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April 9, 2025

Via Electronic Mail

Mayor Jud Ashman and Members of the City Council  
John Bauer, Planning Commission Chair and  
Members of the Planning Commission  
City Hall  
21 South Summit Avenue  
Gaithersburg, Maryland 20877

Re: 10003 and 10009 Fields Road, Gaithersburg, MD (the “Property”) – SDP-9896-2024

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

We understand based on recent email correspondence with Planning Commission Staff that their position regarding the above-referenced Application continues to be that the Master Plan remains relevant and calls for a mix of uses on the two sites comprising the Property and consequently, the Application is not in accord with the Master Plan. In addition to our letter submission dated April 1, 2025, we wanted to take the opportunity to further address Staff’s position.

The 1997 City of Gaithersburg Neighborhood Three Land Use Plan (page 22) designates the Property as Area 15 and the specific recommendation for Area 15 (page 25) is in full as follows:

**Designate** Parcels B&C, Block A as **commercial, industrial-research-office** (Map Designation 15). This designation will allow a use that is consistent with the mixed use commercial development such as office, restaurants and highway convenience services. This map designation has high visibility and easy access to surrounding roads which would be a benefit to future office development. Uses that are encouraged on this site would be high-rise office buildings with ancillary commercial/retail business within the office building structure. A landscape buffer shall be included in any site development plan between the tennis courts of the Oakwood Apartments and Map Designation 15.

Land Use and Zoning Actions:

- Adopted commercial/industrial-research-office land use designation
- Zoning remains **MXCD**

Note: See staging elements.

The Master Plan designates the property “commercial, industrial-research-office.” However, the only uses ever developed on the Property, which were found to be in accord with the Master Plan, were commercial uses consisting of the following:

- Two restaurants
- One gas station
- One lube center
- One carwash
- One convenience store

The proposed mix of uses pursuant to the pending SDP Application are:

- One restaurant
- One gas station
- One lube center
- One carwash
- One convenience store

In other words, it is the exact same mix of uses, less one restaurant. It is difficult to grasp how the elimination of one restaurant can so alter the mix of uses that it would now be found to be not in accord with the Master Plan.<sup>1</sup>

The Master Plan suggests such uses as “office, restaurants and highway convenience services.” Again, to the extent that the mix of uses on the Property was initially found to be compliant with this suggestion, the elimination of one of the two restaurants does not bring it out of compliance.

As noted at the March 17, 2025 joint hearing, there are currently retail vacancies in nearby Downtown Crown of 27,664 square feet (See Attachment A). This ground floor, pedestrian friendly retail presents a much more desirable location for the types of uses Staff desires for the Property (i.e. a restaurant or retail use). Yet nonetheless, retaining retailers in this prime location is challenging, as evidenced by the excerpts from the MoCo show that aired on June 8, 2024, (See Attachment B). The fact that it is difficult to both attract and retain retailers in Downtown Crown – an environment much more suitable for a restaurant or retailer than the Property, raises the question as to whether 28 years after the adoption of the 1997 Master Plan and 21 years after its revalidation, the Property remains an appropriate location for these types of uses. Moreover, there is nothing in the Master Plan to suggest that the uses on the Property must be limited to a restaurant or retailer.

Notably, Downtown Crown was developed well after the 1997 Master Plan recommendation and the 2004 Master Plan (which simply acknowledged the existing uses on the Property and

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<sup>1</sup> The Master Plan focuses on the development of the site for high-rise office use, mentioning office five times in the single paragraph. However, there appears to be recognition that such development of the Property is highly infeasible not only given the limited land area available but because of the utter lack of office market – As of Q1 2024, the vacancy rate in Montgomery County was 21.9 percent, up from 16.5 percent in 2023 and 11.6 percent in 2018. Note that these figures do not reflect the results of the recent actions by the Federal Government.

validated the recommendations of the 1997 designation) and resulted in a significant change to the commercial landscape surrounding the Property.

