



December 5, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
Vision Division

Sue Edwards, Team Leader *Sue*
North Central Transit Corridor Team
Vision Division

FROM: Crystal Myers, Senior Planner (301.495.2192) *C.M.*
North Central Transit Corridor Team
Vision Division

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SUBJECT: City of Gaithersburg Draft Municipal Growth Plan (An Element of the 2003 Master Plan)

STAFF RECOMMENDATION: Transmit the following comments to the City of Gaithersburg Mayor and City Council and Planning Commission as part of the public hearing record.

1. The future annexation of the enclave areas is consistent with the City's adopted 1997 Maximum Expansion Limits (MEL) Map. These areas include NIST, Hoyle's Addition, Londonderry, Oakmont, Walnut Hill, Rosemont, Washingtonian Residential, and Washingtonian Industrial Park and are totally surrounded by the City of Gaithersburg. The future annexation of the Enclaves by the City of Gaithersburg is appropriate, which is consistent with the recommendation of the Gaithersburg West Master Plan.
2. The City should refer all annexation requests to the Planning Board and County Council for review prior to City action on the request. This provides an opportunity to address any proposed rezoning as well as other concerns, such as, the removal of the property from Moderately Priced Dwelling Unit (MPDU) requirements, the Transfer of Development Rights (TDR) program, and the constraints of the Adequate Public Facilities Ordinance (APFO). The 1992 Memorandum of Understanding between Montgomery County and the Cities of Rockville and Gaithersburg may need to be amended to include this requirement.

3. The City of Gaithersburg should include language in future annexation agreements that ensures the continuity of payment of Metropolitan District (Park) taxes after annexation. Despite the Planning Board's repeated request for the City to include this language in its annexation petitions, to date the City has yet to implement this recommendation.
4. The proposed Maximum Expansion Limits (MEL) should not include the Traville property which includes the Human Genome Sciences Headquarters complex and a portion of the Traville residential development. This area is an important element to the life science community.
5. MD 28 would be a better boundary between the City of Gaithersburg and the *Potomac Subregion Master Plan* area than private property lines as shown on the proposed MEL Map. MD 28 is physically identifiable and would not split properties in the *Potomac Subregion Master Plan* area. This recommendation is consistent with Draft Municipal Growth Plan objectives.
6. Parcels in the Shady Grove Life Sciences Center (LSC) should remain outside Gaithersburg limits and under the planning and zoning jurisdiction of the County because the County has made a substantial investment in this area as a cornerstone of County economic activity.
7. There is an overlap between the City of Gaithersburg and the Town of Washington Grove proposed MEL. The CSX railroad tracks seem like a logical boundary between the two municipalities. The Oakmont Industrial Park is the only property in the 2006 *Shady Grove Sector Plan* that should be included in Gaithersburg's proposed MEL. Shady Grove Road, I-370, and the CSX railroad tracks are logical boundaries for the City of Gaithersburg. The Legacy Open Space portion of the Casey at Mill Creek property and the 12.4-acre Roberts Oxygen Company should be included in the Washington Grove MEL.
8. The annexation of the 65-acre McGown property is likely because of the adjacent Watkins Mill Town Center and Casey East projects in the City. The Planning Department staff would like to coordinate planning of this property with the City of Gaithersburg's Planning Department staff.
9. Emory Grove Road should be the boundary of the MEL east of Goshen Road. The annexation of a portion of Montgomery Village is not appropriate because it will split portions of the Montgomery Village Town Sector.
10. The Draft Municipal Growth Plan designates a portion of the Quince Orchard area including, the 14-acre vacant Johnson property in the proposed MEL. The annexation of this area does not have a physically identifiable boundary for the City. Staff is concerned about the possible loss of the potential park site on the Johnson property and recommends this area be excluded from the MEL.

11. The Londraft Road area should be included within the City's MEL. When development occurs, however, we hope that the City will strive to protect mature trees and provide the environmental hope that the City will strive to protect mature trees and provide the environmental safeguards recommended in the 1985 Gaithersburg Vicinity Master Plan.
12. The Planning Department Staff look forward to a more in-depth discussion of each of the key properties identified for annexation as the City's review of the Draft Municipal Growth Plan continues.

BACKGROUND

The City of Gaithersburg Planning Department has produced a Draft Municipal Growth Plan (an element of the *City of Gaithersburg 2003 Master Plan*). The September 2008 Draft Municipal Growth Plan provides a guide for the City's future development and growth. The Plan responds to the 1992 State of Maryland Economic Growth, Resources Protection, and Planning Act and the Article 66B, Section 3.05 (a) (4) (x) requirement for a detailed and quantitative analysis of the City's anticipated growth.

State law prohibits annexation of land that is not contiguous and adjoining to the existing municipality. The Draft Municipal Growth Plan amends the Maximum Expansion Limits (MEL) that establish geographic boundaries for potential future annexation of County land into a municipality to allow for growth of a City. The MEL are useful planning tools to forecast logical growth areas for a City and to determine future service needs and responsibilities between the County and the municipality.

The 1997 City of Gaithersburg Master Plan includes a discussion of MEL and a map showing potential expansion areas for the City (See Attachment 2 – Existing and Proposed MEL). The City's most recent long range plan, the 2003 *Land Use Element of the Master Plan*, does not address MEL and does not include a map. The Land Use Element is the tool whereby site specific zoning, land use, and density recommendations are made for individual properties. There is also a Community Facilities Element of the 2003 Master Plan. The Land Use and Community Facilities Elements are the implementation strategies within the policy framework established by the Draft Municipal Growth Plan.

The City is preparing its Draft Municipal Growth Plan at the same time as the County is developing the Gaithersburg West Master Plan. The Draft Gaithersburg West Master Plan is currently scheduled for Planning Board discussion on January 15, 2009. Many of the areas being reviewed under the Gaithersburg West Master Plan effort are being proposed for inclusion in the City's Draft Municipal Growth Plan.

OVERVIEW OF MUNICIPAL GROWTH PLAN

The Draft Municipal Growth Plan is based on current conditions, projections, and assumptions on what future population and conditions will be and reflect the goals and objectives of the City of Gaithersburg. For example, the City's 1995 housing goals "encourages a broad range of housing types and costs to meet the needs of different household sizes, income ranges, life styles and age groups." A principle of the City's 1999 Smart Growth Policy is "to encourage planning and development that must strengthen community diversity." As a result of the City's Housing Policy, during the 1980s and 1990s, there was an increase of single-family detached units in the City because development within the City involved large tracts of open land, such as the Kentlands and the Casey-Goshen tract. Prior to this time, the City's housing stock included a large percentage of multi-family units. Since the City is generally "built out", future development will only occur through redevelopment.

The overall vision for future City growth retains the goal of providing diversity in demographics, economics, and housing types and addresses the need to increase employment opportunities. Through its proposed MEL, the Draft Municipal Growth Plan delineates areas outside the current incorporated limits for future development. The City would like to annex these areas, such as the Rosemont neighborhood, the vacant Belward Farm, and the McGown property into the City by 2030.

The Draft Municipal Growth Plan will serve as an information and policy document to the Mayor and City Council, the Planning Commission, other Gaithersburg boards, committees, and citizens of Gaithersburg. It will support the policies and principles of the City and other Master Plan Elements. Unlike the adopted MEL, parcels, properties or general areas proposed for annexation must be designated as growth areas on the new MEL Map. In the past, areas that were not within the MEL could also be annexed into the municipality (such as, the annexation of the Crown Farm). New state law requirements, however, stipulate the municipalities must produce a Municipal Growth Plan (an element of the Master Plan) and will not be permitted to annex any land that is not included in such plan.

RELATIONSHIP OF MUNICIPAL GROWTH PLAN TO COUNTY MASTER PLANS

The Draft Municipal Growth Plan impacts the following County Master Plans:

- 1990 Shady Grove Study Area Plan
- 1982 Oakmont Special Study Plan
- 1985 Gaithersburg Vicinity Master Plan
- 2002 Potomac Subregion Master Plan
- 2006 Shady Grove Sector Plan

Staff reviewed key properties identified for annexation in the proposed MEL's by master plan area.

The following discussion references the location of specific parcels, properties or general areas (shown on Attachment 1: Detailed Maps of MEL, Growth Areas, and Zoning), and the relationship of the properties to County Master Plan recommendations.

1990 Shady Grove Study Area Plan (Map Sheets A-12, A-13, A-16, A-17)

The Draft Municipal Growth Plan recommends that the proposed MEL include all of the Life Sciences Center area, which includes Universities at Shady Grove Campus, Johns Hopkins University Montgomery County Campus, Johns Hopkins University Belward property, Shady Grove Adventist Hospital, and Human Genome Sciences.

In a letter dated December 1, 2008 (Attachment 4), the County Executive expressed his opposition to the inclusion of these “prime commercial and institutional assets” in the City’s MEL. Mr. Leggett’s letter highlights the significant investments the County has made to foster life sciences development in this area. His letter also informs the City that the County could potentially lose control of a significant element of its economic development strategy.

Extending the boundary bisects the Traville property and jeopardizes County economic interests in the Life Sciences Center. The Life Sciences Center area is currently under review as part of the Gaithersburg West Master Plan process. The Draft Gaithersburg West Master Plan is expected to recommend the LSC area for transit-oriented mixed-use development with a mix of uses including housing, retail, and recreation to support employment growth in the scientific sector.

1982 Oakmont Special Study Plan (Map Sheets A-08, A-13)

The Oakmont and Walnut Hill areas are part of the 1982 Oakmont Special Study Area Master Plan. These areas are predominantly a residential community located east of MD 355 and north of Shady Grove Road. The Walnut Hill Shopping Center and non-residential uses are located on MD 355 and scattered along Oakmont Avenue. Washington Grove Elementary School is also located in this area. The area is bordered by the City of Gaithersburg, the CSX railroad tracks/Town of Washington Grove, and the County’s 2006 *Shady Grove Sector Plan*. The Draft Municipal Growth Plan is proposing to include the entire Oakmont area in its 2008 MEL.

The Oakmont Special Study Area is part of the Gaithersburg West Master Plan process. Both the Gaithersburg West Master Plan and the 1982 Oakmont Special Study Plan support the annexation of significantly large areas and discourage annexation in a piecemeal fashion. Between 1989 and 1992, five properties were annexed by the City of Gaithersburg.

1985 Gaithersburg Vicinity Master Plan

The Draft Municipal Growth Plan designates the following properties for annexation that are located in the *1985 Gaithersburg Vicinity Master Plan area*. They are as follows:

1. Metropolitan Grove/McGown Property (Map Sheet A-01)

The 1985 Gaithersburg Vicinity Master Plan recommends the I-3 (Industrial Park) zone for the 65-acre McGown Property. This property that is traversed by PEPCO transmission lines is located south of and adjacent to I-270 and largely undeveloped due to topography and limited access. It is also adjacent to two mixed-use developments in the City of Gaithersburg. Game Preserve Road and Great Seneca Creek State Park are located nearby. The City’s 2003 Land Use Plan designates the property as parkland.

The Gaithersburg West Master Plan currently underway is considering the Planned Development (PD) zone as an optional zone to create mixed-use development for the McGown property. The property is located within the adopted MEL and the property owner is interested in annexation.

The Draft Municipal Growth Plan also designates the portion of Seneca Creek State Park located north of I-270 and south of Arrow Smith Court in the proposed MEL. Annexation of state-owned land does not contribute to the City's goal of planning for potential future development and growth.

2. Longdraft Road Area (Map Sheets A-05 and A-06)

There are several R-200 zoned residential communities (such as, Partridge and Pheasant Run) located west of Longdraft Road and adjacent to Seneca Creek State Park between the CSX railroad tracks and Great Seneca Highway (M-90). The area also includes an established neighborhood of single-family detached homes on wooded lots. The zoning for the Marmary Road area was changed in the 1985 Master Plan from the R-200 (half-acre) zone to the RE-2 zone (one home per two acres) to reflect environmental concerns and to respect environmentally sensitive areas. The 1985 Master Plan recommended that development under the cluster provisions of the RE-2C zone would be preferable, but does not appear to be feasible due to ownership patterns at that time.

Annexation of the Longdraft area designated on the Draft Municipal Growth Plan as shown is appropriate. However, at the time of development, mature trees should be protected wherever possible to maintain the natural beauty of the area and to provide protection against erosion, siltation, and reduction of water quality as recommended in the 1985 Master Plan.

3. Quince Orchard Road Area (Map Sheet A-10)

The area is located west of Quince Orchard Road near the Kentlands mixed-use community. It includes several residential lots that front Quince Orchard Road, the Quince Orchard Shopping Center, and the vacant 14-acre Johnson property.

