standards and requirements shown on Exhibit "B", including, without limitation, the parking aisle and parking space size requirements. WHM and the City agree that parking spaces, including without limitation, additional parking spaces, installed in conjunction with the replacement/reconstruction (including, without limitation, in the event of total or partial destruction, including, without limitation, due to a fire, casualty or other event), alteration, repairs or maintenance of the Existing Improvements or expansion of the Existing Improvements up to and including twenty percent (20%) shall meet the related standards and requirements shown on Exhibit "B", including, without limitation, the parking aisle and parking space size requirements.

(f) The parties acknowledge that redevelopment of the Subject Property shall be pursuant to the provisions of the MXD Zone, presently in effect, or as may be hereinafter amended from time to time. The redevelopment of the Subject Property proposes a commercial and commercial-office land use focus as depicted on the Sketch Plan, attached hereto as Exhibit "C" and made a part hereof, and approved by the City in conjunction with the classification of the Property to the MXD Zone. The City acknowledges and agrees that any future development

density shall not be reduced as a result of prior or future dedications, reservations, easements and/or acquisitions for public use, if any. The City further acknowledges and agrees to waive and/or modify the MXD Zone development standards to facilitate the maximum allowable density for the redevelopment of the Subject Property. Said waivers and modifications result in the application of the following development standards to the Subject Property, unless the City Code, as amended, provides for less restrictive development standards or density at the time of redevelopment of the Subject Property:

Standard	Required	Permitted Following Waivers
§ 24-160D.4(b) Density	FAR 0.75 unless specified otherwise in the master plan or City Code	0.75 FAR (197,847 sf.)* minimum unless a greater density is specified otherwise in the master plan or City Code.
§ 24-160D.6(a) Green Area or Comparable Amenities	25% green space of total area devoted to commercial/employment/industrial uses	20%
§ 24-160D.2 Minimum Area	10 acre minimum	4 acres
§ 24-160D.5(a)(2)(a) Setback From Darnestown Road	100 feet from adjoining property not zoned MXD, unless otherwise approved by City Planning Commn.	15 ft.
§ 24-160D.5(a)(2)(a) Setback From Quince Orchard Road	100 feet from adjoining property not zoned MXD, unless otherwise approved by City Planning Commn.	15 ft.
§ 24-160D.5(a)(2)(a) Setback From Parcel 382, Zoned R-200** (Fire Station)	100 feet from adjoining property not zoned MXD, unless otherwise approved by City Planning Commn.	35 ft.
§ 24-160D.5(a)(2)(a) Setback From Parcel 379, Zoned R-200* (Library)	100 feet from adjoining property not zoned MXD, unless otherwise approved by City Planning Commn.	35 ft.
Height	None - adjoining property not recommended for residential land use or not in residential zone	up to 10 stories

\* The total square footage of gross floor area was determined using the gross tract area for the Subject Property as calculated on Exhibit "D", attached hereto and made a part hereof.

\*\*R-200 Zoning Classification is pursuant to the Digital Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland.

4. MASTER PLAN COMPLIANCE. The City agrees that for thirty (30) years from the Effective Date of Annexation that any revisions to the City's master plans shall be consistent with the terms and conditions of this Agreement and shall make no inconsistent recommendations or recommendations that adversely impact the terms and conditions of this Agreement.

5. ADEQUATE PUBLIC FACILITIES. The City has determined that adequate public facilities including transportation, water, sewer, and City services, are available to serve Existing Improvements on the Subject Property.

6. ANNEXATION FEES. The City agrees to waive any and all fees associated with the processing of the Petition and Agreement, otherwise payable to the City in connection with the annexation of the Property.

7. REBATE OF MUNICIPAL TAXES. For five (5) full tax (fiscal) years, commencing July 1, 2016, the City agrees to fully reimburse the municipal taxes relative to the Subject Property. The City shall reimburse such taxes, via check, within thirty (30) days of receipt of proof of payment from the respective owner of the Subject Property.

8. MISCELLANEOUS. WHM and the City agree to execute any and all such documents and/or to take such actions necessary to carry out the terms and conditions of this Agreement.

9. EFFECTIVE. This Agreement shall not become effective until the Resolution is effective pursuant to Section 4-407 of the Local Government Article of the Code (hereinafter "Effective Date of Annexation"). At any time prior to the Effective Date of Annexation, WHM may withdraw the Petition and any consent previously given to the annexation, and this

Agreement shall be terminated and be of no force and effect and the parties shall have no obligation or liabilities hereunder.

10. SEVERABILITY. The terms and provisions of this Agreement are severable and in the event that any term or provision of this Agreement is invalid or unenforceable for any reason, the remaining terms and provisions hereof shall remain in full force and effect.

11. ASSIGNMENT. This Agreement shall be assignable, in whole or in part, by WHM to related entities, without the consent of the City, and of its elected officials, employees or agents.

12. BINDING NATURE OF AGREEMENT. This Agreement and all terms, restrictions and conditions contained herein, shall run with the land and be binding upon the respective parties, their heirs, successors, grantees and assigns. Any amendment or modification to this Agreement shall be in writing, executed by the respective parties or their respective heirs, successors, grantees or assigns, and shall be effective upon recordation among the Land Records of Montgomery County, Maryland.

13. REMEDIES. Any party to this Agreement may seek relief and remedies in any court of competent jurisdiction for the breach or default of the provisions of this Agreement by any other party. The non-breaching party or parties shall be entitled to seek all available legal and equitable remedies and relief from the court, including (but not limited to) specific performance injunctive relief, and damages. The prevailing party or parties in any such litigation shall be entitled to an award of reasonable attorneys' fees, expenses, and court costs. Notwithstanding anything in this Agreement to the contrary, the rights and remedies provided herein are cumulative and not exclusive, and the failure of a party to exercise any said right or

remedy shall not be deemed a waiver or release of any other right or remedy of that party or of any breach or default by the other party.

14. LAND RECORDS. Within sixty (60) business days of the Effective Date of Annexation, this Agreement shall be recorded in the Land Records for Montgomery County, Maryland. The City agrees to request a waiver of the recording fees pursuant to Section 3-602 of the Real Property Article of the Code.

15. AUTHORITY. All parties hereto represent and warrant that the individuals executing this Agreement on their behalves have the full and complete authority to execute this Agreement and that the signatures which appear below bind the respective parties to the terms of this Agreement. The City further represents and warrants that it has the legal authority, right, and power to enter into this Agreement and is bound by its terms.

16. APPLICABLE LAW. It is the intention of the parties that all questions with respect to the construction of this Agreement and rights and liabilities of the parties hereunder shall be determined in accordance with the laws of the State of Maryland.

>>>SIGNATURE PAGES TO FOLLOW>>>

IN WITNESS WHEREOF, each of the parties hereto have executed and delivered this Agreement as of the date first set forth above, as evidenced by their respective signatures and acknowledgements hereto.

WITNESS:

DARNESTOWN VALLEY – WHM LP, a Limited Partnership

By: Darnestown Valley, Inc., a Maryland corporation,

Its: General Partner

By: \_\_\_\_\_

Name: Walter H. Magruder, Jr.  
Title: President

DARNESTOWN VALLEY PETROLEUM – WHM LLC, a Maryland limited liability company

By: \_\_\_\_\_

Name: Walter H. Magruder, Jr.  
Title: Managing Member

STATE OF MARYLAND  
COUNTY OF MONTGOMERY, TO WIT:

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, a Notary Public of the aforesaid State, personally appeared **WALTER H. MAGRUDER, JR., PRESIDENT OF DARNESTOWN VALLEY, INC.**, a Maryland corporation and **GENERAL PARTNER OF DARNESTOWN VALLEY – WHM LP** and managing member of **DARNESTOWN VALLEY PETROLEUM, LLC**, a Maryland limited liability company, who acknowledged himself to be, was known to me (or satisfactorily proven) to be the person whose name is subscribed to the above and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

WITNESS:

THE CITY OF GAITHERSBURG,  
A municipal corporation of the  
State of Maryland

\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF

\*

to wit:

\*

COUNTY OF

\*

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_,  
before the subscriber, a Notary Public of the State and County aforesaid, personally appeared  
\_\_\_\_\_, known to me to be the person whose name is subscribed to the  
within instrument, and did acknowledge that he/she executed the same for the purposes therein  
contained, and signed the name in my presence.

IN TESTIMONY WHEREOF, I have affirmed my official seal the date above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

[NOTARIAL SEAL]

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

#### **LANDS TO BE ANNEXED INTO THE CITY OF GAITHERSBURG, MARYLAND DARNESTOWN ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND**

Being the following thirteen (13) pieces, parcels or strips of land:

- All of Parcel C as shown and described on a plat of subdivision entitled "QUINCE ORCHARD SHOPPING CENTER", recorded among the Land Records of Montgomery County, Maryland in Plat Book 87 at Plat 9255;
  - That certain parcel of land abutting said Parcel C containing 3,733 square feet, which land was dedicated to public use in said Plat Book 87 at Plat 9255;
  - The residual portion of Parcel D as shown and described on a plat of subdivision entitled "QUINCE ORCHARD SHOPPING CENTER", recorded among the said land records in Plat Book 100 at Plat 11291;
  - That certain parcel of land abutting said Parcel D containing 11,194 square feet which land was dedicated to public use in said Plat Book 100 at Plat 11291;
  - That part of said Parcel D conveyed to the State Highway Administration of the Department of Transportation acting for and on behalf of the State of Maryland by Darnestown Valley – WHM Limited Partnership by deed dated January 30, 1996, recorded among said land records in Liber 13900 at folio 589;
  - The residual portion of Parcel F as shown and described on a plat of subdivision entitled "QUINCE ORCHARD SHOPPING CENTER", recorded among the Land Records of Montgomery County, Maryland in Plat Book 122 at Plat 14305;
  - That part of said Parcel F conveyed to the State Highway Administration of the Department of Transportation acting for and on behalf of the State of Maryland by Citizens Savings and Loan Association, Inc. by deed dated May 23, 1995, recorded among said land records in Liber 13415 at folio 374;
  - A portion of the land conveyed by Donald L. Snyder et al to the State of Maryland, to the use of the State Roads Commission of Maryland, by deed dated May 4, 1953, recorded among said land records in Liber 1834 at folio 343
  - A portion of that certain 17,869 square feet parcel of land dedicated to public use on a plat entitled "PARCEL A, QUINCE ORCHARD SHOPPING CENTER", recorded among said land records in Plat Book 80 at Plat 8135
  - A portion of that certain parcel of land abutting Darnestown-Rockville Road dedicated to public use on a plat entitled "PARCEL B, QUINCE ORCHARD SHOPPING CENTER", recorded among said land records in Plat Book 84 at Plat 8719

