

### Labor Day Closure & Recycling Notices ✕

- All City facilities will be closed on Monday, September 5 with the exception of the Miniature Golf Course, Water Park, Skate Park and Police Station. [Click here for hours.](#)
- The Artificial Turf Field at Lakelands Park will be open for community use during Labor Day Weekend. [Click here for hours.](#)
- The collection of recycled materials for residents whose regular recycling day is September 5 will take place the preceding Saturday, September 3. [More Information.](#)

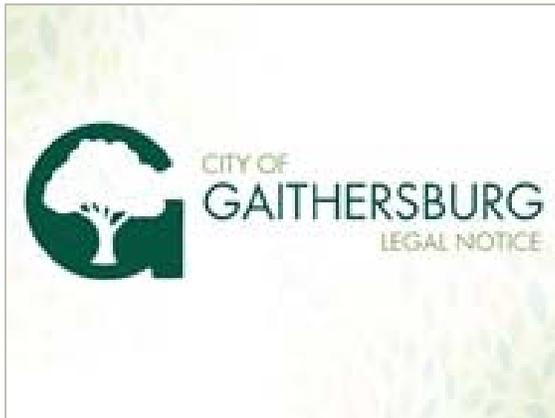
[Labor Day Parade Information](#)

# Joint Public Hearing Notice: Stevenson Property, September 6, 2016

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Posted: July 05, 2016



The City of Gaithersburg [Mayor and Council](#) and [Planning Commission](#) will conduct a public hearing at the time and place noted below.

Meeting: **Mayor and City Council**

Application Type: **Sketch Plan**

File Number: **Z-7187-2015**

Location: **Stevenson Property**

Applicant: **Chris Malm, Craftmark Homes**

Day/Date/Time: **Tuesday, September 6, 2016 at 7:30 P.M.**

Place: **Council Chambers, Gaithersburg City Hall, 31 South**

**Summit Avenue**

Application Z-7187-2015 has been filed requesting Sketch Plan approval for the development of a 5.69 acre site as a residential community. The subject property, known as the Stevenson Property, is located adjacent to the Watkins Mill Town Center subdivision and is zoned MXD (Mixed Use Development). The property comprises of two parcels consisting of P238 and P241 and is located east of Exchange Avenue, west of Metropolitan Grove Road, and south of Interstate 270. Contact the Planning and Code Administration if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

**Mayor and City Council  
Z-7187-2015  
Ex 21**

**Planning Commission  
Z-7187-2015  
Ex 21**



## Location

### City Hall

[31 South Summit Avenue](#)

[Gaithersburg, Maryland 20877-2038](#)

## Contact Information

### Planning Services

301-258-6330

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

Office Hours

Monday - Friday, 8 AM - 5 PM

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September 6, 2016

Mayor and City Council of Gaithersburg  
City Hall  
31 South Summit Avenue  
Gaithersburg, MD 20877

and

City of Gaithersburg Planning Commission  
City Hall  
31 South Summit Avenue  
Gaithersburg, MD 20877

Re: Sketch Plan Application No. Z-7187-2015,  
Application of Craftmark Homes

Dear Mayor Ashman and Members of the City Council and Chairman Bauer and Members of the City Planning Commission:

We have been engaged to represent Metrogrove 1, LLC, Metrogrove 2, LLC and MGR 3, LLC, the owners of properties adjacent to the land which is subject of the application referenced above. The entities listed above are affiliated with the developers of the Watkins Mill Town Center located in close proximity to the Applicant's land.

We have had the opportunity to review the record as it exists today for Application No. Z-7187-2015. In reviewing the revised application materials, we note the Applicant's letter dated June 22, 2016 (Exhibit 10). In that letter, the Applicant states that the property that is the subject of the application "...is land locked and no plans currently exist to provide access to the property." That information is not correct!

Metropolitan Grove Road is a 15 foot wide prescriptive right-of-way to the southwest. Therefore, it is not accurate to say that the Stevenson Property (the subject of Application No. Z-7187-2015) is "land locked." The proper description of the situation, as explained in the letter to the Applicant from the City dated February 12, 2016 (Exhibit 6 C), is that the existing road is not acceptable in its present condition to provide access to the subject property due to the insufficient width of the prescriptive right-of-way and because it would require an at-grade railroad crossing.

Mayor and City Council  
Z-7187-2015  
Ex 22

Planning Commission  
Z-7187-2015  
Ex 22

Furthermore, it is not accurate to say that there are no current plans to provide access to the Stevenson Property. Our clients have, through the many years that they have been involved with land in the Metropolitan Grove area, consistently offered to dedicate land area along the Metropolitan Grove Road extension to allow for widening of the road to bring it up to standards of a regular public street. Attached is a sketch showing how land area from our clients' holdings could be added to the existing prescriptive right-of-way to widen Metropolitan Grove Road so full public access can be extended to the Stevenson property.

