

## Jasmine Forbes

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**From:** Jasmine Forbes  
**Sent:** Tuesday, February 23, 2021 5:06 PM  
**To:** 'Ralph Caudle'; Jud Ashman; Michael Sesma; Neil Harris; Laurie-Anne Sayles; Ryan Spiegel; Robert Wu  
**Cc:** John Schlichting  
**Subject:** RE: The Crown Stacked Townhome Condominium Association

Good Afternoon,

Thank you for your correspondence related to Amendment to Schematic Development Plan application ASDP-8733-2020. The correspondence will be included in the Planning Commission's record for their consideration. The Planning Commission will make a final action on March 3rd. For clarification, the Applicant is requesting an additional story within the maximum 75 feet height allowed for the property. The building footprint and the 75 foot maximum height was approved as part of the original Schematic Development Plan for Crown Neighborhood One. The additional story will be below grade at the corner of Diamondback Drive and Ellington Blvd. With the below grade story at the corner, the building is going to be 5-6 stories and will not go over the maximum 75 feet that is permitted for this property. If you have any questions, please feel free to contact me.

Regards,  
Jasmine Forbes



**Jasmine Forbes, Planner II**  
**Planning and Code Administration**

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City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877  
Direct: 240-805-1069 | Main: 301-258-6330 | [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov)  
[Jasmine.Forbes@gaitthersburgmd.gov](mailto:Jasmine.Forbes@gaitthersburgmd.gov)

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**From:** Ralph Caudle <rcaudle@comsource.com>  
**Sent:** Tuesday, February 23, 2021 2:53 PM  
**To:** Jud Ashman <Jud.Ashman@gaitthersburgmd.gov>; Michael Sesma <michael.sesma@gaitthersburgmd.gov>; Neil Harris <Neil.Harris@gaitthersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaitthersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaitthersburgmd.gov>; Robert Wu <robert.wu@gaitthersburgmd.gov>; Planning External Mailing <Planning@gaitthersburgmd.gov>  
**Subject:** The Crown Stacked Townhome Condominium Association

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Dear Esteemed Mayo Jud Ashman, Council Vice President Michael A. Sesma, Council Members Neil Harris, Laurie-Anne Sayles, Ryan Spiegel, Robert T. Wu and Planning Commissioners Danny Winborne, Lloyd Kaufman, Sharon Cantrell, Mathew Hopkins, Phillip Wessel and John Bauer:

Attached is a letter from Elizabeth Walker, President of the Crown Stacked Townhome Condominium a 70 unit condominium located at 111-189 Copley Circle, 510-540 Copley Place & 601-651 Diamondback Drive, Gaithersburg, Md.

20878 voicing the homeowners opposition to the amendment of the Schematic Development Plan for the parcel of land located in the Crown Neighborhood across from the Crown Stacked Townhome Condominium.

Regards,

**Ralph Caudle CMCA®, PCAM®**  
Senior Community Manager

**Comsource Management AAMC®**  
3414 Morningwood Drive  
Olney, Maryland 20832

301-924-7355 x145 office  
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# ***THE CROWN STACKED TOWNHOME CONDOMINIUM***

February 23, 2021

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

Sent via email: [Jud.Ashman@gaithersburgmd.gov](mailto:Jud.Ashman@gaithersburgmd.gov); [Michael.Sesma@gaithersburgmd.gov](mailto:Michael.Sesma@gaithersburgmd.gov);  
[Neil.Harris@gaithersburgmd.gov](mailto:Neil.Harris@gaithersburgmd.gov); [Laurie-Anne.Sayles@gaithersburgmd.gov](mailto:Laurie-Anne.Sayles@gaithersburgmd.gov);  
[Ryan.Spiegel@gaithersburgmd.gov](mailto:Ryan.Spiegel@gaithersburgmd.gov); [Robert.Wu@gaithersburgmd.gov](mailto:Robert.Wu@gaithersburgmd.gov);  
[planning@gaithersburgmd.gov](mailto:planning@gaithersburgmd.gov)

Dear Esteemed Mayor Jud Ashman, Council Vice President Michael A. Sesma, Council Members Neil Harris, Laurie–Anne Sayles, Ryan Spiegel, Robert T. Wu and Planning Commissioners Danny Winborne, Lloyd Kaufman, Sharon Cantrell, Mathew Hopkins, Phillip Wessel, and John Bauer,

We are writing this letter on behalf of the Crown Stacked Townhome Condominium Association located within the Crown Neighborhood. Our association represents 70 households. The Crown Neighborhood encompasses several different homeowners associations, apartment buildings and commercial buildings.