The 1985 Master Plan and the *1990 Shady Grove Study Area Plan* recommended a new 10-acre local park on the Crown Farm off Fields Road. As the Crown Farm has now been annexed by the City of Gaithersburg without an active recreation park, an alternate local park site must be found to serve the Gaithersburg West Master Plan area. The Johnson property would be suitable for a local park containing two rectangular fields and other local recreation facilities.

While the Draft Municipal Growth Plan designates this area in the proposed MEL, the annexation of this area does not have a physically identifiable boundary for the City.

4. Montgomery Village (Map Sheet A-02)

The area includes an elementary school, public library, and apartments that are part of Montgomery Village, a community planned in the mid-1960s. The 1985 Master Plan did not provide detailed land use recommendations for Montgomery Village, zoned T-S (Town Sector). The Draft Municipal Growth Plan designates these properties in the proposed MEL. While MD 124 may appear to be an appropriate boundary for the City of Gaithersburg outer boundary, this recommendation splits portions of Montgomery Village communities and public facilities. In addition, the entire Montgomery Village community is subject to a Development Plan that establishes land uses and population cap. The County Council approves the Development Plan. A future annexation would disrupt the comprehensive nature of the T-S zone.

5. Midcounty Highway Area (Map Sheets A-03 and A-04)

The area includes residential properties outside of Montgomery Village and located near Emory Grove Road. Several of the properties located east of Goshen Road are adjacent to properties that have been annexed into the City of Gaithersburg. It is appropriate to designate this area within the proposed MEL and to establish Emory Grove Road as the outer boundary of the City. However, to designate the property west of Goshen Road is not appropriate.

2002 Potomac Subregion Master Plan (Map Sheets A-15, A-16)

The Draft Municipal Growth Plan recommends that the proposed MEL extend south of MD 28 into the *2002 Potomac Subregion Master Plan* area. This area includes the Quince Orchard Library, Quince Orchard High School, and several other individual properties. MD 28 is a physical boundary and the City of Gaithersburg's boundary should not extend south of MD 28.

In a letter dated December 1, 2008, representatives from the Darnestown Civic Association, North Potomac Citizens Association, West Montgomery County Citizens Association, Montgomery Countryside Alliance and the Audubon Naturalist Society expressed their opposition to the City's MEL extending into the *Potomac Subregion Master Plan* areas. The civic organizations believe that annexation plans should not be considered without considering the Master Plan recommendations for the area.

2006 Shady Grove Sector Plan (Map Sheets A-9, A-14)

The City of Gaithersburg's proposed MEL includes properties within the 2006 Shady Grove Sector Plan area. These include the Oakmont Industrial Park, Shady Grove Post Office, the vacant Casey properties, Shady Grove Plaza, the Grove Shopping Center, the proposed Piedmont Residential Crossing and proposed local County park site, and the proposed ICC Western Maintenance Facility site.

Several of the properties in the City of Gaithersburg proposed MEL are also in the Town of Washington Grove's proposed MEL.

Staff recommends that I-370, Shady Grove Road, and the CSX railroad tracks form the logical boundaries for future annexation by the City. In the Shady Grove Sector Plan area, only the Oakmont Industrial area falls within this boundary and is logical for future annexation. The Oakmont Industrial Park is adjacent to the Oakmont Special Study Area, which is in Gaithersburg's adopted MEL and it is located between Oakmont Avenue, MD 355, and I-370. The other proposed MEL areas in the Shady Grove Sector Plan do not fall within these boundaries. For example, Gaithersburg is proposing to extend its MEL to include Piedmont Crossing, vacant Casey properties, The Great Indoors, and the Shady Grove Post Office. This area is east of I-370 and the community would likely identify more with the Town Washington Grove than the City of Gaithersburg.

COUNTY REVENUE AND POLICY IMPLICATIONS

Revenue loss occurs whenever annexation occurs. When the City of Gaithersburg annexes land from the County, the Maryland-National Capital Park and Planning Commission (M-NCPPC) loses revenue from the regional tax and the park tax. If the City of Gaithersburg were to annex all of the proposed 2008 MEL area today, the County would lose about \$2.3 million in real property special service area taxes. Over half of the loss would be in Metropolitan Tax which funds M-NCPPC local park facilities and parks programs.

There are four County property tax rates that currently apply to the area but they do not apply to properties in the City of Gaithersburg. These are the Metropolitan Tax and Regional Tax that go to the M-NCPPC, the Recreation Tax that goes to the County Recreation Department, and the Storm Drainage Tax that goes to Washington Sewer and Sanitation Commission. The Highway Users Fund, which allocates State fuel taxes and the vehicle registration fees, based on road mileage and vehicle registrations in the area, will go to the City of Gaithersburg instead of the County for this area.

When land is annexed into the City, the job/housing balance goal changes. The City of Gaithersburg's Municipal Growth Element forecasts that as it transforms from a bedroom community to a mixed-use community its job/housing balance will increase from 2.4 in 2008 to 3.4 by 2030. The County's job/housing goal is 1:1.8. Though there is a difference in policy goals it is difficult to quantify the difference. Any comparison done between the two policies must keep in mind that the City and County do not use the same modeling assumptions.

When property is proposed to be annexed, several issues arise. The municipalities may not, for five years, rezone the property to a different land use or higher density than is shown on the County's current master plan unless the County Council consents to such rezoning. The municipality, therefore, refer all annexation requests to the Planning Board and County Council for review prior to city action on the request. This provides an opportunity to address any proposed rezoning as well as other concerns, such as the removal of the property from MPDU requirements, the TDR program, and the constraints of the APFO.

DRAFT MUNICIPAL GROWTH PLAN PUBLIC HEARING

On December 1, 2008, the Draft Growth Plan was the subject of a joint public hearing before the Mayor and City Council and the Planning Commission. At the hearing, community members expressed concern over the clarity of the document and the assumptions used in the quantitative analysis. They also felt that the Draft Municipal Growth Plan should clearly explain the logic behind MEL expansion.

During the meeting a representative for the McGown property testified that the McGown family supports the proposed MEL. At the conclusion of the meeting Mayor Sidney Katz asked City staff to look into how frequently the MEL can be changed. Gaithersburg is holding its public hearing record open indefinitely. It is anticipated that the Mayor and Planning Commission will take final action on the Draft Municipal Growth Plan by April 2009.

CONCLUSION

The City of Gaithersburg's MEL should be on logical natural or physical boundaries that respect community identity and do not weaken the County's economic vitality. The City should take this opportunity to create an MEL that protects communities and not promote piecemeal annexation of properties. The City should avoid having overlapping MEL's with the surrounding jurisdictions by working with Washington Grove, Rockville, and the Montgomery County Planning Department staff to finalize where appropriate boundaries should exist. Planning Department staff looks forward to more in-depth discussion with the municipalities to assure that future annexations are compatible with land uses and zoning recommendations as the proposed County Master Plans.

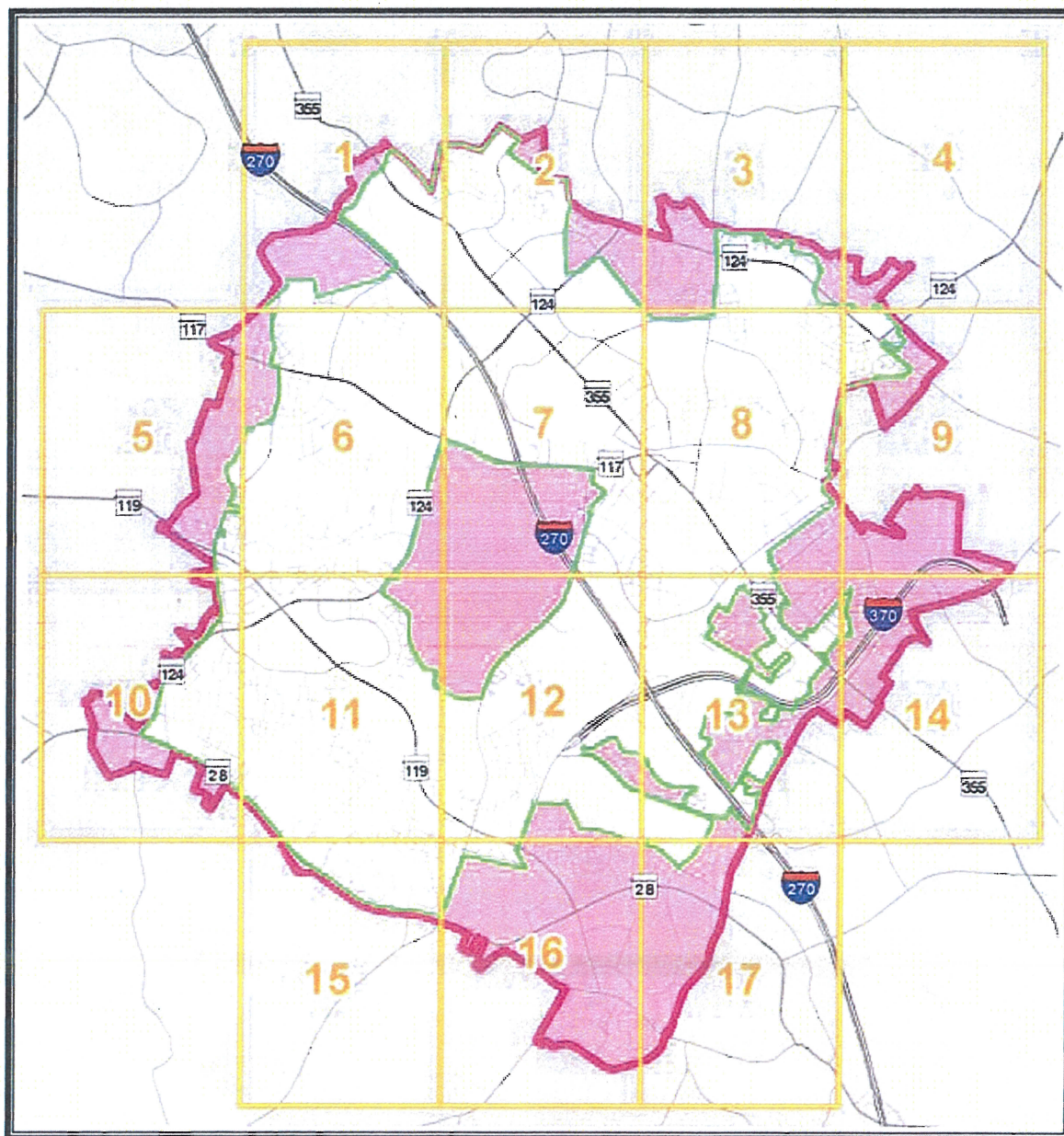
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Attachments:








1. Detailed Maps of MEL, Growth Areas, and Zoning
2. Existing and Proposed MEL
3. Explore Division's Memo
4. County Executive's Letter
5. Community groups letter
6. City/County Memorandum of Understanding
7. Gaithersburg West Enclaves Map
8. Life Sciences Center: Districts
9. Town of Washington Grove Proposed MEL

