

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. 170

From: [Tim Allemong](#)
To: [Planning External Mailing](#)
Subject: Magruder"s Zoning - QO Road and Route 28
Date: Wednesday, December 16, 2015 7:55:36 PM

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property - which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street). Safety for our students is a major concern.

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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 - without the County residents having a voice with the city.

The City of Gaithersburg plan for a "gateway" is not what all surrounding Montgomery County residents want or need.

Thank you for your time,

Tim Allemong
240-354-5643
N. Potomac, MD 20878

--

Sent from my iPhone...please excuse typos

From: [Toya](#)
To: [Planning External Mailing](#)
Subject: Re-Zoning to MXD property
Date: Wednesday, December 16, 2015 6:32:19 PM

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,
L. Bonner

Mayor and City Council
X-7089-2015
Ex. 172

From: [Gary Cain](#)
To: [Planning External Mailing](#)
Subject: Marred Property
Date: Wednesday, December 16, 2015 9:05:15 PM

To whom it may concern,
I am requesting that City of Gaithersburg not approve the re-zoning to MXD of this property. Additionally, please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. It is not fair to not include a 1 mile radius, which seems to intentionally exclude all of the nearby residents impacted by these proposals. Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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 consideration,

Gary Cain

15301 Kwanzan Court

Mayor and City Council
X-7089-2015
Ex. 173

From: [Miriam Cohen](#)
To: [Planning External Mailing](#)
Date: Wednesday, December 16, 2015 6:24:52 PM

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -
- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magraders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,
Miriam Cohen

Mayor and City Council
X-7089-2015
Ex. 174

From: [Carrie Daughtrys](#)
To: [Planning External Mailing](#)
Subject: Quince orchard & 28 corridor
Date: Wednesday, December 16, 2015 10:41:39 PM

To whom it my concern

I lived in a townhome in quince haven for 8 years and then moved off ruffle ford rd for the past 16 years- the possibility of current possible planning/development for the johnson & magruder property in this area will negatively effect overcrowding of schools, traffic flow (which is already in need of relief),
Sent from my iPhone

Mayor and City Council
X-7089-2015
Ex. 175

From: pamdelvecchio@gmail.com on behalf of [Pam Del Vecchio](#)
To: [Planning External Mailing](#)
Subject: Magruder Property
Date: Wednesday, December 16, 2015 6:05:34 PM

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,

Pamela Del Vecchio
12913 Buckeye Dr
Gaithersburg, MD 20878

Mayor and City Council
X-7089-2015
Ex. 176

From: [Erin Nisson](#)
To: [Planning External Mailing](#)
Subject: Magruder Property
Date: Wednesday, December 16, 2015 5:02:47 PM

I am a City of Gaithersburg resident, a Quince Orchard High School parent and President of our QOHS PTSA. I'm writing concerning the Magruder property (Dunkin Donuts/Shell) on 28 and Quince Orchard. I'm very concerned that the City would even consider annexing this property into the City and changing the zoning to MXD. I was at the County Planning Board meeting where the plan was submitted and approved basically because there was no change to their current center.

As the President of our PTSA, I know there are many concerned parents and staff. Our roads are so dangerous now for our students - drivers, walkers and bike riders. That intersection is a nightmare. Also our school is already overcrowded and is predicted to increase yearly. Giving the potential to add more residential or bigger buildings/more cars without addressing any of the schools real issues could lead to detrimental results.

As the parent of a QO student I see mornings, evenings, sports events, back to school nights, etc and how dangerous driving and parking can be in that area. Even though I realize today the plan may not call for residential or a much more dense area, changing the zoning. I believe, would give the property owner the right to do so at any time. Or, worse yet, selling it to someone else who will make it much more crowded and dangerous than it already is.

Finally, as a city of Gaithersburg resident, I have real concern with the direction the city is taking in this area. The county has not allowed this to happen to date, and it seems like the city is much more likely to allow development. As you know, the property discussed is surrounded by County, not city. At the very least, the school should be notified if there are any changes happening to that property. It is directly across a very narrow street that 2000 children cross every day. Most of what we've gotten has come from neighbors who are directly impacted by all three of these corners.

I am personally opposed to MXD zoned development at this site. Again, it just gives the opportunity for either the current owners or future owners to do much more than we can handle at the corner.

Maybe it is time for the city to sit down with members of the community and the school to have a discussion?

Thank you,
Erin Nisson

Mayor and City Council
X-7089-2015
Ex. 177

From: [Steve Gammarino](#)
To: [Trudy Schwarz](#)
Cc: [Jud Ashman](#); [Councilmember Katz](#); councilmember.rice@montgomerycountymd.gov; [Susan Fitzpatrick](#); [Munish Mehra](#); [Walter E Johnson](#); ABoard@gmail.com
Subject: Re: Gaithersburg's Planned Annexation of the Johnson and Potomac Valley Shopping Center Properties
Date: Thursday, December 17, 2015 4:12:36 PM
Attachments: [image001.png](#)
[LettertoGaithersburgMayor12.14.2015.docx](#)

Trudy,

Thanks for your response.

Regarding some of our concerns expressed in our letter of December 14th to Mayor Ashman, we would appreciate clarification on the following.

- 1) Will Gaithersburg's Planning Department be evaluating its notification area when alerting area residents to potential zoning changes? Reference concern #1 in our attached letter. Going forward, please include the community presidents who signed this letter in your future notifications of activities regarding the Johnson and Potomac Valley Shopping Center properties.
- 2) Are we correct in interpreting how the school capacity standards work between Gaithersburg and Montgomery County? Reference concern #3 in our attached letter.

Thanks again to your attention to these concerns.

Steve Gammarino
President, Hidden Ponds HOA

On Tue, Dec 15, 2015 at 4:33 PM, Trudy Schwarz <TSchwarz@gaitthersburgmd.gov> wrote:

Thanks Mr. Gammarino

We will add this to the record of X-7089-2015. We did receive the email to Mayor Ashman, too. Please be aware that the Planning Commission made their recommendation on the Potomac Valley Shopping Center to the Mayor and City Council on October 21, 2015 (Exhibit 31). We will forward this to Chair Bauer.

This email will also be added to the Johnson Annexation File.

Thank you for your kind words about staff.

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](tel:(301)258.6330) | F [\(301\) 258.6336](tel:(301)258.6336)

tschwarz@gaitthersburgmd.gov

www.gaitthersburgmd.gov

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The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

From: Steve Gammarino [mailto:steve.gammarino@gmail.com]

Sent: Tuesday, December 15, 2015 12:44 PM

To: Planning External Mailing

Subject: Gaithersburg's Planned Annexation of the Johnson and Potomac Valley Shopping Center Properties

To: Planning Commission Chair Bauer, Martin Matsen, Rob Robinson and Trudy Schwartz

Attached is a letter concerned citizens sent to the Mayor of Gaithersburg concerning the cities planned annexation of the Johnson and Potomac Valley Shopping Center.

Please include this letter in your review of the Potomac Valley Shopping Center annexation and rezoning.

We appreciate your support on these concerns.

Please let us know if you have any questions.

Best Regards,

Steve Gammarino

President, Hidden Ponds HOA

Mayor Jud Ashman
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

December 14, 2015

Dear Mayor Jud Ashman:

We write to request that your office take seriously the concerns regarding the upcoming planned annexation of the Potomac Valley Shopping Center (PVSC) and Johnson Properties at the intersection of Route 28 and 124. Though we are not in Gaithersburg's city limits, we are significantly affected by the planned annexation of these properties by the City of Gaithersburg. Our communities surround the proposed annexed sites and we share a common goal to ensure that our community continues to adhere to the high standards for education and infrastructure while still maintaining a suburban character. We hope this vision is shared by you, the City Council, and City Planners. With this preface we respectfully submit our requests and concerns:

1) Notification Area for Annexation and Development - We respectfully request that the city expand the notification area to a one mile radius for development and redevelopment for these properties. It's our understanding that the City of Gaithersburg applies a 200 foot radius for notification. This will result in few if any communities being formally notified of the City's process involving these properties. For example, there are no communities bordering the PVSC property as it is bordered by Firehouse Station 31, Quince Orchard Library, and Routes 28 and 124. A one-mile radius notification area is consistent with Montgomery County's requirements which state "The applicant also must send written notice to abutting and confronting property owners and to homeowners associations and civic associations within a one-mile radius."¹

We've been advised by staff at the City's Planning Board that the leadership of the nearby communities can request to be included in a notification list. We will certainly avail ourselves of this, but still recommend that you reconsider the current notification policy to ensure that residents receive timely and adequate information regarding changes.

2) Rezoning of PVSC and Johnson Properties to MXD - We are especially concerned that with the planned annexations by the City of Gaithersburg, these three corners of Routes 28 and 124 will be rezoned to Mixed Use Development (MXD). This rezoning would allow for significant commercial and residential development. Our concerns are heightened by the long-term vision, as stated in Gaithersburg's Master Plan, for redevelopment of this area as a gateway to the City of Gaithersburg. This area is designed for low-density suburban living that includes an agricultural reserve to the west. We would be concerned if there were changes to have dense commercial/residential development in this area. As area residents and the County planners have observed, the local roads and schools are already overcrowded creating significant traffic and safety issues. Further, high rise buildings would change the look and feel of this intersection considerably from a suburban area to a city area. We could also potentially lose

¹ http://www.montgomeryplanning.org/info/participating_effectively.shtm#FindOut .

many needed and community resources such as the grocery store, banks, and small restaurants. In sum, we are opposed to changes to the zoning for these properties.

3) School Capacity Standards –Our schools in the Quince Orchard Cluster (QOC) are deemed by the Montgomery County Planning Department to have “inadequate” student capacity. Our concerns are exacerbated by the City’s new Adequate Public Facilities Ordinance (APFO) of 150% - per school, before imposing a moratorium on new residential development. This APFO is inconsistent and significantly higher than Montgomery County’s standard of 120% - per cluster. It’s our understanding that this could result in residential development on the Johnson property even if the Quince Orchard Cluster exceeds the County’s moratorium standard for new development of 120%. If this is correct, we are strongly opposed to the City’s APFO as it impacts our County schools.

4) The Johnson Property – On November 12th Montgomery County’s Planning Board decided that the Johnson’s proposed property modifications represented a significant change from today’s approved zoning and, therefore, did not endorse Johnson’s proposal. This included a recommendation by the Planning Board to the County Council to put a 5 year moratorium on any changes to the property upon annexation by the City of Gaithersburg. Since then we’ve learned that the Johnson Family has asked for a delay in their application from the County and the City of Gaithersburg to allow them more time for community outreach and assessment of their proposed plan. We look forward to receiving and reviewing any additional plans for this property.

We thank you for considering our viewpoints and would like these to be part of the record these properties. We are also available to discuss these issues with you at your convenience. We want to also acknowledge your staff, particularly, Trudy Schwarz and Rob Robinson, for their willingness to provide information and address our questions.

Sincerely,

Stephen Gammarino
President, Hidden Ponds HOA
3 Hidden Ponds Court
North Potomac, MD 20878

Susan Fitzpatrick
President, North Potomac
Citizens Association
P.O. Box 4216, North Potomac, MD 20885

Lee Bowes
President, Quince Orchard Knolls
Community Association

Walter Johnson
Orchard Hills
Community Association
16004 Charles Drive
Gaithersburg, MD 20878

Munish Mehra
President, Willow Ridge
Community Association
12500 Copen Meadow Court
Gaithersburg, MD 20878

Cc: Montgomery County Council member Sidney Katz,
Montgomery County Council member Craig Rice
Montgomery County Planning Board Chair, Casey Anderson
Gaithersburg Planning Commission Chair, John Bauer
Planning Division Chief, Martin Matsen, AICP
Long Range Planning Manager, Rob Robinson, AICP
Community Planning Manager, Trudy Schwarz
Hidden Ponds Homeowners
NCPA Homeowners
Quince Orchard Knolls Homeowners
Orchard Hills Homeowners
Willow Ridge Homeowners

From: [Betty S. Gotlinger](#)
To: [Trudy Schwarz](#)
Subject: Re: FW: Concerned About Development
Date: Wednesday, December 16, 2015 7:59:15 PM

Totally against this .With the open lunch at the High School , we need to maintain the commercial businesses where the kids can go.