- A portion of the land conveyed to the State Highway Administration of the Department of Transportation acting for and on behalf of the State of Maryland by The Board Of Education of Montgomery County, Maryland by deed dated May 19, 1992, recorded among said land records in Liber 14925 at folio 416
  - A portion of that certain strip of land dedicated to public use on a plat entitled "QUINCE ORCHARD, PARCEL A, JOHNSONS FLOWER CENTER", recorded among said land records in Plat Book 72 at Plat 6952
  - A portion of the land conveyed by Charles Herman Rabbit to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, by deed dated May 7, 1954, recorded among said land records in Liber 1917 at folio 261, the perimeter of the above listed pieces, parcels or strips of land more particularly described by bearings and distances in the WSSC Meridian per said Plat 11291, as follows:

Beginning for the outline of the property to be annexed at an iron pipe found set in the ground on the southerly right of way line of Darnestown Road (MD Rte. 28) as shown on Maryland State Highway Administration Plat No. 54139, said pipe also lying at the northeasterly corner of said Parcel D of Quince Orchard Shopping Center, and running thence with the line between said Parcel D and the land of Montgomery County, Maryland (L.7468 F.207)

(1) South 18°29'50" West, 375.89 feet to the southeasterly corner of said Parcel D; thence running with the line between said Parcel D and the land of Montgomery County, Maryland (L.13619 F.253)

(2) North 71°30'07" West, 466.78 feet to a point on the easterly right of way line of Quince Orchard Road (MD Rte. 124) as shown and described on Maryland State Highway Administration Plat No. 54097 for the widening of said road; thence running across Quince Orchard Road

(3) North 74° 14' 01" West, 117.33 feet to a point on the westerly right of way line of said road, said line now being the easterly line of Quince Orchard High School (L.6973 F.395), said point lying 65.00 feet left of Base Line of Right of Way Station No. 5+35 on said Plat No. 54097; thence running with the lines of said plat along the westerly right of way of Quince Orchard Road

(4) North 06° 18' 49" East, 65.38 feet to a point; thence

(5) North 00° 10' 01" East, 97.36 feet to a point; thence

(6) 110.95 feet along the arc of a curve deflecting to the right having a radius of 774.20 feet and a chord bearing and distance of North 04° 16' 21" East, 110.86 feet to a point; thence

(7) North 04° 59' 06" West, 56.58 feet to a point; thence

(8) North 00° 31' 50" West, 40.00 feet to a point; thence

(9) North 26° 06' 50" West, 65.32 feet to a point; thence

(10) North 13° 43' 44" East, 36.15 feet to a point on the southerly right of way line of Darnestown Road (MD Rte. 28), said point lying 28.85 feet right of Base Line of

Right of Way Station No. 157+87 as shown on said Plat No. 54097; thence running across Darnestown Road

(11) North 19° 16' 25" East, 106.10 feet to a point on the northerly right of way line of Darnestown Road, said point lying 76.78 feet left of Base Line of Right of Way Station No. 157+96.92 on said Plat 54097, said point being the southwesterly end of the right of way truncation for the northwesterly quadrant of the Darnestown Road / Quince Orchard Road intersection, said truncation also being the N 72° 31' 30" E, 103.21 feet line found on said Plat 6952; thence running with said truncation line

(12) North 72° 24' 46" East, 102.99 feet to a point on the westerly right of way line of Quince Orchard Road, said point lying 72.32 feet left of Base Line of right of Way Station No. 11+12.94 on said Plat No.54097; thence crossing Quince Orchard Road

(13) South 71° 53' 53" East, 133.22 feet to a point on the existing corporate line of the city of Gaithersburg, said point lying at the end of the third or N 15° 45' 10" W, 84.60 feet line described in City of Gaithersburg Resolution No. B-40-69, thence running in reverse direction with said third line

(14) South 15° 50' 25" East, 84.60 feet; thence running in reverse direction with the second line of said resolution

(15) 105.00 feet along the arc of a curve deflecting to the right having a radius of 2,351.83 feet and a chord bearing and distance of South 68° 45' 00" East, 105.00 feet to the end of the first line of said resolution; thence running in reverse direction with part of said first line

(16) South 67° 28' 27" East, 379.05 feet to a point lying 181.58 feet from the point of beginning of said resolution; thence crossing Darnestown Road

(17) South 22° 31' 36" West, 120.98 feet to the point of beginning herein, containing 361,013 square feet or 8.2877 acres of land.

The undersigned, being a licensed surveyor, under the employ of Dewberry & Davis LLC, personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .12



Expires 02/13/2016

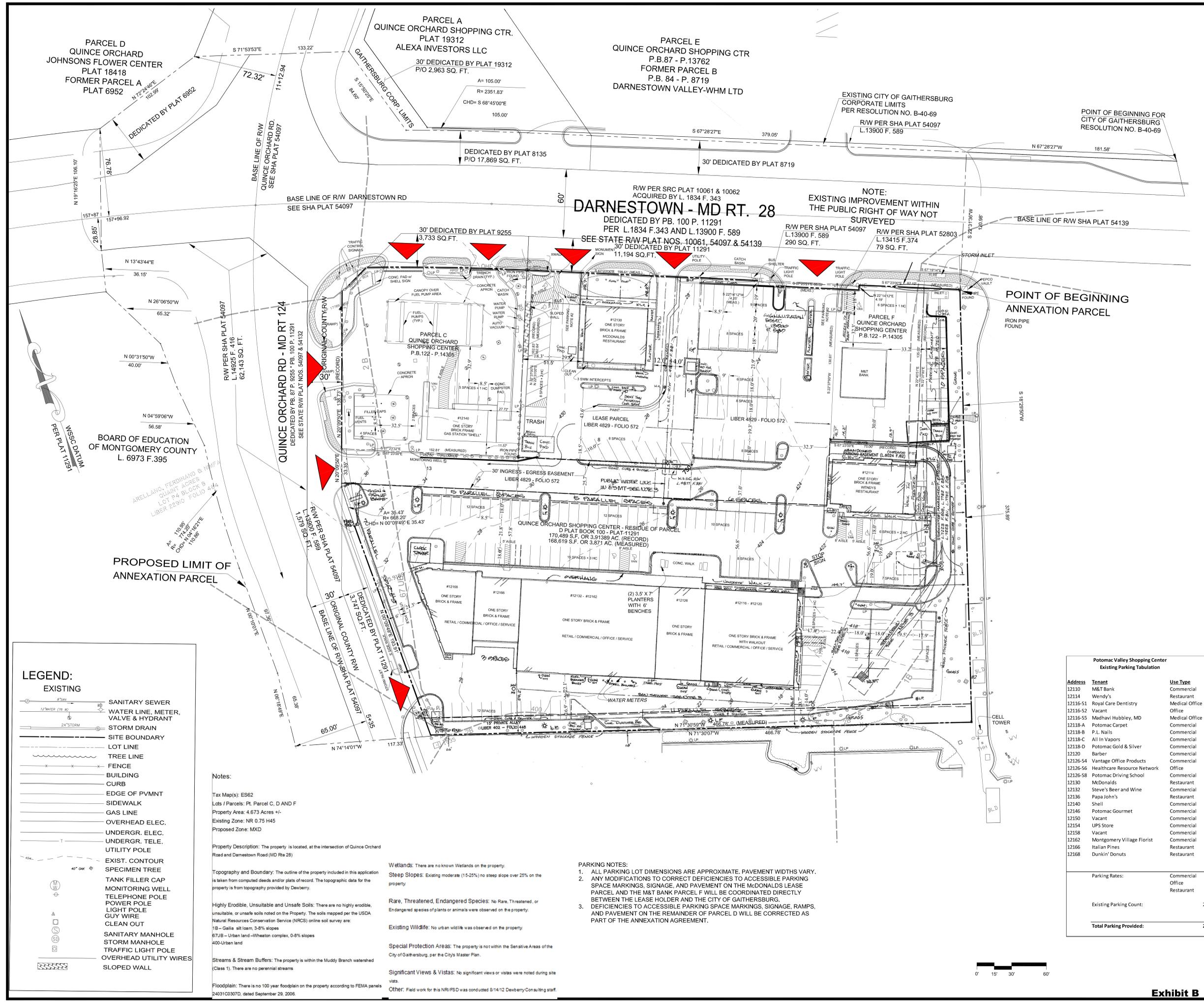
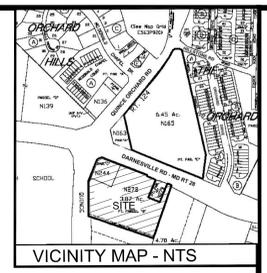


Exhibit B

**LEGEND:**

EXISTING	
[Symbol]	SANITARY SEWER
[Symbol]	WATER LINE, METER, VALVE & HYDRANT
[Symbol]	STORM DRAIN
[Symbol]	SITE BOUNDARY
[Symbol]	LOT LINE
[Symbol]	TREE LINE
[Symbol]	FENCE
[Symbol]	BUILDING
[Symbol]	CURB
[Symbol]	EDGE OF PVMNT
[Symbol]	SIDEWALK
[Symbol]	GAS LINE
[Symbol]	OVERHEAD ELEC.
[Symbol]	UNDERGR. ELEC.
[Symbol]	UNDERGR. TELE.
[Symbol]	UTILITY POLE
[Symbol]	EXIST. CONTOUR
[Symbol]	SPECIMEN TREE
[Symbol]	TANK FILLER CAP
[Symbol]	MONITORING WELL
[Symbol]	TELEPHONE POLE
[Symbol]	POWER POLE
[Symbol]	LIGHT POLE
[Symbol]	GUY WIRE
[Symbol]	CLEAN OUT
[Symbol]	SANITARY MANHOLE
[Symbol]	STORM MANHOLE
[Symbol]	TRAFFIC LIGHT POLE
[Symbol]	OVERHEAD UTILITY WIRES
[Symbol]	SLOPED WALL

**Notes:**

Tax Map(s): ES62  
 Lots / Parcels: Pt. Parcel C, D AND F  
 Property Area: 4.673 Acres +/-  
 Existing Zone: NR 0.75 H45  
 Proposed Zone: MXD

Property Description: The property is located, at the intersection of Quince Orchard Road and Darnestown Road (MD Rte 28)

Topography and Boundary: The outline of the property included in this application is taken from computed deeds and/or plats of record. The topographic data for the property is from topography provided by Dewberry.

Highly Erodible, Unsuitable and Unstable Soils: There are no highly erodible, unsuitable, or unstable soils noted on the Property. The soils mapped per the USDA Natural Resources Conservation Service (NRCS) online soil survey are:  
 1B - Gallia silt loam, 3-8% slopes  
 67JB - Urban land -Wheaton complex, 0-8% slopes  
 400-Urban land

Streams & Stream Buffers: The property is within the Muddy Branch watershed (Class 1). There are no perennial streams

Floodplain: There is no 100 year floodplain on the property according to FEMA panels 24031C0307D, dated September 29, 2008.