14. Appendix A: Detailed Maps of MEL, Growth Areas, Zoning

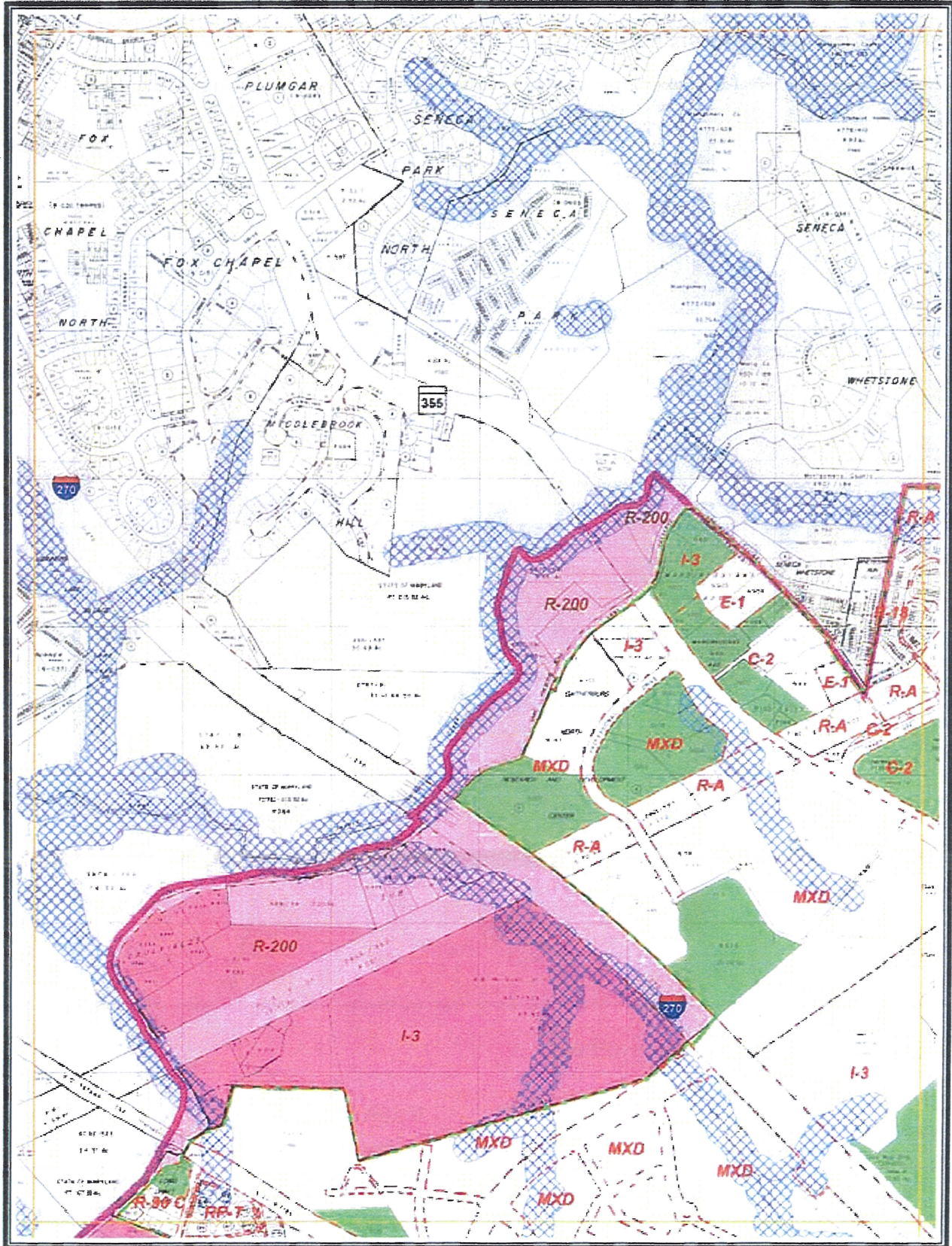
Index of Detailed Appendix Map Sheets

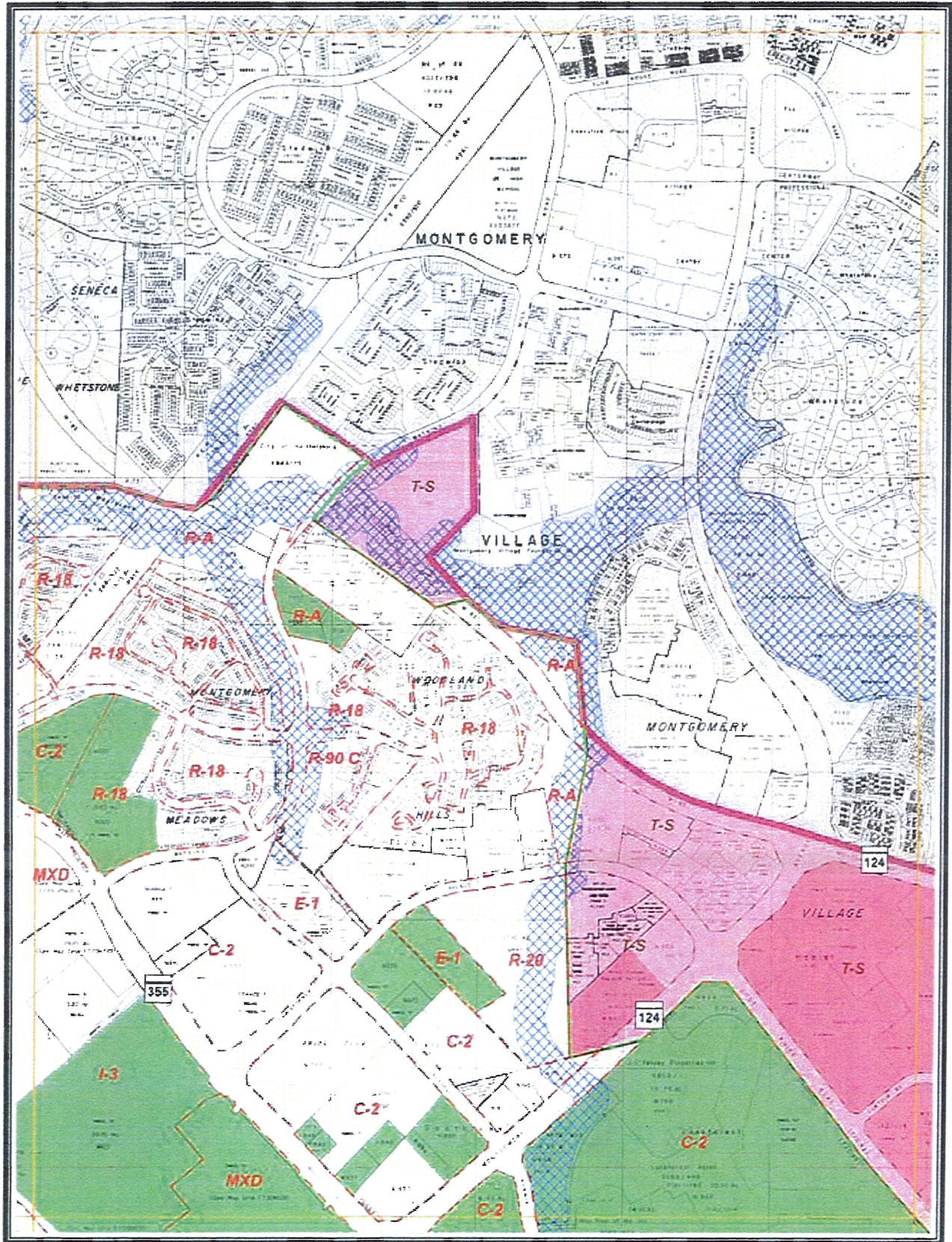


Legend Key for Appendix Map Sheets

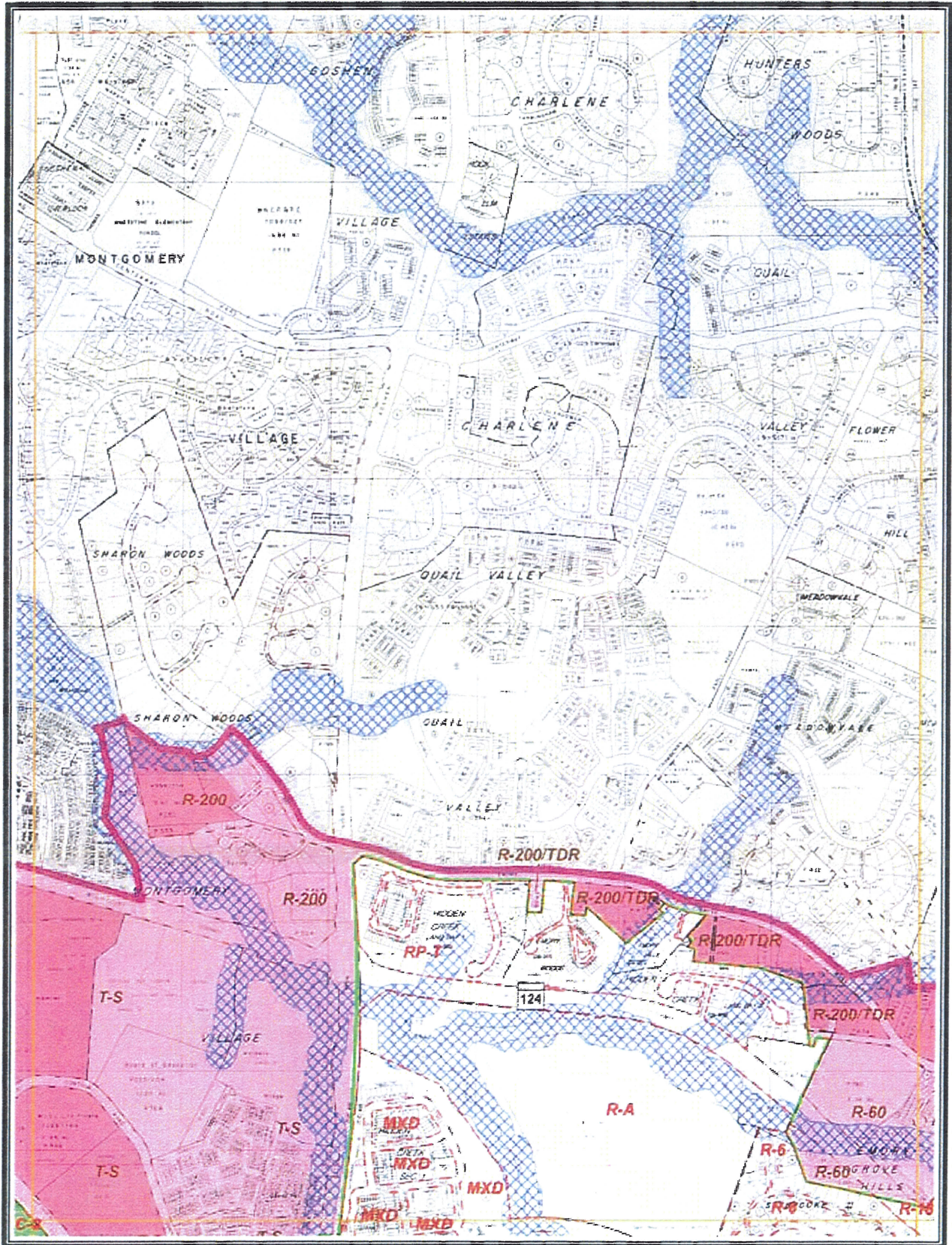
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|  | City of Gaithersburg Corporate Limits |  | Map Sheet Border |
|  | Maximum Expansion Limits (MEL) |  | Growth Areas - City |
|  | R-90 City Zoning |  | Growth Areas - MEL |
|  | R200 County Zoning | | Other Municipalities / Montgomery County |