Betty S. Gotlinger
Capital Management & Development, Inc.
CSG Urban Properties, LLC
Executive Administrator / Property Manager
4801 St Elmo Avenue
Bethesda, Maryland 20814
Office 301-656-3033
Fax 301-656-3412
bgotlinger@verizon.net

Dec 16, 2015 07:18:44 PM, Greg.Gotlinger@sas.com wrote:

From: Trudy Schwarz [<mailto:TSchwarz@gaithersburgmd.gov>]
Sent: Wednesday, December 16, 2015 7:06 PM
To: Greg Gotlinger
Subject: RE: Concerned About Development

Thank you for your correspondence. It will be entered in the Mayor and City Council of the City of Gaithersburg Council record for X-7089-2015.

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

tschwarz@gaithersburgmd.gov

Mayor and City Council
X-7089-2015
Ex. 179

From: Greg Gotlinger [<mailto:Greg.Gotlinger@sas.com>]

Sent: Wednesday, December 16, 2015 4:04 PM

To: Planning External Mailing

Subject: Concerned About Development

Do not want this development to take place as this area is congested enough and next to a high school.

Greg Gotlinger

Greg Gotlinger

SAS Sales and Related Global Operations

111 Rockville Pike, Suite 1000

Rockville, Maryland 20850

301-838-7030 x51145

Greg.Gotlinger@SAS.Com

SAS ... *The Power to Know*

From: [Halima Karzai](#)
To: [Planning External Mailing](#)
Subject: Please do NOT approve annexation and re-zoning to MXD for Potomac Valley South Shopping Center
Date: Wednesday, December 16, 2015 5:10:05 PM

> Good afternoon,

>

> My name is Halima Karzai and I am a home owner at the Quince Haven Estates and the parent of a child attending Thurgood Marshall Elementary School. I would like to formally request that the City of Gaithersburg not approve annexation and re-zoning to MXD for the Potomac Valley South shopping center.

>

> Here are some reasons why I have concern over the re-zoning:

>

> 1.) Increasing the density of commercial property from 40,000 square feet to almost 200,000 square feet would significantly impact the public safety of that intersection and surrounding blocks. Especially with the Quince Orchard HS that is across the street. Living within 1/4 mile of the shopping center, we already regularly witness issues with pedestrians and especially students who are picked up and dropped off near and within the Potomac Valley South Shopping Center... and have had many near accidents with students almost getting hit by cars. Also with so many entrances and exits to the Potomac Valley South Shopping Center, this also poses a danger for multiple directions of cars to possibly cross paths with pedestrians.

>

> 2.) I also have concern over the MXD zoning with regards to high density residential units. Even though the Magruder's have testified that they will not add any high-density residential units in the future, the possibility still remains that they would be able to revise their plan if they need to "respond to market conditions". The fact that the Vice Chair of the City Council at the last public hearing requested whether they would be willing to put the condition of "no residential" in writing... and they flat out said NO... is a cause for concern. If you are going to say that you are not planning to add residential, why wouldn't you be willing to put it into writing?

>

> 3.) I am a resident of Montgomery County and I live in the a Quince Haven Neighborhood which is walking distance from the Potomac Valley South shopping center. I do not understand how the City of Gaithersburg is able to approve such a high-density commercial property on our doorstep with so many potential negative impacts on our community that borders the Potomac Valley South Shopping Center ON ALL SIDES.

>

> 4.) I would also request that City of Gaithersburg provide for any future notifications to a minimum of 1 mile surrounding the Potomac Valley South Shopping Center for any residents so that we may have sufficient notice of any future changes and hearings.

>

> Thank you for your time, and I hope that City of Gaithersburg takes into serious consideration the voices of those Montgomery County residents surrounding who are strongly against this new high-density re-development at Potomac Valley South Shopping Center.

> Halima Karzai

Home owner at Quince Haven Estates

From: [Farah Kinani](#)
To: [Planning External Mailing](#)
Subject: about the the re-zoning to MXD
Date: Wednesday, December 16, 2015 6:56:35 PM

Here is a sample letter that someone in our community shared. You can make minor changes and send it on.

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magraders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,
Farah Kinani

N. Potomac, MD 20878

--

Farah Kinani Heydari
Freelance journalist/Author

Mayor and City Council
X-7089-2015
Ex. 181

From: [Stacy K.](#)
To: [Planning External Mailing](#)
Subject: Magruder Property re-zoning
Date: Wednesday, December 16, 2015 9:04:34 PM

To whom it may concern,

I am requesting that City of Gaithersburg not approve the re-zoning to MXD of this property. Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,
Stacy Kravitz
12401 Triple Crown Rd

From: [Jen Legge](#)
To: [Planning External Mailing](#)
Subject: Magruder Property
Date: Wednesday, December 16, 2015 10:18:09 PM

To whom it may concern,

We are requesting that City of Gaithersburg not approve the re-zoning to MXD of the Magruder property at the intersection of Quince Orchard Road and 28.

Please expand any and all notifications of future changes/development to a one-mile radius around the Magruder property. The development will affect everyone in the Quince Orchard school district and we'd like to be able to express our opinions.

I am concerned about placing a higher density commercial development at this intersection, especially given the proximity to the high school, which is directly across the street. Increased traffic could jeopardize the safety of our teens. It also puts additional strain on Route 28, which is a County Road that the City is not responsible for improving.

Although the Magraders testified that they are not planning to add residential units, does anything prevent them (or a subsequent owner) from adding residential units once the zoning is changed? This could result in even more families entering an area with extreme overcrowding in schools (Rachel Carson ES, Thurgood Marshall ES, QOHS).

The Montgomery County residents surrounding this intersection are not all 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,

Matthew and Jennifer Legge
12733 Triple Crown Road

Mayor and City Council
X-7089-2015
Ex. 183

From: [Elana Lipa](#)
To: [Planning External Mailing](#)
Subject: MXD zoning
Date: Thursday, December 17, 2015 1:31:25 PM

Dear City of Gaithersburg Planning,

I am in favor of the Johnson and Magruder land at Rt 28 and Quince Orchard Rd being annexed by the City of Gaithersburg, but the zoning type of MXD is too dense for that area. As it stands, the roads and intersection are not optimal. This needs to be carefully planned.

I am not yet living in City of Gaithersburg limits, but maybe I will at some point.

Thank you,
Elana Lipa
12200 Pueblo Rd
20878

Sent from my iPhone

Mayor and City Council
X-7089-2015
Ex. 184

From: [Padma Krishnaswamy](#)
To: [Planning External Mailing](#)
Subject: concern from Quince Orchard Knolls resident about rezoning adjacent areas to increase commercial development
Date: Thursday, December 17, 2015 4:56:43 PM

To Whom it may concerned:

As a homeowner in an adjacent residential area, I am very concerned that the sort of unconstrained commercial development that has occurred elsewhere not also become the norm in our vicinity.

Specifically writing about the

Prospective redevelopment of the Magruder section. 200,000 sq feet, and 10 story buildings should not be zoned next to residential areas with schools. Such aesthetic considerations, including greenspace as have been afforded in the past, need to be respected, and not set aside. In the long run this will benefit all- residents and businesses.

regards,

N. Iyer

Mayor and City Council
X-7089-2015
Ex. 185

From: [Lynda Rosenthal](#)
To: [Planning External Mailing](#)
Subject: Annexation of Magruder property
Date: Wednesday, December 16, 2015 5:26:01 PM

To whom it May concern:

With this message I request that the City of Gaithersburg does not approve the annexation petition and the request for re-zoning (to Mixed Use Development) of the Magruder property for the following reasons:

- 10 story buildings
- 40,000sq of office space increased to up to 200,000sq of office space!
- public safety concerns for our QOHS students and residents.

Thank you for the opportunity to accept my concerns.

Kind regards,

Lynda Citta

Mayor and City Council
X-7089-2015
Ex. 186

From: [Henry Marraffa - External](#)
To: ["Katie Rapp"; Planning External Mailing; CityHall External Mail](#)
Cc: ["Councilmember Katz's Office"; "Councilmember Rice's Office"; "Munish Mehra"; "Lindsay Hoffman"](#)
Subject: RE: X-7089-2015 Potomac Valley Shopping Center Annexation
Date: Wednesday, December 16, 2015 6:28:27 PM

Katie

Thank you for your detailed and informed email. Your concerns are indeed on target. But let me assure you that the city of Gaithersburg's planning staff, Mayor and City Council are aware of them and have prided ourselves in keeping the city growing responsibly and with full transparency. We have always kept all stakeholders advised as to our plans and in the past, on larger projects such as Kentland's and Olde Towne, instigated **charrettes** where all could be involved in the planning. There is an old saying "growth is inevitable, do it correctly". I have seen Gaithersburg grow from 30,000 to over 65,000 population, and we have been designated as the 17th Best Place to Live and Raise Kids by national organizations. We could not do that without a great staff and keeping people involved and up to date. This corner has grown from a country road with a nursery to a major intersection with a high school and 3 commercial areas. This property will continue to grow. The plans to annex them into the city and change the zoning will make it easier and much more streamlined for it to grow correctly. Markets and growth will dictate what happens here in the future but developers and the city need the correct tools to address the issues you brought up, which this annexation plan will do. That's what annexations agreements do so there are no surprises, but responsible growth. I have been involved in this process since 1993 when I first was appointed to the Board of Appeals and elected in 1995 and worked on all of the major projects such as Kentland's, Lakeland's, Washingtonian RIO, Olde Towne, Crown Farm and Watkins Mill. I will put Gaithersburg as one of the best places for developers to do business the right way because of our professionalism, dedication and citizen participation. We will grow together correctly.

Thank you and we will keep everyone involved.

Henry

Henry Marraffa
Gaithersburg City Council
301-977-5029 home/office
301-442-2142 cell
hmarraffa@starpower.net

From: Katie Rapp [<mailto:wookyluvr2002@yahoo.com>]
Sent: Wednesday, December 16, 2015 3:53 PM
To: Planning External Mailing; CityHall External Mail
Cc: Councilmember Katz's Office; Councilmember Rice's Office; Munish Mehra; Lindsay Hoffman
Subject: X-7089-2015 Potomac Valley Shopping Center Annexation

Dear Mayor Ashman, Councilmembers, planning staff:

Mayor and City Council
X-7089-2015
Ex. 187

I served as president of Willow Ridge Civic Assn for about 11 years and continue to serve on the board. Several nearby community organizations, including WRCA, have submitted a separate joint letter. I am in support of the points they raise and hope you will consider them carefully. I am writing with my own personal concerns about the proposed annexations at Routes 28 and 124.

TOO MUCH

I am in support of the Magruders updating their shopping center on both sides and I understand that is made easier by both sides being in the City. If it were that simple, I would have little to say. MXD zone has no height limits and the Magruders have requested a 10 story maximum height. In addition, per Trudy Scharz's report, the potential commercial footprint on the property is increased five-fold in this annexation request... from about 40k square feet currently to almost 200k sf. This is a significant change in the land usage at the already busy corner adjacent to the high school. Even if these numbers are very long-term, down-the-road-40-years numbers, they represent a significant change at the corner in what is now suburbia. I understand the Magruders currently have no plans for redevelopment, but these requests provide insight into their long-term vision for the property. If similar development occurred on all 3 corners at this intersection, it would represent a wholesale change to the area, whenever it happens... no longer suburbia. And because all 3 corners might be annexed and rezoned MXD, this concerns me.

