

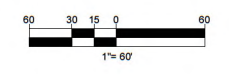
16701 MELFORD BLVD, SUITE 310 BOWIE, MARYLAND 20715  
PHONE: (301) 809-4500 FAX: (301) 809-4501  
MD@BohlerEng.com

**BOHLER** //

16701 MELFORD BLVD, SUITE 310  
BOWIE, MARYLAND 20715  
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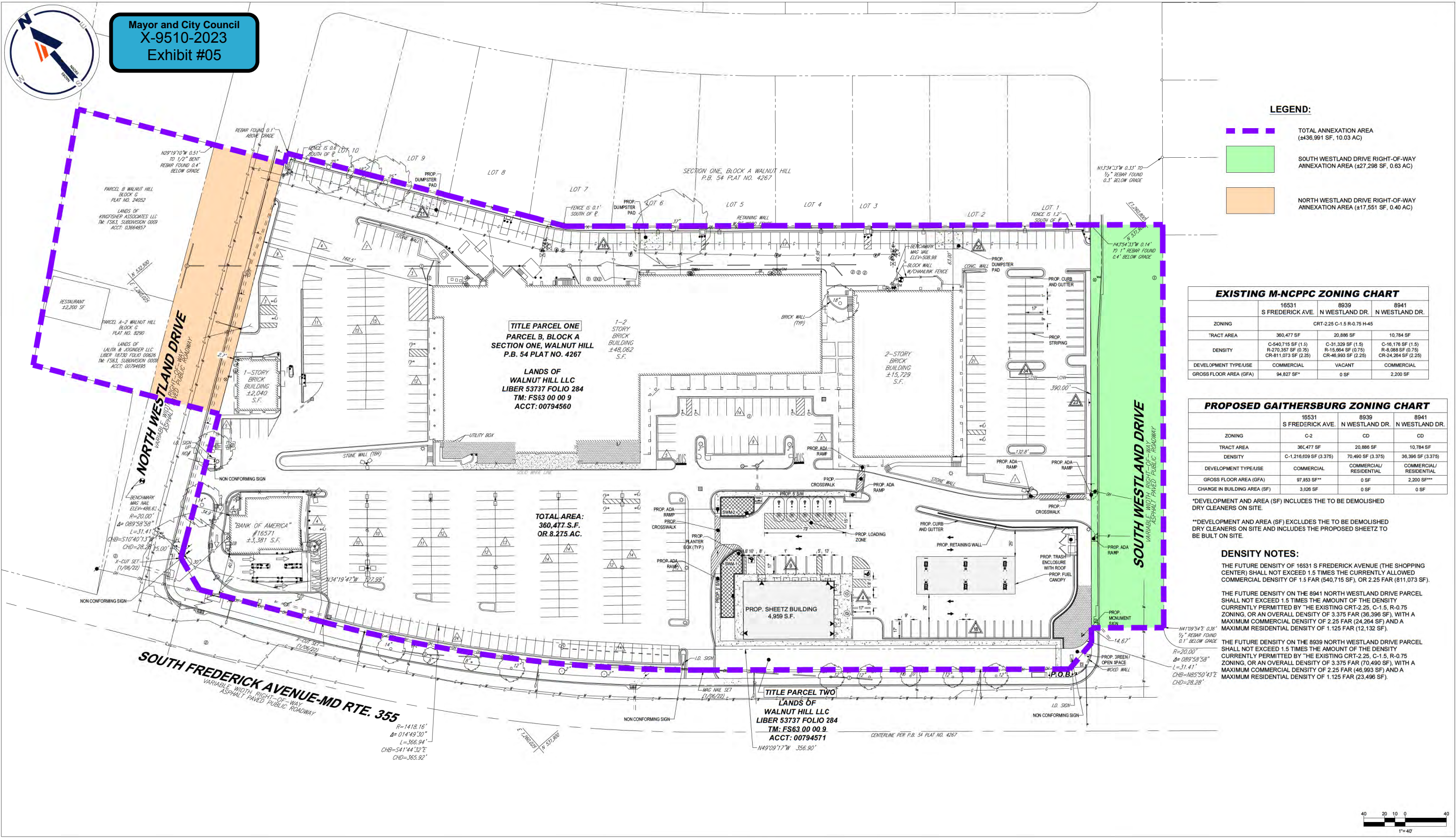
# ANNEXATION AREA EXHIBIT

8939 N WESTLAND DRIVE, GAITHERSBURG, MD 20879





Mayor and City Council  
X-9510-2023  
Exhibit #05



**LEGEND:**

- TOTAL ANNEXATION AREA (±436,991 SF, 10.03 AC)
- SOUTH WESTLAND DRIVE RIGHT-OF-WAY ANNEXATION AREA (±27,298 SF, 0.63 AC)
- NORTH WESTLAND DRIVE RIGHT-OF-WAY ANNEXATION AREA (±17,551 SF, 0.40 AC)

**EXISTING M-NCPPC ZONING CHART**

	16531 S FREDERICK AVE.	8939 N WESTLAND DR.	8941 N WESTLAND DR.
ZONING	CRT-2.25 C-1.5 R-0.75 H-45		
TRACT AREA	360,477 SF	20,886 SF	10,784 SF
DENSITY	C-540,715 SF (1.5) R-270,357 SF (0.75) CR-811,073 SF (2.25)	C-31,329 SF (1.5) R-15,664 SF (0.75) CR-46,993 SF (2.25)	C-16,176 SF (1.5) R-8,088 SF (0.75) CR-24,264 SF (2.25)
DEVELOPMENT TYPE/USE	COMMERCIAL	VACANT	COMMERCIAL
GROSS FLOOR AREA (GFA)	94,827 SF*	0 SF	2,200 SF