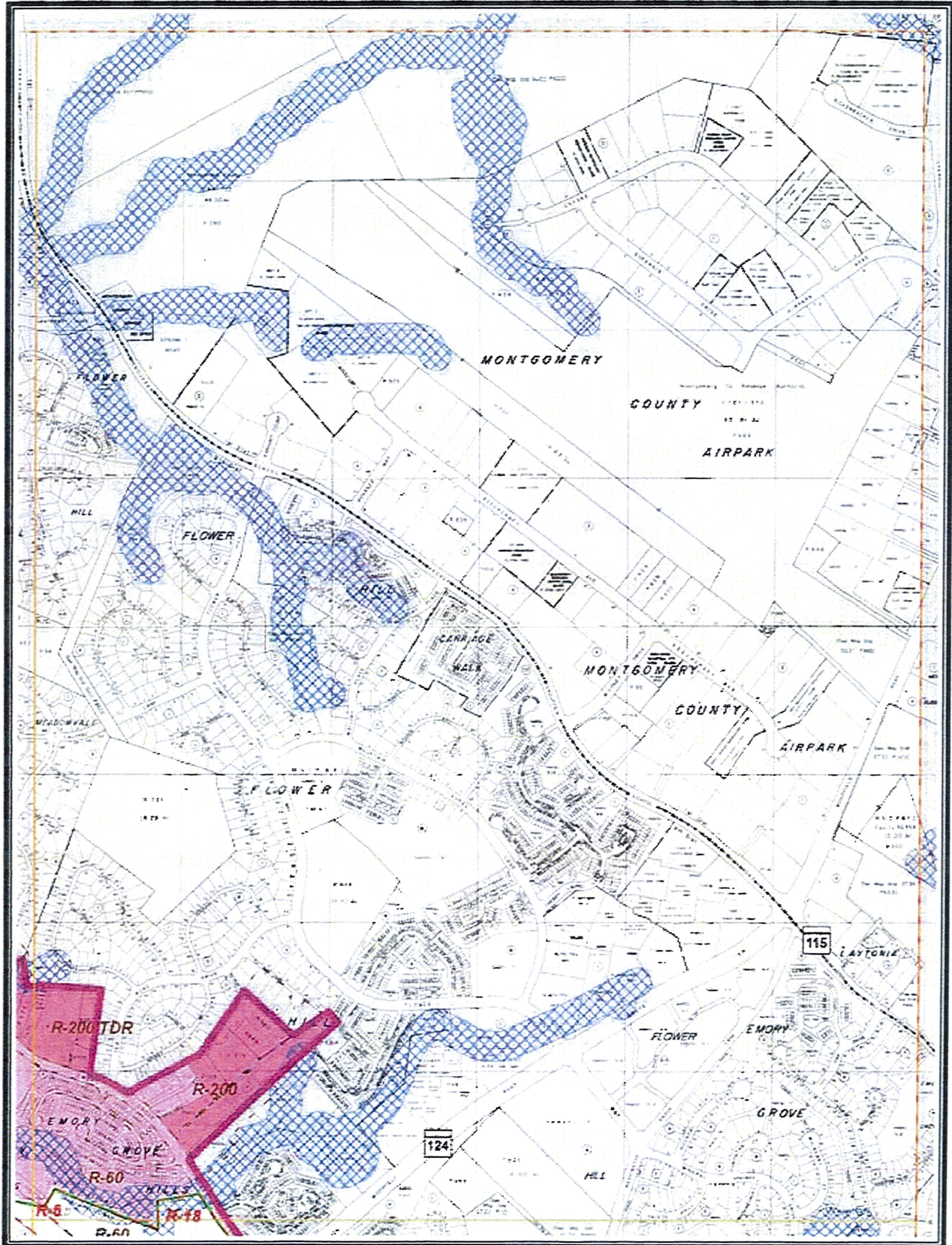
Map Sheet A-01



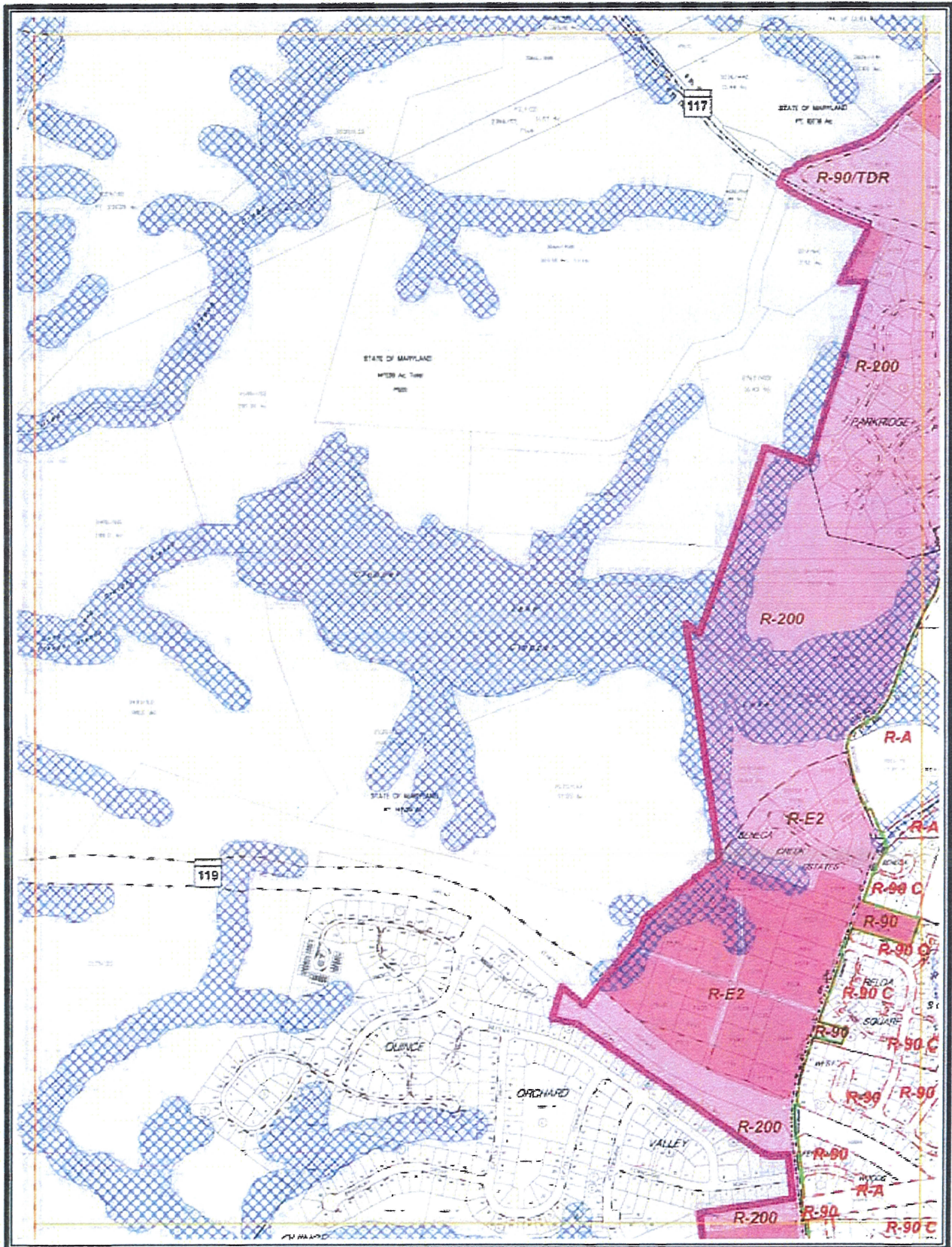


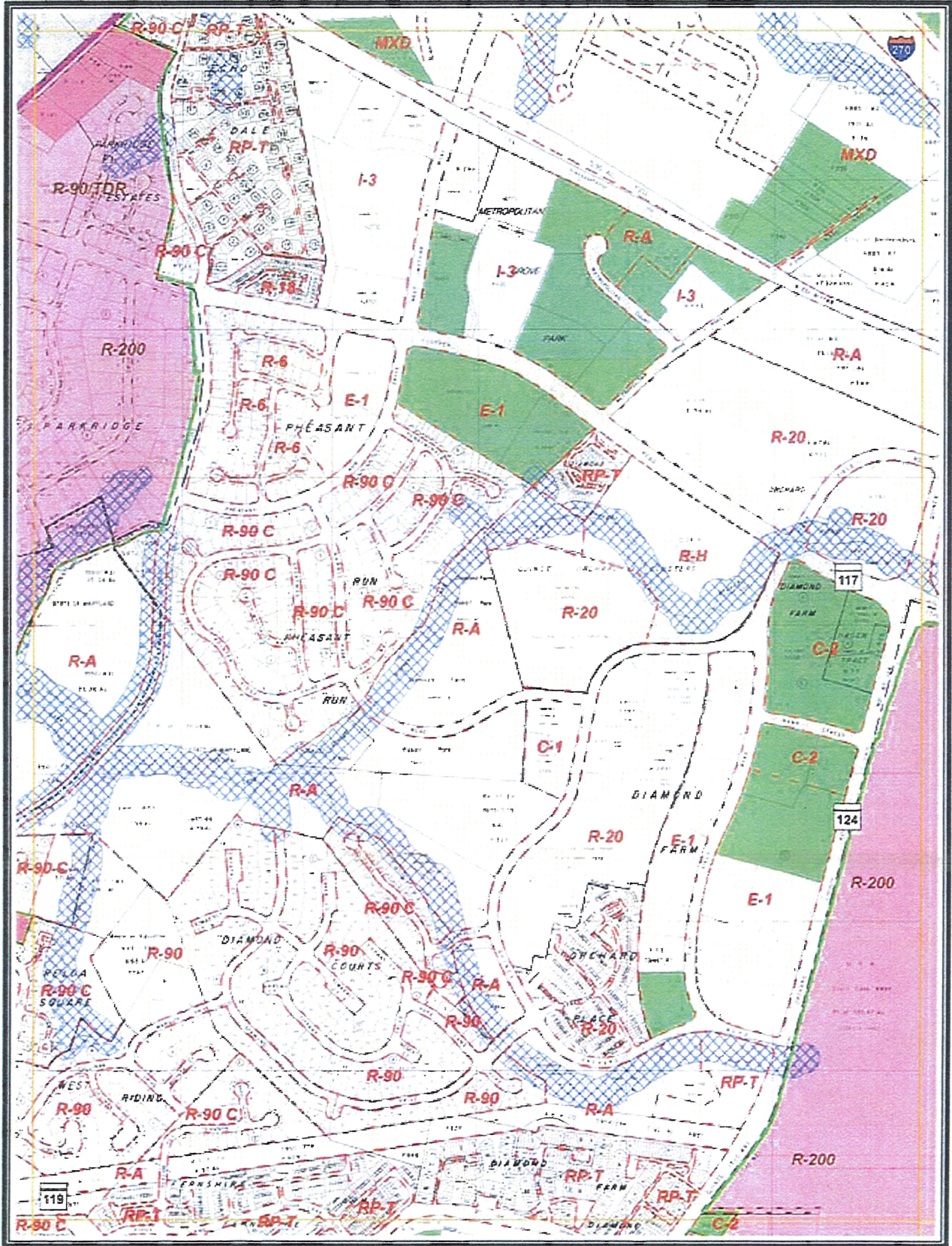
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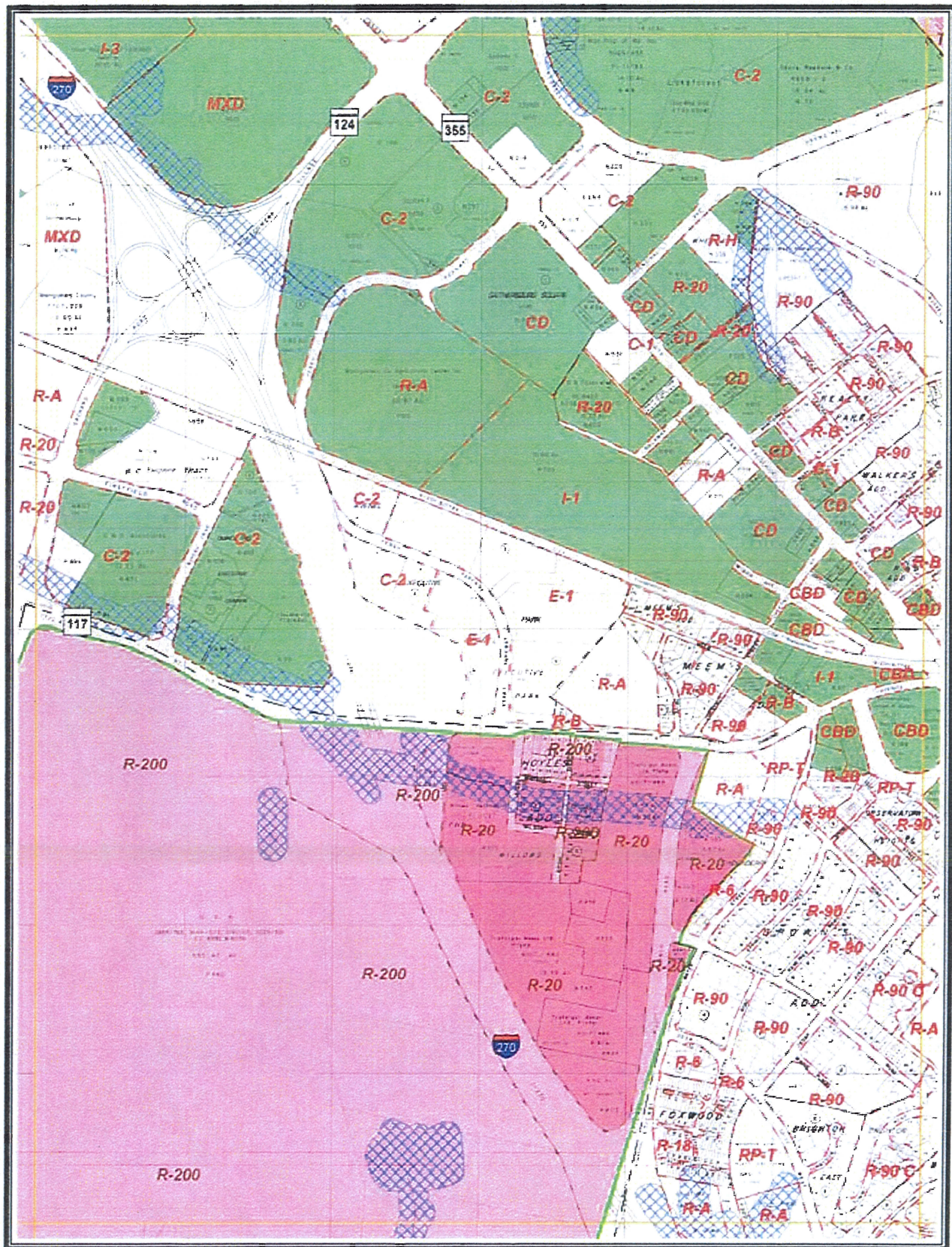