It has come to our attention that a developer, Fairfield Residential, has submitted the following request to amend the Schematic Development Plan for a parcel of land located in the Crown Neighborhood and adjacent to our homeowners.

**ASDP-8733-2020: 333 Ellington Blvd, Amend Crown Neighborhood One Schematic Development Plan SDP-11-001 in the MXD (Mixed Use Development) Zone, AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN.**

The developer is requesting to increase their proposed apartment building from the currently approved schematic plan of a 5-story building to a 6-story building.

This letter is to confirm that our Homeowners adamantly oppose any change in the schematic plan to increase the number of stories. Our homeowners purchased their homes based on the 5 story limitations that were set in place for the parcel in question. The additional story will block site lines, impede upon solar setbacks, negatively impact views, and diminish the value of our member’s homes. These homes were purchased based on representations from the original

developers of Crown as approved by the City of Gaithersburg Schematic Development Plan. These representations were solidified within Crown's Development Covenants, Restrictions and Regulations. As such, the five-story limitation effectively placed a deed restriction for the proposed development parcel. Allowing Fairfield Residential to increase their proposed building from 5 stories to 6 stories is a clear violation of these covenants, restrictions, and regulations and requires a change of the association's by laws to do so. Any change to these covenants would require approval of all the homeowners located within the Crown neighborhood. If the Planning Commission were to amend the schematic development plan for the benefit of Fairfield Residential, they would be effectively allow Fairfield to bypass the covenants, regulations and restrictions protections afforded to all Crown homeowners therefore violating both federal and state homeowners protection laws.

In addition, this project is too large for the current infrastructure design. We understand that a traffic study was performed approximately 10 years ago when the development plan was put in place for a Five story building. That traffic study accounted for a reduction in vehicle traffic directly related to a transit station for the proposed Corridor Cities Transitway (CCT) that was meant to be used by residents and to be located adjacent to the proposed project at the intersection of Ellington Drive and Fields Road. The CCT project was officially terminated by The State of Maryland and therefore, there will be no traffic reduction as indicated in the current traffic study. This means the current traffic study is not accurate and the site is not be suitable to accommodate the proposed project.

Based upon the information stated above, we encourage you to deny Fairfield Residential's request to amend the schematic plan.

Sincerely,

*D. Elizabeth Walker /s/*

D. Elizabeth Walker

President of the Copley at Crown Condominium

**MEMORANDUM TO:** The Planning Commission  
**FROM:** Jasmine Forbes, Planner  
**DATE:** February 17, 2021  
**SUBJECT:** Preliminary Background Report  
ASDP-8733-2020 – 333 Ellington Boulevard

**APPLICANT:**  
Byan Condie  
FRH Realty, LLC.  
3330 Cumberland Blvd  
Atlanta, Georgia, 30339

**OWNER:**  
VII Crown Farm Owner, LLC. c/o Sunbrook Partners  
Linowes and Blocher, LLP  
7200 Wisconsin Avenue  
Bethesda, Maryland, 20814

**ATTORNEY:**  
Heather Dishopolsky  
Wire Gill, LLP  
4800 Hampden Lane, Suite 200  
Bethesda, Maryland, 20814

**ENGINEER:**  
Nicholas B. Speech  
Bohler Engineering  
16701 Melford Blvd  
Bowie, Maryland, 20715

**ARCHITECT:**  
Steve Moriak  
Dwell Design Studio  
8200 Greensboro Drive, Suite 650  
McLean, Virginia, 22102

**TAX MAP REFERENCE:**  
ID #: 16-0903702306  
Block A, Lot 3

**REQUEST:**

Application ASDP-8733-2020 has been filed requesting an amendment to the Schematic Development Plan for 333 Ellington Boulevard (Subject Property).<sup>1</sup> The Applicant is requesting to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story in the overall maximum building height allowance of 75 feet for a new multi-family building<sup>2</sup>.