As evidenced by the Applicant's testimony and submissions to the record, we feel strongly that the Application is in accord with the Master Plan. However, in the event the City disagrees, the Applicant in the alternative asserts that the Master Plan is no longer relevant. The Applicant's Statement of Justification set forth the basis for this alternative finding and we reference that document but further submit that the development of Downtown Crown, adding approximately 250,000 square feet of retail space to the commercial market surrounding the Property, provides a strong basis for rendering the recommendations of the Master Plan not relevant.

We appreciate the opportunity to provide this additional information.

Sincerely,

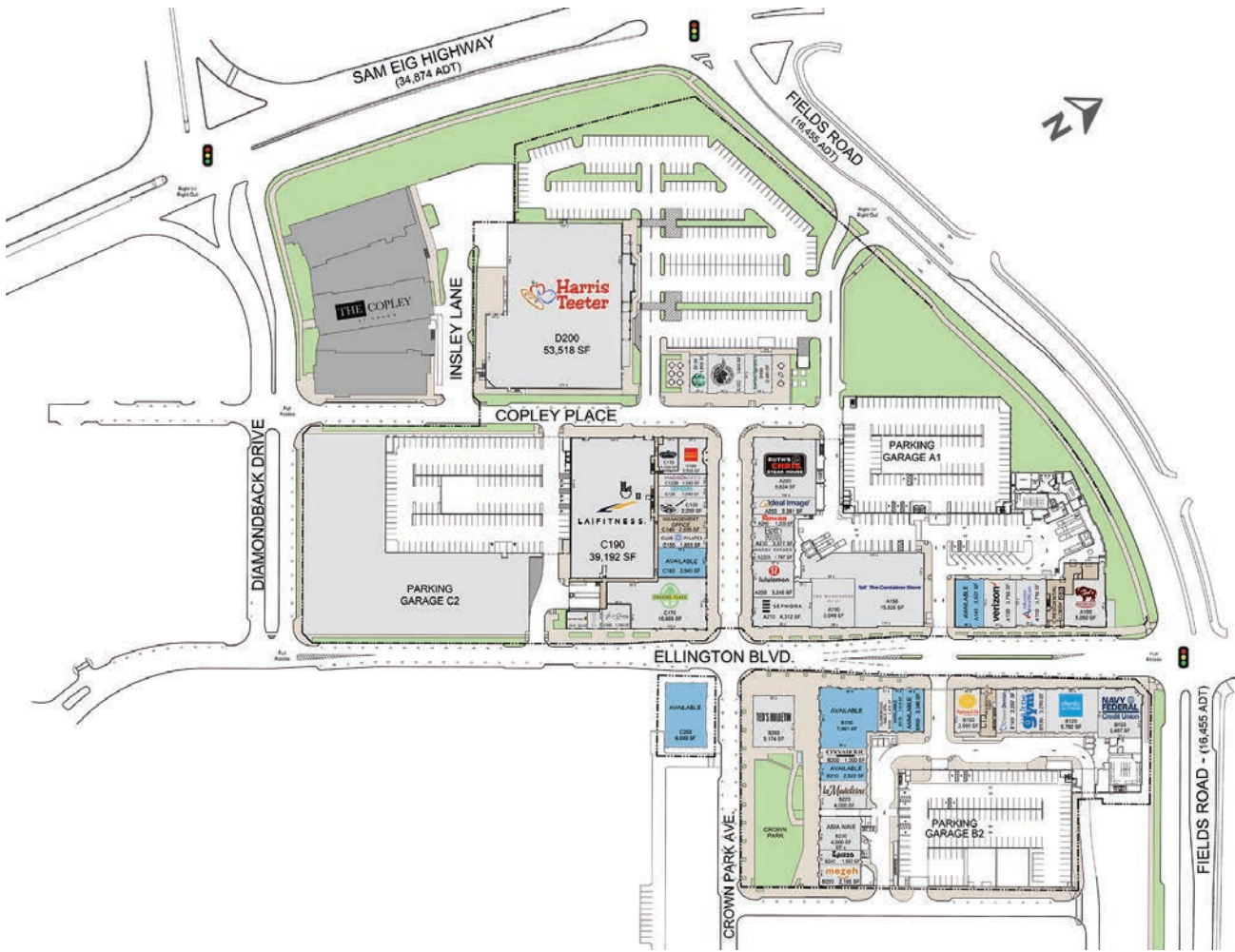


Patricia A. Harris

cc: Greg Mann  
Jasmine Forbes  
Sam Copelan

Encls.