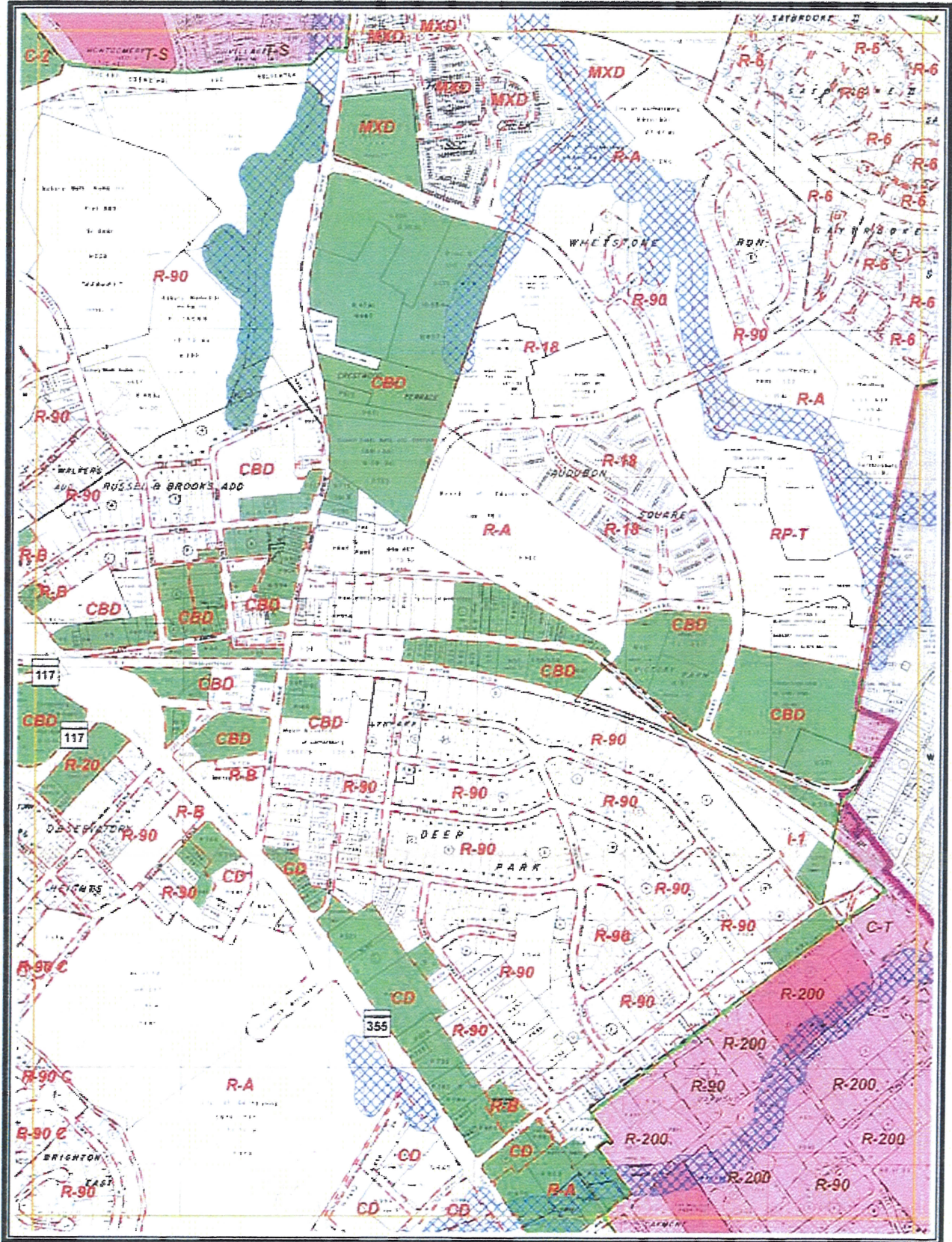
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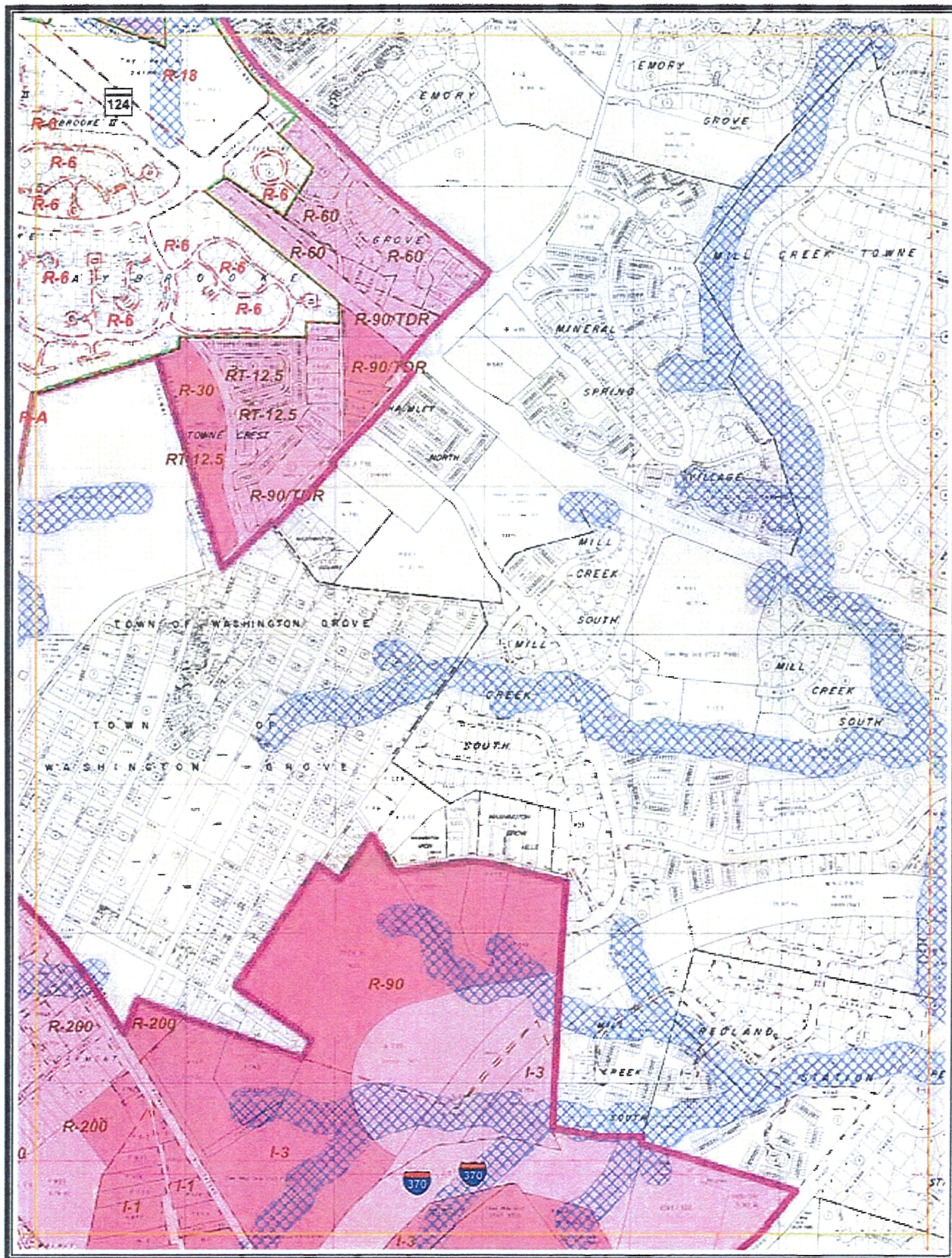


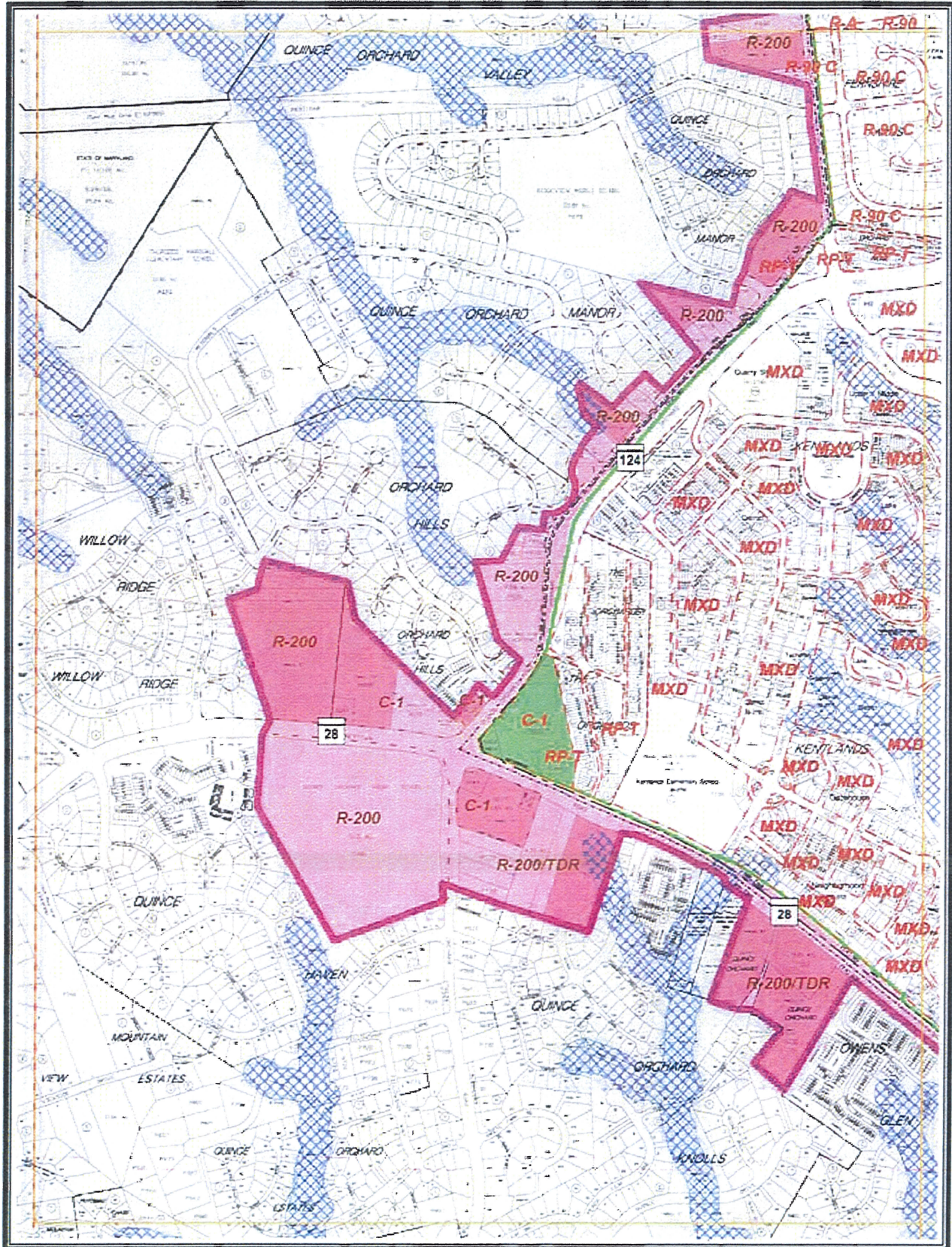
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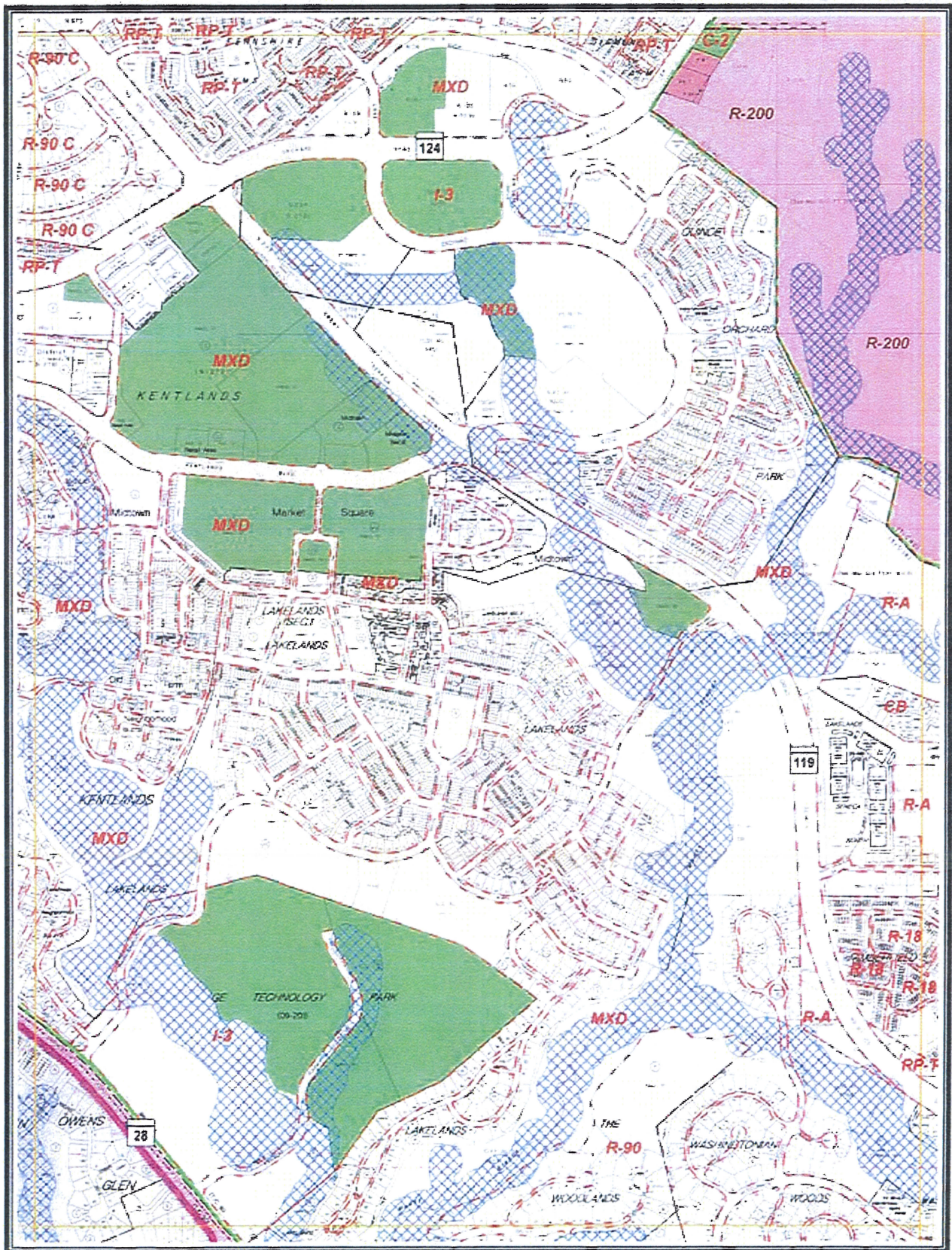