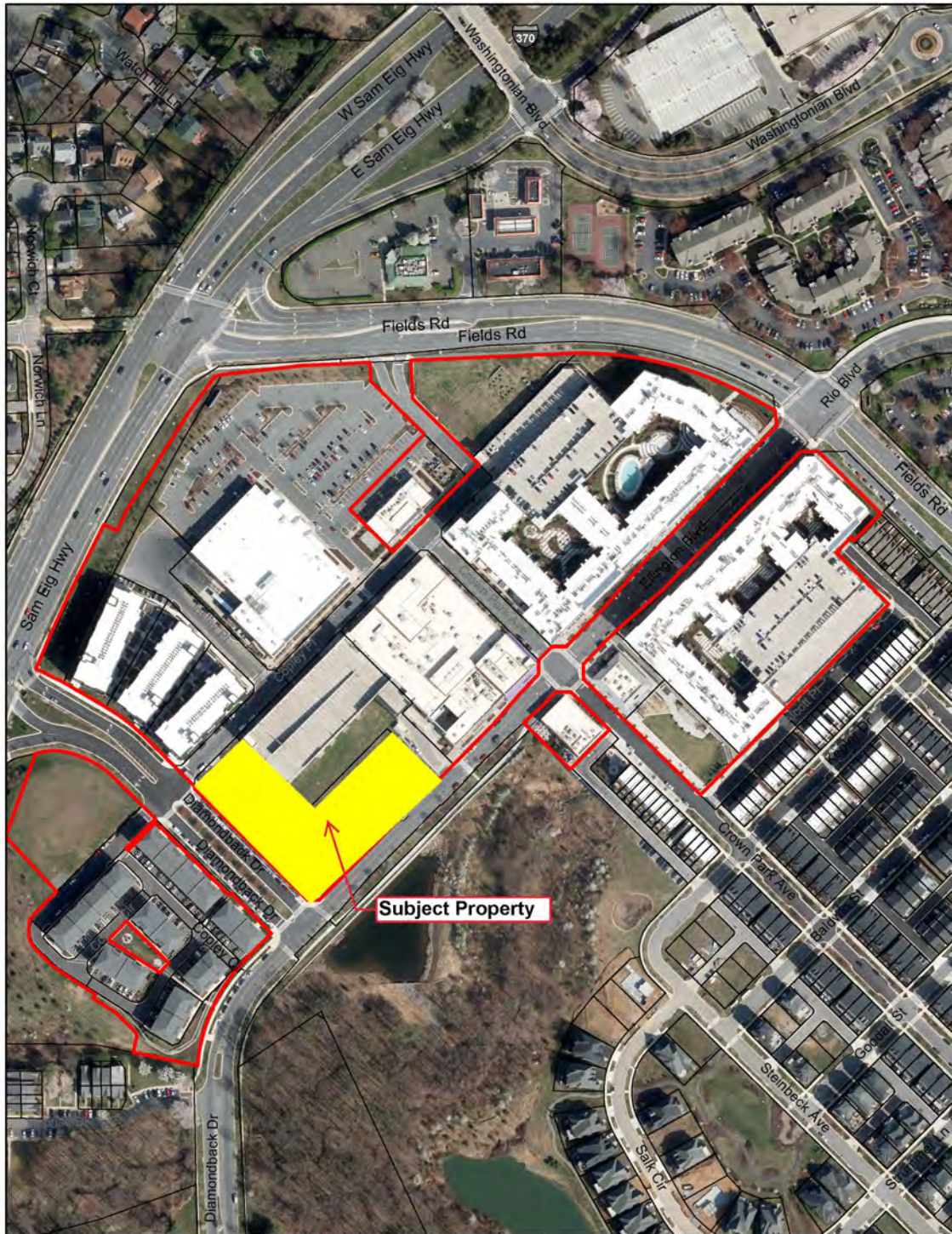
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<sup>1</sup> Exhibit #1

<sup>2</sup> Exhibit #2

**LOCATION:**

The Subject Property is located at 333 Ellington Boulevard, which is at the corner of Diamondback Drive and Ellington Boulevard. The Subject Property is part of the Crown Neighborhood One development.