Attachment A



AVAILABLE SPACE

A140  
**3,527 SF**  
RETAIL

B160  
**2,346 SF**  
RETAIL

B170  
**1,078 SF**  
RETAIL

B190  
**7,961 SF**  
RETAIL

B210  
**2,522 SF**  
RETAIL

C160  
**3,540 SF**  
RETAIL

C250  
**6,690 SF**  
RETAIL

Attachment B

## Part 1 of 4 – “themocoshow” Instagram post, June 8, 2024



**themocoshow** • Follow  
Downtown Crown

**themocoshow** Downtown Crown:  
Openings, Closings, and Coming Soon

Downtown Crown, the restaurant and retail portion of Gaithersburg's Crown neighborhood opened in 2014 with Harris Teeter as an anchor and restaurants including Ruth's Chris Steak House, Coastal Flats, Ted's Bulletin, La Madeleine Country French Café, and more. Though the places listed are all still open, there have been some changes in the area the last decade.

Below, we'll go over a few recent openings, closures (new and older), some vacancies, and what's coming soon.

688 likes  
June 8, 2024

Comments on this post have been limited.

## Part 2 of 4 – “themocoshow” Instagram post, June 8, 2024



**themocoshow** • Follow  
Downtown Crown

openings, closures (new and older), some vacancies, and what's coming soon.

BurgerIM, an Israeli burger chain, closed permanently last year after about three and a half years at 200 Ellington Blvd. Doki Toki, the Asian bakery and dessert shop next door that took over for Mango Mango in May 2022, closed early last summer after just over a year at 202 Ellington Blvd. Old Town Pour House, one of the original Downtown Crown tenants, closed last October at 212 Ellington Blvd after 8.5 years. Last month, Paladar Latin Kitchen & Rum Bar at 203 Crown Park Ave in Gaithersburg closed permanently after almost 10 years.

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June 8, 2024

Comments on this post have been limited.

### Part 3 of 4 – “themocoshow” Instagram post, June 8, 2024



**themocoshow** • Follow  
Downtown Crown

Paladar Latin Kitchen & Rum Bar at 203 Crown Park Ave in Gaithersburg closed permanently after almost 10 years.

In addition to the four spaces listed above that remain vacant, the development also has vacant storefronts between Cinnaholic and La Madeleine and between Ideal Image and Bath & Body Works (which opened at the beginning of 2023). The Container Store recently moved in to the space that was previously home to Great Gatherings at 201 Ellington Blvd and Ice Cream Jubilee's truck held its grand opening earlier this month.

If you've been in the Downtown Crown neighborhood of Gaithersburg in recent weeks, you may have noticed

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June 8, 2024

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### Part 4 of 4 – “themocoshow” Instagram post, June 8, 2024



**themocoshow** • Follow  
Downtown Crown

If you've been in the Downtown Crown neighborhood of Gaithersburg in recent weeks, you may have noticed construction at what was previously the green space behind Ted's Bulletin and in front of Cinnaholic, La Madeleine, Asia Nine, & Pizza, and Mezeh. According to Kite Realty, a "one-of-a-kind enhancement is underway at Downtown Crown – with a new park, plaza, and community stage to be added on site. The aesthetic improvements and consistent activation opportunities will elevate the visitor experience and make the development even more of a welcoming destination within the neighborhood."

Edited · 43w

688 likes  
June 8, 2024

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Source: <https://www.instagram.com/themocoshow/p/C79nr1QO5s-/>