COMPLEX TO SIMPLE... AND VERY ATTRACTIVE TO DEVELOPMENT

The timing of the Magruder annexation request at exactly the same time as the Johnson property is concerning. As you know, everything about the intersection now is complicated -- multiple jurisdictions, county planning areas, zones, representation. It would be very difficult for a developer to come in and do anything in a coordinated way. Now, suddenly, it becomes very simple. All 3 corners surrounding the high school (assuming the Magruders ask for MXD on the Starbucks corner, as mentioned in the Gaithersburg Master Plan) will all be in the same jurisdiction (City of Gaithersburg) and all will have the same zoning (MXD). I keep hearing the benefit is that it's easier to develop in Gaithersburg. This will make it very easy to shop the 3 corners to a developer, and the 3 corners combined are over 37 acres... a sizable chunk of land. This is concerning.

We heard Bill Magruder say to the Gaithersburg city council "When the time is right it will be right and having both sides in one municipality will allow us to respond to the market as quickly as we can." This doesn't sound like someone who has no plan for redeveloping his property. He's waiting for the right offer. His lawyer referred to "a comprehensive redevelopment" that can be a "landmark development" at both sides of a major road. And this would be made easier by a single master plan covering all corners in the same jurisdiction. This continues to be my concern... not what the property owners say they're going to do, but what they CAN do under the annexation and rezoning. The timing is unknown... leases can be broken, the market can change, a developer can make the right offer. I realize it would have to go through the City's approval process, but it is concerning that the set up for something major seems to be happening.

SURROUNDING COMMUNITY NOT REPRESENTED

The surrounding residents' interests are not represented by the elected officials of the city of Gaithersburg -- we don't vote for you. I appreciate the process you have in place and my

ability to be a part of the process. But in the end, you all represent the interests of the residents of Gaithersburg and this does not include the county residents surrounding this intersection. Annexation feels like an encroachment of the city into our backyards (and that is literal, in the case of the Johnson property).

REQUEST FOR EXPANSION OF COMMUNITY NOTIFICATIONS

This is basic. I realize the Magruder property is passing through the process without the snags that the Johnson property annexation met with. I realize the Magruders claim to have no current plans to redevelop the property and they do not currently plan any kind of residential development. However, I have learned to anticipate and expect what's possible, not what's said straight out. Once the property is in city of Gaithersburg with MXD zoning, things could change.

Inclusion of the community in the process is only on paper unless you expand the notification range. Almost no one lives within 200' of the Magruder property. Please expand notification to community associations within a mile radius so that we know when changes to the property are proposed.

MY PERSPECTIVE ON COMMUNITY INVOLVEMENT IN THE PROCESS

I want to add that while this annexation may not seem of serious concern from your perspectives because the Magruders aren't making any changes now and have tenants with long leases... as a community member, I have concerns. We have suffered the results over the years of seemingly innocent changes made to properties that had huge unanticipated impacts a decade or two later, and we have little recourse when the property owner has set it up in a way that ultimately benefits them. I want to make sure the larger community is served by the changes made on the Magruder and Johnson properties.

Even though there is a long review process in the city, it is difficult for the community to be effectively involved. We have to be constantly vigilant, we have to find out about proposals, someone has to have the time and patience to read reports and enough experience and context to understand the details and implications, and there needs to be a mechanism for communicating this information to the larger community. Having individuals/volunteers in the community willing and able to undertake this is not a given. People move, HOA members turn over, institutional memory is erased, people don't know their rights in the process, they lack time. It is not simple for the community to participate. We don't monitor city council meeting minutes. We didn't know about the series of hearings the city had already held about this property. While the city may believe the process is transparent and straightforward, I can tell you from a community member's perspective, it is a constantly-changing labyrinth.

Thank you for considering my concerns and the concerns of my neighbors in the Quince Orchard area. Many of the issues we raised about the Johnson annexation apply to the Magruder property, as well. The roads aren't serving us adequately now. Don't make it worse. It is a dangerous, busy intersection with high school kids walking all over the place. Don't put the kids at more risk. We are concerned that there is any remote possibility of adding residential units in this area (realizing it's not a part of the current Magruder plan). The schools can't take it.

This is a lovely area to live and raise my family. I have lived here over 16 years and have been active in the community and schools. I realize change happens and I realize property owners want to maximize their properties' potential. As you consider these proposals, please keep in

mind how they could impact the current residents' quality of life. We want improvements that benefit us and the Quince Orchard community, not make us want to move away.

Sincerely,

Katie Rapp
12515 Carrington Hill Dr

From: [Helen McEntee](#)
To: [Planning External Mailing](#)
Subject: Please say no to changes for the MXD property
Date: Thursday, December 17, 2015 3:08:48 PM

I am a Gaithersburg resident, please don't allow any changes to the zoning for the route 28 Quince Orchard intersection.

Thank you,
Helen McEntee and Dominick Bruno

Sent from my iPad

Mayor and City Council
X-7089-2015
Ex. 188

From: [Leah Michaels](#)
To: [Planning External Mailing](#)
Cc: [Bob Michaels](#)
Subject: Please DO NOT APPROVE rezoning of the Magruder property to MXD.
Date: Thursday, December 17, 2015 4:45:55 PM

To whom it may concern,

We are requesting the City of Gaithersburg **not approve** the re-zoning to MXD of this property.

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, we are very concerned with the higher density commercialization affecting public safety for students and residents in the surrounding area. Our daughter is currently a student at QOHS and the existing area is already significantly dangerous given the traffic at the intersection of Quince Orchard and Darnestown Roads, as well as the crazy intersection at Darnestown Road and Riffle Ford where the lanes are reduced from two lanes to one.

We are concerned that even though the Magruders testified they have no plans to revise the current development plan to add residential units, we know those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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.

Sincerely,

Leah and Robert Michaels
15000 Carry Back Drive

--

Leah L. Michaels
Phone: 301.527.8254
Mobile: 240.899.2668
E-mail: llmichaels@gmail.com

Mayor and City Council
X-7089-2015
Ex. 189

From: [Jeff Odom](#)
To: [Planning External Mailing](#)
Subject: Magruder Property - Rt 128 and Rt 28
Date: Wednesday, December 16, 2015 6:55:07 PM

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does. The current Gaithersburg requirements do not include many residents affected.

Also, I am concerned with the higher density commercial property potentially affecting public safety for students and residents in the surrounding area. It will also adversely affect our traffic patterns which is almost already too unbearable.

I am concerned that even though the Magruder's testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools and severe traffic problems.

Lastly, we 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,

Jeff and Beth Odom
12535 Carrington Hill Dr
Gaithersburg, MD 20878

Mayor and City Council
X-7089-2015
Ex. 190

From: [Julian Orenstein](#)
To: [Planning External Mailing](#)
Cc: [Munish Mehra](#)
Subject: marred development at 124/28
Date: Thursday, December 17, 2015 10:05:32 AM

With apologies for missing yesterday's deadline, I want to add my voice to those who have expressed concern regarding development at the 124/28 corner.

I feel all communities within a 1-mile radius of the corner should be included in notifications regarding development instead of the current 200-foot requirement, as there are NO HOMES within that area

Also, as this is already a heavy-traffic area with a choke point just north of that corner, further commercial development would be frankly ruinous and turn the area into another poorly-planned exurb. The kind of place you move from, not to.

It is my strong hope that there be no future allowance for residential development, as we are already engaged in a fight with the Johnson family's effort to overdevelop their 14 acres.

The 'gateway' concept is a gateway to degrading a lovely corner of the county. We already have similar commercial centers at Kentlands, Crown, FallsGrove, the University center, and Firstfield.

Please. Enough is enough.

Give your residents a place to live and not another place to avoid.

Thank you

Julian Orenstein
julianjbo@mac.com

Mayor and City Council
X-7089-2015
Ex. 191

From: [Christy Pahk](#)
To: [Planning External Mailing](#)
Date: Wednesday, December 16, 2015 9:27:44 PM

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,

The Quince Orchard Community, and a fellow Quince Orchard High School 10th grade student.

From: [Julia Rosenbaum](#)
To: [Planning External Mailing](#)
Subject: Re: The MAGRUDER PROPERTY on the southwest corner (McDonald's, Dunkin Donuts, and Papa John's Pizza area) at the intersection of Route 124 and Route 28
Date: Wednesday, December 16, 2015 5:27:46 PM

To: The City Planner

I understand that there are plans to build a much higher density commercial area at the above property. I am very much against this idea. As a parent of a student who will be attending Quince Orchard High School next year I am very worried about over-crowding, and about the increase of traffic that would occur with a higher density commercial area. The quality of life would diminish as well with more crowds and traffic. One of the things I like best about living upcounty is that it is much quieter than Bethesda or Rockville. More stores, or multiple story builings will ruin that character.

Thank you,
Julia Rosenbaum
Bostwick Lane
Gaithersburg, MD

From: [Valerie Saffer-Stewart](#)
To: [Planning External Mailing](#)
Subject: stop
Date: Thursday, December 17, 2015 1:37:50 PM

please stop the development at OO rd and Rt 28.

Valerie Saffer-Stewart

From: [Sherry Schiebel](#)
To: [Planning External Mailing](#)
Subject: Re-Zoning of the Johnson Property
Date: Thursday, December 17, 2015 2:29:54 PM

I am not a resident of the City of Gaithersburg, but I do live very near the Johnson property I feel that it is irresponsible to change the character and population density of this area by with your re-zoning plans. You obviously are far more interested in a new tax basis and care nothing about the residents under your governance. But worst of all you do not care about the non-residents of your jurisdiction. This part of the county is already overdeveloped and services have not yet caught up with the current needs. Your plan, quite simply, will be the straw that breaks the camel's back.

Sarah Schiebel\
11505 Cherry Grove Drive
Gaithersburg (non resident), MD 20878
301-977-2620

Mayor and City Council
X-7089-2015
Ex. 195

From: [Marc Sliffman](#)
To: [Planning External Mailing](#)
Subject: Magruder Property
Date: Wednesday, December 16, 2015 5:35:29 PM

I have recently received notification of a request by the owners of the Magruder property at the corner of Quince Orchard Road and Rte 28 which, if approved, will permit significantly increased the density at the subject property. I and my family live about a block off of Quince Orchard Road, approximately 1 mile south of the intersection.

The approval of the request for a change will negatively impact the entire area. The safety of the students and residents will be compromised by a huge increase in traffic and population. The traffic, already an issue, will become much more severe. The schools, already suffering from overcrowding will also be negatively effected.

Magruder's testimony that they have no plans to revise the current plans are not persuasive.

They are not binding either on their actions in the future or on any subsequent owner of the property. Appropriate land use planning is the only way to prevent overcrowded schools and unacceptable traffic as well as not adding additional safety concerns in the area.

Thank you for your time.

Marc H. Sliffman, Esq.
15210 Gravenstein Way
North Potomac, MD. 20878
301-946-7650
fax: 301-933-7069

From: [Tony Spano](#)
To: [Planning External Mailing](#)
Subject: Magruder Property Quince Orchard Rd & Rt 28
Date: Thursday, December 17, 2015 10:37:24 AM

Thank you for taking the time to consider the community's concerns with regard to zoning and changes affecting this area of our County. I do not support this change. The majority of our homes are Montgomery County surrounding this intersection but not City of Gaithersburg. 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! My concerns are listed specifically the below

- 1.) There are no residential units within 200' of this area which is the required area to notification to changes in this plan but all of our families are immediately effected by it because of its location across from to Quince Orchard HS.
- 2.) Higher density commercial at that intersection will affecting public safety for students and residents in the surrounding area. There was a cycling death at this location just last year.
- 3.) The plans allow for more residential development. I do not and we should not take a the developer at there word that this will not be down the road. This will add to some of the most overcrowded schools in the county .