*Location Map*

## **PROJECT BACKGROUND**

Application ASDP-8733-2020 was filed on December 29, 2020 by Bryan Condie of FRH Reality, LLC. The application was presented to the Mayor and City Council as a courtesy review during their January 19, 2021 regular meeting, pursuant to § 24-198(C)(2) of the City Code. During the courtesy review, the Council deemed the application to have a minor effect and directed the Planning Commission to hold the public hearing and make a final decision on the amendment. Currently a final site plan application has been submitted and is being reviewed by staff. The final site plan will be presented and reviewed by the Planning Commission at a subsequent meeting.

## **REQUIRED ACTIONS**

Approval of ASDP-8733-2020, by the Planning Commission is dependent upon the findings required under § 24-160D.10 of the City Code as follows:

- (b) *The city council shall approve a schematic development plan only upon the finding that:*
  - (1) *The plan is substantially in accord with the approved sketch plan; and*
  - (2) *The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone, and other requirements of the City Code; and*
  - (3) *The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*
  - (4) *The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and*
  - (5) *That existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
  - (6) *That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and*
  - (7) *That the plan, if approved, would be in the public interest.*

Therefore, the Applicant has the burden of affirming that this application for amendment continues to comply with the purpose and intent of the MXD Zone and with the master plan.

## **ANNEXATION**

The Mayor and City Council approved the Crown Farm annexation application, X-182, into the City of Gaithersburg on August 7, 2006 by resolution R-82-06. In addition to the annexation approval, the Mayor and City Council also established MXD (Mixed Use Development) zoning for the Crown Farm Development and approved the associated sketch plan by ordinance O-8-06. The approved sketch plan, Z-310, was based upon and further defined by the approved X-182 Annexation Agreement.

The Z-310 sketch plan and agreement established a mix of uses including 2,250 residential units in a variety of dwelling unit types and 320,000 square feet of commercial/retail development, divided among six (6) Neighborhoods. Two (2) of the Neighborhoods would have neither housing nor commercial components; one is a future Montgomery County school site (Neighborhood 6) and other a City Park (Neighborhood 4).

### **Application Z-315 and 2nd X-182 Annexation Agreement<sup>4</sup>:**

Following the purchase out of bankruptcy, the new owners VII Crown Farm Owner LLC negotiated with the City a second amendment to the X-182 Annexation Agreement and received approval for a new sketch plan. The Z-315 application, approved December 6, 2010 by ordinance O-27-10 proposed a re-distribution of housing units and types, with an increase in single family units, among the original neighborhoods established by the Z-310 Sketch Plan. The boundaries of the six neighborhoods were changed with a noted increase to Neighborhood 2 and a decrease to Neighborhood 5. The maximum cap of 2,250 overall residential units and 320,000 square feet of commercial, a City Park, and future school site on approximately 180 acres of land to be divided into six (6) neighborhoods remained unchanged from the original X-182 annexation and Z-310 Sketch Plan. This Z-315 application reflected the changes that were incorporated into the 2nd Amended X-182 Annexation Agreement, negotiated between the City and VII Crown Farm Owner, LLC.

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<sup>4</sup> Exhibits #5 and 6

**NEIGHBORHOOD 1 - MIXED-USE**  
 UP TO 8 STORIES

COMMERCIAL: 235,000 - 300,000 gross square feet

SINGLE FAMILY ATTACHED  
 AND MULTIFAMILY: 650 - 1200 UNITS



- NOTES:**
- Heights are expressed in stories as follows\*:  
 Neighborhood 1 – up to 8 Stories  
 Neighborhoods 2 and 3 – up to 4 Stories  
 Neighborhood 5 – up to 20 Stories

Sketch Plan Z-315 Land Use Map

As it relates to SDP-7354-2016, Z-315 approved the following:

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**TOTAL MAXIMUM DENSITY**

**320,000 GSF** OF COMMERCIAL  
**2,250** MULTIFAMILY, SINGLE FAMILY ATTACHED  
AND DETACHED UNITS

**NEIGHBORHOOD 1 - MIXED-USE**

UP TO 8 STORIES  
COMMERCIAL: **235,000 - 300,000 gross square feet**  
SINGLE FAMILY ATTACHED  
AND MULTIFAMILY: **650 - 1200 UNITS**  
ACREAGE: 41+/-

**NEIGHBORHOOD 2**

UP TO 4 STORIES  
SINGLE FAMILY ATTACHED AND DETACHED AND  
MULTIFAMILY : **320 - 420 UNITS**  
ACREAGE: 53+/-

**NEIGHBORHOOD 3**

UP TO 4 STORIES  
SINGLE FAMILY ATTACHED AND DETACHED AND  
MULTIFAMILY : **300 - 440 UNITS**  
ACREAGE: 46+/-

**NEIGHBORHOOD 4 - CITY PARK**

ACREAGE: 5.7+/-

**NEIGHBORHOOD 5 - MIXED-USE**

UP TO 20 STORIES  
COMMERCIAL: **10,000 - 85,000 gross square feet**  
SINGLE FAMILY ATTACHED AND  
MULTIFAMILY: **300 - 900 UNITS**  
ACREAGE: 5+/-

**NEIGHBORHOOD 6 - SCHOOL SITE**

ACREAGE: 32.1

*Sketch Plan Z-315 Density Chart*

## **MASTER PLAN AND SITE PLAN HISTORY**

### **Master Plan**

The Crown development was included in the 2003 Master Plan as Special Area 4. Even though recommendations for this site was not completed, there was public input received at the charrette for the future vision of the Crown Farm development. At the time of the 2003 Master Plan, Crown Farm was not part of the City and the property owners began the process of seeking annexation into the City in 2005. The development was also included as part of the 2009 Land Use Plan as Map Designation 21. The Master Plan recommended that Crown Farm development retain the mixed use designation and zoning remains MXD (Mixed Use Development). The Land Use Element of the 2009 Master Plan designated the land use for the Crown development as Mixed Use.

### **Site Plan**

Schematic Development Plan (SDP) application SDP-11-001 was submitted in accordance with Z-315 and approved on April 4, 2011 by resolution R-28-11. That SDP approved Neighborhoods 1 and 2 of the Crown development. The following is a list of schematic development plans amendments for Crown Neighborhood One:

- SDP-1842-2013: Neighborhood 1 conversion of a multi-family rental to seventy (70) 2-over-2 condominium units, approved by Resolution R-45-13 on June 17, 2013;
- ASDP-7049-2015 : The Crown Lofts Condominiums approved by Resolution PCR-ASDP-7049-2015 on July 2015; and
- SDP-8069-2018: Four story office building with ground floor retail at 10002 Fields Road, approved on September 3, 2019 by Resolution R-59-19.

Neighborhood 2 and the commercial core of Neighborhood 1 received final site approvals as SP-11-0011 (approved September 7, 2011) and SP-11-0012 (approved January 18, 2012) respectively. Since those approvals, all but one parcel in Neighborhoods 1 and 2 have received final site plan approval and are either under or have completed construction.

## SURROUNDING LAND USE/ PHYSICAL CHARACTERISTICS

The development is surrounded by commercial and residential uses to the north, east and west. The properties to the north, south, east, west is zoned MXD (Mixed Use Development).



Zoning Map

## **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)**

In accordance with § 24-244, "Applicability" the Crown Property is not subject to the APFO requirements as it is governed by an annexation agreement prior to the effective date of the Article; however, the following is noted:

### **Traffic Impacts**

The X-182 annexation application included a Traffic Impact Analysis, performed by The Traffic Group Inc. Following annexation, this document continued to be further refined and more data added. The latest Traffic Impact Analysis was completed July 26, 2006. This document defined those intersections that may need mitigation as a result of the proposed development.