**PROPOSED GAITHERSBURG ZONING CHART**

	16531 S FREDERICK AVE.	8939 N WESTLAND DR.	8941 N WESTLAND DR.
ZONING	C-2	CD	CD
TRACT AREA	360,477 SF	20,886 SF	10,784 SF
DENSITY	C-1,216,609 SF (3.375)	70,490 SF (3.375)	36,396 SF (3.375)
DEVELOPMENT TYPE/USE	COMMERCIAL	COMMERCIAL/RESIDENTIAL	COMMERCIAL/RESIDENTIAL
GROSS FLOOR AREA (GFA)	97,853 SF**	0 SF	2,200 SF**
CHANGE IN BUILDING AREA (SF)	3,026 SF	0 SF	0 SF

\*DEVELOPMENT AND AREA (SF) INCLUDES THE TO BE DEMOLISHED DRY CLEANERS ON SITE.  
\*\*DEVELOPMENT AND AREA (SF) EXCLUDES THE TO BE DEMOLISHED DRY CLEANERS ON SITE AND INCLUDES THE PROPOSED SHEETZ TO BE BUILT ON SITE.

**DENSITY NOTES:**  
THE FUTURE DENSITY OF 16531 S FREDERICK AVENUE (THE SHOPPING CENTER) SHALL NOT EXCEED 1.5 TIMES THE CURRENTLY ALLOWED COMMERCIAL DENSITY OF 1.5 FAR (540,715 SF), OR 2.25 FAR (811,073 SF).  
THE FUTURE DENSITY ON THE 8941 NORTH WESTLAND DRIVE PARCEL SHALL NOT EXCEED 1.5 TIMES THE AMOUNT OF THE DENSITY CURRENTLY PERMITTED BY THE EXISTING CRT-2.25, C-1.5, R-0.75 ZONING, OR AN OVERALL DENSITY OF 3.375 FAR (36,396 SF), WITH A MAXIMUM COMMERCIAL DENSITY OF 2.25 FAR (24,264 SF) AND A MAXIMUM RESIDENTIAL DENSITY OF 1.125 FAR (12,132 SF).  
THE FUTURE DENSITY ON THE 8939 NORTH WESTLAND DRIVE PARCEL SHALL NOT EXCEED 1.5 TIMES THE AMOUNT OF THE DENSITY CURRENTLY PERMITTED BY THE EXISTING CRT-2.25, C-1.5, R-0.75 ZONING, OR AN OVERALL DENSITY OF 3.375 FAR (70,490 SF), WITH A MAXIMUM COMMERCIAL DENSITY OF 2.25 FAR (46,993 SF) AND A MAXIMUM RESIDENTIAL DENSITY OF 1.125 FAR (23,496 SF).

**TITLE PARCEL ONE**  
**PARCEL B, BLOCK A**  
**SECTION ONE, WALNUT HILL**  
**P.B. 54 PLAT NO. 4267**

LANDS OF WALNUT HILL LLC  
LIBER 53737 FOLIO 284  
TM: FS63 00 00 9  
ACCT: 00794560

**TOTAL AREA:**  
**360,477 S.F.**  
**OR 8.275 AC.**

**TITLE PARCEL TWO**  
**LANDS OF**  
**WALNUT HILL LLC**  
**LIBER 53737 FOLIO 284**  
**TM: FS63 00 00 9**  
**ACCT: 00794571**

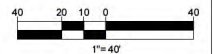
**SOUTH FREDERICK AVENUE-MD RTE. 355**  
VARIABLE WIDTH RIGHT-OF-WAY  
ASPHALT PAVED PUBLIC ROADWAY

**BOHLER**

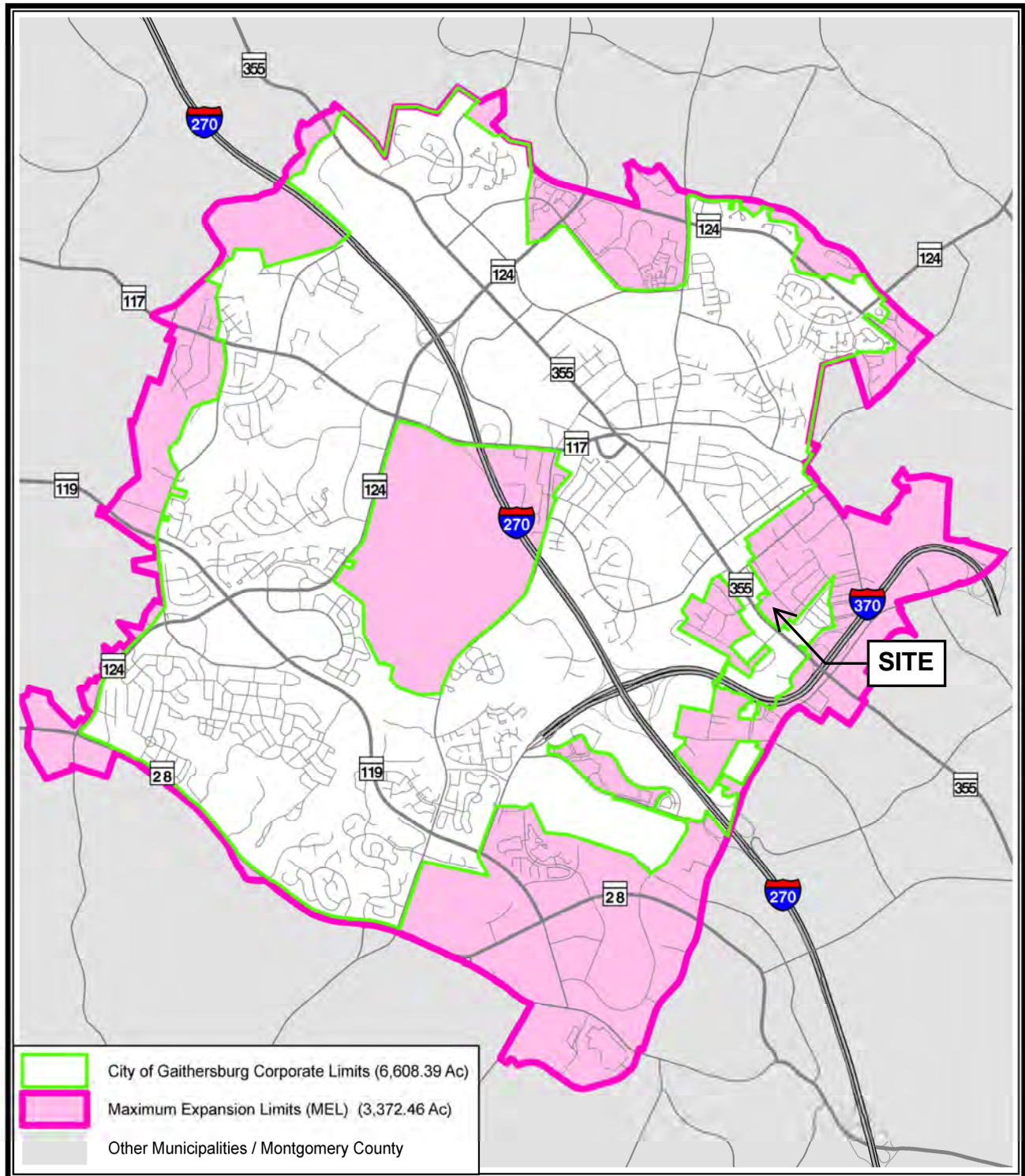
16701 MELFORD BLVD, SUITE 210  
BOWIE, MARYLAND 20715  
Phone: (301) 809-4500  
Fax: (301) 809-4501  
MD@BohlerEng.com