**Wetlands:** There are no known Wetlands on the property.  
**Steep Slopes:** Existing moderate (15-25%) no steep slope over 25% on the property.  
**Rare, Threatened, Endangered Species:** No Rare, Threatened, or Endangered species of plants or animals were observed on the property.  
**Existing Wildlife:** No urban wildlife was observed on the property.  
**Special Protection Areas:** The property is not within the Sensitive Areas of the City of Gaithersburg, per the City's Master Plan.  
**Significant Views & Vistas:** No significant views or vistas were noted during site visits.  
**Other:** Field work for this NR/FSD was conducted 8/14/12 Dewberry Consulting staff.

**PARKING NOTES:**

- ALL PARKING LOT DIMENSIONS ARE APPROXIMATE. PAVEMENT WIDTHS VARY.
- ANY MODIFICATIONS TO CORRECT DEFICIENCIES TO ACCESSIBLE PARKING SPACE MARKINGS, SIGNAGE, AND PAVEMENT ON THE McDONALDS LEASE PARCEL AND THE M&T BANK PARCEL F WILL BE COORDINATED DIRECTLY BETWEEN THE LEASE HOLDER AND THE CITY OF GAITHERSBURG.
- DEFICIENCIES TO ACCESSIBLE PARKING SPACE MARKINGS, SIGNAGE, RAMPS, AND PAVEMENT ON THE REMAINDER OF PARCEL D WILL BE CORRECTED AS PART OF THE ANNEXATION AGREEMENT.

**Potomac Valley Shopping Center  
Existing Parking Tabulation**

Address	Tenant	Use Type	Comment	Gross Floor Area (Sq Ft)	Required Parking
12110	M&T Bank	Commercial	Pad Site	1,630	7.2
12114	Wendy's	Restaurant	Pad Site	3,255	14.5
12116-S1	Royal Care Dentistry	Medical Office	Lower Level	1,856	6.2
12116-S2	Vacant	Office	Lower Level	1,331	4.4
12116-S5	Madhavi Hubbley, MD	Medical Office	Lower Level	1,981	6.6
12118-A	Potomac Carpet	Commercial		792	3.5
12118-B	P.L. Nails	Commercial		825	3.7
12118-C	All In Vapors	Commercial		695	3.1
12118-D	Potomac Gold & Silver	Commercial		565	2.5
12120	Barber	Commercial		638	2.8
12126-S4	Vantage Office Products	Commercial	Upper Level	1,566	7.0
12126-S6	Healthcare Resource Network	Office	Upper Level	2,381	7.9
12126-S8	Potomac Driving School	Commercial	Upper Level	931	4.1
12130	McDonald's	Restaurant	Pad Site	2,620	11.6
12132	Steve's Beer and Wine	Commercial		2,044	9.1
12136	Papa John's	Restaurant		1,600	7.1
12140	Shell	Commercial	Pad Site	1,427	6.3
12146	Potomac Gourmet	Commercial		1,600	7.1
12150	Vacant	Commercial		1,600	7.1
12154	UPS Store	Commercial		1,600	7.1
12158	Vacant	Commercial		1,600	7.1
12162	Montgomery Village Florist	Commercial		1,600	7.1
12166	Italian Pines	Restaurant		2,200	9.8
12168	Dunkin' Donuts	Restaurant		2,750	12.3
				<b>Totals</b>	<b>39,097 165.4</b>

Parking Rates:	Commercial	1 Space/225 Sq Ft
	Office	1 Space/300 Sq Ft
	Restaurant	1 Space/225 Sq Ft
Existing Parking Count:	231	Standard Spaces
	6	Van Accessible Spaces
	5	Standard Accessible Spaces
<b>Total Parking Provided:</b>	<b>242</b>	<b>Spaces</b>



Exhibit B

- NOTES:**
1. NET TRACT AREA: 4.673 ACRES
  2. GROSS TRACT FOR THE PURPOSES OF CALCULATING FAR: 263,797 SF
  3. MAXIMUM FAR: .75% 197,847 SF
  4. MINIMUM SETBACK PROPOSED:  
FROM QUINCE ORCHARD RD 15'  
FROM DARNESTOWN RD 15'  
FROM PARCEL 382 (FIRE STATION) 35'  
FROM PARCEL 379 (LIBRARY) 35'
  5. MINIMUM GREEN SPACE  
20% 43,190 SF
  6. EXISTING ZONE: NR 0.75 H45  
PROPOSED ZONE: MXD
  7. BUILDING HEIGHT:  
UP TO 10 STORIES  
Natural Resource Inventory /  
Forest Stand Delineation Notes:

Tax Map(s): ES62  
Lots / Parcels: Pt. Parcel C, D AND F  
Property Area: 4.673 Acres +/-

Property Description: The property is located, at the intersection of Quince Orchard Road and Darnestown Road (MD Rte 28)

Topography and Boundary: The outline of the property included in this application is taken from computed deeds and/or plats of record. The topographic data for the property is from topography provided by Dewberry.

Highly Erodible, Unsuitable and Unsafe Soils: There are no highly erodible, unsuitable, or unsafe soils noted on the Property. The soils mapped per the USDA Natural Resources Conservation Service (NRCS) online soil survey are:  
1B - Galis silt loam, 3-8% slopes  
67UB - Urban land -Wheaton complex, 0-8% slopes  
400-Urban land

Streams & Stream Buffers: The property is within the Muddy Branch watershed (Class 1). There are no perennial streams

Floodplain: There is no 100 year floodplain on the property according to FEMA panels 24031C03070, dated September 29, 2006.

Wetlands: There are no known Wetlands on the property.  
Steep Slopes: Existing moderate (15-25%) no steep slope over 25% on the property.

Rare, Threatened, Endangered Species: No Rare, Threatened, or Endangered species of plants or animals were observed on the property.

Existing Wildlife: No urban wildlife was observed on the property.

Special Protection Areas: The property is not within the Sensitive Areas of the City of Gaithersburg, per the City's Master Plan.

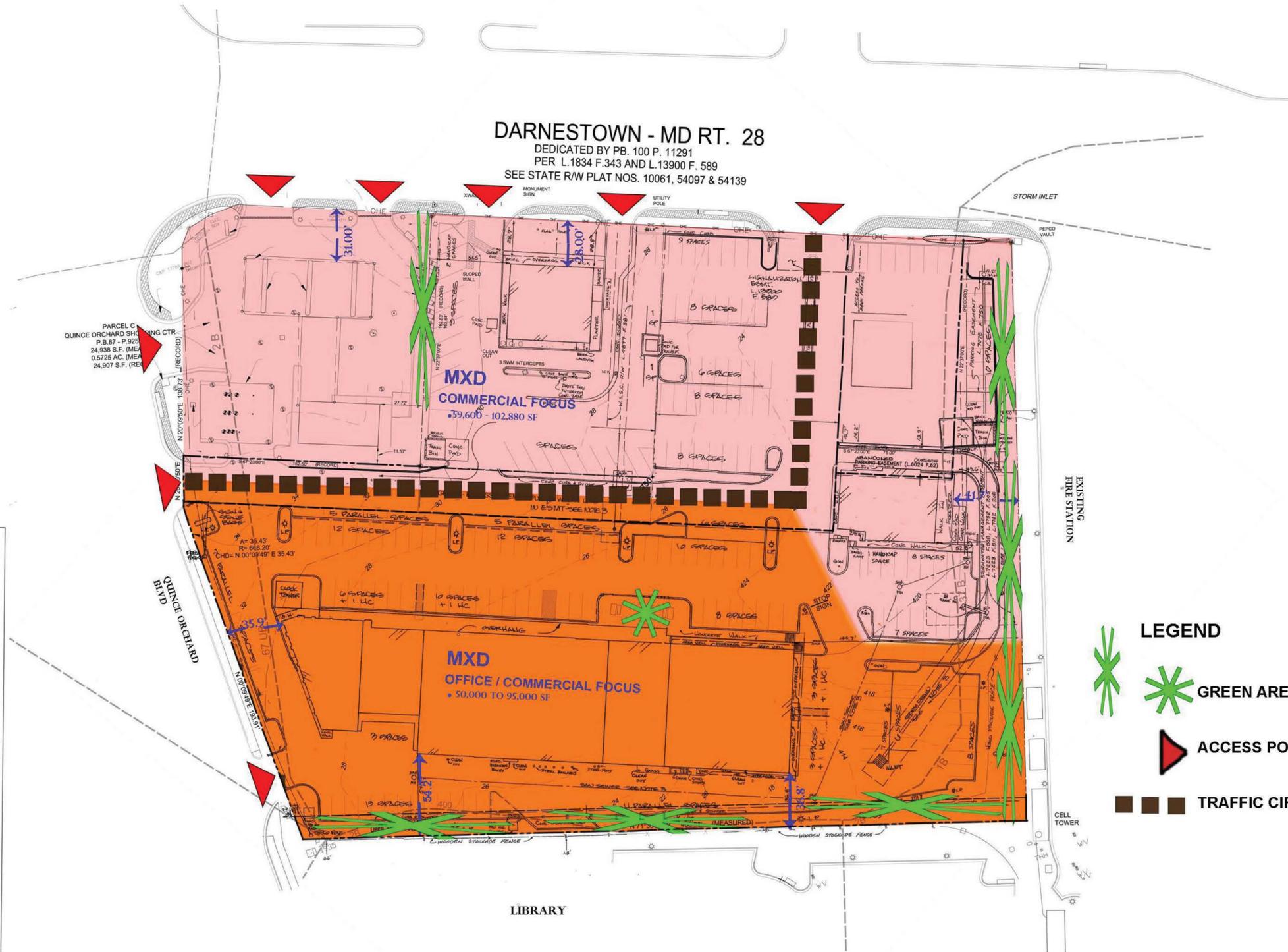
Significant Views & Vistas: No significant views or vistas were noted during site visits.  
Other: Field work for this NRIFSD was conducted 8/14/12 Dewberry Consulting staff.

- LEGEND**
- MXD COMMERCIAL FOCUS
  - MXD OFFICE / COMMERCIAL

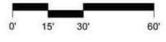


**LEGEND:**

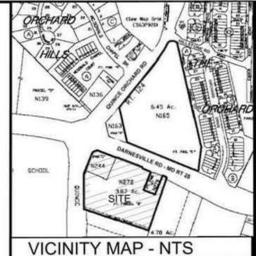
- EXISTING**
- SANITARY SEWER
  - WATER LINE, METER, VALVE & HYDRANT
  - STORM DRAIN
  - SITE BOUNDARY
  - LOT LINE
  - TREE LINE
  - FENCE
  - BUILDING
  - CURB
  - EDGE OF PVMNT
  - SIDEWALK
  - GAS LINE
  - OVERHEAD ELEC.
  - UNDERGR. ELEC.
  - UNDERGR. TELE.
  - UTILITY POLE
  - EXIST. CONTOUR
  - SPECIMEN TREE
  - TANK FILLER CAP
  - MONITORING WELL
  - TELEPHONE POLE
  - POWER POLE
  - LIGHT POLE
  - GUY WIRE
  - CLEAN OUT
  - SANITARY MANHOLE
  - STORM MANHOLE
  - TRAFFIC LIGHT POLE
  - OVERHEAD UTILITY WIRES
  - SLOPED WALL



- LEGEND**
- GREEN AREAS
  - ACCESS POINTS
  - TRAFFIC CIRCULATION



NOTE:  
FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO [www.call811.com](http://www.call811.com) <http://www.missutility.net>  
48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY  
INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS BY HAND AT ALL UTILITY CROSSINGS WELL IN ADVANCE OF THE START OF EXCAVATION.