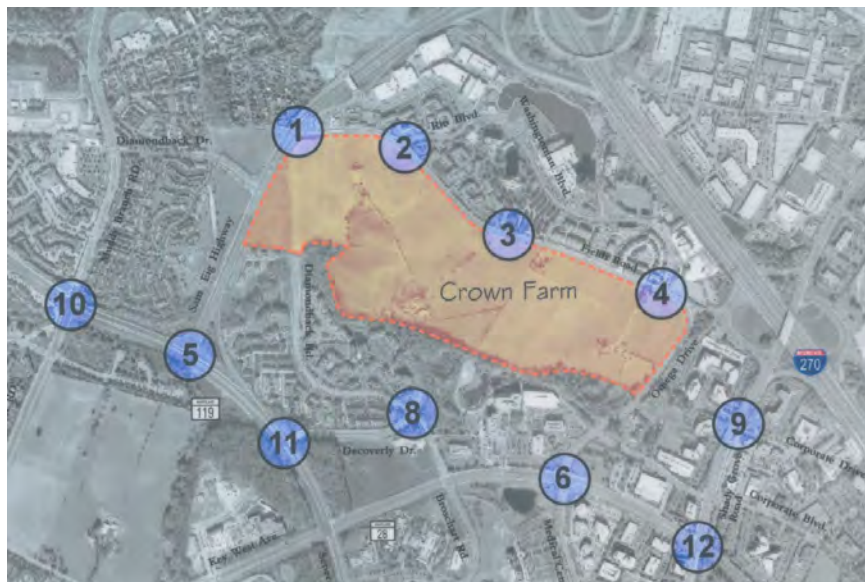
As part of the approved Z-315 Sketch Plan, an Off-Site Road Improvement Plan was submitted. This plan is based upon the findings in the July 26, 2006 Traffic Impact Analysis. The plan would mitigate those impacts identified in the analysis. These improvements would occur on both Montgomery County and Maryland State owned and maintained roads and as such, the State Highway Administration and Montgomery County Department of Public Works & Transportation have final review and approval of the proposed improvements and may choose not to perform the actions. The Applicant has bonded the cost of the proposed following improvements in accordance with following X-182 provision:

"Crown Village agrees to provide Gaithersburg with a bond, letter of credit or other security (the "Guarantee") in an amount which covers the design, engineering, and construction costs only of the Off-Site Road Improvement(s) in question and to construct the Off-Site Road Improvement(s) in question within a five (5)-year period from the date Crown Village posts the Guarantee with Gaithersburg but only if the required governmental approvals and rights-of-way are available... Should the approvals and/or rights-of-way not be available within the five (5)-year period, Crown Village shall not be obligated to construct the Off-Site Road Improvements in question but agrees to pay an amount equal to the amount of the Guarantee to Gaithersburg for use by Gaithersburg for the Off-Site Improvement(s) in question or such other transportation improvements related to the Permitted Development as Gaithersburg may determine..."

Improvements:

- 1) *The applicant will commence the construction of, or participate in the cost of construction of, the following improvements by the issuance of the 100th residential building permit or the commencement of construction of 50,000 square feet of Commercial Retail Development:*
  - i) *Sam Eig Highway and Fields Road Improvements, including additional turn lanes, lane widening, and installing roundabouts. (Improvements 1-4)*

- ii) MD 119 (Great Seneca Highway) and Sam Eig Highway Road Improvements (Improvement 5)
  - iii) Shady Grove Road and Darnestown Road Improvements (Improvement 7)
  - iv) 119 (Great Seneca Highway) and Muddy Branch Road Improvements (Improvement 10)
- 2) The applicant will commence the construction of, or participate in the cost of construction of, by the earlier of the issuance of the 250th residential building permit or the commencement of construction of 100,000 square feet of Commercial Retail Development:
- i) Diamondback Drive and Discoverly Drive Road Improvements (Improvement 8)
  - ii) MD 119 (Great Seneca Highway) and Discoverly Drive Road Improvements (Improvement 11)
  - iii) Extend auxiliary lane from Sam Eig Highway back to Discoverly Drive (Improvement 11)
- 3) The applicant will commence the construction of, or participate in the cost of construction of, the following improvements by the issuance of the 500th residential building permit or the commencement of construction of 200,000 square feet of Commercial Retail Development:
- i) MD 28 and Omega Drive – Medical Center Drive Road Improvements (Improvement 6)
  - ii) Shady Grove Road and Corporate Drive Road Improvements (Improvement 9)
  - iii) Extend auxiliary lane from I-270 ramp southerly to Corporate Drive (Improvement 9)
  - iv) MD 28 and Shady Grove Road Improvements (Improvement 12)