**ANNEXATION PLAN**  
**GRANITE PARTNERS WALNUT HILL**

16529 S FREDERICK AVENUE, GAITHERSBURG, MD 20877



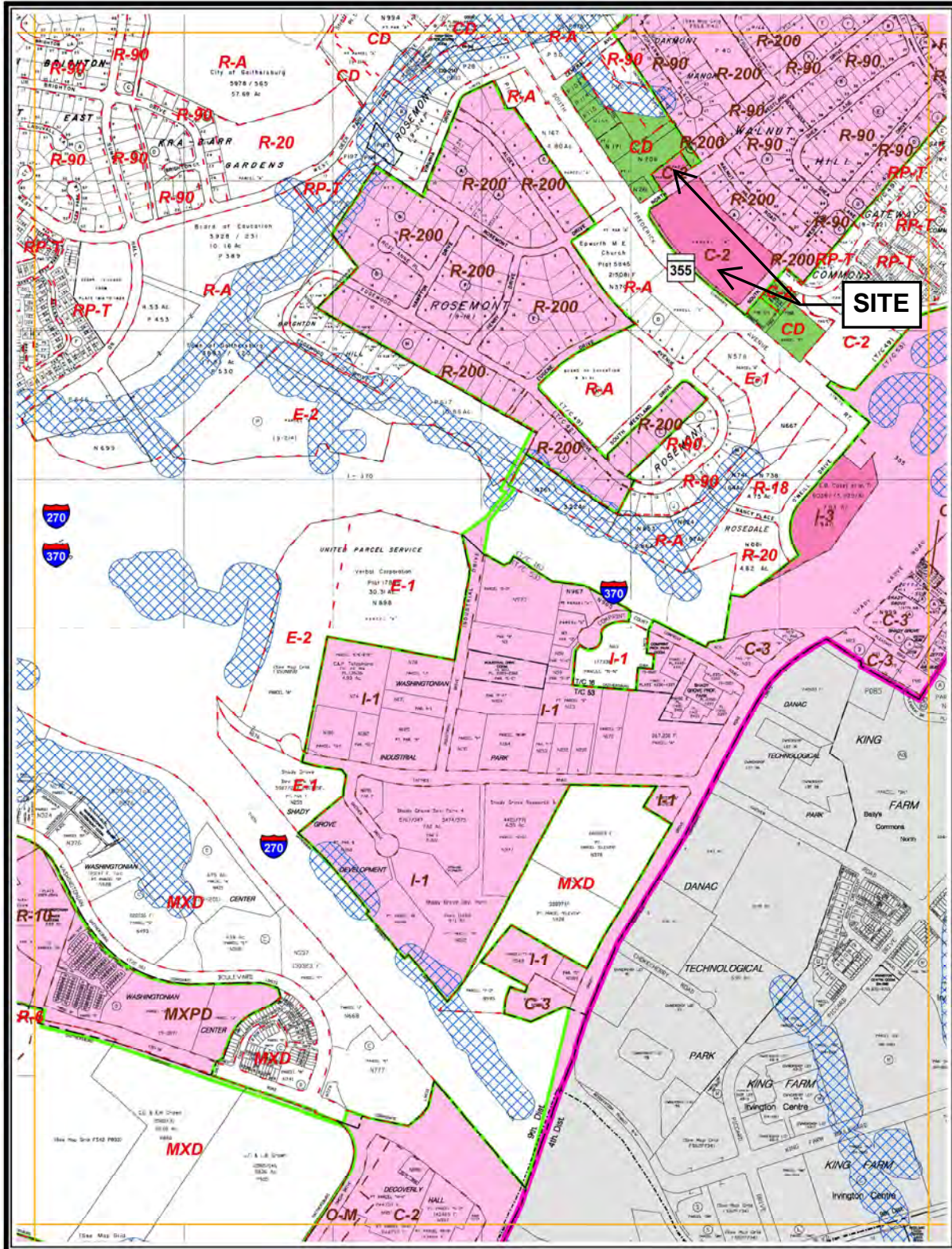
**Map 2: Maximum Expansion Limits (MEL) for Gaithersburg**



*Please refer to Appendix A for more detailed maps of properties within the MEL.*