Our clients have many times made this offer known to the public. They made this offer to Montgomery County when it expanded the operation of the Police station on the east side of Metropolitan Grove Road, and again to Maryland SHA when it explored bringing a ramp off I-270 to Metropolitan Grove Road. They have communicated this offer to the planning staff at the City and they again reiterate the offer at this time to solve the issue of accessibility to the property that is the subject of Application No. Z-7187-2015.

Furthermore, the developers of the Watkins Mill Town Center have already agreed to provide emergency access to Metropolitan Grove Road, which is a part of the proposed extension of Commerce Street along the CSX lines. When constructed, this emergency access coupled with the widening of Metropolitan Grove Road, would provide the proposed Applicant's development two means of access for fire equipment in the event of emergencies.

If the Applicant wishes to construct this second road access adjacent to the CCT and CSX lines to that point of connection with the widened Metropolitan Grove Road, in advance of the construction of the Town Center, our clients have indicated that they would be open to discussing that approach in advance of the construction of Commerce Street.

In summary, because of the willingness of our client, the Applicant has within its control means to provide safe and adequate access to its property without relying on unplanned extension of streets or undesired connections to Watkins Mill Town Center.

Thank you for your consideration of these comments on Application No. Z-7187-2015.

Sincerely Yours,

MILLER, MILLER & CANBY

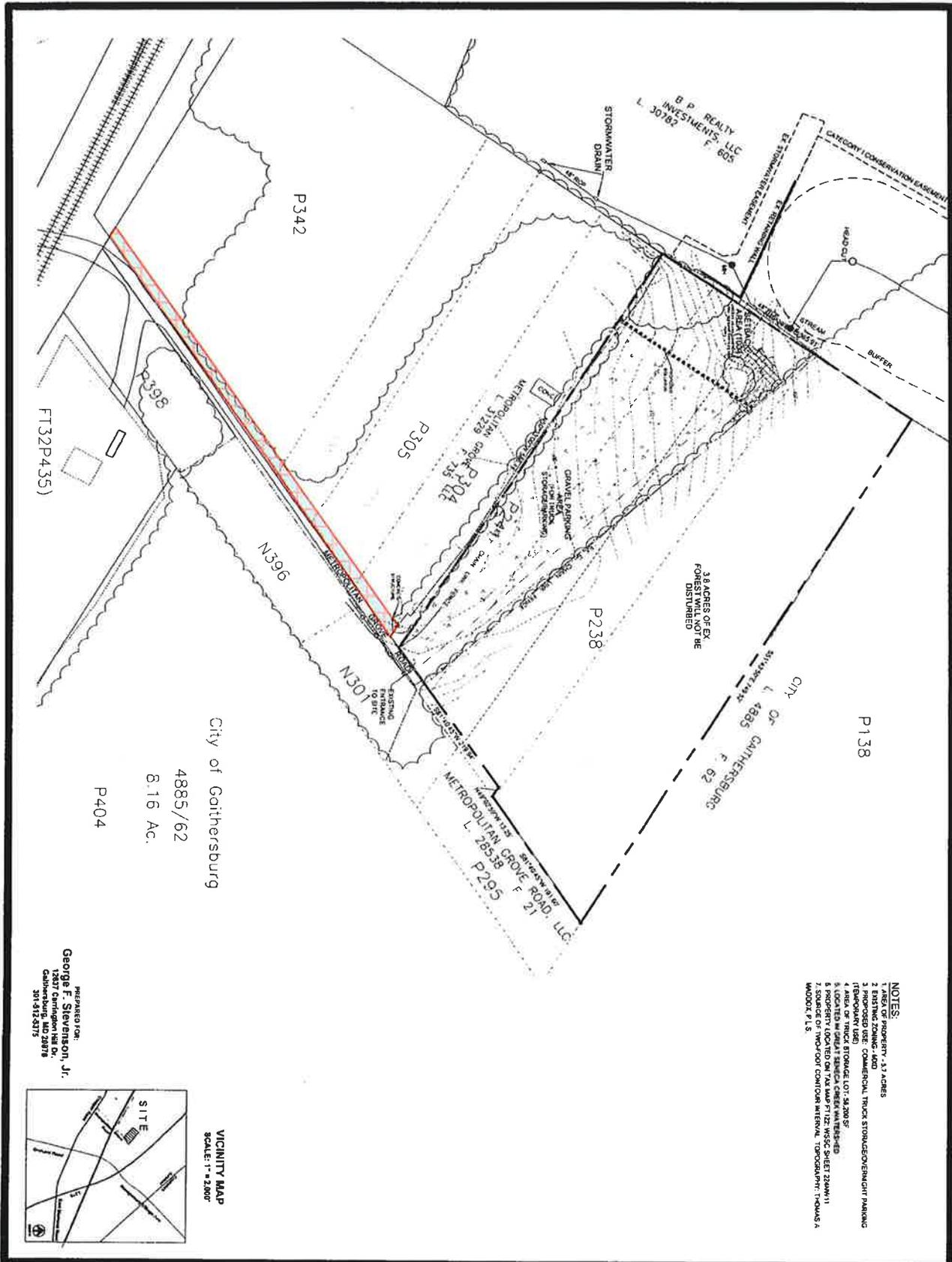
A handwritten signature in black ink that reads "Jody Kline". The signature is written in a cursive, slightly stylized font with a thick horizontal line above the name.