Thank you for your time.

Tony Spano
14910 Native Dancer Rd
Gaithersburg MD 20878

From: [Weber, James B. \(Jim\)](#)
To: [Planning External Mailing](#)
Subject: Magruder Property Development
Date: Wednesday, December 16, 2015 5:29:40 PM

To Whom It May Concern:

I have recently been made aware of a potential property development on the Magruder property at the corner of Quicne Orchard Road and Route 28 (Darnestown Road).

My understanding is that the development could allow higher density commercial development, including buildings up to 10 stories high. As a resident of the immediate area (12321 Pissaro Drive), I have deep concerns about the impact that this development will have on our school, neighborhoods and traffic patterns.

Development of this type would significantly increase the population in the immediate area, and that would in turn create additional overcrowding in schools that are ALREADY well over capacity already (Thurgood Marshall Elementary and Ridgeview Middle School, which my 5th grade and 8th grade sons attend). The development would also add significant traffic to an area that already has traffic problems. Even today, it is already extremely difficult to cross Route 28 to get into or out of the Willow Ridge / Orchard Hills neighborhood (which is where our elementary school is located) during morning and afternoon traffic times, and there is already a large traffic bottleneck created where Route 28 narrows down to a single lane at Riffle Ford Road.

Please take these concerns into consideration.

Sincerely,

James B. Weber, Jr.
12321 Pissaro Drive
North Potomac, MD 20878

Mayor and City Council
X-7089-2015
Ex. 198

From: [Margaret Keyes](#)
To: [Planning External Mailing](#)
Subject: Magruder Property (Rt. 124 / Rt. 28)
Date: Wednesday, December 16, 2015 8:22:34 PM

To whom it may concern,

I am requesting that City of Gaithersburg NOT approve the re-zoning to MXD of this property. Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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!
Margaret Weiner
North Potomac Resident
Jones Lane Elem / QOHS

From: [Michael Wiley](#)
To: [Planning External Mailing](#)
Subject: MAGRUDER PROPERTY CHANGES
Date: Thursday, December 17, 2015 2:48:01 PM

I would like to express my concern over the potential higher density commercial area at this intersection potentially affecting public safety for students and residents in the surrounding area, (especially with the High school right across the street). Please note a cyclist was killed at the intersection of this location just last year, so the concern is more than theoretical.

I am also concerned the development would eventually lead to increased residential density beyond the capacity of area schools- this is already a huge issue with current over-crowding, (Rachel Carson ES, Thurgood Marshall ES, QOHS).

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

Thank you for your consideration.

Michael Wiley

Mayor and City Council
X-7089-2015
Ex. 200

From: [Janet Wolk](#)
To: [Planning External Mailing](#)
Subject: City of Gaithersburg Rezoning to MXD
Date: Wednesday, December 16, 2015 5:28:26 PM

Please do not approve the re-zoning to MXD for the Magruder property on the corner of Quince Orchard Road and 28.

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property which is what Montgomery County does. Currently there are no residential units within 200 feet of this area which is the required area to notify. We are concerned that the higher density of commercial business at the intersection will wreak havoc on the already congested area with car traffic and pedestrians. When QOHS events are taking place as well as in the morning and afternoon during the weekdays when school starts and lets out, the safety of students and residents in the surrounding neighborhoods/areas are in jeopardy.

Even though the Magruders testified that they have no plans to revise the current plan to add residential units, 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. With new development a possibility, there is greater concern about overcrowding of schools, i.e. Thurgood Marshall Elementary, Quince Orchard High School, Lakelands Middle School and Rachel Carson Elementary School with the influx of more students and families into the area. Rachel Carson ES already has a huge issue with classes in portables and very large classes. With the Montgomery County Public School's budget cuts and the overcrowding issue because of overbuilt areas, this will be a major problem which can be avoided if this project is discontinued.

Thank you in advance for considering my concerns.

Janet Wolk
Quince Orchard Cluster Resident

Mayor and City Council
X-7089-2015
Ex. 201

From: [Michelle Woodfork](#)
To: [Planning External Mailing](#)
Subject: Magruder property
Date: Wednesday, December 16, 2015 8:27:45 PM

I am concerned about the Macgruder property. Please do not approve the rezoning to MXD. I am concerned about the safety of people, in particular Quince Orchard students having to cross the street. I am also concerned that although there are no current plans to add residential units, plans change. What happens if the land is sold to another developer and that new developer adds residential units? Our area can barely handle the already overcrowded school population.

Michelle Woodfork

Mayor and City Council
X-7089-2015
Ex. 202

From: [Carolynn Young](#)
To: [Planning External Mailing](#)
Subject: Magruder property concerns
Date: Wednesday, December 16, 2015 5:47:24 PM

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,
Carolynn Young
14516 Triple Crown Place

Mayor and City Council
X-7089-2015
Ex. 203

From: [Marc Zeid](#)
To: [Planning External Mailing](#)
Subject: do not allow re-zoning please.
Date: Thursday, December 17, 2015 9:38:09 AM
Attachments: [image002.png](#)
[image003.png](#)

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property - which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,

Marc Zeid
North Potomac, Md 208778

Sincerely,

Marc Zeid, Partner
(703) 288-6602 | Direct
(301) 704-3150 | Cell



CAPITAL SEARCH GROUP
1934 Old Gallows Rd | Suite 520 | Vienna, VA 22182



Mayor and City Council
X-7089-2015
Ex. 204

From: [leslie zeid](#)
To: [Planning External Mailing](#)
Subject: Fwd: Magruder property
Date: Thursday, December 17, 2015 9:54:18 AM
Attachments: [image001.png](#)
[image001.png](#)

Please read below.
Sent from my iPhone

Begin forwarded message:

From: leslie zeid <lzeid@me.com>
Date: December 17, 2015 at 9:51:32 AM EST
To: "planning@cityofgaithersburgmd.gov"
<planning@cityofgaithersburgmd.gov>
Subject: Magruder property

To whom it may concern,

I am requesting that City of Gaithersburg not approve the re-zoning to MXD of the Magruders property located at the corner of Rt. [28 and Quince Orchard Road](#).

Firstly, We would like to request that any/all notifications of future changes/development are sent to a 1 mile radius around the Magruder property -- which is what Montgomery County does. There are no residential residents within the current limits for City of Gaithersburg and I view the 200 foot parameter as unfair and misleading because of this.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. The high school directly across the street currently produces very high traffic, especially during morning rush hour. Additionally, the students walk through the intersection at various times during the day. Higher density would bring more traffic and create a dangerous situation.

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we are Montgomery County Residents surrounding this intersection, not City of Gaithersburg residents, (and we do not receive any City of Gaithersburg public services) yet this high-density re-development will affect us directly and in potentially numerous negative ways. The City of Gaithersburg plan for a

Mayor and City Council
X-7089-2015
Ex. 205

"gateway" is not what the surrounding Montgomery County residents want or need.

Thank you for your time,

Marc & Leslie Zeid
[12324 Pissaro Drive](#)
[North Potomac, MD 20878](#)

Sent from my iPhone

From: [carolyn B](#)
To: [Planning External Mailing](#)
Subject: Hello, I have a concern:
Date: Sunday, December 20, 2015 10:05:58 PM

I am not in favor of this commercial Building you want to built across Quince Orchard. We need peace and you will take it away from us. Because it is overcrowded already and it will get worse!!!!!!!!!!!!!!

Also I paid top dollars for my property and I don't want to lose my money. I know if there is nonsense activity and overcrowding then it will hurt us all. I need my property to have its value. If things get unsafe you can pay my bill. I hold you responsible if this area gets unsafe to the school and Quince Orchard plaza and the bank. We need a safe school environment and you are not allowed to take it away from us.
We will get more problems if this area gets crowded.

Take care!

families of our community
quince Orchard
anybody who you will meet at the bagel store agrees with me

From: [carolyn B](#)
To: [Planning External Mailing](#)
Subject: Hello, this is regarding the magruders property,
Date: Sunday, December 20, 2015 10:09:01 PM

Please what I sent in the email before is about the Magruders property,

I cannot stand it that our community gets unsafe, you have to do something about this,

please, in my email before I ment that I will hold them responsible, because it will hurt us all.

thanks,

carolyn

Mayor and City Council
X-7089-2015
Ex. 207

From: [Elisabeth Thibeau](#)
To: [Planning External Mailing](#)
Subject: Magruder Property Development
Date: Friday, December 18, 2015 1:40:20 PM

I'm writing to express my grave concern about the substantial development planned by the Magruder Company at the corner of Routes 28 and 124 in Gaithersburg. Though the plans are not immediate, they pose a serious threat to pedestrians and traffic. I understand plans include a 10-story building and up to 200,000 sq ft of building space. The traffic volume is already dangerous, especially considering the high school across the street.

The need to develop and maximize every open piece of commercial real estate in Montgomery County, without consideration for safety and life quality sickens me. I urge you to limit any space expansion on that property. I've read a lot of social media and I've no doubt that surrounding neighborhoods will fight such expansion vigorously.

Best regards,
Elisa Thibeau

Mayor and City Council
X-7089-2015
Ex. 208

From: [Standards Based Programs, Inc.](#)
To: [Planning External Mailing](#)
Subject: Possible annexation of Magruder Properties at Rt 28 & Quince Orchard Road
Date: Friday, December 18, 2015 8:22:15 AM

Planning Board,

Please add my voice to those that are concerned and protesting a proposed annexation of Magruder properties at Rt 28 & Quince Orchard Road to the City of Gaithersburg. The proposed development is an improbable and undesirable use for this tract of land that will create overdevelopment and commercialization of this neighborhood, possibly increase existing school overcrowding and exacerbate the traffic nightmare that already exists at this intersection.

The neighborhoods surrounding this area already have difficulty exiting their local streets several times during the day. Traffic backs up for several light cycles as students & teachers try to access Quince Orchard High School in the A.M. Furthermore, no planning or relief of this situation seems to be in the purview of these annexations.

Unmitigated development of this area is of great concern to existing residents and seems only to be of positive value to the developers. Please give your utmost consideration to these issues before granting this windfall to the Magruder property owners. Thank you.

Steve Permison
Fox Hills Green
N.Potomac, MD 20878

sbpermison@yahoo.com

Stephen B. Permison, MD
Standards Based Programs
Phone: 301.537.7019; Fax: 301.330.4785
Email: sbp@standardsbasedprograms.com

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Mayor and City Council
X-7089-2015
Ex. 209

From: [carolyn b](#)
To: [Planning External Mailing](#)
Subject: I payed way too much for my property and it can affect my property as well, and I don't want to live in an area which can potentially be unsafe.
Date: Monday, December 21, 2015 10:05:16 PM

I did sent you an email yesterday, but this is what I really want to say.

To whom it may concern,

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

Please expand any/all notifications of future changes/development to a 1 mile radius around the Magruder property -- which is what Montgomery County does.

Also, I am concerned with the higher density commercial potentially affecting public safety for students and residents in the surrounding area. (especially with the High school right across the street).

I am concerned that even though the Magruders testified that they have no plans to revise the current plan to add residential units, we know that those plans can change in the future... especially if the land is sold to another developer. This could result in even more families entering an area with extreme overcrowding in schools.

Lastly, we 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,

carolyn

From: [Katie Rapp](#)
To: [Trudy Schwarz](#)
Subject: Re: Magruder Annexation Policy Discussion Deferred
Date: Tuesday, January 05, 2016 2:56:05 PM

Thank you.