Map Sheet A-13

Map Sheet A-08



Map Sheet A-12

Map Sheet A-14

Map Sheet A-17

Mayor and City Council  
X-9510-2023  
Exhibit #07

## VERIFICATION

I HEREBY CERTIFY, that in accordance with §4-404 of the Local Government Article of the Annotated Code of Maryland, I have caused to be verified, as shown on Exhibits A and B attached hereto and incorporated herein, the signatures contained in the Petition for Annexation filed for the annexation of the property owned by Walnut Hill Propco, LLC, King Fisher Associates, LLC and Lalita & Joginder, LLC, containing approximately 392,147 square feet or 9 acres of land and known as the Parcel Numbers 09-00794560; 09-03664857 and 09-00794695 and also known as 16531 South Frederick Avenue, 8939 North Westland Drive, and 8941 North Westland Drive in Montgomery County, Maryland, and based on this examination certify that the persons signing the Petition and consenting to the annexation meet the not less than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections in the precinct or precincts in which the territory to be annexed is located and the persons signing the Petition and consenting to the annexation are the owners of not less than twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed requirements.

Dated this 21st day of April, 2023.

DocuSigned by:



52E570A5749C472...  
JUD ASHMAN, MAYOR and  
President of the Council

**MEMORANDUM**

TO: Mayor Jud Ashman

FROM: N. Lynn Board, City Attorney

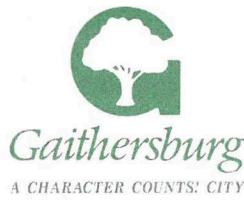
RE: Petition for Annexation – Walnut Hill Properties

DATE: April 24, 2023

Please be advised that I have verified with the Montgomery County Board of Elections that no persons reside on the property subject to the above-referenced Petition for Annexation who are registered as voters in county elections in the precinct or precincts in which the property to be annexed is located. *See* attached letter to and email from the Montgomery County Board of Elections. This meets the consent requirements of §4-404 of the Local Government Article of the Annotated Code of Maryland.

cc Rob Robinson

**EXHIBIT A**



April 11, 2023

Montgomery County Board of Elections  
Attn: Election Director Boris Brajkovic  
18753 N. Frederick Avenue  
Suite 210  
Gaithersburg, MD 20879

Re: Petition for Annexation – Walnut Hill Shopping Center

Dear Mr. Brajkovic:

Enclosed please find a Petition for Annexation and Description of the Property filed with the City of Gaithersburg for the property owned by Walnut Hill Propco, LLC, King Fisher Associates and Lalita & Joginder, LLC located on South Frederick Avenue and North Westland Drive as 16531 South Frederick Avenue (Parcel No. 09-00794560), 8939 North Westland Drive (Parcel No. 09-03664857) and 8941 North Westland Drive (Parcel No. 09-00794695), currently operated as a retail center and vacant property. The owners of these properties are seeking to annex the properties into the City of Gaithersburg.

In accordance with §4-404 of the Local Government Article of the Annotated Code of Maryland, the City must confirm whether the Annexation Petition has been signed by a sufficient number of the registered voters residing on the property. The Applicant has asserted and the City believes that there are no registered voters residing on this property.

We are requesting that you confirm the number of registered voters residing on this property. Should you have any questions with regard to this matter, please do not hesitate to contact me.

Sincerely,

N. Lynn Board,  
City Attorney

cc Rob Robinson

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
301-258-6300 • FAX 301-948-6149 • cityhall@gaitthersburgmd.gov • gaitthersburgmd.gov

MAYOR  
Jud Ashman

COUNCIL MEMBERS  
Neil Harris  
Lisa Henderson  
Jim McNulty  
Ryan Spiegel  
Robert T. Wu

CITY MANAGER  
Tanisha R. Briley

**From:** [Brajkovic, Boris](#)  
**To:** [Lynn Board](#)  
**Subject:** RE: Walnut Hill Annexation  
**Date:** Thursday, April 13, 2023 12:21:51 PM  
**Attachments:** image001.png

---

**This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.**

Good afternoon Ms. Board,  
Montgomery County Board of Elections can confirm that there are no registered voters residing at the addresses listed in the Annexation – Walnut Hill Shopping Center letter dated April 11, 2023. Please let me know if we could be of any further assistance.

Best regards,  
Boris

**Boris Brajkovic**  
**Elections Director**  
Montgomery County Board of Elections  
18753 N. Frederick Avenue, Suite 210  
Gaithersburg, Maryland 20879  
240-777-8523 (office)  
240-372-5152 (cell)  
[Boris.Brajkovic@montgomerycountymd.gov](mailto:Boris.Brajkovic@montgomerycountymd.gov)

---

**From:** Lynn Board <Lynn.Board@gaitthersburgmd.gov>  
**Sent:** Tuesday, April 11, 2023 5:04 PM  
**To:** Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov>  
**Subject:** Walnut Hill Annexation

**[EXTERNAL EMAIL]**

Mr. Brajkovic:

Please see the attached letter seeking confirmation from your Office regarding the number of registered voters residing in the area seeking annexation into the City of Gaithersburg. Please contact me should you have any questions with regard to this matter.

Lynn



---

**N. Lynn Board, City Attorney | Office of the City Attorney**  
City of Gaithersburg | 31 S. Summit Avenue | Gaithersburg, MD 20877  
P (240) 805.1085 | F (301) 948.6149

**MEMORANDUM**

TO: Mayor Jud Ashman  
FROM: N. Lynn Board, City Attorney  
RE: Petition for Annexation – Walnut Hill Properties  
DATE: April 24, 2023

Please be advised that I have examined the Land Records and Assessment Records for Montgomery County, Maryland with regard to the above-referenced Petition for Annexation. Based on this examination, the Petitioners, Walnut Hill Propco, LLC and King Fisher Associates, own not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed. This meets the ownership requirements of §4-404 of the Local Government Article of the Annotated Code of Maryland.

cc Rob Robinson

**EXHIBIT B**

RESOLUTION No. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 9.63 ACRES OF LAND  
LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS AND TO  
ESTABLISH C-2 AND CD ZONING FOR SAID LAND,  
KNOWN AS THE WALNUT HILL COMMERCIAL PROPERTIES, LOCATED AT  
16531 SOUTH FREDERICK AVENUE, 8939 NORTH WESTLAND DRIVE, AND  
8941 NORTH WESTLAND DRIVE, INCLUDING PORTIONS OF THE RIGHT OF  
WAYS OF NORTH WESTLAND DRIVE AND SOUTH WESTLAND DRIVE.