Jody S. Kline

JSK/sml

Enclosures

cc: Greg Mann  
John Schlicting  
Marty Matson  
Pete Henry  
Brad Kline  
Michael Roussis  
Chris Malm  
Sallie Stewart



City of Gaithersburg

4885/62

8.16 Ac.

P404

DESIGNED BY:  
 George E. Stevenson, Jr.  
 12877 Chanticleer Hill Dr.  
 Gaithersburg, MD 20878  
 301-912-5175



- NOTES:
1. AREA OF PROPERTY - 8.16 ACRES
  2. EXISTING ZONING: A00
  3. PROPOSED ZONING: COMMERCIAL TRUCK STORAGE/GOVERNMENT PARKING (TRUCK/GOVERNMENT USE)
  4. AREA OF TRUCK STORAGE LOT: 54,200 SF
  5. LOCATED IN GREAT SENeca CHECK WATER-SHED
  6. PROPERTY LOCATED ON TAX MAP P13Z WSSC SHEET 290W/11
  7. PROPERTY LOCATED ON TAX MAP P13Z WSSC SHEET 290W/11
  8. PROPOSED CONDITIONAL INTERNAL TOPOGRAPHY: 10% MAX A WOODS P.L.S.

SKETCH PLAN / SCHEMATIC DEVELOPMENT PLAN  
**Stevenson Property**  
 Gaithersburg, Maryland



Benning & Associates, Inc.  
 Land Planning Consultants  
 8833 Shady Grove Court  
 Gaithersburg, MD 20878  
 301-912-0200

date: 04/23/09

scale: 1" = 50'



Planning Commission  
 TEMP-09-001  
 #3



October 5, 2016

Mayor and City Council of Gaithersburg  
City Hall  
31 S Summit Ave  
Gaithersburg, MD 20877

**Planning Commission**  
**Z-7187-2015**  
**Ex 23**

**Mayor and City Council**  
**Z-7187-2015**  
**Ex 23**

and

City of Gaithersburg Planning Commission  
City Hall  
31 S Summit Ave  
Gaithersburg, MD 20877

Dear Mayor Ashman and Members of the City Council and Chairman Bauer and Members of the City Planning Commission:

This letter is in response to the discussion at the Joint Public Hearing on September 6<sup>th</sup> for Sketch Plan Z-7187-2015 (the Stevenson Property). As you're aware, under the current access conditions, the Stevenson Property is effectively landlocked for new development. During the hearing, questions were raised by planning commissioners and council members over why our Sketch Plan should be considered, given the uncertainty over access. The purpose of this letter is to address those questions.

During the hearing, a specific question was raised over whether Sketch Plan approval would be allowed under the City Code, given the uncertainty over access. Sections 24-160D.9 and 24-169 of the Gaithersburg City code state the requirements of an application for Sketch Plan approval in the MXD Zone. At the time of sketch plan, the code only requires the tentative proposed locations of access and proposed streets be shown, which we've done. Final locations of access and proposed streets are not required to be shown until after Sketch Plan.

Also, questions were raised over why it would benefit Craftmark or the Stevensons to have Sketch Plan approval without access. While we recognize that access to the Stevenson Property for future development currently depends on the cooperation of the neighboring developer, we believe Sketch Plan approval would provide more weight in our negotiations with him. Additionally, getting Sketch Plan approval at this stage would allow us to proceed more quickly once access is provided. Time is of the essence for the Stevenson Family, as they emphasized during the hearing.

Another reason to pursue Sketch Plan now is so the City can more effectively plan for future access to the Stevenson Property. As the neighboring properties move forward with

development, having Sketch Plan approval for the Stevenson Property would help ensure it isn't disregarded. Should the neighboring developer come to the City with modifications to the Town Center plans, or with new plans for the adjacent property, we request that the City ensure sufficient right of way is dedicated to extend Exchange Avenue. Also, the extension could be added to the Master Plan.