**Dewberry**  
203 Perry Parkway, Suite 1  
Gaithersburg, MD 20877-2169  
301.948.8300 Fax: 301.258.7607  
[www.dewberry.com](http://www.dewberry.com)

Drawn by: ACO  
Designed by: KDM  
Checked by: KDM  
Preliminary Plan #: \_\_\_\_\_  
NRIFSD #: \_\_\_\_\_  
Tax Map #: \_\_\_\_\_  
Zone: \_\_\_\_\_



OWNER  
THE MAGRUDER COMPANIES  
12166 DARNESTOWN ROAD  
GAITHERSBURG, MD 20878  
TEL: 301.921.0500  
FAX: 301.921.0507  
ATT: BILL MAGRUDER

LEGAL DESCRIPTION  
QUINCE ORCHARD SHOPPING CENTER  
PARCELS C,D & F

ZONING SKETCH PLAN  
POTOMAC SHOPPING CENTER SOUTH PARCELS C, D & F  
MONTGOMERY COUNTY, MARYLAND  
6TH ELECTION DISTRICT

Date: 10.01.15  
Sheet: 1 of 1  
Scale: 1:30  
File number: \_\_\_\_\_



**From:** [Susan Ali](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Possible expansion of Magruder property ly in Gaithersburg  
**Date:** Tuesday, December 15, 2015 6:02:49 PM

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To the Montgomery County Planning Board,

Please do not give permission for the Magruder property near Quince Orchard Road and Rt 28 to create residential units. As a Quince Haven Estates resident, I can attest to the fact that the area suffers from traffic and overcrowding already. There is an extremely high rate of traffic accidents already in the area which have included fatalities.

Thank you for your consideration.

Sincerely,  
Susan Ali

Mayor and City Council  
X-7089-2015  
Ex. 56

**From:** [jelm3@comcast.net](mailto:jelm3@comcast.net)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Annexation  
**Date:** Tuesday, December 15, 2015 6:09:11 PM

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Members of the Planning Commission:

I am writing in regard to the proposed development of the Magruder property at the corner of Quince Orchard Road and Darnestown Road. As was emphasized in the letter to the Mayor from the affected communities (Hidden Ponds, NPCA, Orchard Knolls, Orchard Hills and Willow Ridge), the proposed development of the Magruder property (as well as the Johnson property on the other side of the street), represents a radical departure from the existing character of the neighborhood, which is suburban and residential. The fact that, long-term, Magruder is apparently seeking authorization for as much as a 10-story commercial use, is more than alarming. It represents a total disregard for the community, as such a structure substantially exceeds the height of anything on the entire Route 28 corridor of North Potomac and Darnestown, and would totally dominate the area's single family homes and one- or two-story retail facilities.

This area is completely unlike Rio or Crown; it serves as a "gateway" only to the even more rural areas of Poolesville. While these developers have thoughts of maximizing their profit, I urge the City to keep in mind the needs of the community, which were clearly expressed in our letter of concern. I look forward to continued participation in your review process, and trust that you will ensure the continued opportunity of local residents to participate.

Michael B. Lehrhoff  
Former President  
Orchard Hills Homeowners Association  
12118 McDonald Chapel Dr.  
Gaithersburg, MD 20878  
[jelm3@comcast.net](mailto:jelm3@comcast.net)

Mayor and City Council  
X-7089-2015  
Ex. 57

**From:** [wthornpac@juno.com](mailto:wthornpac@juno.com)  
**To:** [Planning External Mailing](#)  
**Date:** Tuesday, December 15, 2015 8:14:37 PM

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I believe that the Magruder property annexation is not in the best interest of Gaithersburg. I thought that 4 story buildings are the recommended limits to buildings in Montgomery county.

So much construction and expansion in this area would have many profound complications to the area.

I'm not sure that the existing utilities can support such a complex with even 2 stories.

Not to mention traffic and public facilities needed to support this type of complex.

William Thorn

12525 Fostoria Way

Gaithersburg, MD 20878

**From:** [Jennifer](#)  
**To:** [Planning External Mailing](#)  
**Cc:** [Jason Cota](#)  
**Subject:** Do not approve the re-zoning to MXD  
**Date:** Tuesday, December 15, 2015 8:17:23 PM

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To whom it may concern. I am a Montgomery County Resident and request that City of Gaithersburg does not approve the re-zoning to MXD. My son has just started Kindergarten and as a parent I am concerned for the increased demand on our schools. In addition increased traffic at the intersection of 124 and 28 would be dangerous for the children commuting to the high school.

thank you for your attention

Jennifer Gremba-Cota

Sent from my iPad

Mayor and City Council  
X-7089-2015  
Ex. 59

**From:** [Janet Mandel](#)  
**To:** [Planning External Mailing](#)  
**Cc:** [mmehra@qbiop.com](mailto:mmehra@qbiop.com)  
**Subject:** Magruder Property Annexation  
**Date:** Tuesday, December 15, 2015 8:56:31 PM

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Dear Sir/Madame: I am writing to voice my utmost concern about the development of the subject property. I am a long time resident of the Willow Ridge community, since 1998, and my parents lived in Darnestown on Scarlett Oak Drive since 1976. We have watched as this Rt. 28 corridor has developed into a traffic/bicycle/pedestrian nightmare of which the annexation of the Magruder property would only enhance an already untenable situation.

I respectfully ask that all future notifications of future changes/development be expanded to a 1 mile radius around the Magruder property. I cannot understand how the City of Gaithersburg is even considering such a plan. The traffic is already heavy and steady and adding higher density commercial buildings (and potentially residential development, if the property is sold to another developer) will have a profound affect on public safety for those children attending Quince Orchard HS, those jogging and bicycling or just simply trying to walk from Willow Ridge to school or shop. Where are the road improvements to go along with this huge increase in land usage? The Darnestown area has been such a lovely respite of what little is left of the "country" feel, the City seeks to strip those of us who live here of that little slice of heaven. If your end goal is to increase tax revenue at the expense of those of us who currently live in this corridor, then pass this plan as currently proposed. If you truly seek to annex this property to the sole benefit of the community, stop this nonsense and ill conceived plan, smell the roses and re-group. There has to be a better way. Please, listen to those of us who truly care about preserving a way of life that is about to disappear in favor of tax revenue and nothing more.

Sincerely,

Janet Mandel  
Carrington Hill Drive  
Gaithersburg, MD

Sent from [Mail](#) for Windows 10

Mayor and City Council  
X-7089-2015  
Ex. 60

**From:** [Mary Silva](#)  
**To:** [Planning External Mailing](#)  
**Cc:** [maryjeffsilva@verizon.net](mailto:maryjeffsilva@verizon.net)  
**Subject:** Magruder property  
**Date:** Tuesday, December 15, 2015 8:57:54 PM

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Dear Planning Department

My name is Mary Silva and I am a resident of Willow Ridge, one of the neighborhoods surrounding the subject Magruder property. I am requesting that City of Gaithersburg does not approve the re-zoning to MXD for the reasons discussed below. The re-zoning will

1. Significantly increase traffic in an area that is already congested resulting in safety concern for Quince Orchard students and residents in the area (especially with the High school right across the street)..
2. Significantly burden elementary, middle and high schools in the area that are already overcrowded.
3. Have a further burden on utilities and infrastructure in the area not to mention environment.
4. We realize the property needs to be developed. However, we believe there are moderate development alternatives that – including retaining existing zoning, that would be better for the surrounding neighborhoods and probably the city and county.

I also believe that the nearby neighborhoods have not been adequately notified of the potential zoning changes to this property Therefore, I request that the city of Gaithersburg:

1. Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).
2. I am also concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)

Mayor and City Council  
X-7089-2015  
Ex. 61

Sincerely,

Mary Silva

**From:** [Emily Bosco](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder property  
**Date:** Tuesday, December 15, 2015 9:12:38 PM

---

To whom it concerns,

I am a resident of Willow Ridge and have three kids in the Thurgood Marshall Elementary school. I am concerned about the attempted developments at the QO and 28 intersection due to increased traffic in an area that is already too crowded to support the current traffic during rush hours and already overcrowded schools.

- 1.) I ask that all notifications of future changes/development be expanded to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).
- 2.) I am concerned about the higher density commercial at that intersection potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).
- 3.) I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)
- 4.) Finally, we are all Montgomery County Residents surrounding this intersection but not City of Gaithersburg residents yet this high-density re-development will affect us directly and in potentially numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need!

Please consider listening to the residents of this area about maintaining the suburban feel of Quince Orchard throughout this development process while being mindful of our safety concerns.

Respectfully,  
Emily Bosco

Mayor and City Council  
X-7089-2015  
Ex. 62

**From:** [creatmemories@comcast.net](mailto:creatmemories@comcast.net)  
**To:** [Planning External Mailing](#)  
**Subject:** Potential Magruder Annexation  
**Date:** Tuesday, December 15, 2015 9:43:14 PM

---

I am very concerned about the potential building going up around Quince Orchard High School (QOHS). It is already very congested area and adding to the traffic causes an unnecessary safety hazard to our students and cyclists. While Magruder's has testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)

In the future, please expand any/all notifications of future changes/development to a 5 mile radius around the Magruder property. While Montgomery County notifies within 1 mile, 5 miles notifies almost all school age children in the area.

While not a city resident, I do have a property within the City of Gaithersburg where my daughter resides. We are Montgomery County Residents surrounding this intersection and this high-density re-development will affect us directly and negatively. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need.

Do not approve the re-zoning to MXD for these reasons.

Mayor and City Council  
X-7089-2015  
Ex. 63

**From:** [Meredith Salita](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Property Annexation  
**Date:** Tuesday, December 15, 2015 9:26:56 PM

---

Rezoning of the Magruder property will significantly change many things about the surrounding community in a overwhelmingly negative way. Firstly, notifications of proposed changes should be given to the entire community within a 1 mile radius. All members of the surrounding community either walk, bike, or drive through this proposed "gateway" on a daily basis. Expansion of the current use needs to be looked at with great care as it will effect the quality of life for the entire community - adding to traffic congestion during daily commutes, and the basic safety of bicyclists, pedestrians and high school students walking to and from school.

Even if the **current** plan does not include adding residential units, rezoning to MXD will allow for it in the future and leaves that door open to add to our current school overcrowding issues. The state and county have not approved the level of funding that would be required for our schools to expand to accept the continued growth that Montgomery County has seen in the past decade and the system is now old and struggling. It would be irresponsible to set in motion a course of action that will add to this crisis. Montgomery County schools are highly respected, but are sadly in a state of disrepair. Buildings are aging, class sizes are rising and portable classrooms have become the norm as the schools are bursting at the seams.