From: Trudy Schwarz <TSchwarz@gaitthersburgmd.gov>
To: Katie Rapp <wookyluvr2002@yahoo.com>
Sent: Tuesday, January 5, 2016 12:28 PM
Subject: RE: Magruder Annexation Policy Discussion Deferred

Katie,
We were originally thinking that it would be the next Mayor & City Council Meeting (1/19/16), but now it is looking more like (2/1/2016).
I will let you know.
Trudy

From: Katie Rapp [mailto:wookyluvr2002@yahoo.com]
Sent: Monday, January 04, 2016 7:35 PM
To: Trudy Schwarz
Subject: Re: Magruder Annexation Policy Discussion Deferred

Thank you, Trudy. How do we find out when it is rescheduled?

Happy New Year to you... I hope you are doing well.

Katie

From: Trudy Schwarz <TSchwarz@gaitthersburgmd.gov>
To: "wookyluvr2002@yahoo.com" <wookyluvr2002@yahoo.com>
Sent: Monday, January 4, 2016 3:54 PM
Subject: Magruder Annexation Policy Discussion Deferred

Happy New Year Katie,

I just wanted you to know that Mayor and City Council's Policy Discussion for the Magruder Shopping Center Annexation Petition X-7089-2015 that was scheduled for this evening, January 4, 2015, has been deferred.

I would appreciate it if you could let the PSTAs know that you had notified originally about the annexation.

Thanks for your assistance,
Trudy

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

Mayor and City Council
X-7089-2015
Ex. 211

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

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

tschwarz@gaithersburgmd.gov

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From: [Martin Matsen](#)
To: [Trudy Schwarz](#); [John Schlichting](#)
Subject: FW: Magruder property
Date: Thursday, January 21, 2016 3:10:41 PM
Attachments: [image001.png](#)

FYI

From: Boyd, Fred [<mailto:fred.boyd@montgomeryplanning.org>]
Sent: Thursday, January 21, 2016 3:07 PM
To: Hoffman, Lindsay; 'Katie Rapp'
Cc: Munish Mehra; Rob Robinson
Subject: RE: Magruder property

good afternoon....

the involvement of the planning board and its staff is limited to our review of the annexation petition. that review focused only on proposed land uses, as set out in the state's law regarding annexations. once the planning board concluded that the proposed land uses and densities were generally consistent with those allowed under the applicable county master plan, and once the board advised the county council of its determination, its responsibility under state law was fulfilled. we have no further role to play.

fred

*Frederick Vernon Boyd
Community Planner
Area 3 Planning Team
Montgomery County Planning Department*

8787 Georgia Avenue
Silver Spring, Maryland 20910

301 495 4654
fred.boyd@montgomeryplanning.org

From: Hoffman, Lindsay [<mailto:Lindsay.Hoffman@montgomerycountymd.gov>]
Sent: Thursday, January 21, 2016 2:23 PM
To: 'Katie Rapp' <wookyluvr2002@yahoo.com>
Cc: Munish Mehra <mmehra@qbiop.com>; 'Rob Robinson' <RRobinson@gaitthersburgmd.gov>;
Boyd, Fred <fred.boyd@montgomeryplanning.org>
Subject: RE: Magruder property

Hi Katie,

This is really a question for the planners so I've copied both Rob Robinson and Fred Boyd for their input.

Mayor and City Council
X-7089-2015
Ex. 212

Best,
Lindsay

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

From: Katie Rapp [<mailto:wookyluvr2002@yahoo.com>]
Sent: Wednesday, January 20, 2016 5:51 PM
To: Hoffman, Lindsay <Lindsay.Hoffman@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>
Cc: Munish Mehra <mmehra@qbiop.com>
Subject: Magruder property

Hello Councilmember Katz and Lindsay,

Happy new year to you both. I have a question about the Magruder property. It says in the Jan 15 Town Courier that they did not have final consent from all the property owners about the sketch plan and that's why it was taken off the city council agenda. Can you clarify what that might mean? Can they change the sketch plan after it has gone through the county planning process with that very basic sketch plan that showed essentially no changes? Can they change that now? If they change the sketch plan, does it go back to Fred Boyd at any point and go back to the county or is the county out of it? It seems like bait and switch. I also have a question about the Johnson property which I'll send separately.

Thanks,
Katie

Shopping Center Annexation Discussion Postponed

By GINA GALLUCCI-WHITE

The policy discussion on a request to annex the 8.28-acre property of the Potomac Valley Shopping Center into the city was postponed hours before the start of the Jan. 4 Mayor and City Council meeting.

Mayor Jud Ashman informed the audience at the start of the meeting that the annexation discussion was being postponed due to a technical issue.

In an email to The Town Courier the next day, John Schlichting, director of Planning and Code Administration, said the discussion was “deferred last night because we are still awaiting final consent from all of the property owners concerning the proposed

sketch plan for the property.”

Property owners Darnestown Valley - WHM LLC and Darnestown Valley Petroleum WHM LLC have asked the land be rezoned from the county into the city’s mixed use development. Located at Md. 124 and Md. 28, the property is within the city’s maximum expansion limits as adopted by the city in 2013. If annexed, the only city resource that would be extended to the property is police services.

There are no current plans by the owners for residential use of the property.

Schlichting added, “The applicant is hopeful that it will be rescheduled for the Jan. 19 meeting but we won’t be placing it on the agenda until we receive said consent.”

From: [Naomi Yount](#)
To: [Trudy Schwarz](#)
Subject: Questions about the Magruder property annexation X-7089-2015
Date: Thursday, February 11, 2016 11:41:04 AM
Attachments: [image001.png](#)

Hello Trudy,

I am working with Katie to keep informed on the Magruder Property Annexation status. Can you please provide any updated information you may have? Last we heard it might go on the January 19th agenda and/or sometime in the future. Do we have a date for when it will go in front City Council again? Or if any updated sketches have been submitted? I don't see it yet for past meeting agendas on the Gaithersburg website.

Also, as I am relatively new to the City information, is there a website that the drawings would be posted upon submission to the planning commission?

I really and truly appreciate any updates you may provide! I have heard you are an invaluable resource!

Thanks

Naomi

Vice President, NPCA



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

From: Katie Rapp <wookyluvr2002@yahoo.com>
To: Trudy Schwarz <TSchwarz@gaitthersburgmd.gov>
Cc: "Councilmember.Katz@montgomerycountymd.gov" <Councilmember.Katz@montgomerycountymd.gov>; "COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV" <COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV>; Lindsay Hoffman <lindsay.hoffman@montgomerycountymd.gov>; Munish Mehra <mmehra@qbiop.com>; Rob Robinson <RRobinson@gaitthersburgmd.gov>; Neil Harris <nharris@gaitthersburgmd.gov>
Sent: Tuesday, December 15, 2015 11:35 PM
Subject: Re: Questions about the Magruder property annexation X-7089-2015

Thank you, Trudy. Did the Magruders make any other requests (besides the 10 story max height) after your report was written?

Thanks,

Mayor and City Council
X-7089-2015
Ex. 213

Katie Rapp

From: Trudy Schwarz <TSchwarz@gaithersburgmd.gov>
To: Katie Rapp <wookyluvr2002@yahoo.com>
Cc: "Councilmember.Katz@montgomerycountymd.gov" <Councilmember.Katz@montgomerycountymd.gov>; "COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV" <COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV>; Lindsay Hoffman <lindsay.hoffman@montgomerycountymd.gov>; Munish Mehra <mmehra@qbiop.com>; Rob Robinson <RRobinson@gaithersburgmd.gov>; Neil Harris <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

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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; 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 site¹². 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>
To: Katie Rapp <wookyluvr2002@yahoo.com>
Cc: "Councilmember.Katz@montgomerycountymd.gov" <Councilmember.Katz@montgomerycountymd.gov>; "COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV" <COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV>; Lindsay Hoffman <lindsay.hoffman@montgomerycountymd.gov>; Munish Mehra <mmehra@qbiop.com>; Rob Robinson <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**

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

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

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;

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>
To: "wookyluvr2002@yahoo.com" <wookyluvr2002@yahoo.com>
Cc: "Councilmember.Katz@montgomerycountymd.gov" <Councilmember.Katz@montgomerycountymd.gov>; "COUNCILMEMBER.RICE@MONTGOMERYCOUNTYMD.GOV" <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 16th. 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

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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;

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

From: [Naomi Yount](#)
To: [Trudy Schwarz](#)
Subject: RE: Questions about the Magruder property annexation X-7089-2015
Date: Friday, February 12, 2016 10:11:40 AM

Hi

Thank you so much for the response!

I will keep my eye out for any updated information and if you happen to think of it and come across their submission, please do email me and/or Katie and let us know.

Thanks so much,
Naomi

From: Trudy Schwarz [mailto:TSchwarz@gaithersburgmd.gov]
Sent: Friday, February 12, 2016 9:32 AM
To: Naomi Yount
Subject: RE: Questions about the Magruder property annexation X-7089-2015

Dear Ms. Yount:

The City is still waiting for documentation from one of the property owners concerning the Annexation. We do not have a date for the scheduling of next meeting that this application will be heard by the Mayor & City Council. No updated sketches have been submitted.

Here is a link to the City Project page for this application

<http://www.gaithersburgmd.gov/government/city-projects/potomac-valley-shopping-center-annexation>

Also here is a link to the Planning Commission web page. This lists upcoming Planning Commission meetings. The final agenda is usually posted on Friday afternoon with the exhibits for plans.

<http://www.gaithersburgmd.gov/government/boards-committees-and-commissions/planning-commission>

I hope that this assists you,
Trudy

From: Naomi Yount [mailto:NaomiYount@Westat.com]
Sent: Thursday, February 11, 2016 11:41 AM
To: Trudy Schwarz
Subject: Questions about the Magruder property annexation X-7089-2015

Hello Trudy,

I am working with Katie to keep informed on the Magruder Property Annexation status. Can you please provide any updated information you may have? Last we heard it might go on the January 19th agenda and/or sometime in the future. Do we have a date for when it will go in front City

Mayor and City Council
X-7089-2015
Ex. 214

Council again? Or if any updated sketches have been submitted? I don't see it yet for past meeting agendas on the Gaithersburg website.

Also, as I am relatively new to the City information, is there a website that the drawings would be posted upon submission to the planning commission?

I really and truly appreciate any updates you may provide! I have heard you are an invaluable resource!

Thanks

Naomi

Vice President, NPCA





Casey L. Cirner
301-517-4817
ccirner@milesstockbridge.com

VIA ELECTRONIC MAIL
AND REGULAR MAIL

February 17, 2016

The Honorable Jud Ashman, Mayor
Michael A. Sesma, Council Vice President
Council Member Neil Harris
Council Member Henry F. Marraffa, Jr.
Council Member Ryan Spiegel
Council Member Robert T. Wu
c/o Mrs. Trudy Schwarz
Community Planning Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2038

Re: Annexation – Potomac Valley Shopping Center (South)
12130, 12140, 12110 Darnestown Road, Gaithersburg, MD
Case Number: X-7089-2015

Dear Mayor Ashman and Council Members:

On behalf of the Petitioners, Darnestown Valley - WHM LP and Darnestown Valley Petroleum - WHM, LLC, we respectfully request that the record for the above-referenced Annexation be reopened in order to provide additional time for the terms of the Annexation Agreement to be finalized.

We appreciate your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Casey L. Cirner', is written over a light blue background.