Lastly, the process of pursuing Sketch Plan approval sheds light on the Stevenson's predicament. The Stevenson family has owned the property for over 140 years. In the later part of that period, the property was rezoned to MXD, without any request by the family. This significantly increased the property tax burden, making it a struggle for the Stevensons to keep their property. Ordinarily, property owners in this situation would be able to sell their property for a fair price. Unfortunately for the Stevensons, access to any future development on their property is dependent on the cooperation of the neighboring developer. The neighboring developer was allowed to develop his property without providing access to the Stevensons, even though the Master Plan calls for connectivity and cohesiveness within the MXD zone. The right of way for Exchange Avenue, a 4 lane public road, was allowed to dead end just a few feet from the Stevenson's property, a clear indication that an extension was previously contemplated. We believe even if access were somehow provided solely via Metropolitan Grove Road, it would effectively isolate the Stevenson Property from the Urban Core, which is inconsistent with the vision of the Master Plan. Therefore, without help from the City, the Stevensons' ability to sell their property will continue to be held hostage.

Sincerely,



Chris Malm  
Land and Finance Director  
Craftmark Homes

Michael Stevenson  
410 Watch Hill Lane  
Gaithersburg, MD 20878

October 6, 2016

Mayor and City Council  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, MD 20877

Re: Spite Strips – Exchange Avenue and Caufield Lane

Mayor and City Council:

During the development of Watkins Mill Town Center, Exchange Avenue was dedicated and built to within a few feet of the property line that adjoins the Stevenson property. The City allowed this Spite Strip to exist in settlement of a legal dispute the City had with Mr. Henry. This is against normal planning principals to isolate a property by such means. Exchange Avenue should have been continued or at least dedicated to Metropolitan Grove Road. That would provide access possibilities to both the Stevenson property and the City parkland. The dedication of this extension of Exchange Avenue would fix this access issue. This is in the best interest of the City and the affected property owners. Up zoning and increasing the taxes of a property and then making it impractical to use it as zoned is not a fair or equitable result.

I have provided a plat to show the Stevenson Spite Strip as Parcel W (as indicated by the arrow identifying the Parcel on the enclosed attachment).

Please be aware this same problem was created by the City and Mr. Henry on the McGown property on the opposite side of Watkins Mill Road. There is a Surveyor's note on that plat declaring this Spite Strip, described as Parcel B (as indicated by the arrow identifying the Parcel on the enclosed attachment), is to be dedicated as road right-of-way in the future under terms of the Settlement Agreement between the City and Pete Henry.

We ask the City to resolve this issue and provide for the dedications required to fix these unfortunate situations.

Thank you.

Sincerely,



Michael Stevenson

Mayor and City Council  
Z-7187-2015  
Ex 24

Planning Commission  
Z-7187-2015  
Ex 24





**From:** [Mark Scafide](#)  
**To:** [Gregory Mann](#)  
**Cc:** [Michael Johnson](#)  
**Subject:** RE: Access to City Property  
**Date:** Monday, October 10, 2016 11:58:41 AM

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Greg,

After reviewing the attached map, the Department of Public Works would like to have access to parcel P 138. Currently parcel P 138 is land locked and the City does not have a point of entry for this property. An extension of Metropolitan Grove Road would provide access to the City. If you have any questions or concerns you can contact me at the number listed below.

Thank You,

	<p><b>Mark Scafide</b> <b>Public Works Operations Division Chief</b></p> <hr/> <p>City of Gaithersburg   800 Rabbitt Road   Gaithersburg, MD 20878 P 301.258.6370   F 301.258.6375 <a href="mailto:mscafide@gaithersburgmd.gov">mscafide@gaithersburgmd.gov</a>   <a href="http://www.gaithersburgmd.gov">www.gaithersburgmd.gov</a></p>
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**From:** Gregory Mann  
**Sent:** Tuesday, September 27, 2016 2:06 PM  
**To:** Mark Scafide  
**Subject:** Access to City Property

Mark –

Please look at the attached map. Do you know how we access the highlighted parcel (P138)? This question came up during a Public Hearing for the properties to the South. Currently Metropolitan Grove Road ends short of reaching the City's property. Thanks for your help.

**Gregory P. Mann, AICP** | Planner II

City of Gaithersburg • 31 S. Summit Avenue • Gaithersburg, MD 20877  
T: 301.258.6330 x2269 • F: 301.258.6336

Mayor and City Council  
Z-7187-2015  
Ex 25

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Z-7187-2015  
Ex 25