**ANNEXATION X-9510-2023**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute 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 County elections in the precincts in which the territory to be annexed is located; and

WHEREAS, the properties are within the defined maximum expansion limits of the City of Gaithersburg and identified in the City's adopted Municipal Growth Element; and

WHEREAS, the properties are contiguous and adjoining to the existing corporate boundaries of the City of Gaithersburg and do not create an unincorporated area that is bounded on all sides by the real property presently in the boundaries of the City, real property proposed to be in the boundaries of the City of Gaithersburg as a result of the proposed annexation; or any combination thereof; and

WHEREAS, under the annexation petition, the properties would be rezoned from Montgomery County's CRT-2.25 C-1.5 R-0.75 H-45 ("Commercial Residential Town") Zone to the City of Gaithersburg's C-2 (General Commercial) Zone and CD (Corridor Development) Zone.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

## DESCRIPTION OF PROPERTY

### Metes and Bounds Description

#### **Parcel B, Block A**

Being all of Parcel B, Block A, Section One Walnut Hill, recorded as Plat No. 4267 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at the southwesterly point of Lot 1, Block A, recorded as Plat No. 4267, said point lying on the northern right of way line of South Westland Drive and also being the southeast point of Parcel B, Block A, recorded as Plat No. 4267, thence along the northern right of way line of said South Westland Drive,

- 1.) South 40° 50' 00" West, 390.00 feet to a point on the northern right of way line of South Westland Drive; thence leaving said right of way line of South Westland Drive and turning northeast the following five (5) courses and distances
- 2.) 31.42 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet and a chord bearing and distance of North 85° 50' 00" East, 28.28 feet to a point; thence
- 3.) North 49° 10' 00" West, 356.90 feet to a point; thence
- 4.) 366.94 feet along the arc of a tangent curve to the right having a radius of 1,418.16 feet and a chord bearing and distance of North 41° 45' 15" East, 365.92 feet to a point; thence
- 5.) North 34° 20' 30" West, 127.99 feet to a point; thence
- 6.) 31.42 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet and a chord bearing and distance of North 10° 39' 30" East, 28.28 feet to a point on the southerly right of way line of North Westland Drive; thence along the southerly right of way line of North Westland Drive
- 7.) North 55° 39' 30" East, 390.00 feet to a point, said point lying on the southerly right of way line of North Westland Drive and being the northwest corner of Lot 10, Block A, recorded as Plat No. 4267, and also being the northeast corner of Parcel B, Block A, recorded as Plat No. 4267; thence leaving said right of way of North Westland Drive the following two (2) courses and distances
- 8.) South 34° 20' 30" E 279.12 feet to a point, said point located near the middle of the southwesterly line of Lot 7, Block A, recorded as Plat 4267; thence
- 9.) South 49° 10' 00" West 508.08 feet to the point of beginning, containing 342,991 square feet or 7.87399 acres of land.

**Parcel A-2, Block G**

Being all of Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290 and Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052, said point also located on the northerly line of North Westland Drive; thence leaving said common line of Parcel A-2 and Parcel B, and running with said northerly line of North Westland Drive

- 1.) South 55° 39' 30" West, 90.00 feet to a point marking the common corner of Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290 and Lot 1, Walnut Hill Limited Partnership Addition to Walnut Hill, recorded as Plat No. 11382; thence leaving said northerly line of North Westland Drive and running with the common line of said Parcel A-2 and Lot One the following two (2) courses and distances
- 2.) North 34° 20' 30" West, 116.17 feet to a point on the common line of Parcel A-2, Block G, Walnut Hill and Lot One, Walnut Hill Limited Partnership Addition to Walnut Hill; thence
- 3.) North 51° 01' 10" East 90.29 feet to a point on the common line of Parcel A-2 and Parcel B, Block G, recorded as Plat No. 24052; thence leaving the common line of Parcel A-2 and Lot One, Walnut Hill Limited Partnership Addition to Walnut Hill and running with the common line of said Parcel A-2 and Parcel B, Block G
- 4.) South 34° 20' 30" East 1234.47 feet to the point of beginning, containing 10,784 square feet or 0.24757 acres of land.

**Parcel B, Block G**

Being all of Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052 and Lot 1, Block G, Walnut Hill, recorded as Plat No. 4267, said point also located on the northerly line of North Westland Drive; thence leaving said common line of Parcel B and Lot 1, and running with said northerly line of North Westland Drive

- 1.) South 55° 39' 30" West, 160.66 feet to a point marking the common corner of Parcel B, Block G and Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290; thence leaving said northerly line of North Westland Drive and running with the common line of said Parcel B and Parcel A-2 the following course and distance
- 2.) North 34° 20' 30" West, 123.47 feet to a point on the common line of Lot One, Walnut Hill Limited Partnership Addition to Walnut Hill, recorded as Plat No. 11382; thence running with the said common line of Lot One
- 3.) North 51° 01' 10" East, 161.19 feet to a point on the common line of Lot 1, Block G, Walnut Hill, recorded as Plat No. 4267; thence running with the said common line of Lot 1
- 4.) South 34° 20' 30" East, 136.51 feet to the point of beginning, containing 20,886 square feet or 0.47948 acres of land.