Casey L. Cirner

cc: William P. Magruder, Darnestown Valley - WHM LP and
Darnestown Valley Petroleum - WHM, LLC

Mayor and City Council
X-7089-2015
Ex. 215

Client Documents:4811-2201-4510v1|10871-000009|2/17/2016

Mayor and City Council Agenda Item Request

Meeting Date: 3/7/2016

Type: Staff Guidance

Call to Podium:

Trudy Schwarz

Agenda Item Title:

Request a Motion to Reopen the Record for Annexation Petition X-7089-2015, the Annexation of Approximately 8.28 Acres of Land Located Adjacent to the Present Corporate Limits and to Establish MXD (Mixed Use Development) Zoning for Said Land, Known as the Potomac Valley Shopping Center, Located at the Southeast Corner of the intersection of Quince Orchard Road (MD Route 124) and Darnestown Road (MD Route 28), Gaithersburg, Maryland and Adjacent Road Rights-Of-Way

Responsible Staff and Department:

Trudy Schwarz, Community Planning Manager

Greg Mann, Planner II

Martin Matsen, Planning Chief

John Schlichting, Dir., Planning & Code Administration

Lynn Board, City Attorney

Desired Outcome from Council:

Make a motion to reopen the record on X-7089-2015 and vote to hold open indefinitely

Public Hearing History	
Introduction Date:	9/8/2015
Advertisement Date :	10/8/2015
	10/15/2015
Public Hearing Date:	11/16/2015
Record Held Open Date:	12/16/2015
Policy Discussion Date:	
Anticipated Adoption Date:	

SUPPORTING BACKGROUND ON NEXT PAGE

Mayor and City Council
X-7089-2015
Ex. 216

Mayor and City Council Agenda Item Request

Supporting Background Information:

The applicant for annexation X-7089-2015 has requested that the Mayor and City Council's record for the annexation petition be reopened in order for them to finalize the terms of the annexation with all property owners. See attached letter from the applicant.

Staff directed the applicant to submit this request because the Zoning Ordinance, Chapter 24 of the City Code, states in the MXD Zone procedures for an application for MXD (Mixed Use Development) Zone and Sketch Plant [§24-160D.9(a)(2)] that Council "shall take action on the application within ninety (90) days after the close of the council's hearing record." The record of the Annexation Petition closed on December 16, 2015 and 90 days from that date is March 15, 2016. Since the Annexation request MXD Zoning and includes a Sketch Plan, staff recommended that the applicant request the record to remain open until the annexation agreement is ready to be signed.

The annexation petition was filed by Miles & Stockbridge, PC, on behalf of Darnestown Valley-WHM LP and Darnestown Valley Petroleum WHM, LLC, owners of the Potomac Valley Shopping Center, located south of Darnestown Road and adjacent to the City's corporate limits. It should be noted that the portion of Potomac Valley Shopping Center north of Darnestown Road is located within the City's municipal boundary. The area proposed for annexation is located at the southeast corner of the intersection of Darnestown Road (Maryland Route 28) and Quince Orchard Road (Maryland Route 124.) The addresses for the properties include: 12110, 12114, 12116, 12118, 12120, 12126, 12130, 12132, 12136, 12140, 12146, 12150, 12154, 12158, 12162, 12166, and 12168 Darnestown Road. The Applicant's petition (Exhibit 2 with Attachments 2-A through 2-S) requests that the City annex approximately 8.28 acres of land from Montgomery County into the City. The area of annexation includes the southern portion of the Potomac Valley Shopping Center, which consists of Parcel C and parts of Parcel D and F, totaling 4.6734 acres of land. The petition also includes 2.3209 acres of right-of-way for Darnestown Road (Maryland Route 28) and 1.2934 acres of right-of-way for Quince Orchard Road (Maryland Route 124.)

In addition to the annexation request, the petition also proposes rezoning the subject property from the Montgomery County Neighborhood Retail (NR 0.75) Zone to the City's Mixed Use Development (MXD) Zone. This is in conformance with the Land Use Element of the 2009 Master Plan of the City of Gaithersburg, which recommends that The Potomac Valley Shopping Center properties have a land use designation of Commercial-Office and be zoned MXD. The properties are located within the City's Maximum Expansion Limits as identified within the Municipal Growth Element of the 2003 Master Plan. The application includes a Revised Sketch Plan (Exhibit 52), an MXD Justification Statement (Exhibit 2-Q) and an Annexation Plan (Exhibit 3) for providing services for the properties.

The annexation petition resolution (Exhibit 7) was introduced by the Mayor and City Council on September 8, 2015 (Exhibit 23). The Planning Commission reviewed the request, which included a staff analysis (Exhibit 13), at their October 7, 2015, meeting. On October 21, 2015, the Planning Commission recommended approval of the annexation petition and establishing zoning of the properties as MXD (Mixed Use Development) Zone (Exhibit 31). The Mayor and City Council

Mayor and City Council Agenda Item Request

conducted the public hearing on the application on November 16, 2015 and closed the record of the application on December 16, 2015.

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (MNCPPC) reviewed this annexation request at their November 12, 2015 meeting and acknowledged the authority of the City to annex the property (Exhibit 40). The Montgomery County Council, sitting as the District Council for that portion of the Maryland - Washington Regional District in Montgomery County, Maryland, on December 1, 2015, approved a resolution acknowledging the authority of the City of Gaithersburg to approve Annexation No. X-7089 [2015] and rezone the property to the City's Mixed Use Development (MXD) Zone (Exhibit 49).

More information about the annexation, including the exhibits, is available on the City's Web page at <http://www.gaithersburgmd.gov/government/city-projects/potomac-valley-shopping-center-annexation>

Attachments:

Letter Requesting Reopening of the record of X-7089-2015

Location Map



Casey L. Cirner
301-517-4817
ccirner@milesstockbridge.com

VIA ELECTRONIC MAIL
AND REGULAR MAIL

February 17, 2016

The Honorable Jud Ashman, Mayor
Michael A. Sesma, Council Vice President
Council Member Neil Harris
Council Member Henry F. Marraffa, Jr.
Council Member Ryan Spiegel
Council Member Robert T. Wu
c/o Mrs. Trudy Schwarz
Community Planning Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2038

Re: Annexation – Potomac Valley Shopping Center (South)
12130, 12140, 12110 Darnestown Road, Gaithersburg, MD
Case Number: X-7089-2015

Dear Mayor Ashman and Council Members:

On behalf of the Petitioners, Darnestown Valley - WHM LP and Darnestown Valley Petroleum - WHM, LLC, we respectfully request that the record for the above-referenced Annexation be reopened in order to provide additional time for the terms of the Annexation Agreement to be finalized.

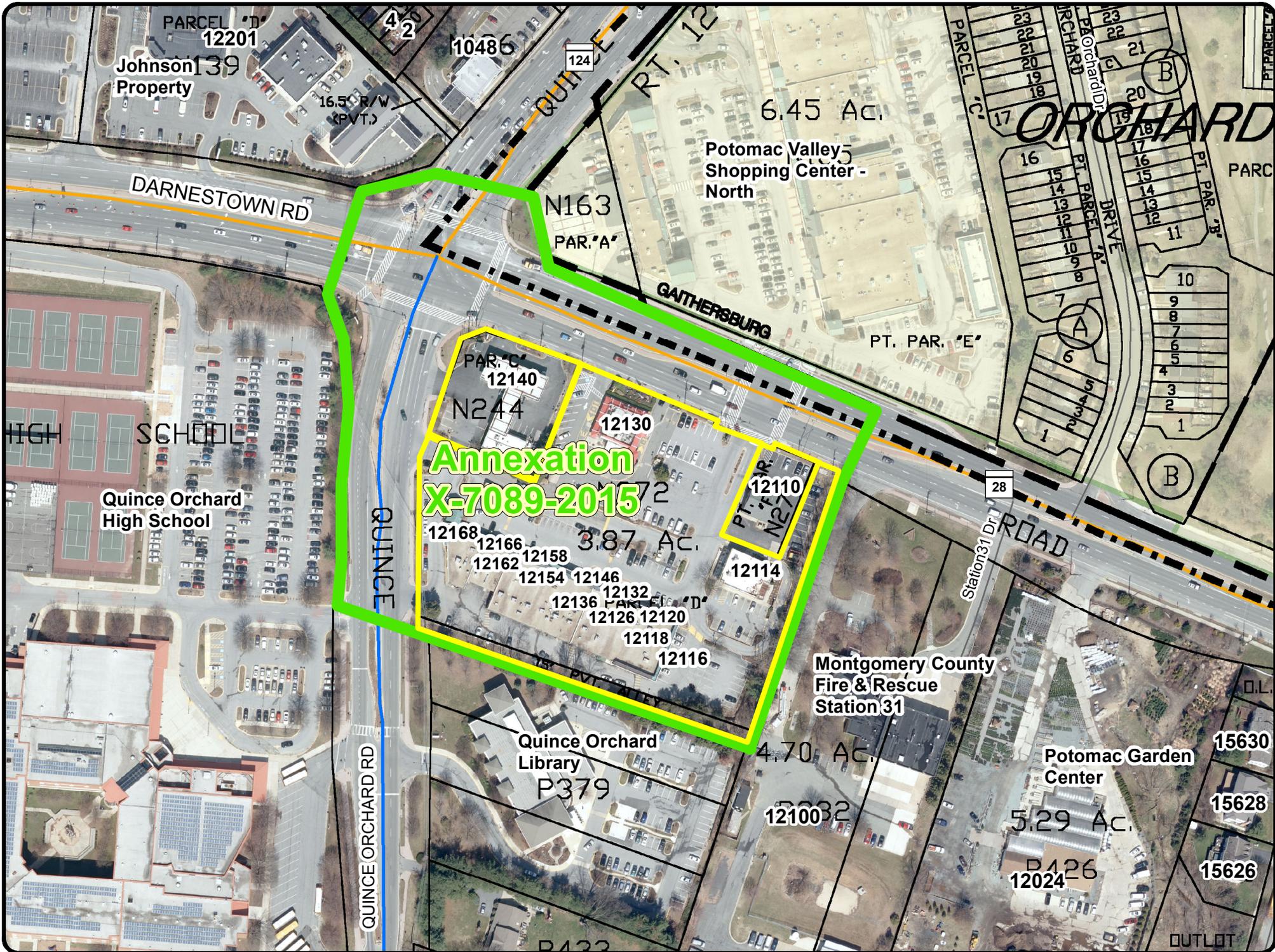
We appreciate your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Casey L. Cirner', is written over a light blue horizontal line.

Casey L. Cirner

cc: William P. Magruder, Darnestown Valley - WHM LP and
Darnestown Valley Petroleum - WHM, LLC



 X-7089-2015 Location Map



The City of Gaithersburg makes no warranty, express or implied, for the completeness and accuracy of the information depicted on this map. All rights reserved. 8/20/2015 • tschwarz

From: [Naomi Yount](#)
To: [Trudy Schwarz](#)
Subject: RE: Magruder Annexation Update
Date: Monday, February 29, 2016 1:41:43 PM

Hi Trudy,

Thank you again for keeping us in the loop. Am I reading it correctly in that the Magruder Annexation is now calling for a few changes from when the property was originally annexed?

- 1) 5% less green space
- 2) Only 15 foot setback versus 100 feet from adjoining streets and properties
- 3) Now up to 10 story buildings.

I assume none of these were in the original application? It was hard for me to tell.

Sorry for the basics and let me know if there is someone else I should be asking these questions!

Thanks again!

Naomi

From: Trudy Schwarz [mailto:TSchwarz@gaitthersburgmd.gov]
Sent: Monday, February 29, 2016 12:41 PM
To: wookyluvr2002@yahoo.com; Naomi Yount
Subject: Magruder Annexation Update

Katie & Naomi,

Here is an update on the Magruder Annexation: At the request of the applicant of the Magruder Annexation, staff is recommending that the record of the annexation X-7089-2015 be reopened. The City is waiting for documents from one of the property owners in order to finalize the annexation agreement. Attached is the most recent draft from 12-15-2016.