Map Sheet A-09

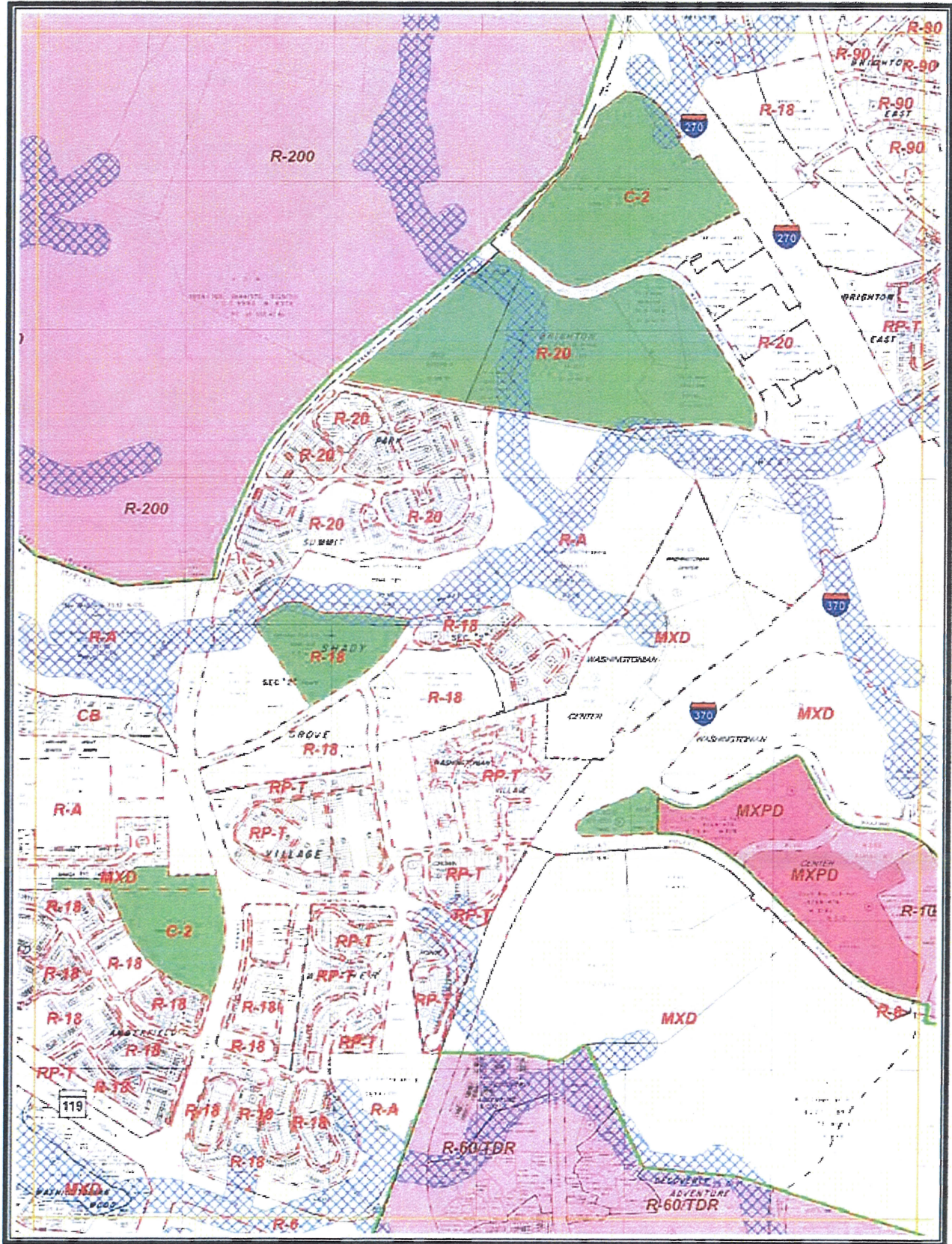




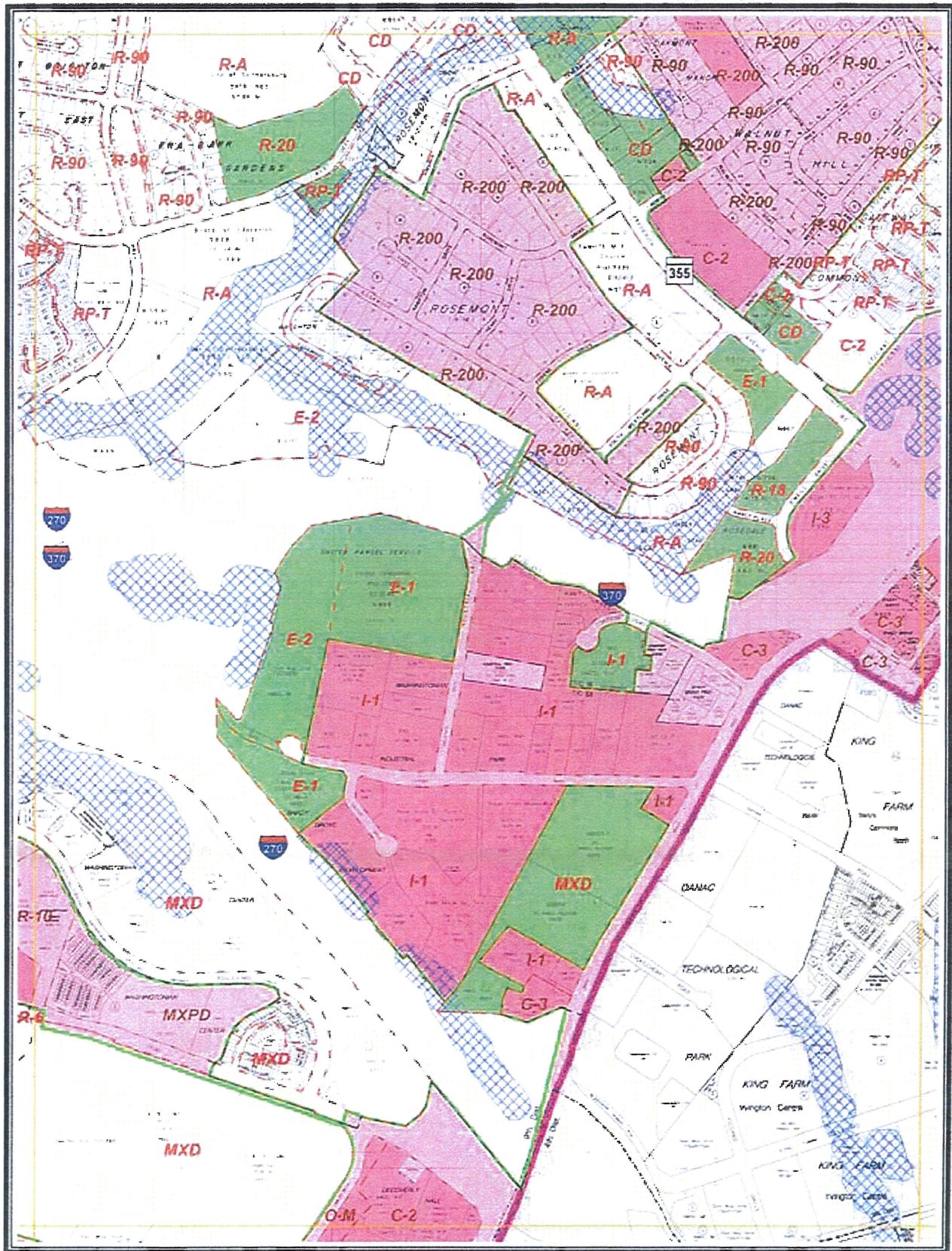
Map Sheet A-11



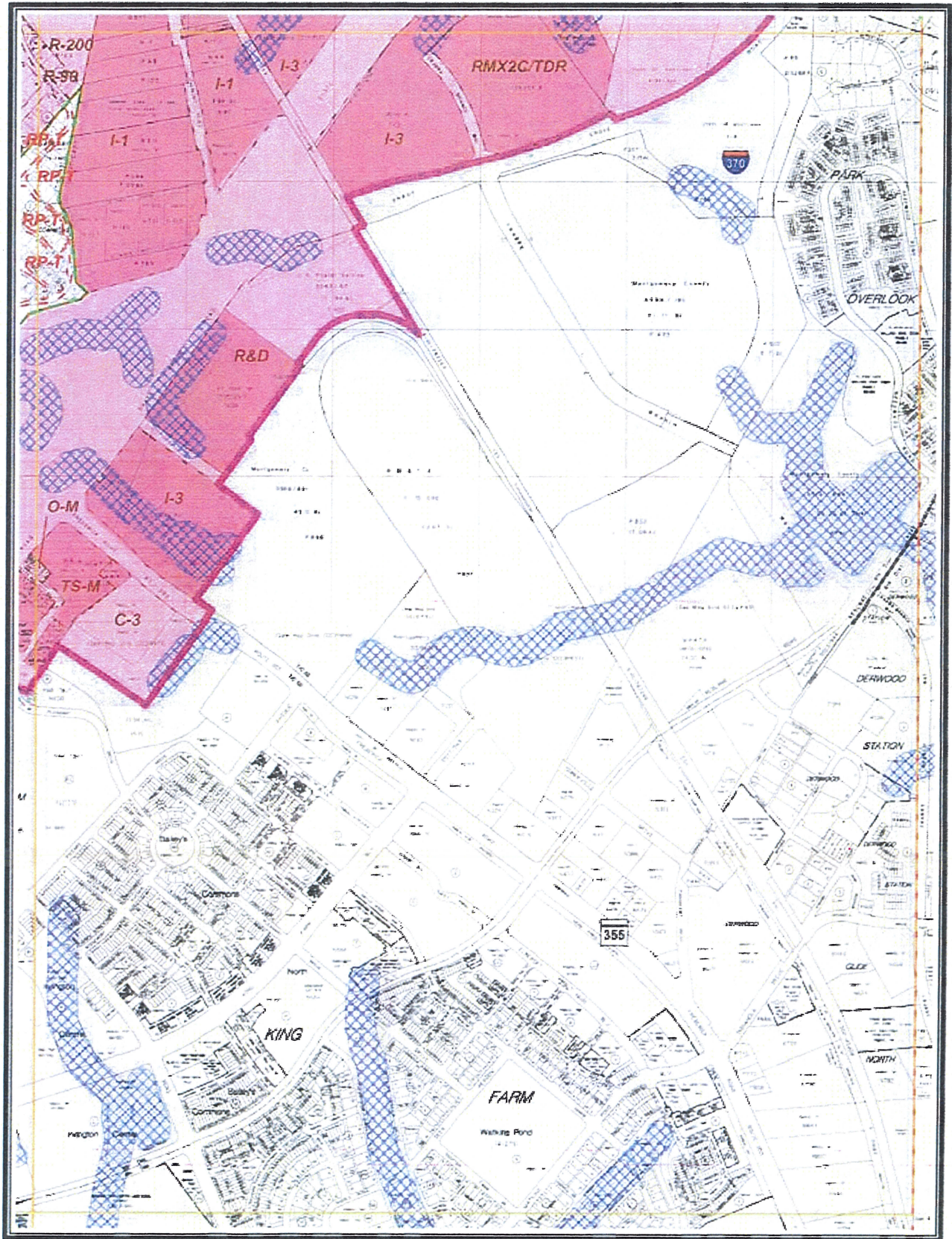
Map Sheet A-12



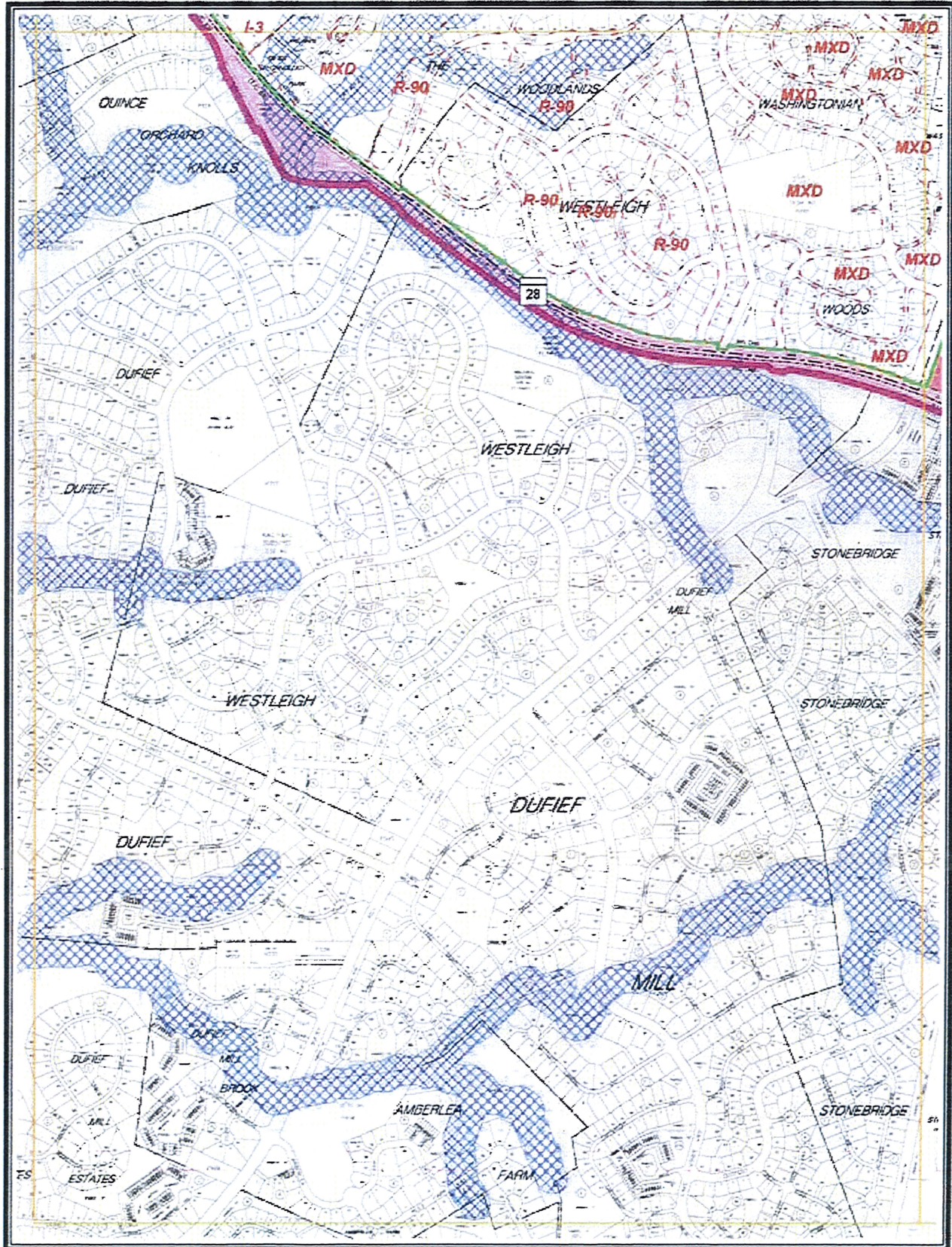
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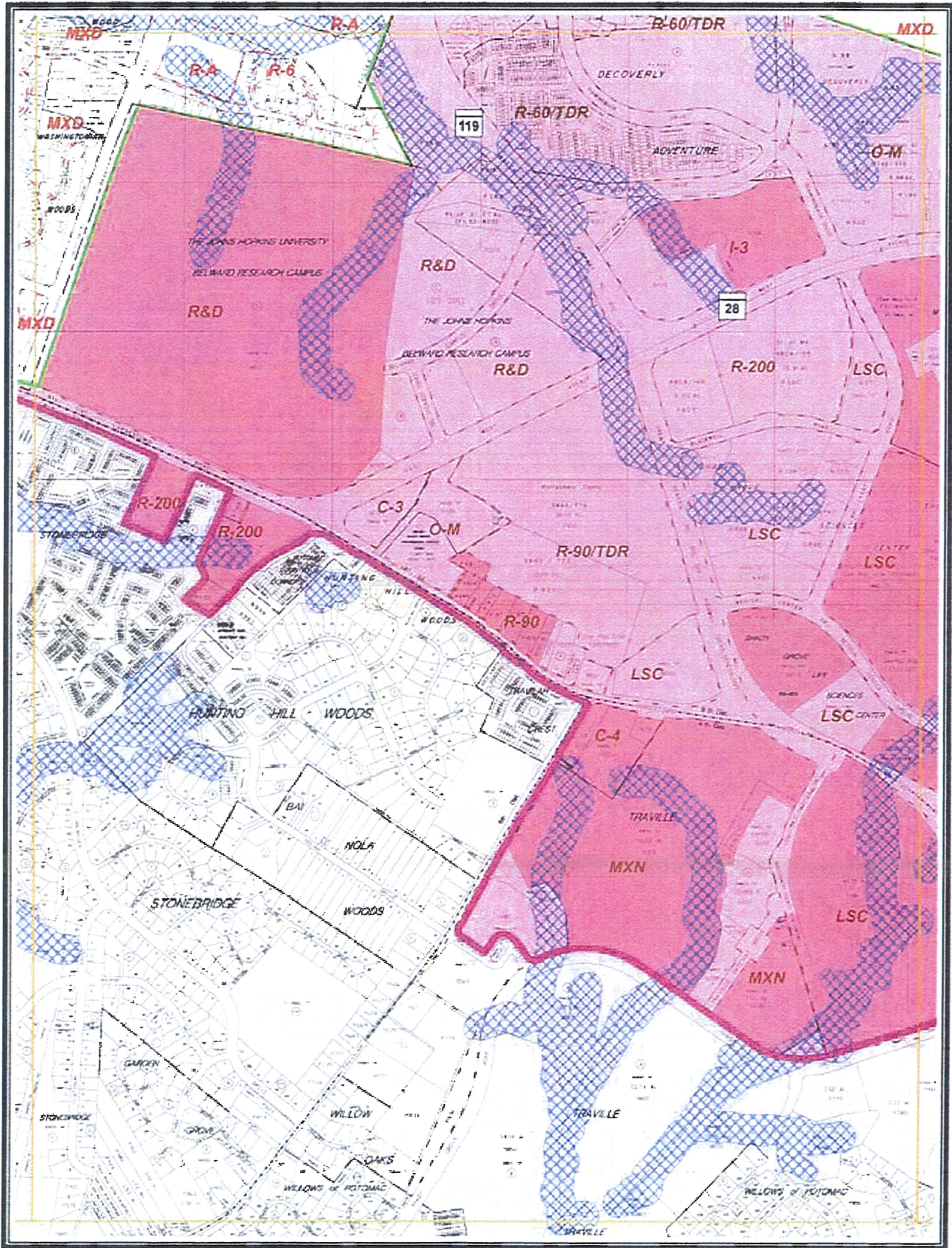


Map Sheet A-14

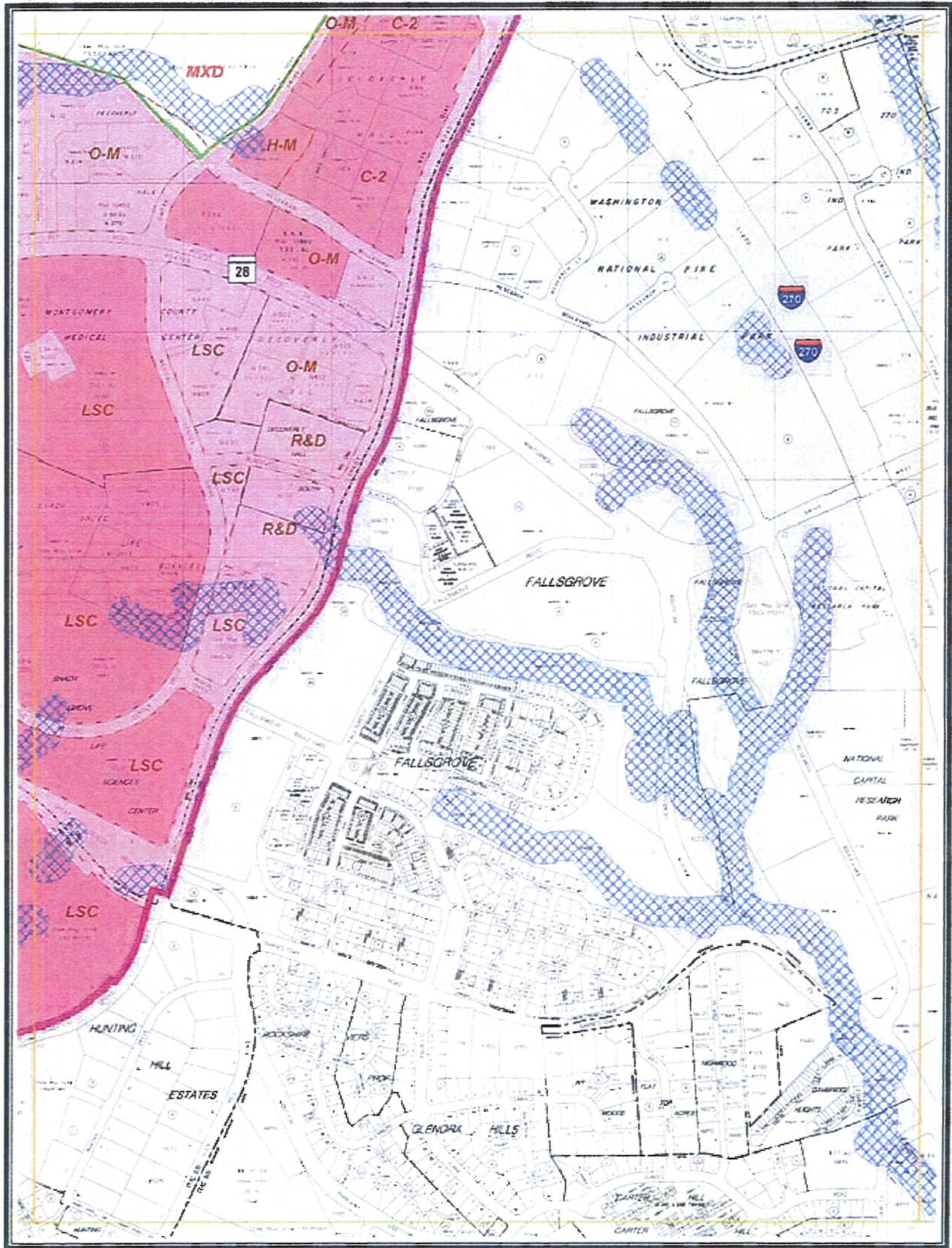


Map Sheet A-15





Map Sheet A-17



15. Appendix B: Euclidean Residential Zoning Density

Table 22: Existing Euclidean Residential Zoning Density for City of Gaithersburg

Zone	Zone Description	Maximum Density	Minimum Lot Size
R-A	Low Density Residential	None	100,000 sq. ft.; except single family detached 20,000 sq. ft
R-90	Medium Density Residential	3 D.U. per acre	9,000 sq. ft.
R-6	Medium Density Residential	6 D.U. per gross acre	None
R-18	Medium Density Residential	18 D.U. per net acre of land	1,800 sq. ft. townhouses; 1,200 sq. ft. for townhouses attached at the rear
R-20	Medium Density Residential	21.5 D.U. per gross acre	1,800 sq. ft. townhouses; 1,200 sq. ft. for townhouses attached at the rear
RP-T	Medium Density Residential	9 D.U. per gross acre	None
RH	High Density Residential	54 D.U. per acre	None
R-O	Planned Residential	None	9,000 sq. ft.
RB	Residential Buffer	6 individual units per gross acre	None
CB	Commercial Buffer	6 single-family detached or semi-detached units per gross acre, or 18 multifamily units per gross acre	Each main building and accessory structures located on a lot having a net area of at least two acres