### **North Westland Drive Right of Way**

Being a portion of the North Westland Drive Right of Way, recorded as Plat No. 4267 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point marking the common corner of Parcel B, Block A and Lot 10, Block A, Section One Walnut Hill, recorded as Plat No. 4267, said point also being located on the southern right of way line of North Westland Drive; thence along the common line of the southern right of way line of North Westland Drive and Parcel B, Block A

- 1.) South 55° 39' 30" West 390.00 feet to a point on the southern right of way line of North Westland Drive, thence along the boundary of Parcel B, Block A
- 2.) 31.42 feet along the arc of a non-tangent curve to the left having a radius of 20.00 feet and a chord bearing and distance of South 10° 39' 30" West 28.28 feet to a point on the existing City of Gaithersburg corporate line established by Resolution R-08-69 (Annexation X-099); thence
- 3.) Northwesterly along the existing City of Gaithersburg corporate line established by Resolution R-08-69 to a point on the northern right of way line of North Westland Drive; thence continuing along the existing City of Gaithersburg corporate line and northern right of way line of North Westland Drive
- 4.) Northeasterly 149.38 feet to a point marking the southwesterly corner of Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290; thence leaving the existing City of Gaithersburg corporate line established by Resolution R-08-69 and continuing along the common line of the northern right of way line of North Westland Drive and Parcel A-2
- 5.) North 55° 39' 30" East 90.00 feet to a point on the northern right of way line of North Westland Drive, said point marking the common corner of Parcel A-2, Block G Walnut Hill, recorded as Plat No. 8290 and Parcel B, Block G Section One Walnut Hill, recorded as Plat No. 24052; thence continuing along the common line of the northern right of way line of North Westland Drive and Parcel B
- 6.) North 55° 39' 30" East 160.66 feet to the common corner of Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052 and Lot 1, Block G Section One Walnut Hill, recorded as Plat No. 4267; thence leaving the northern right of way line of North Westland Drive and crossing said right of way
- 7.) Southeasterly to the point of beginning, containing approximately 17,600 square feet or 0.40 acres of land.

### **South Westland Drive Right of Way**

Being a portion of the South Westland Drive Right of Way, recorded as Plat No. 4267 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point marking the southeasterly common corner of Parcel B, Block A and Lot 1, Block A, Section One Walnut Hill, as shown on Plat No. 24052, said point also being located on the northerly right of way line of South Westland Drive; thence along the common line of Parcel B, Block A and the South Westland Drive right of way

- 1.) South 40° 50' 00" West 390.00 feet along the common line of Parcel B, Block A and the northern right of way line of North Westland Drive to a point; thence
- 2.) 31.42 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet and a chord bearing and distance of North 85° 50' 00" East 28.28 feet to a point on the existing City of Gaithersburg corporate line established by Resolution R-08-69 (Annexation X-099); thence
- 3.) Southeasterly along the existing City of Gaithersburg corporate line established by Resolution R-08-69 to a point on the common line of Maryland Route 355 right of way and Parcel C, Block C as shown on Plat No. 4267; thence continuing along the existing City of Gaithersburg corporate line
- 4.) 31.42 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet and a chord bearing and distance of North 04° 10' 00" West 28.28 feet to a point on the southern right of way line of South Westland Drive, said point also located on Parcel C, Block C as shown on Plat No. 4267; thence continuing along the existing City of Gaithersburg corporate line established by Resolution R-08-69
- 5.) North 40° 50' 00" East 380.00 feet to a point on the southern right of way line of South Westland Drive, said point marking the common corner of Parcel C, Block C and Lot 1, Block C as shown on Plat No. 4267 and also marking the common corner of Parcel D, Block G/Skidmore Boulevard right of way as shown on Plat No. 18427 and Lot 1, Block C as shown on Plat No. 4267; thence leaving the existing City of Gaithersburg corporate line established by Resolution R-08-69 and the southern right of way line of South Westland Drive and crossing said right of way
- 6.) Northwesterly to the point of beginning, containing approximately 27,300 square feet or 0.63 acres of land.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than two (2) times, at not less than weekly intervals, in *The Washington Post*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above as Parcel B, Block A, Section One Walnut Hill, recorded as Plat No. 4267, being land annexed to the City, be and is hereby classified in the C-2 (General Commercial) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above as Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290, being land annexed to the City, be and is hereby classified in the CD (Corridor Development) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above as Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052, being land annexed to the City, be and is hereby classified in the CD (Corridor Development) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that all or a portion of this annexation shall be subject to the terms and conditions of an annexation agreement by and between one or more of the Property Owners and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jud Ashman, Mayor and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was introduced by the City Council of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_ 2023, and Adopted by the City Council, in public Meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2023.

This annexation will become effective on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanisha Briley, City Manager