This will be discussed at the March 7, 2016, Mayor & City Council meeting at City Hall Council Chambers which starts at 7:30 pm. The agenda for that meeting will be posted on the City's Web site by Thursday evening.

Please email me if you have any questions.

Trudy

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@gaitthersburgmd.gov

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The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff,

Mayor and City Council
X-7089-2015
Ex. 217

Mayor or Council

From: [Katie Rapp](#)
To: [Trudy Schwarz](#)
Subject: Re: Magruder Annexation Update
Date: Monday, February 29, 2016 2:37:46 PM

Thank you.

From: Trudy Schwarz <TSchwarz@gaitthersburgmd.gov>
To: "wookyluvr2002@yahoo.com" <wookyluvr2002@yahoo.com>; "Naomi Yount (NaomiYount@Westat.com)" <NaomiYount@Westat.com>
Sent: Monday, February 29, 2016 12:40 PM
Subject: Magruder Annexation Update

Katie & Naomi,

Here is an update on the Magruder Annexation: At the request of the applicant of the Magruder Annexation, staff is recommending that the record of the annexation X-7089-2015 be reopened. The City is waiting for documents from one of the property owners in order to finalize the annexation agreement. Attached is the most recent draft from 12-15-2016.

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Please email me if you have any questions.

Trudy

**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@gaitthersburgmd.gov

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The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

Mayor and City Council
X-7089-2015
Ex. 218

From: [Ryan Spiegel - External](#)
To: [Tony Tomasello](#); [John Schlichting](#); [Dennis Enslinger](#); [Lynn Board](#); [Martin Matsen](#)
Subject: Fwd: Potomac Valley/Magruder Annexation to Gaithersburg and Rezoning
Date: Thursday, March 03, 2016 5:17:14 PM
Attachments: [Letter-Request to Reopen Record X-7089-2015 2-17-2016.pdf](#)
[ATT00001.htm](#)
[X-7089-2015 Ex 055 - Annexation Agreement Draft w Exhibits 12-15-2015.pdf](#)
[ATT00002.htm](#)

Begin forwarded message:

From: Bill and Carol Scott <scott97@comcast.net>
Date: March 3, 2016 at 4:01:33 PM EST
To: <MCP-Chair@mncppc-mc.org>, Natali Fani-Gonzalez <Natali.Fani-Gonzalez@mncppc-mc.org>, Marye Wells-Harley <Marye.Wells-Harley@mncppc-mc.org>, Norman Dreyfuss <Norman.Dreyfuss@mncppc-mc.org>, Amy Presley <Amy.Presley@mncppc-mc.org>
Cc: fred boyd <fred.boyd@montgomeryplanning.org>, Councilmember elrich <Councilmember.elrich@montgomerycountymd.gov>, councilmember floreen <councilmember.floreen@montgomerycountymd.gov>, Councilmember Riemer <Councilmember.Riemer@montgomerycountymd.gov>, Councilmember Katz <Councilmember.Katz@montgomerycountymd.gov>, Councilmember Berliner <Councilmember.Berliner@montgomerycountymd.gov>, Councilmember Hucker <Councilmember.Hucker@montgomerycountymd.gov>, Councilmember Navarro <Councilmember.Navarro@montgomerycountymd.gov>, Councilmember Rice <Councilmember.Rice@montgomerycountymd.gov>, Councilmember Leventhal <Councilmember.Leventhal@montgomerycountymd.gov>, <jashman@gaithersburgmd.gov>, <msesma@gaithersburgmd.gov>, <nharris@gaithersburgmd.gov>, <hmarraffa@starpower.net>, <rspiegel@gaithersburgmd.gov>, <rwu@gaithersburgmd.gov>, "Carol and Bill, Scott" <scott97@comcast.net>
Subject: Potomac Valley/Magruder Annexation to Gaithersburg and Rezoning

Dear Planning Board Member,

My name is Carol Scott and I live in Willow Ridge, about 1/2 mile from the Potomac Valley property. I testified at the County Planning Board meeting on 11/12/15 in opposition to the annexation and rezoning of this property, for most of the same reasons given in opposition to the Johnson annexation/rezoning. Mr. Boyd's report and testimony at that meeting noted the property owners' stated plan for no significant changes to the property. During your deliberation, you specifically cited the petitioners' assertion of maintaining the property use in its current form as reason not

to recommend the 5-year moratorium on development.

Now, a few weeks later, we have information from City of Gaithersburg that the property owners are requesting waivers and exceptions from the requirements of the MXD zoning, including allowing development up to 10 stories, a reduction in green space, and setbacks of only 15 feet from adjacent properties and from Quince Orchard Rd, bordering Quince Orchard High School. Any of these would most definitely be significant changes to the current use of the property!

I would like to know what action is necessary to bring this issue back before the County Planning Board and/or the entire County Council. The idea that a property owner can grossly misrepresent their plans to the County Planning Board in order to achieve annexation without stipulations, and then immediately change the plans, is NOT acceptable.

Thank you for your time and attention,
Carol Scott



Casey L. Cirner
301-517-4817
ccirner@milesstockbridge.com

VIA ELECTRONIC MAIL
AND REGULAR MAIL

February 17, 2016

The Honorable Jud Ashman, Mayor
Michael A. Sesma, Council Vice President
Council Member Neil Harris
Council Member Henry F. Marraffa, Jr.
Council Member Ryan Spiegel
Council Member Robert T. Wu
c/o Mrs. Trudy Schwarz
Community Planning Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2038

Re: Annexation – Potomac Valley Shopping Center (South)
12130, 12140, 12110 Darnestown Road, Gaithersburg, MD
Case Number: X-7089-2015

Dear Mayor Ashman and Council Members:

On behalf of the Petitioners, Darnestown Valley - WHM LP and Darnestown Valley Petroleum - WHM, LLC, we respectfully request that the record for the above-referenced Annexation be reopened in order to provide additional time for the terms of the Annexation Agreement to be finalized.

We appreciate your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads 'Casey L. Cirner'.

Casey L. Cirner

cc: William P. Magruder, Darnestown Valley - WHM LP and
Darnestown Valley Petroleum - WHM, LLC

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
X-7089-2015
Ex 55

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

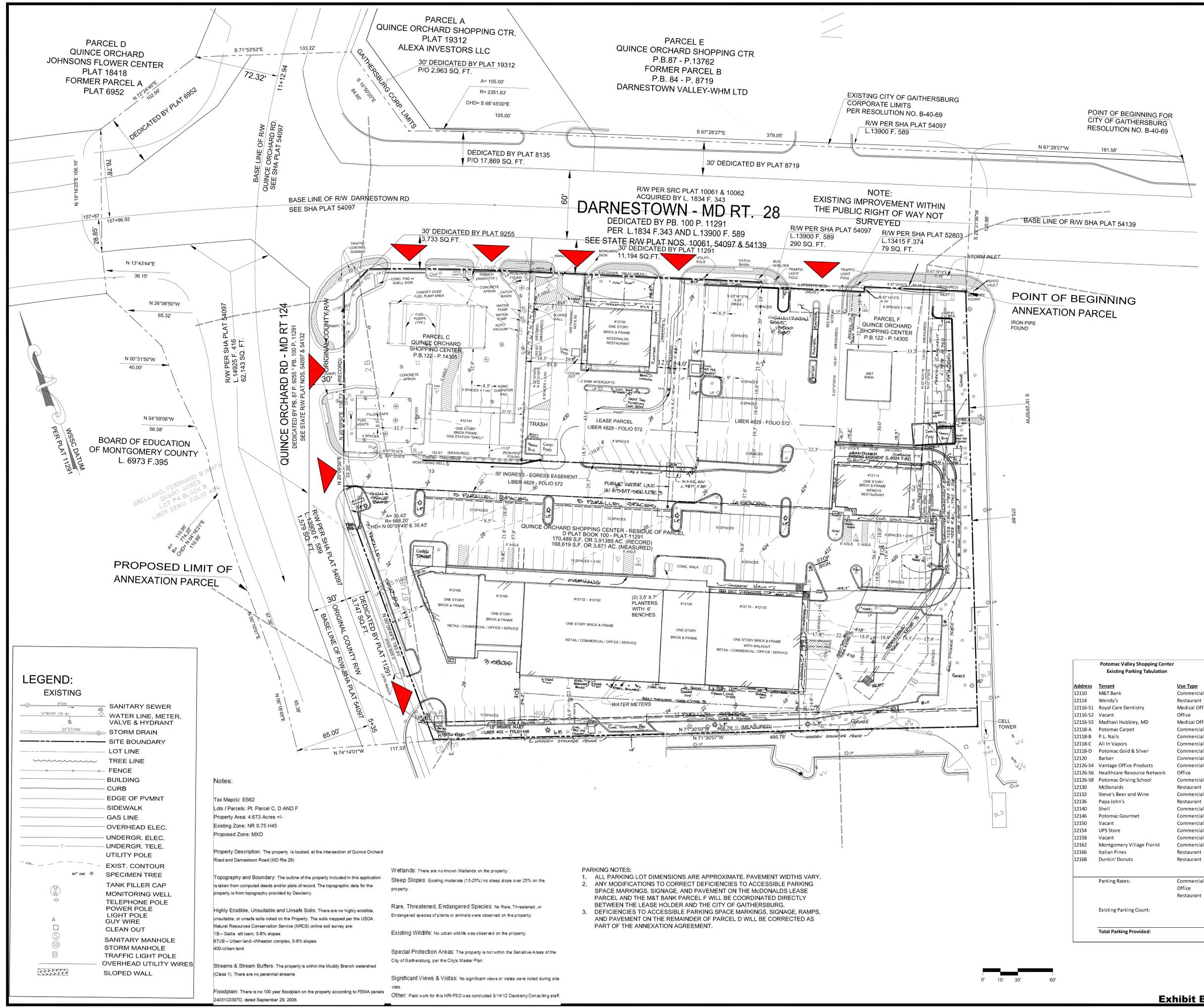
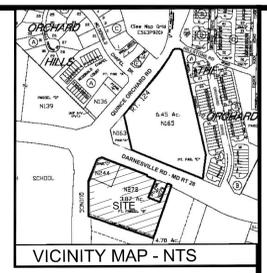


Exhibit B

LEGEND:

EXISTING	
	SANITARY SEWER
	WATER LINE, METER, VALVE & HYDRANT
	STORM DRAIN
	SITE BOUNDARY
	LOT LINE
	TREE LINE
	FENCE
	BUILDING
	CURB
	EDGE OF PAVEMENT
	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

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, Unstable and Unsafe Soils: There are no highly erodible, unstable, or unsafe 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
Totals				39,097	165.4

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
Total Parking Provided:	242	Spaces



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.

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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.

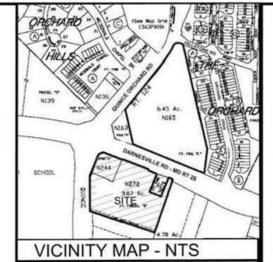
Rare, Threatened, Endangered Species: No Rare, Threatened, or Endangered species of plants or animals were observed on the property.