Sketch Plan Z-310: Off-Site Roads Improvement Plan

## **Adequacy of School Capacity**

The Crown development is located in the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Students generated by this development will attend Rosemont Elementary School, Forest Oak Middle School and Gaithersburg High. No schools are currently in moratorium.

## **Water and Sewer Services and Public Utilities**

The Subject Property is currently served by water and sewer categories W-3 and S-3 respectively.

## **Fire and Emergency Services**

The City's Adequate Public Facilities Ordinance (APFO) requires that any development project be served by at least two fire stations within a ten-minute response time. The Crown development is located with a ten-minute response time of the following fire stations:

- Station 8 (Gaithersburg/Washington Grove- Montgomery Village Avenue)
- Station 31 (Rockville)
- Station 32 (Travilah)

## **ASDP-8733-2020 AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN<sup>5</sup>**

The Applicant is requesting to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story in the overall height allowance for a multi-family building located at the corner of Diamondback Drive and Ellington Boulevard. On April 4, 2011, the Mayor and City Council approved Schematic Development Plan SDP-11-001 for the Crown Neighborhood One development. The SDP plan specified the Subject Property as a five-story multi-family building with a maximum height of 75 feet. Due to the existing grades on the property, a small corner of the building will be partially below grade. The space that is below grade will contain uses associated with the multi-family buildings, such as leasing office, mailroom and fitness center. Pursuant to the City Code, a basement shall be counted as a story if it is used for business or dwelling purposes. In this situation, the basement would be considered a story and counts towards the maximum five-stories permitted on the approved SDP. Therefore, the Applicant is requesting to amend the previously approved Schematic Development Plan to permit the additional story but is not requesting approval to increase the maximum height of 75 feet.

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<sup>5</sup> Exhibit #3

## **SUMMARY**

Staff at this time is not providing a formal recommendation. A Staff recommendation will be provided prior to the Planning Commission's final action. For the purpose of concluding the public hearing, Staff recommends that the Planning Commission make a motion to close the public hearing and hold the record open till 5:00 PM on February 25, 2021 (8 Days), with anticipated final action at the March 3<sup>rd</sup> Planning Commission meeting.



Heather Dlhopsky  
hdlhopolsky@wiregill.com  
301-263-6275

February 25, 2021

*Via Email to [jasmine.forbes@gaitthersburgmd.gov](mailto:jasmine.forbes@gaitthersburgmd.gov)*  
Ms. Jasmine Forbes  
Community Planning, City of Gaithersburg  
31 S. Summit Avenue  
Gaithersburg, MD 20877

Re: 333 Ellington Boulevard, Downtown Crown, Gaithersburg (the “Property”): Supplemental Materials for the Record of the Amendment to Schematic Development Plan ASDP-8733-2020 (the “Application”)

Dear Ms. Forbes:

On behalf of FRH Realty LLC (the “Applicant” and contract purchaser of the Property), we are submitting this letter for inclusion into the record of the Application, prior to the close of the record on February 25, 2021 and in response to correspondence that was submitted by several neighbors and representatives of the community following the City of Gaithersburg Planning Commission (the “Planning Commission”) public hearing held on February 17<sup>th</sup>.

As was discussed at the public hearing, the Application is only necessary because of a technical provision in the definitions section of the Zoning Ordinance. Because the leasing office is located in the sixth story “below” the first floor of the building, which the City considers a “business” use, this ground floor area is considered a “story”, rather than simply a basement. (The specific sectional references to these relevant defined terms are included in Application Exhibit #2, page 2; Exhibit #11, pages 3-4.) The Schematic Development Plan (defined and discussed in detail in Exhibit #2, page 1; Exhibit #11, page 2) permits up to 75 feet in height for the Property, which the Application is in fact short of, and thus the Application is in full compliance with the previously approved Schematic Development Plan, except for the notational revision that is the subject of this Application.