Route 28 is already a nightmare for commuters, and is not capable of supporting the commercial growth that is proposed for this property.

As a member of the surrounding community, and a parent of three young children in MCPS system within the QO cluster, I am against the annexation of this property to the city of Gaithersburg, and against the proposed rezoning.

Thank you,  
Meredith Salita

Mayor and City Council  
X-7089-2015  
Ex. 64

**From:** [Binh Do](#)  
**To:** [Planning External Mailing](#)  
**Subject:** regarding Magruder property annexation  
**Date:** Tuesday, December 15, 2015 10:00:55 PM

---

To whom it may concern,

This is Tim and Binh Nee and we reside in the Willow Ridge development, one of the development surrounding the Magruders property.

It has brought to our attention that the Magruders are requesting the re-zoning of their property to MXD. This request is for the commercial use on the property (MacDonald's corner of Rt 28 and Quince Orchard Rd) to expand from about **40k square feet currently to nearly 200k square feet**. They are also looking at the long term plan of having potentially **10 story buildings (high density commercial AND residential)**. Although the Magruders stated that there is no immediate plans to change the current plans to add residential units, but these plans can change if the MXD (high-density commercial AND residential) is approved. We are very concerned regarding this annexation and re-zoning and below are the reasons.

This high density development will

1. significantly impact the already congested traffic condition we have in the surrounding areas especially westbound on Rt 28 and Quince Orchard Rd. This increase in traffic will also cause safety concerns for the students at Quince Orchard High School as the school is right across the street of the Magruder property.
2. significantly impact the overcapacity problems we currently have with surrounding schools (e.g Rachel Carson ES, Thurgood Marshall ES, Ridgeview MS, and Quince Orchard HS)
3. have significant impact on current infrastructure
4. change the scenery of the surrounding neighborhoods as they are of low to medium density developments
5. In addition, we are all Montgomery County Residents surrounding this intersection and not City of Gaithersburg residents. If this annexation is approved, this high-density redevelopment will affect us directly and potentially in numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need!

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).

We are requesting that City of Gaithersburg **NOT** approve the re-zoning to MXD for the above reasons.

Mayor and City Council  
X-7089-2015  
Ex. 65

Thank you very much for your time and consideration,  
Tim and Binh Nee  
12547 Carrington Hill Dr

**From:** [Monica Spurgeon](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Please say NO to the Magruder Property Annexations and MXD  
**Date:** Tuesday, December 15, 2015 10:02:41 PM

---

Dear City of Gaithersburg,

I am a resident of North Potomac near Jones Lane Elementary School. My children attend Jones Lane ES, Ridgeview Middle School and eventually will go to Quince Orchard High School. I am deeply concerned about the proposed annexation and redevelopment of the Magruder property off of Route 28/Darnestown Road by the City of Gaithersburg.

- Please do not approve the commercial use expansion from 40,000 square feet to nearly 200,000 square feet on the Magruder property which would include 10-story buildings! The Quince Orchard cluster is already overcrowded, the intersections of Route 28 & Quince Orchard Road, as well as at Route 28 & Riffle Ford Road are already overwhelmed with congestion. And there are safety issues for the children who cross near the high school.
- Please expand all notifications of future changes or development to at least a one mile radius surrounding the Magruder property. I currently reside about 2 miles away in a residential neighborhood and would be heavily impacted by any decisions made to that area.
- Please do not make a hasty decision without delving deeper into the critical situation. There has been no review of how this will affect our schools, the immediate surrounding areas, and the traffic congestion. The persons trying to develop this land are circumventing the county and going straight to the city for an expedited approval.

I also would like to express my concern that even though the Magruders have testified that *they* have no current plan to add residential units, that does not mean they won't change their mind in the future, especially if the property is sold to another developer who doesn't have the community in their best interests.

Furthermore, I am confused as to why the City of Gaithersburg is in charge of this location when all the immediate surrounding residents are Montgomery County residents, not City of Gaithersburg residents. And being a Montgomery County resident, I do not find the MXD rezoning or expansion a good idea at all.

I ask you to take a step back and please say No to the annexation and MXD rezoning. Thank you for your consideration.

Sincerely,  
Monica Spurgeon  
12504 Shoemaker Way

Mayor and City Council  
X-7089-2015  
Ex. 66

**From:** [Tmbarrett](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder property  
**Date:** Tuesday, December 15, 2015 10:09:40 PM

---

I am writing to express the concerns I have and those of my neighbors regarding the pending action on the property at QO and Darnestown Rd.

- 1.) Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).
- 2.) the higher density commercial at that intersection will affect public safety for students and residents in the surrounding area. (especially with the High school right across the street).
- 3.) even though the Magruders testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)
- 4.) we are all Montgomery County Residents surrounding this intersection but not City of Gaithersburg residents yet this high-density re-development will affect us directly and in potentially numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need!

Sent from my iPhone

Mayor and City Council  
X-7089-2015  
Ex. 67

**From:** [Janet Kotowski](#)  
**To:** [Planning External Mailing](#)  
**Subject:** rezoning of RT. 28 and 124 intersection.  
**Date:** Tuesday, December 15, 2015 10:26:00 PM

---

Dear City Council,

I have been a resident in the Longdraft area for 21 years and I am disheartened to hear of all the plans to change the area drastically. I understand property owners like the Magruder's want to be rezoned to increase their profit margin. The corners of Route 28 and 124 are not a city, even though they have been incorporated into the City of Gaithersburg. There is a Gaithersburg center and it should be encouraged to be developed and improved for the betterment of the whole area, but adding high rise buildings to intersections in outlying areas is not the answer. The changes proposed will increase congestion, school crowding and the nature of the area. I am not fooled by the promises of no plans to change things. I am certain the plan is for Magruder's to get the new rezoning then sell to some developer who does not care about the community and will put up massive structures that will stand out like sore thumbs. The whole reason the corners became a part of the City of Gaithersburg was to get the plans through faster and with little opposition from the city.

It is dishonest to say the community was notified when the area of notification is a library, fire station and a school. Where is the community input? Of course Magruder's did not want the community to know what was happening because we live here and the owners do not. How convenient that people who can't have their voices heard because they are not a part of the city are the ones who have to be punished with the proposed zoning changes. Is the City of Gaithersburg going to contribute to the county schools for the increased number of children? Is the City going to shell out more money for road development in the area? How exactly is the City going to offset the costs to the county for the major development that will take place? I think the answer is nothing other than an eye sore and more congestion.

The City of Gaithersburg is getting the reputation of being an easy way for landowners to re-zone areas for massive projects. Change that perception by denying the re-zoning of the Magruder property.

Sincerely,  
Janet Kotowski

Mayor and City Council  
X-7089-2015  
Ex. 68

**From:** [Rocky Banks](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Against high-density re-development at the intersection of Route 124 and Route 28  
**Date:** Tuesday, December 15, 2015 10:55:04 PM

---

I feel strongly, as a Gaithersburg resident and Quince Orchard school cluster parent, that annexation and rezoning of the Johnson and Margruder properties is and will continue to be a public safety hazard to our children and our future.

I am firmly against mixed high density zoning for this area.

Rocky Banks  
210 Perrywinkle Lane  
Gaithersburg, MD 20878

Pillar To Post  
Home Inspectors  
MD License 29723  
301-455-5994

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Mayor and City Council  
X-7089-2015  
Ex. 69

**From:** [Carol Yates](#)  
**To:** [Planning External Mailing](#)  
**Subject:** High Density Development at Darnestown and Quince Orchard Roads  
**Date:** Wednesday, December 16, 2015 12:25:50 AM

---

Dear Gaithersburg City Planners,

I am writing to express my concern about the possible development of the Magruder property at the intersection of Darnestown and Quince Orchard Roads. I believe that intersection is already a significant hazard to both pedestrians and motorists alike, especially during dismissal time at Quince Orchard High School. That major intersection is already a traffic nightmare on school days. My biggest fear is that a child will be injured or killed.

Additional development in the area would contribute to what is already gridlock for commuters, residents, buses, students, and parents. Please do not allow expansion of high-density residential or commercial development in that area.

Thank you for your consideration.

Sincerely,

Carol Yates  
12311 Sweetbough Court  
Gaithersburg, MD 20878

Mayor and City Council  
X-7089-2015  
Ex. 70

**From:** [Neil Harris](#)  
**To:** [Trudy Schwarz](#)  
**Subject:** Fwd: Questions about the Magruder property annexation X-7089-2015  
**Date:** Wednesday, December 16, 2015 12:33:32 AM

---

Katie has reached out to me on the Johnson property, and I've been reassuring her. I want to keep you apprised and see if you want to weigh in directly.

Begin forwarded message:

**From:** Katie Rapp <[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)>  
**Subject:** Re: Questions about the Magruder property annexation X-7089-2015  
**Date:** December 16, 2015 at 12:15:52 AM EST  
**To:** Neil Harris <[neil@voteformeil.com](mailto:neil@voteformeil.com)>  
**Reply-To:** Katie Rapp <[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)>

Thanks for the info. So why do they ask for the 10 story max height? Why bother asking for that now instead of waiting for site plan time? Is that something the council can limit outright... just say on this property, it's zoned MXD, but no residential ever and max height 4 story (or whatever). That would be reassuring.

Also, on your last point... does that mean it went back to Fred Boyd? I thought once they had the planning board hearing Nov 12 that was it for the county?

Thanks again,  
Katie

---

**From:** Neil Harris <[neil@voteformeil.com](mailto:neil@voteformeil.com)>  
**To:** Katie Rapp <[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)>  
**Sent:** Wednesday, December 16, 2015 12:00 AM  
**Subject:** Re: Questions about the Magruder property annexation X-7089-2015

Katie,

So I saw.

Please bear in mind how zoning works in Gaithersburg. We have Euclidean zones, such as C-2, that have a narrow list of acceptable uses, and floating zones that have broad lists. But the processes are very different. In the Euclidean zones, land use is "by right" – if the zone allows for a 10 story warehouse, then we can't stop the owner from building one as long as it conforms to the checklist of acceptable features in the zone. In floating zones, everything comes down to a site plan, and every site plan goes through an approval process, with the ultimate decision for the

use up to the City Council – and it's completely up to our judgment. And, in the future, if the owner wants a change to the site plan, it goes back through the same process.

The ideas you asked about have not been through any of those processes, and I'm told not to expect them any time soon.

Also, I understand that the proposal has been pulled back from the county – which has the right to delay approval of any zoning change for 5 years, which usually kills any of these deals.

Neil

On Dec 15, 2015, at 11:25 PM, Katie Rapp  
<[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)> wrote:

Hi Neil, so I had reservations about the Magruder property anyway because I felt like we need to worry about what they can do, not what they say they're doing (nothing). Trudy's answers to my questions below are troubling to me. If it were simply "we want to fix up the shopping center a bit and it's easier for us to do both sides at one time in the city" then yeah, no problem. But 5x the commercial space and 10 story buildings are a different thing, even if we're looking long range. So, I got the word out tonight. You'll have letters.