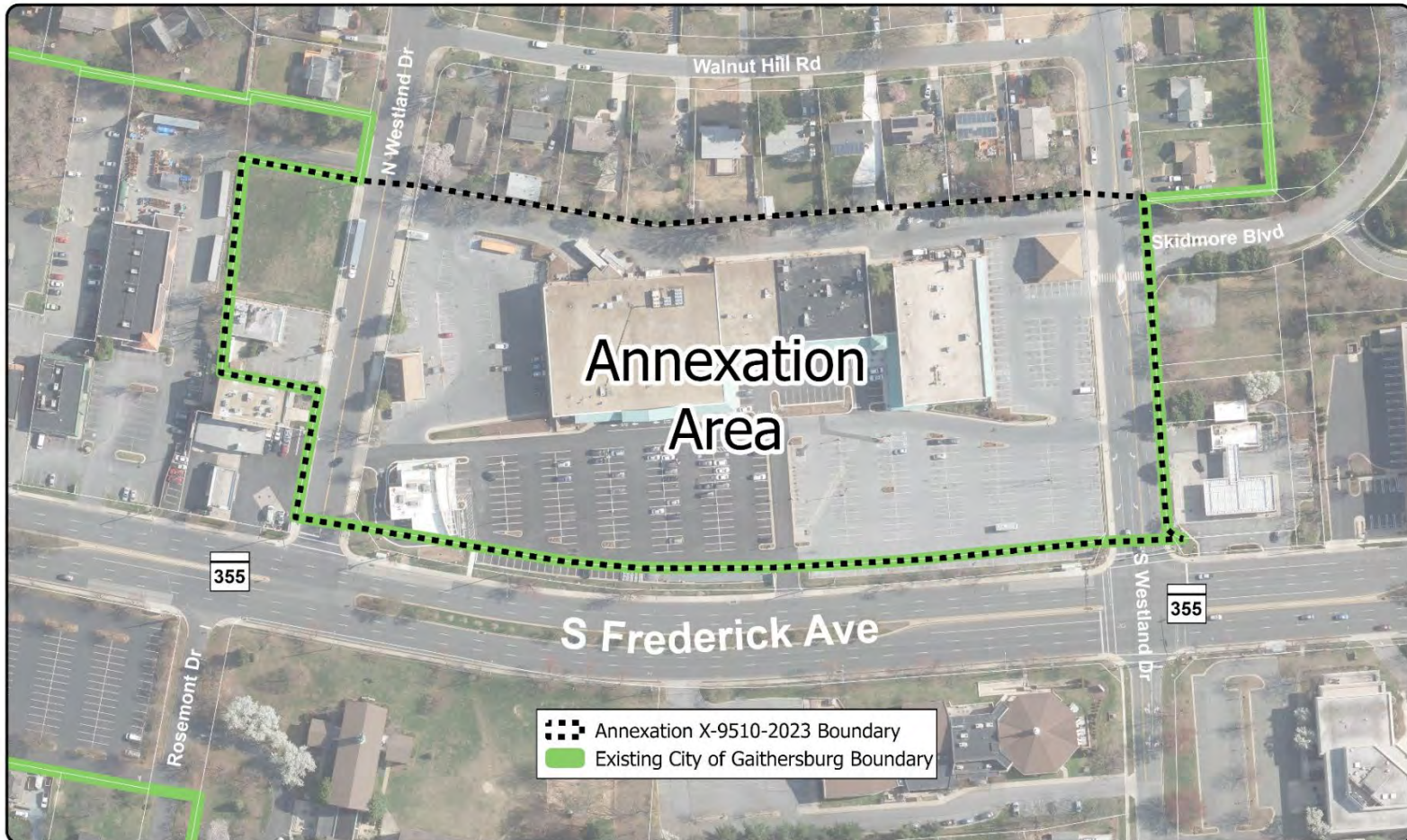
# X-9510-2023: Walnut Hill Commercial Annexation

Mayor and City Council

May 15, 2023


Introduction

# Location



## Walnut Hill Commercial - Potential Annexation Area

(301) 258-6330

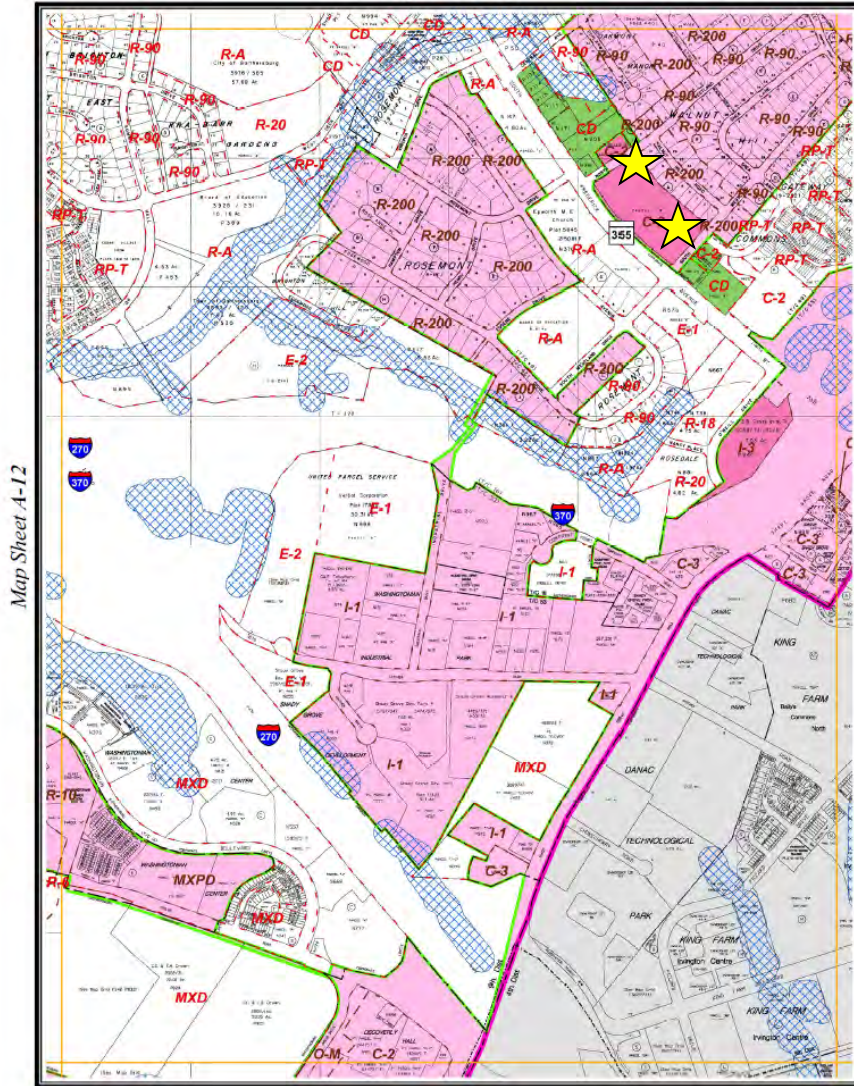
 The City of Gaithersburg makes no warranty, express or implied, for the completeness and accuracy of the information depicted on this map. All rights reserved.  
0 25 50 Feet  
5/5/2023 • keby