In addition, as was briefly discussed at the public hearing, the number of multi-family dwelling units proposed by the Applicant is within the total number of dwelling units permitted for Neighborhood 1 of Downtown Crown by the prior approvals (the Sketch Plan and Schematic Development Plan, as defined and discussed in detail in Exhibit #2, page 1; Exhibit #11, page 2). Thus the sixth story at the corner of Ellington Boulevard and Diamondback Drive does not result in more multi-family dwelling units than would otherwise be allowed (and, no dwelling units are proposed in the sixth story portion of the project).

As was also discussed in the public hearing, the Applicant is aware that the community has concerns regarding pedestrian safety. While this Application is for a limited purpose and has no route to address these concerns, the Applicant is continuing to have conversations both with the City and the master developer regarding the concerns that have been expressed.



Heather Dlhopsky  
hdlhopolsky@wiregill.com  
301-263-6275

There were several statements made in the recent correspondence that was submitted into the record of the Application by neighbors and representatives of the community (Exhibits #13 and #14). We would like to simply note for the record that while there is a Declaration of Covenants, Conditions, and Restrictions in place, it: first, does not speak at all to the permissible number of stories or feet in height at the Property, and does not require amendment or the approval of any homeowners for any amendments sought to development plans; and second, it is a private covenant put in place by the declarant and the City is not a party to it, meaning that it is improper to place it for consideration by the Planning Commission or any other City body. There was also an allegation made that the Applicant is beginning site work and seems to be building up dirt at the corner of Ellington Boulevard and Diamondback Drive. This is simply not the case; the Applicant is not yet doing any work on-site.

Finally, because the Applicant is the contract purchaser of the Property, we have included with this submission a letter from the Property owner indicating that they consent to and support this Application filing.

We thank you for your review of this information, and look forward to the Planning Commission's consideration of the Application on March 3<sup>rd</sup>. Please contact us should you have any questions or require any additional information.

Sincerely,

Wire Gill LLP

A handwritten signature in black ink that reads "Heather Dlhopsky".

Heather Dlhopsky

Enc.

cc: Mr. Gregory Mann, City of Gaithersburg  
Mr. Bryan Condie, Fairfield Residential Company  
Mr. Trey Kirby, Fairfield Residential Company  
Mr. Chip Baker, Dwell Design Studio  
Mr. Nathan Hayes, Dwell Design Studio  
Mr. Max Lee, Dwell Design Studio  
Mr. Stephen Moriak, Dwell Design Studio

**VII Crown Farm Owner, LLC**

44715 Brimfield Drive, Suite 210

Ashburn, VA 20147

February 24, 2021

Ms. Jasmine Forbes  
Community Planning, City of Gaithersburg  
31 S. Summit Avenue  
Gaithersburg, MD 20877

Re: ASDP-8733-2020 – 333 Ellington Boulevard, Downtown Crown, Gaithersburg (Amendment to Schematic Development Plan SDP-11-001)

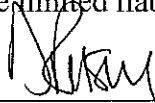
Dear Ms. Forbes:

On behalf of VII Crown Farm Owner, LLC, the current owner of the above-referenced property, we are submitting this letter to note our support of the filing of ASDP-8733-2020 by the contract purchaser of the property. We are in full agreement that this application implements the original vision established for Neighborhood 1 and the subject property by the original Sketch Plan Z-315 and Schematic Development Plan SDP-11-001. We are also in agreement that the revision proposed by the application is simply a notational change to account for the drop in grade across the property and the resulting zoning classification of the ground floor level at the corner of Diamondback Drive and Ellington Boulevard as a “story”. The application remains well within the maximum 75 feet in height permitted for the subject property by the original Schematic Development Plan SDP-11-001 and fully supports the Crown Farm Design Guidelines in enhancing the pedestrian experience at the corner of Diamondback Drive and Ellington Boulevard.

We hope that this information is helpful in your continued review of the application.

Sincerely,

VII CROWN FARM OWNER, LLC,  
a Delaware limited liability company

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

Name: David Ramsey

Title: Authorized Signatory