And I still feel it's no coincidence that the Magruders and Johnsons asked for annexation at the same time. Stuart was at the Magruder hearing... they are all talking and I feel like there's something behind the scenes going on, but that's just my feeling on it. I was also troubled that Fred Boyd didn't conclude that this was a substantive change in land usage. We found out too late to comment on his report or I would have read it all more closely sooner. Anyway, now it's in your court.

Best wishes,  
Katie

----- Forwarded Message -----

**From:** Trudy Schwarz <[TSchwarz@gaithersburgmd.gov](mailto:TSchwarz@gaithersburgmd.gov)>

**To:** Katie Rapp <[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)>

**Cc:** "[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)"

<[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)>;

"[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV)"

<[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV)>; Lindsay

Hoffman <[lindsay.hoffman@montgomerycountymd.gov](mailto:lindsay.hoffman@montgomerycountymd.gov)>; Munish Mehra

<[mmehra@qbiop.com](mailto:mmehra@qbiop.com)>; Rob Robinson <[RRobinson@gaithersburgmd.gov](mailto:RRobinson@gaithersburgmd.gov)>;

Neil Harris <[nharris@gaithersburgmd.gov](mailto:nharris@gaithersburgmd.gov)>

**Sent:** Tuesday, December 15, 2015 4:10 PM  
**Subject:** RE: Questions about the Magruder property annexation X-7089-2015

Hi Katie:  
See responses below **in Pink** .  
I hope this helps you understand the proposal.  
Sincerely,  
Trudy Schwarz

**Trudy M. W. Schwarz, CFM** | Community Planning Manager  
**Planning & Code Administration**

---

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

P (301) 258.6330 ext. 2119 | F (301) 258.6336

[tschwarz@gaithersburgmd.gov](mailto:tschwarz@gaithersburgmd.gov)

[www.gaithersburgmd.gov](http://www.gaithersburgmd.gov)

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---

**From:** Katie Rapp [<mailto:wookyluvr2002@yahoo.com>]

**Sent:** Monday, December 14, 2015 10:42 PM

**To:** Trudy Schwarz

**Cc:** [Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov);

[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV); Lindsay Hoffman; Munish Mehra; Rob Robinson; Neil Harris

**Subject:** Re: Questions about the Magruder property annexation X-7089-2015

Hi Trudy,

I was reading through your report about the annexation. Can you confirm this for me? It says:

The total site includes **39,097 square feet** of commercial uses. (p.11)

Then later it says:

The Plan proposes a maximum Floor Area Ratio (FAR) of 0.75 for the site. This calculates to a development capacity of **197,847 square feet**. (p.14)

Am I reading it correctly that it goes from about 40k sf right now to almost 200k? **YES** And 5 story buildings. **Please note that there is no height limit in the MXD Zone** The applicant looking at a 40-year buildout of the property has asked for a 10-story maximum height. **This request came after my report was written.**

Also, toward the end it says:

The annexation will further the City's stated goals of promoting economic development, diversifying local economy to allow a variety of uses, allowing for redevelopment opportunities on **underutilized sites**, promoting a mix of uses for "24/7 activity" and increasing the City's tax base. (p.16)

Is the Magruder property considered an "underutilized site" and can you explain that? And what is meant by 24/7 activity?

A property in which the parking lot encumbers more than 50% of the lot area is considered an underutilized site. A 24/7 activity area means that different parts of the site would have activity during different parts of the day and that there would be shared parking. An example would be the RIO/Washingtonian, which has many different activities during a 24 hour period. An opposite example would be a traditional office park, where employees are only there from 9 am to 5 pm and the other 16 hours of the day, the area is deserted. This is considered a safety issue. Certainly this site is much smaller. But perhaps a 24 hour grocery or pharmacy would be an example or an office building with a movie theater that can share parking because their business hours are different. As mentioned by the applicant in his testimony, there are no immediate plans for development at this time as he has several long-term leases. Additionally, the construction costs of going above five stories have limited the height of buildings in the City in most areas.

Thank you,  
Katie Rapp

---

**From:** Trudy Schwarz <[TSchwarz@gaithersburgmd.gov](mailto:TSchwarz@gaithersburgmd.gov)>  
**To:** Katie Rapp <[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)>  
**Cc:** "[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)" <[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)>; "[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV)" <[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV)>; Lindsay Hoffman <[lindsay.hoffman@montgomerycountymd.gov](mailto:lindsay.hoffman@montgomerycountymd.gov)>; Munish Mehra <[mmehra@qbiop.com](mailto:mmehra@qbiop.com)>; Rob Robinson <[RRobinson@gaithersburgmd.gov](mailto:RRobinson@gaithersburgmd.gov)>  
**Sent:** Thursday, November 19, 2015 9:00 AM  
**Subject:** RE: Questions about the Magruder property annexation X-7089-2015

Good morning Ms. Rapp:

The development process requires the City to evaluate traffic and improvement needed for project at the time of Schematic Development Plan. The Schematic Development Plan process has its own public hearing process.

There are no more public hearings for testimony or public comment. The record for the hearing will be open until December 16, 2015 at 5 pm for written testimony (email or letter). The Mayor & Council are tentatively scheduled to have Policy Discussion on January 4, 2016.

The owners of the Potomac Valley Shopping Center North (Starbucks

side) have not filed for rezoning the property and have not mentioned that they are planning to at this time.

Also, you may listen to the hearing again by going to the following link:  
<http://www.gaithersburgmd.gov/government/meeting-agendas-and-minutes>

It does take about 30 seconds to populate. So be patient! Then click on the video for the 11/16/15 Mayor & City Council Meeting.

Let me know if you have any other questions.

Sincerely,

Trudy

**Trudy M. W. Schwarz, CFM | Community Planning  
Manager  
Planning & Code Administration**

<image001.png> **City of Gaithersburg** | 31 S Summit Avenue | Gaithersburg,  
MD 20877

P (301) 258.6330 ext. 2119 | F (301) 258.6336

[tschwarz@gaithersburgmd.gov](mailto:tschwarz@gaithersburgmd.gov)

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---

**From:** Katie Rapp [<mailto:wookyluvr2002@yahoo.com>]

**Sent:** Wednesday, November 18, 2015 11:11 PM

**To:** Trudy Schwarz

**Cc:** [Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov);

[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV); Lindsay  
Hoffman; Munish Mehra; Rob Robinson

**Subject:** Re: Questions about the Magruder property annexation X-7089-2015

Hi Trudy,

I have a question. I was at the hearing Monday night and I didn't understand your response to the councilmember's questions about traffic and improvements to the intersection and the roads. Can you clarify that?

I don't see any additional meetings posted on the website for the Magruder annexation. Are there any additional hearings scheduled? I think they mentioned something at the council meeting, but I missed the date. Something in December?

Last question... is the rezoning of the other side of the Magruder shopping center (Starbucks side) in process at this time or is there a

plan for that?

Thanks,  
Katie Rapp

---

**From:** Trudy Schwarz <[TSchwarz@gaithersburgmd.gov](mailto:TSchwarz@gaithersburgmd.gov)>  
**To:** "[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)" <[wookyluvr2002@yahoo.com](mailto:wookyluvr2002@yahoo.com)>  
**Cc:** "[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)" <[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)>; "[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV)" <[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV)>  
**Sent:** Thursday, November 12, 2015 12:07 PM  
**Subject:** Questions about the Magruder property annexation X-7089-2015

Good morning Ms. Rapp:  
Rob Robinson forwarded your questions below concerning the Magruder property annexation (X-7089-2015).

**ADDING A RESIDENTIAL COMPONENT:** If someone decides that a Residential component should be added to sketch plan of the property, the City Code requires that the Mayor and City Council and Planning Commission conduct a joint public hearing. These types of hearing require that the property be posted with signs and notices of public hearing be sent to properties within 200 feet of the Magruder property. In order to speak at the hearing, a person just needs to attend the meeting and raise their hand to speak and come to the microphone when called upon by the Mayor. Currently, the City does not require signing up to speak at a public hearing. Although from time to time, the City does have a sign-up sheet available the night of the hearing. This helps the Mayor keep the meeting orderly. Each speaker is required to state their name (and spell their name) and address for the record. Generally, there is a 3 minute time slot allowed.

**WRITTEN COMMENTS:** As you can imagine, the packages for the public hearing on November 16, 2015 have already been prepared and sent out. It should be posted on the City's Mayor and Council agenda page by late this afternoon. The staff has recommended that the Mayor and Council hold their record open until 5 pm on Wednesday, December 16, 2015. So the deadline for submitting written comments is 5 pm on Wednesday, December 16, 2015.

**PUBLIC TESTIMONY:** As mentioned above, public testimony is welcome at the public hearing on November 16<sup>th</sup>. In order to speak at the hearing, a person just needs to attend the meeting and raise their hand to speak and come to the microphone when called upon by the Mayor. Currently, the City does not require signing up to speak at a public hearing. Although from time to time, the City does have a sign-up sheet available the night of the hearing. Each speaker is required to state their name (and spell their name) and address for the

record. Generally, there is a 3 minute time slot allowed.

I hope that these answers assist you in understanding the public process in the City of Gaithersburg. Would be so kind as to forward this to Munish Mehra and Lindsay Hoffman, their email addresses did not come through in the forwarded email.

Sincerely,  
Trudy

**Trudy M. W. Schwarz, CFM** | Community Planning  
Manager

**Planning & Code Administration**

<image001.png>  
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---

**From:** Katie Rapp [<mailto:wookyluvr2002@yahoo.com>]

**Sent:** Wednesday, November 11, 2015 8:02 PM

**To:** Rob Robinson

**Cc:** [COUNCILMEMBER.KATZ@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.KATZ@MONTGOMERYCOUNTYMD.GOV);  
[COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV](mailto:COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV); Munish Mehra;  
Lindsay Hoffman

**Subject:** Re: Questions re Johnson property

Hi Rob,

Please respond to my question #5 below regarding the gateway concept. I would like to understand what is meant by that and how it applies to the properties on all the corners of the 28/QO intersection surrounding Quince Orchard High School as indicated in the Gburg Master Plan.

Switching gears, I have a question about the Magruder property annexation (X-7089-2015).

Although there is currently no residential component requested by the Magruders for that property, once it is annexed and rezoned MXD can they or someone who purchases the property from them add a residential component? What is the process for that, notifications, hearings, etc?

I see there is a hearing about the Magruder property on Monday, 11/16. Is there a deadline for submitting written comments? What is the process for residents who wish to speak at that hearing?

Thanks,

Katie Rapp

<image001.png>

**From:** [TorvikFam](#)  
**To:** [Planning External Mailing](#)  
**Subject:** No Mixed Use at Route 124 and 28  
**Date:** Wednesday, December 16, 2015 6:34:44 AM

---

To Whom It May Concern,

I just became aware last night that another annexation attempt is underway in a heavily utilized intersection. The Magruder Properties share common ground with Montgomery County neighborhoods and Quince Orchard High School. Notification of any changes to this area must include those individuals surrounding the properties. That means at least a 1 mile radius from the property. My largest concern about a high density development in this area is the safety of 2000 high school students, many of who are walkers, commuting to the school on a daily basis. The congestion and near pedestrian accidents NOW is observed on a daily basis. To annex this property to a developer who may or may not sell the property with the mixed used designation is not acceptable. This area is already unsafe and more homes and businesses will put students at risk.