# Maximum Expansion Limits

- Property is within the City's Maximum Expansion Limits

Map Sheet A-13

Map Sheet A-08



Map Sheet A-12

Map Sheet A-14

Map Sheet A-17



# Density and Zoning

## **PROPOSED GAITHERSBURG ZONING CHART**

	16531 S FREDERICK AVE.	8939 N WESTLAND DR.	8941 N WESTLAND DR.
ZONING	C-2	CD	CD
TRACT AREA	360,477 SF	20,886 SF	10,784 SF
DENSITY	C-1,216,609 SF (3.375)	70,490 SF (3.375)	36,396 SF (3.375)
DEVELOPMENT TYPE/USE	COMMERCIAL	COMMERCIAL/ RESIDENTIAL	COMMERCIAL/ RESIDENTIAL
GROSS FLOOR AREA (GFA)	97,853 SF**	0 SF	2,200 SF***
CHANGE IN BUILDING AREA (SF)	3,026 SF	0 SF	0 SF

\*DEVELOPMENT AND AREA (SF) INCLUDES THE TO BE DEMOLISHED DRY CLEANERS ON SITE.

\*\*DEVELOPMENT AND AREA (SF) EXCLUDES THE TO BE DEMOLISHED DRY CLEANERS ON SITE AND INCLUDES THE PROPOSED SHEETZ TO BE BUILT ON SITE.

# Annexation Agreement

- Applicant has expressed interest in pursuing an annexation agreement with the City
- Final Agreement terms will be introduced at Policy Discussion
- Annexation Agreement will likely address:
  - A requirement to make improvements to the existing shopping center and the timing of those improvements
  - Assurances for the proposed new development
  - An overall parking ratio for the shopping center
  - Allowing the Sheetz Annexation Plan to serve as the approved concept site plan

# Next Steps

- Should the Mayor and City Council wish to proceed with the annexation petition, staff will tentatively schedule the Council's public hearing for Monday, September 5, 2023.
- The City Planning Commission would likely review the annexation for their recommendation in July.
- The County Planning Board would likely review the annexation for conformity prior to August.
- The Mayor and City Council's Policy Discussion would then be be scheduled for October.



May 16, 2023

Mr. Chuck Boyd  
Director of Planning Coordination  
Maryland Department of Planning  
301 West Preston Street, Suite 1101  
Baltimore, MD 21201

Re: X-9510-2023 Walnut Hill Commercial Properties Annexation to the City of Gaithersburg

Dear Mr. Boyd,

The City of Gaithersburg received a petition for annexation of approximately 9.63 acres of land from Montgomery County into the City on February 21, 2023. The area to be annexed, known as Walnut Hill Commercial Properties, is comprised of three parcels and two right of ways. The three parcels are located at 16531 South Frederick Avenue, 8939 North Westland Drive, and 8941 North Westland Drive. The right of ways include portions of the right of way of North Westland Drive and South Westland Drive.

This letter serves as official notification, as required by Subtitle 4 of Title 4 of The Local Government Article of the Maryland Code, that the Mayor and City Council of the City of Gaithersburg will tentatively hold the public hearing regarding the proposed annexation on September 5, 2023 following the date that any determination as to “substantial conformance” by the Montgomery County Planning Board is issued and any actions by the Montgomery County Council, if necessary, are scheduled. The City Council’s record is currently open. Advertising for the public hearing will be in accordance with The Local Government Article of the Maryland Code.

Attached is a copy of the annexation petition, Applicant’s statement, and annexation plan. You may contact me with any questions you may have regarding the application at either 301-258-6330 or [kirk.eby@gaitthersburgmd.gov](mailto:kirk.eby@gaitthersburgmd.gov).

Sincerely,

J. Kirk Eby, Planner III  
Planning and Code Administration



May 16, 2023

Marc Elrich  
Montgomery County Executive  
101 Monroe Street, 2nd Floor  
Rockville, MD 20850

Re: X-9510-2023 Walnut Hill Commercial Properties Annexation to the City of Gaithersburg

Dear Mr. Elrich,

The City of Gaithersburg received a petition for annexation of approximately 9.63 acres of land from Montgomery County into the City on February 21, 2023. The area to be annexed, known as Walnut Hill Commercial Properties, is comprised of three parcels and two right of ways. The three parcels are located at 16531 South Frederick Avenue, 8939 North Westland Drive, and 8941 North Westland Drive. The right of ways include portions of the right of way of North Westland Drive and South Westland Drive.

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Sincerely,

J. Kirk Eby, Planner III  
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
301-258-6300 • FAX 301-948-6149 • [cityhall@gaitthersburgmd.gov](mailto:cityhall@gaitthersburgmd.gov) • [www.gaitthersburgmd.gov](http://www.gaitthersburgmd.gov)

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Robert T. Wu

CITY MANAGER  
Tanisha R. Briley



May 16, 2023

The Honorable Evan Glass  
Council President  
Montgomery County Council  
100 Maryland Ave  
Rockville, Maryland 20850

Re: X-9510-2023 Walnut Hill Commercial Properties Annexation to the City of Gaithersburg

Dear Mr. Glass,

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May 16, 2023

The Honorable Sidney Katz  
District 3  
Montgomery County Council  
100 Maryland Ave  
Rockville, Maryland 20850

Re: X-9510-2023 Walnut Hill Commercial Properties Annexation to the City of Gaithersburg

Dear Mr. Katz,

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May 16, 2023

Ms. Tanya Stern, Acting Planning Director  
Montgomery County Planning  
2425 Reddie Dr, 14<sup>th</sup> Floor  
Wheaton, MD 20902

Re: X-9510-2023 Walnut Hill Commercial Properties Annexation to the City of Gaithersburg

Dear Ms. Stern,

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May 16, 2023

Mr. Jeff Zyontz  
Chair, Montgomery County Planning Board  
2425 Reddie Drive 14<sup>th</sup> Floor  
Wheaton, MD 20902

Re: X-9510-2023 Walnut Hill Commercial Properties Annexation to the City of Gaithersburg

Dear Mr. Zyontz,

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