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



Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
301.948.8300 Fax: 301.258.7607
www.dewberry.com

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



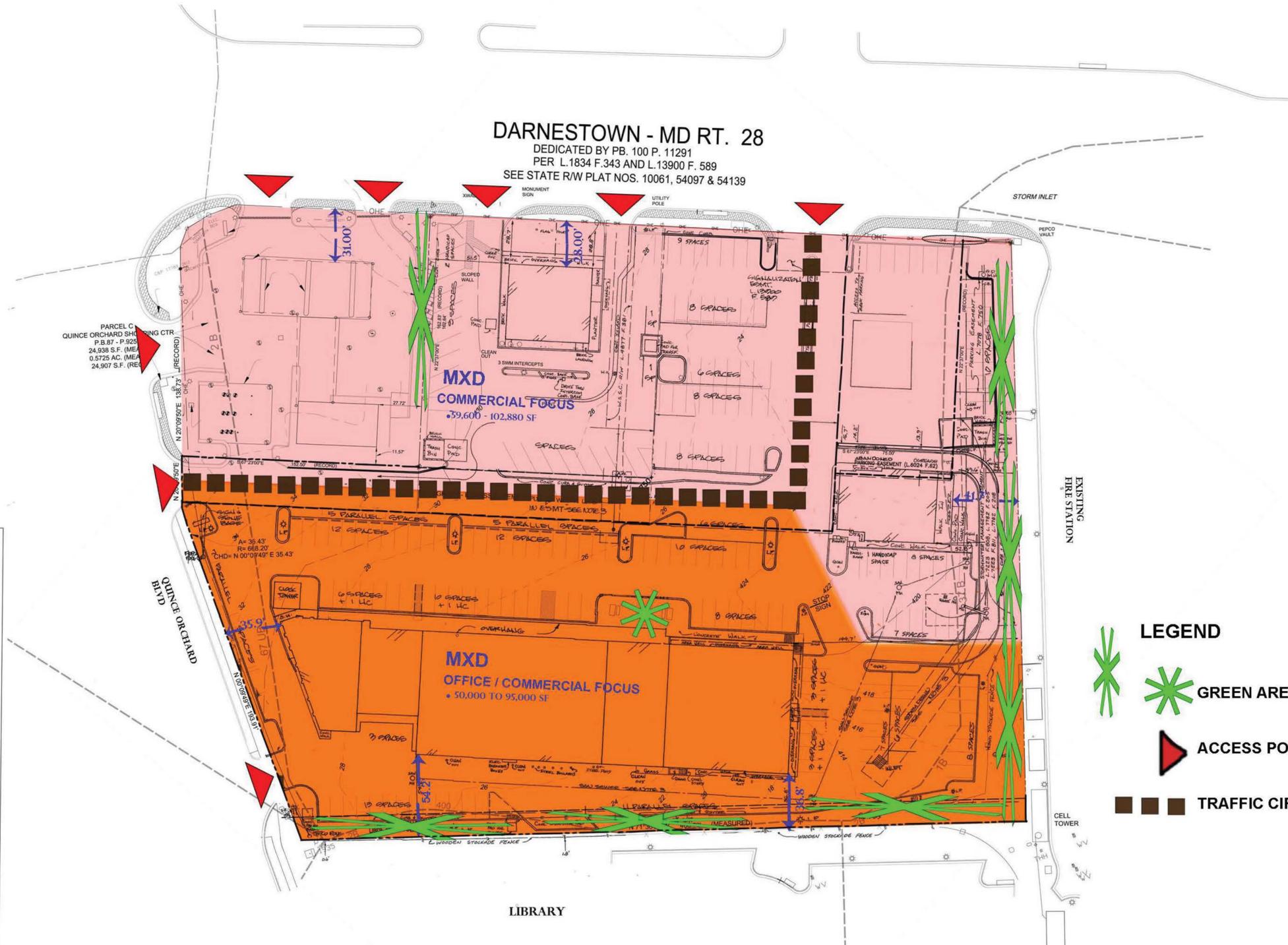
OWNER
THE MAGRUDER COMPANIES
12166 DARNESTOWN ROAD
GAITHERSBURG, MD 20878
TEL: 301.921.0500
FAX: 301.921.0507
ATT: BILL MAGRUDER

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

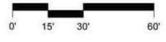
ZONING SKETCH PLAN
POTOMAC SHOPPING CENTER SOUTH PARCELS C, D & F
MONTGOMERY COUNTY, MARYLAND
6TH ELECTION DISTRICT

Date: 10.01.15
Sheet: 1 of 1
Scale: 1:30
File number: _____

DARNESTOWN - MD RT. 28
DEDICATED BY PB. 100 P. 11291
PER L.1834 F.343 AND L.13900 F. 589
SEE STATE R/W PLAT NOS. 10061, 54097 & 54139



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



- 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

NOTE:
FOR LOCATION OF UTILITIES CALL
8-1-1 OR 1-800-257-7777
OR LOG ON TO
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.

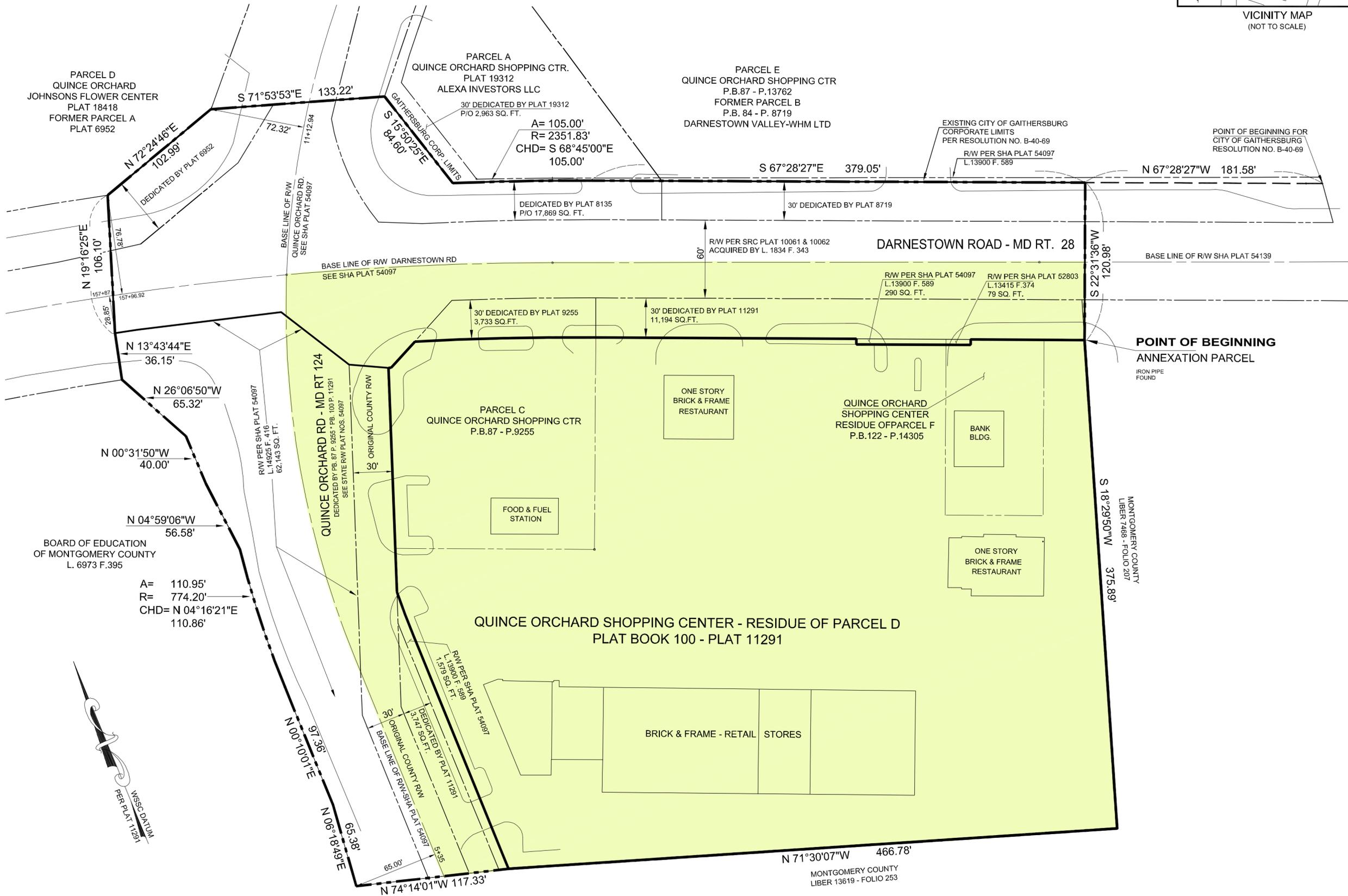
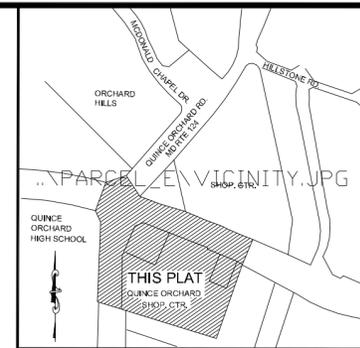
Exhibit C

Exhibit C

**GROSS SITE AREA FOR
FAR CALCULATIONS: 263,797 SQ FT**

NOTES:

- (1) THIS SURVEY WAS PREPARED SOLELY FOR PURPOSES ASSOCIATED WITH ANNEXATION OF THE PROPERTY. IN THAT REGARD, IT IS A "SPECIAL PUPOSE SURVEY" AS DEFINED UNDER SECTION 09.13.06.11 OF THE CODE OF MARYLAND REGULATIONS ADDRESSING MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS.
- (2) THE ANNEXATION BOUNDARY HEREON HAS BEEN COMPILED FROM A COMBINATION OF DEWBERRY'S BOUNDARY SURVEY OF QUINCE ORCHARD SHOPPING CENTER, AND PUBLIC RECORDS CONSISTING OF: STATE HIGHWAY ADMINISTRATION RIGHT-OF-WAY PLATS, SUBDIVISION RECORD PLATS, DEED DESCRIPTIONS, AND CITY OF GAITHERSBURG ANNEXATION RESOLUTION NO. B-40-69. THOSE PORTIONS OF THE ANNEXATION BOUNDARY WHICH ENCOMPASS DARNESTOWN ROAD ARE NOT THE SUBJECT OF A FIELD-RUN BOUNDARY SURVEY, BUT HAVE BEEN RESOLVED BY GEOMETRIC CONSTRUCTION FROM THE INDICATED RECORDS.
- (3) THE AREA OF THE ANNEXATION BOUNDARY DESCRIBED HEREON IS: 361,013 SQUARE FEET OR 8.288 ACRES.



Dewberry
321 Ballenger Center Drive, Suite 101
Frederick, MD 21703
(301) 663-3158 Fax: (301) 663-3679

EXHIBIT "B"
LANDS TO BE ANNEXED INTO THE CITY OF GAITHERSBURG, MD
PORTIONS OF QUINCE ORCHARD SHOPPING
CENTER AND OTHER ABUTTING ROAD PARCELS
DARNESTOWN ELECTION DISTRICT (NO. 6)
MONTGOMERY COUNTY, MARYLAND

DATE: MARCH 2014
SCALE: 1" = 50'
SHEET 1 OF 1
DRAWING NO: BS 07-029A

Exhibit D LAST REVISION: June 25, 2014

Exhibit D

P:\PRC\ECT\2012 File\Potomac S.C-S.dwg - 50054741\CAD\Survey\Annexation_Survey_Plat.dwg, 10/13/2015 12:48:48 PM, kmacx, 1:1

From: [Alyssa Alban](#)
To: [Trudy Schwarz](#)
Subject: Magruder property, annexation and building height restrictions
Date: Saturday, March 19, 2016 7:53:42 AM

Ms. Schwarz, as a concerned citizen of the Quince Orchard area, I urge you to prevent the Magruder property on the corner of Routes 124 and 28 from becoming part of the City of Gaithersburg. Although I don't understand all the reasoning behind the change I do believe we need to preserve our community as it is.

To allow the property to become part of the City of Gaithersburg jurisdiction so that the owners can avoid the regulations of the current jurisdiction seems unfair. Adding structures over the current height would add unnecessary congestion to an already congested area. The public HS which my son will soon attend is already dangerous.

Please prevent the annexation of this property and the change in building height restrictions.

Alyssa Alban

Mayor and City Council
X-7089-2015
Ex. 220