DO NOT ANNEX the Magruder Properties and DO NOT accept mixed use for any property so close to a high school with a large percentage of walkers!

Thank you.

Lisa Torvik  
Community Resident



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

Mayor and City Council  
X-7089-2015  
Ex. 72

**From:** [Jerry McKamy](#)  
**To:** [Planning External Mailing](#)  
**Cc:** [Vicky McKamy](#)  
**Subject:** Magruder Property Annexation  
**Date:** Wednesday, December 16, 2015 6:40:59 AM

---

Greetings!

I am a resident in the Willow Ridge community and live in proximity to the Magruder property under consideration.

Please consider the following points in your considerations:

- Quince Orchard High School is right across the street. High density business traffic will adversely affect both traffic volume and student safety.
- Unlike the Crown Center, this location is not surrounded by major highways but rather on the edge of residential areas bordering on the MOCO Agricultural Reserve and Quince Orchard Rd. going south is protected as a scenic/rural road. Please NEVER allow high rise (>two or three story) development of this property. Preserve the suburban/rural transition character of this area rather than making it into another concrete maddening jungle.
- Enlarge the public comment radius to 1 mile from the proposed property as many residents of MOCO are affected by what goes on at this location.

Thank you for the opportunity to comment.

Regards,  
Jerry McKamy

Mayor and City Council  
X-7089-2015  
Ex. 73

**From:** [Chrissy Spano](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Property  
**Date:** Wednesday, December 16, 2015 6:50:58 AM

---

To Whom it May Concern,

In regards to the possible development of the Magruder Property at the corner of Quince Orchard Rd & Rt 28 Please consider the following:

1. Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property so residents of this area are kept aware of changes to our neighborhoods.
2. Just as with the Johnson Property there is a concern over the higher density commercial at that intersection potentially affecting public safety for students and residents in the surrounding area. As a mother of children who will attend that school I feel it is unsafe.
3. It is alarming that although the Magruders testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)
4. Myself and my neighbors are Montgomery County Residents surrounding this intersection but not City of Gaithersburg residents yet this high-density re-development will affect us directly and in potentially numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need.

Thank you for your time in this matter. We are requesting that City of Gaithersburg does not approve the re-zoning to MXD for this property.

Thank you!  
Chrissy Spano  
14901 Native Dancer Rd

Sent from my iPhone

Mayor and City Council  
X-7089-2015  
Ex. 74

**From:** [eyeburium@gmail.com](mailto:eyeburium@gmail.com)  
**To:** [Planning External Mailing](#)  
**Subject:** Future Annexation and Planning  
**Date:** Wednesday, December 16, 2015 6:51:41 AM

---

Planning Committee-

As a parent and Quince Orchard HS PTSA member, I ask you to consider the future of our community. We are already at capacity for our schools and roads.

Both Macgruder and Johnson family's hold the keys to the future of their property. I can only hope they can see the more that live and work here place our tight community at risk.

Our schools must stay safe, and it starts with your decisions! Lastly, if you live in this part of the city, you would understand. Help our city, help our families, make the right choices for our future.

Respectfully,  
Ron Rivenburgh

Mayor and City Council  
X-7089-2015  
Ex. 75

**From:** [Brent Jamsa](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Property  
**Date:** Wednesday, December 16, 2015 7:06:15 AM

---

Hello,

Please deny any requests for rezoning in the vicinity of Quince Orchard High School. Even though the owners of the Magruder property testified that they aren't interested in adding housing units, plans can always be changed. It is not safe for high schoolers like me as it is that area due to the already congested roads. Imagine more cars, on that road due to more housing and retail. Moreover, any plan to rezone while Quince Orchard HS is overcapacity is irresponsible. Please do the right thing for our students and our community and deny this request.

Thanks,  
Brent Jamsa

Mayor and City Council  
X-7089-2015  
Ex. 76

**From:** [Row, Chung-Hee \(NIH/CC/DLM\) \[E\]](#)  
**To:** [Planning External Mailing](#)  
**Cc:** [Row, Chung-Hee \(NIH/CC/DLM\) \[E\]](#)  
**Subject:** Please do NOT approve re-zoning to MXD  
**Date:** Wednesday, December 16, 2015 7:23:22 AM

---

Dear Gaithersburg city officer,

I am requesting that City of Gaithersburg does NOT approve the re-zoning to MXD for the following reasons;

- 1.) Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).
- 2.) I have a great concern over the higher density commercial at that intersection potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).
- 3.) I have a great concern that even though the Magruder testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)
- 4.) We are all Montgomery County Residents surrounding this intersection but not City of Gaithersburg residents yet this high-density re-development will affect us directly and in potentially numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need!

I hope that City of Gaithersburg will put residents' safety and wellbeing as a top priority over a private company's interest. It is already so crowded and heavy traffic in that junction and I tried to avoid at all costs during the rush hours. Please do NOT approve the re-zoning to MXD.

Thank you so much for your hard work and hope to see the right decision made moving forward!

Best,

Chung-Hee Row

Chung-Hee Row, MT(ASCP)  
Laboratory Information Manager  
Department of Laboratory Medicine  
Clinical Center, National Institutes of Health  
10 Center Dr. 2C410EW1  
Bethesda, MD 20892  
Tel: 301-402-3420  
Fax: 301-402-1884  
[Crow1@cc.nih.gov](mailto:Crow1@cc.nih.gov)

Mayor and City Council  
X-7089-2015  
Ex. 77

**From:** [jennifer](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Annexation  
**Date:** Wednesday, December 16, 2015 7:28:03 AM

---

To whom it may concern:

I am writing regarding the Magruder Property and potential development at the corner of route 28 and Quince Orchard Road. Specifically:

- 1.) Please expand any/all notifications of future changes/development to a 1 mile radius around the property so that the residents of the area will be informed.
- 2.) This is already a commercially crowded area with limited parking and busy streets. Our high school students walk to school and must deal with the traffic already.
3. Please do not plan any residential development. The schools in this area are already at or above capacity.
- 4.) Most of the surrounding area is not the City of Gaithersburg. We do not want to be a gateway to Gaithersburg and will not benefit from being a thoroughfare to the city.

Finally, please add me to any email lists so that I may be informed.  
Thank you,

[Jennifer Flynn](#)

Mayor and City Council  
X-7089-2015  
Ex. 78

**From:** [Gail](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Property  
**Date:** Wednesday, December 16, 2015 7:31:39 AM

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Re: Magruder Property at Rt. 124 and Rt. 28. in North Potomac

Good morning –

My name is Gail Faucett and I've been a Montgomery County resident for 48 years. I've lived in my current home, in the Mills Farm Development off Quince Orchard Road for the past 23 years. I've watched the development of pristine woodland into large home developments, the building of schools, gas stations and shopping centers. I've recently learned that the intersection of Rt. 124 and Rt. 28 would potentially be redeveloped for higher density use. I find this hard to believe. Located at that intersection is Quince Orchard High School. When school is in session, students can be found walking throughout this area, without much regard for vehicular traffic. This is not a discussion about student behavior, but a discussion about what is best for the students that attend this high school. Introducing the potential for additional traffic to this intersection and the potential for disastrous consequences is not an option. Although Magruder doesn't have plans in the near future for this intersection, the opportunity to expand is available. I am asking as a citizen, resident, professional and most of all as a mother, please do not allow additional density to be approved for this site.

Thank you,  
Gail Faucett.

Mayor and City Council  
X-7089-2015  
Ex. 79

**From:** [Wendy A. Dinova-Wimmer](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Concerns about Magruder Property next to QOHS  
**Date:** Wednesday, December 16, 2015 7:34:27 AM

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As a citizen of Montgomery county, I am concerned about the plans for the Magruder property on the corner of QO Rd and 28. I live a block away on McDonald Chapel Dr.

- 1.) Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).
- 2.) We have lived in this area for 25 years. With all the development, the road seems to be at full capacity. It is so difficult to move during school and rush hours on the corner of 28 and QO Rd. The higher density commercial at that intersection will affect public safety for students and residents in the surrounding area.
- 3.) As a MC citizen and taxpayer, I am against the City of Gaithersburg's plan for a "gateway". It is not what all surrounding Montgomery County residents want or need!

Thank you,

Wendy Dinova-Wimmer  
12109 McDonald Chapel Dr.  
Gaithersburg, MD 20878

**From:** [Guerra, Christopher G](#)  
**To:** [Planning External Mailing](#)  
**Subject:** NO EXPANSION  
**Date:** Wednesday, December 16, 2015 7:52:53 AM

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I say NO to the plans for Magruders to expand use from 40K to 200K for business use, if even referred to as 'at the right time'. You know how that goes. NO to the request. It will alter the wonderful neighborhood into another congested city. No room in the schools as well.

NO

Christopher G. Guerra  
Choral Music & Fine Arts  
Ridgeview Middle School

Mayor and City Council  
X-7089-2015  
Ex. 81

**From:** [Alan Nelson](#)  
**To:** [Planning External Mailing](#)  
**Subject:** City of Gaithersburg please don't approve the rezoning to MXD of Magruder Property on the southwest corner (McDonald's, Dunkin Donuts, and Papa John's Pizza area)  
**Date:** Wednesday, December 16, 2015 8:47:30 AM

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Dear Planning of Gaithersburg,

- 1.) Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify).
- 2.) I would like to express my concern over the higher density commercial at that intersection potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street). - I am against the rezoning of this area.
- 3.) I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, that those plans can change in the future... especially if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. This could result in even more families entering an area with already extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS)
- 4.) I am a Montgomery County Resident surrounding this intersection and a City of Gaithersburg residents and this high-density re-development will affect us directly and in potentially numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need!

--

best regards,  
Alan Nelson  
240-233-4377

Mayor and City Council  
X-7089-2015  
Ex. 82

**From:** [Craig Moskowitz](#)  
**To:** [Planning External Mailing](#)  
**Cc:** [csmosk83@gmail.com](mailto:csmosk83@gmail.com)  
**Subject:** Magruder Property  
**Date:** Wednesday, December 16, 2015 8:51:24 AM

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City Planner  
City of Gaithersburg

Re: Magruder Property Redevelopment at the corner of Quince Orchard Road and Route 28

To whom it may concern:

Our family has lived within a mile of the intersection of Quince Orchard Road and Route 28 for more than 22 years. Our children went to the surrounding schools, including Quince Orchard High School, and we have watched the community change over the years. A number of the changes have been positive, including the addition of a community library and some of the retail redevelopment on each of the corners not occupied by the school. Continued low density redevelopment with retail other than gas stations and banks would improve the walkable nature of the area and even provide more of a sense of place. Unfortunately the location of the high school makes a higher density development of this area impractical and would result in a very unsafe condition.

We encourage you to spend time in the mornings and afternoons at this intersection and observe the current pedestrian and vehicular traffic patterns. Students approach and leave the school from all directions and we have frequently observed kids crossing the Quince Orchard Road outside of crosswalks thru heavy traffic. Any redevelopment that increases vehicular traffic at this intersection will immediately degrade what is already an unsafe condition. By allowing a redevelopment thru a change in zoning, the City would take on liability for its negligence in promoting public safety.

Lower density redevelopment of this area to create a walkable town center environment without banks and gas stations on the prominent corners should be the long term master plan to create a vibrant community.

While considering the redevelopment of this area, please review the current Shell station "exhaust hut" at the this intersection for compliance with the sound ordinance in the zoning code. The fans in this hut are very loud and frequently on. This condition has been allowed to exist for some time with decibel levels that appear to be well over the zoning limits.

Sincerely,

Craig and Sharon Moskowitz  
12334 Fellowship Lane

Mayor and City Council  
X-7089-2015  
Ex. 83

**From:** [Ashley Forbrich](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Property  
**Date:** Wednesday, December 16, 2015 8:54:30 AM

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Hello, I currently live in Darnestown, Md off art 28. I have lived in the area for 5 years. I have noticed traffic significantly increase over that period. I am opposed to the redevelopment of 10 story building because it would create a very hectic commute for us residents living around QO. Please consider not building more homes and large commercial spaces at 28/124.

Regards,

Ashley Forbrich  
301-356-5253-cell

Mayor and City Council  
X-7089-2015  
Ex. 84

**From:** [Linda Stein](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Objection to Magruder Annexation  
**Date:** Wednesday, December 16, 2015 9:39:54 AM

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As a long time City resident, I am appalled that changes so close to my neighborhood are not being disclosed.

These important hearings and annexation issues should be distributed prominently. With enough advance notice so more residents can solicit feedback.

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. (There are no residential units within 200' of this area which is the required area to notify). Given the factual location of affected residents to the property, notice was not given to even one household!

2.) I am very concerned that higher density commercial use at this intersection will affect public safety for students and residents in the surrounding area. Especially with the High school right across the street. As a mother of an 8th grader about to enter QOHS, I am a member of that class.

3.) I am very concerned because even though the Magruders testified that there are no plans to revise the current plan to add residential units, those plans can change in the future. Changes would occur if the land is sold to another developer once the MXD (high-density commercial AND residential) are approved. The future sale is predicted. This could result in even more families entering an area with already extreme overcrowding in schools, including Rachel Carson ES, Thurgood Marshall ES, QOHS.

4.) The Montgomery County Residents surrounding this intersection who are not City of Gaithersburg residents have shared their thoughts about this high-density re-development. It will affect them directly and in potentially numerous negative ways. The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need!

I am requesting that City of Gaithersburg does not approve the re-zoning to MXD for this project.

Linda Balon Stein, Esq.

--

Linda Stein  
CEO.Founder.Formulator |  
+ 1.877.889.9969 |

Mayor and City Council  
X-7089-2015  
Ex. 85

**From:** [Scott McDowell](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder Property Annexation  
**Date:** Wednesday, December 16, 2015 9:43:47 AM

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In today's society we want openness and candor in all aspects of public matters. I am concerned about the efforts to build the residual community into a gateway for the city and the way it is being approached. I moved into a nice community that has small shops and a grocery store that I can walk to and enjoy. There seems to be plans to build those shopping centers into an ultra urban complex that is bigger than what fits into the community. What is worse is that we keep hearing of hints of the truth but never actually given the full truth. There seems to be plans that have not been publicly addressed perhaps because these plans are so out of line with the intentions of Montgomery County for this area. The only reason that these landowners have expressed that they want the annexation is that it would be easier to get things approved in the city. This just seems to be very questionable approach.

I do not know how building these shopping centers at a minimum of 5x their current and approved capacity is good for the area. The area is so congested already and by adding all of these proposed developments it will only get worse. This impacts our schools, our traffic, our quality of life and our safety. It will add to the danger of the area affecting student safety and the residents in the surrounding area. I can tell you that coming home from work traffic is already worse in the miles prior to the main intersection than it is on the interstate.

I am also very concerned that I received all this information from my community even though my property is about 250 feet from the shopping center. The Magruder property is also surrounded by the firehouse and library so we really should expand that area to one mile. In fact, with the MXD proposal the area should include all homes that these new citizens would need to attend school. You already know that the schools are severely overcrowded and the county and city has had to raise their percentage standards not because it is the right thing to do for the students but because they can't solve the problem with the old standards. Allowing these developments to bypass those standards is ridiculous because these individuals would be attending schools in the county and not in the city. The city should not openly have a negative impact into the county without consideration to their neighbors. In fact, since your formula is normally used for your citizens attending your schools the right thing to do is to actually apply the county's formula in this situation since those kids would be attending the county's schools. One other fact about the MDX is that these students would be within two miles of TMES and therefore would not be provided a bus by the county. Thus those students would have to walk to TMES and Ridgeview. These kids would be at greater risk crossing that intersection and if this passes then there is responsibility by those who allowed this to happen.

Finally, these plans for potentially 10 story buildings and high density redevelopment really does not fit into this community. When you find such developments in the city and in other cities there is adequate buffer zones (parks, transitions) that doesn't force the development into the homes of the residents. That does not happen with these proposals. It will affect us directly and in potentially numerous negative ways. This gateway plan is something we do not want and in reality there is no need for such development.

Sincerely,

Scott McDowell

Mayor and City Council  
X-7089-2015  
Ex. 86

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

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Good Morning,

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

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

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

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

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

Sincerely,

Joanne Briscoe

Mayor and City Council  
X-7089-2015  
Ex. 87

**From:** [Kelvin Choi](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Requesting restriction on MXD re-zoning X-7089-2015  
**Date:** Wednesday, December 16, 2015 9:59:08 AM

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To whom it may concern:

I am writing to request a restriction on the MXD re-zoning of the Potomac Valley Shopping Center annexation project (case number X-7089-2015). The property is owned by Magruder Property.

I first have to express my disappointment in how the City of Gaithersburg handles this case. The annexation proposal submitted by Magruder Property request re-zoning the property to MXD, with a plan to increase the density of the area significantly. This include commercial and residential density. While the proposal will significantly impact the families who live in the area but outside of the city limit, the City did not notify the families in the area about the public hearing. No signs have been post at the property about the project. It is as such that the City is willing to get what it wants while sacrificing the lifestyle of county residents. This is simply unfair and unjust.

I hereby request the following:

- 1.) Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property. While the City requirement is 200 feet, there are no residents in the 200 feet radius. The City need to understand that this is not a city area and therefore the population density is designed to be different from a city area. A 1 mile radius is reasonable and is what Montgomery County does.
- 2.) I have concerns over the higher density commercial at that intersection. A high school is right opposite the site with many students crossing the intersection in the morning and afternoon. The increase in density will bring additional traffic to the area, and increase the risk of students being involved in traffic accident.
- 3.) While Magradur Property testified that they currently have no plan to add residential units, such plan can change rapidly especially with a MXD zoning code. This would result in an increase in student enrollment at the surrounding school, which are already overcrowded. For example, Rachel Carson Elementary School already has 8 kindergarten classes, and Thurgood Marshall are already using portable classrooms to meet current study needs. Further increasing student populations in these school will reduce the physical space each students will have, which can influence their health (think about the spread of infectious diseases like flu, the higher the student density, the closer they will be to each other, and the higher chance a flu can spread between students).

To reiterate, the proposed annexation will bring big and negative changes to all Montgomery County Residents surrounding this intersection, but no negative impact on City of Gaithersburg residents. In fact, the City will have a pretty "gateway" while county residents suffer. Such a "gateway" does not meet the need of the surrounding Montgomery County residents.

Thank you for your consideration.

Sincerely,

Mayor and City Council  
X-7089-2015  
Ex. 88

Kelvin Choi

12632 Carrington Hill Drive

Darnestown, MD 20878

**From:** [cmsilvey@gmail.com](mailto:cmsilvey@gmail.com) on behalf of [Carolyn Silvey](#)  
**To:** [Planning External Mailing](#)  
**Subject:** Magruder property rezoning  
**Date:** Wednesday, December 16, 2015 10:01:19 AM

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Dear Mr. Bauer and members of the Gaithersburg Planning Commission.

I am writing to go on record concerning the proposed rezoning of the Magruder property along Rt. 28 and Quince Orchard Road, and the proposed annexation of the Potomac Valley Shopping Center.

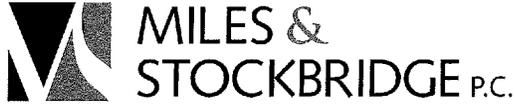
Both of these projects, if approved, would allow for much higher density and development than currently exists in this neighborhood center. Quintupling the available retail/office space on the Magruder property alone (for development "when the time right", according to a family representative) would dramatically alter the feel and purpose of this intersection. It is not the Washingtonian Rio area, nor even Watkins Mills West, where high-rise buildings and large commercial development already exists.

This is an area bounded by neighborhoods and directly across the street from Quince Orchard High School. The intersection is already congested during rush hour and school start/end times and experiences heavy pedestrian traffic. Increased development, now or in the future, would only exacerbate traffic difficulties and raise safety concerns for the many high school students who walk across to study in the Quince Orchard library (adjacent to the Magruder property) or to patronize the local establishments already in these plazas. My eldest child will be attending QOHS in a few years and the thought of her school surrounded by tall office buildings and the accompanying parking garages makes me quite nervous.

Please do not re-zone this area to MXD development, allowing such an increase in density and destroying a neighborhood corner. Please also consider notifying the residents surrounding these areas (even those of us who live outside the City limits) of development plans and hearings.

Thank you,  
Carolyn Silvey  
14513 Omaha Court  
North Potomac, MD 20878

Mayor and City Council  
X-7089-2015  
Ex. 89



Casey L. Cirner  
301.517.4817  
[ccirner@milesstockbridge.com](mailto:ccirner@milesstockbridge.com)

**VIA HAND DELIVERY**

December 16, 2015

Mrs. Trudy Schwarz  
Community Planning Director  
Planning and Code Administration  
City of Gaithersburg  
31 S. Summit Avenue  
Gaithersburg, MD 20877

Re: Annexation – Potomac Valley Shopping Center (South)  
12130, 12140, 12110 & 12166 Darnestown Road, Gaithersburg, MD

Dear Mrs. Schwarz:

Please find enclosed herewith a disk containing copies of the construction drawings and occupancy permits for the above referenced addresses provided by the Montgomery County Department of Permitting Services in response to our Public Information Act request.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

  
Casey L. Cirner

Enclosure

cc: William Magruder, Darnestown Valley – WHM, LP and Darnestown Valley Petroleum  
WHM, LLC

Mayor and City Council  
X-7089-2015  
Ex. 90