Table 23: Existing Euclidean Residential Zoning Density for Maximum Expansion Limits

Zone	Zone Description	Maximum Density	Minimum Lot Size
R-E2	Residential One Family	None	87,120 sq. ft.
R-200	Residential One Family	2.44 units per acre	20,000 sq. ft
R-90	Residential One Family	4.39 units per acre	9,000 sq. ft.
R-60	Residential One Family	6.1 units per acre	6,000 sq. ft.
RT-12.5	Residential Townhouse	12.5 units per acre	Minimum tract area of 20,000 sq. ft.
R-30	Multifamily Low Density Residential	17.69 units per acre	Net lot area 3,000 sq. ft.
R-20	Multifamily Medium Density Residential	26.47 units per acre	Net lot area 2,000 sq. ft.
R-10	Multifamily High Density Residential	53.07 units per acre	Net lot area 1,000 sq. ft.
RE-2/TDR	Residential, TDR	Up to 4 per acre	2 acres
R-90/TDR	Residential, TDR	Up to 28 per acre	8,000 sq. ft.
R-60/TDR	Residential, TDR	Up to 28 per acre	None
R-200/TDR	Residential, TDR	Up to 11 per acre	15,000 sq. ft.

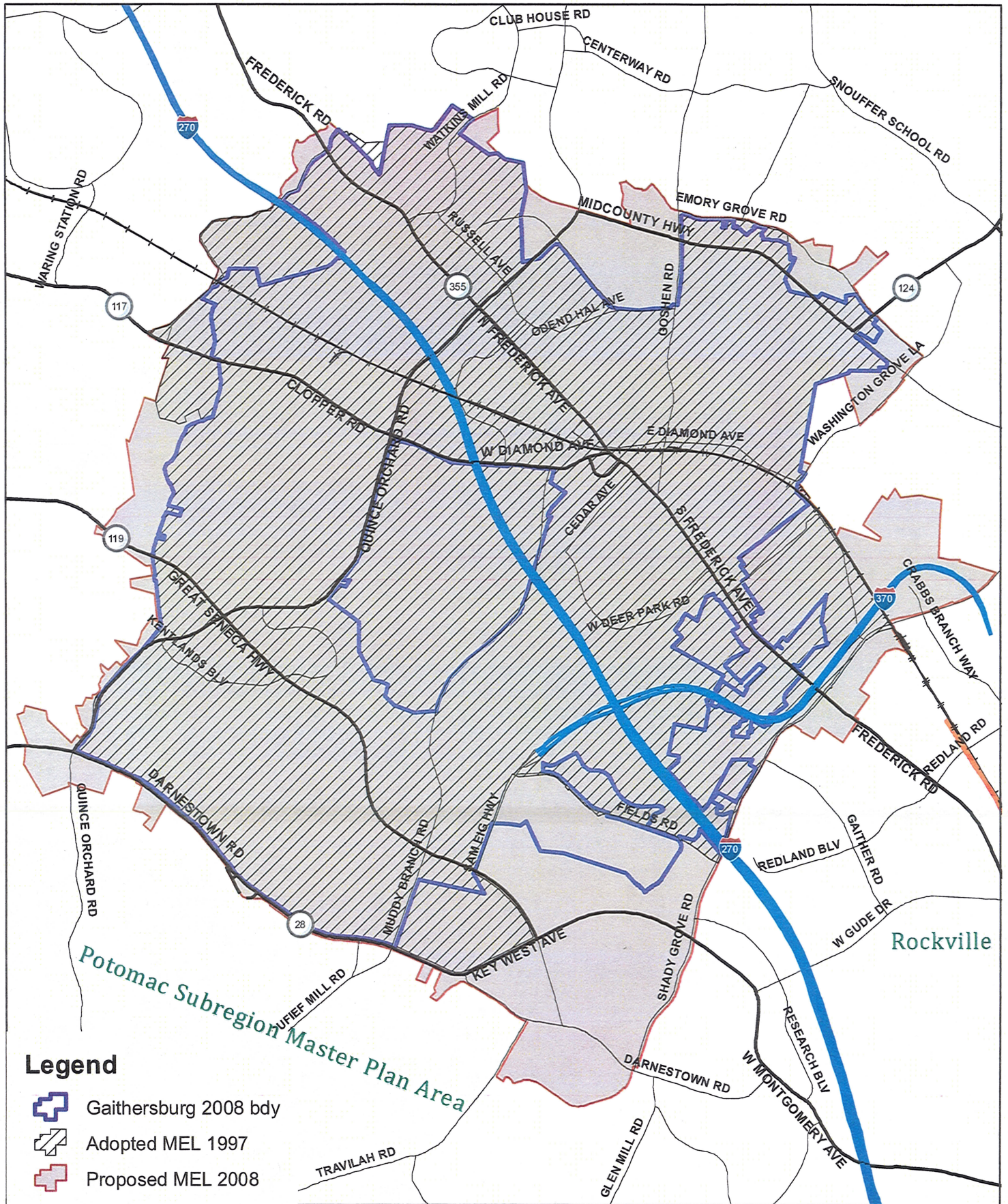
16. Appendix C: Gaithersburg Euclidean Zoning Capacity

Table 24: Capacity of Existing Euclidean Zones within the City of Gaithersburg




Zone	Description	Acres	% of City Area	Max. Units/Acre	Permitted Residential Capacity	Existing Residential Units
R-A	Low Density Residential	841.92	15.8%	2.178	1833.70	59
R-90	Medium Density Residential	644.92	12.1%	3.0	1934.77	2618
R-90 C	Medium Density Residential Cluster	150.37	2.8%	3.5	526.30	577
R-6	Medium Density Residential	125.95	2.4%	6.0	755.67	643
R-18	Medium Density Residential	312.19	5.8%	18.0	5619.46	4308
R-20	Medium Density Residential	257.31	4.8%	21.5	5532.09	4400
RP-T	Medium Density Residential	285.56	5.3%	9.0	2570.02	2437
R-H	High Density Residential	26.86	0.5%	54.0	1450.69	464

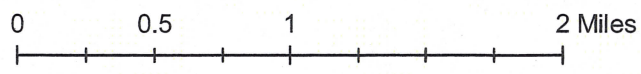
ATTACHMENT 2

Gaithersburg: Proposed MEL vs Adopted MEL



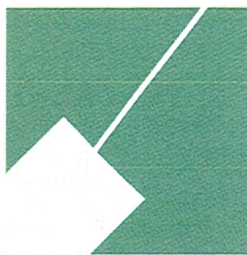
Legend

-  Gaithersburg 2008 bdy
-  Adopted MEL 1997
-  Proposed MEL 2008



ATTACHMENT 3

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

November 20, 2008

MEMORANDUM

TO: Crystal Myers, Senior Planner
Vision Division

VIA: Roselle George, Acting Chief *RG*
Explore Division

FROM: Wayne Koempel, Planner Coordinator *WK*
Explore Division

SUBJECT: Explore Division Comments, City of Gaithersburg Draft Municipal
Growth Element, 2003 Master Plan

NOV 20 2008

5.3 Summary of Population, Housing, Jobs Forecasts for 2030

Jobs per Housing Unit

This section of Gaithersburg's Municipal Growth Element (MGE) states that "The number of jobs per housing unit is forecast to increase from 2.4 in 2008 to between 3.0 and 3.4 by 2030, reflecting Gaithersburg's continued transition from bedroom community to a more balanced mix of employment and residential uses." The Planning Department considers a jobs-to-housing ratio between 1.5 and 1.6 to be in balance because on average there are about 1.5 to 1.6 workers per household. In this context, a bedroom community would have less than a 1.5 jobs-to-housing ratio.

2030 Forecasts

In the MGE, the City has two 2030 forecasts one based on an assumption of 20 units per acre and another based on 32 units per acre. These forecasts show the current City and the Maximum Expansion Limits (MEL) separately.

Since the MGE report, the City of Gaithersburg has produced a Round 7.2 forecast, the City's first forecast under the Metropolitan Washington Council of Governments (COG) cooperative forecasting process. Their final Round 7.2 forecast transmittal to COG was November 10, 2008. The Round 7.2 forecasts are for the City's current limits.

The table below shows a comparison of the MGE 2030 City forecasts and the City's Round 7.2 2030 and 2040 forecasts. The Round 7.2 2030 forecasts are lower than both MGE forecast scenarios. This is especially true for the jobs forecasts.

Comparison of 2030 Gaithersburg City Forecasts from the Municipal Growth Element (MGE) and the Gaithersburg City Round 7.2 2030 and 2040 Forecasts

	Density of 20 units/acre			Density of 32 units/acre		
	Housing	Population	Jobs	Housing	Population	Jobs
Municipal Growth Element	40,527	99,834	120,771	49,999	122,328	168,131
2030 City Round 7.2 Forecasts	33,892	85,002	84,163	33,892	85,002	84,163
2030 Round 7.2 as a percent of MGE	83.6%	85.1%	69.7%	67.8%	69.5%	50.1%
2040 City Round 7.2 Forecasts	39,713	98,046	99,011	39,713	98,046	99,011
2040 Round 7.2 as a percent of MGE	98.0%	98.2%	82.0%	79.4%	80.2%	58.9%

2030 Gaithersburg City Forecasts from the Municipal Growth Element
(excludes the Maximum Expansion Limits area)

Source: City of Gaithersburg 2003 Master Plan, Municipal Growth Element, page 24.
MWCOG Cooperative Round 7.2 Forecast, City of Gaithersburg.

Estimate of Real Property Tax Paid in the Maximum Expansion Limits (MEL) Area

Non-exempt properties in the City of Gaithersburg's MEL would pay an estimated \$24.4 million in real property tax annually based on current tax assessments and the 2008 levy year tax rates. If Gaithersburg would annex the MEL today, the County would lose about \$2.3 million in real property special service area taxes. Over half of the loss would be in the Metropolitan Tax which funds M-NCPPC local park facilities and parks programs.

Estimated Annual Real Property Tax Paid to the County, 2008 Levy Year
Includes Non-exempt Properties in the Gaithersburg City MEL

Total Appraised Values of the Properties	\$2,371,603,405
Appraised Values Divided by 100	\$23,716,034
Multiplied by the Total Tax Rate of:	1.027
= Total Annual Real Property Taxes Paid	\$24,356,367

Estimated Special Service Area Taxes That Would Not Be Paid After Annexation
Based on Current Assessments and 2008 Levy Year Real Property Tax Rate Schedule

Special Service Area Tax	Tax Rate	Taxable Value	Tax Loss
Recreation Tax	0.022	\$23,716,034	\$521,753
Storm Drainage Tax	0.003	\$23,716,034	\$71,148
Metropolitan Tax (M-NCPPC Tax)	0.053	\$23,716,034	\$1,256,950
Regional Tax (M-NCPPC Tax)	0.019	\$23,716,034	\$450,605
Total Tax Loss to County			\$2,300,456

ATTACHMENT 4




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

December 1, 2008

The Honorable Sidney A. Katz
Mayor, City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Dear Mayor Katz: 

I am writing in regard to the September 24th draft of the "City of Gaithersburg Municipal Growth: A Master Plan Element," which I understand you and the Gaithersburg City Council will be reviewing tonight.

The Master Plan Element, once approved, will pave the way for the City to annex properties in the Maximum Expansion Limits (MEL) shown throughout the document. Some properties depicted in the MEL represent enclaves of development, which for a variety of reasons, may make sense for the City to want to annex. However, I remain extremely concerned about the inclusion of prime commercial and institutional assets in the MEL which comprise the heart of the County's technology corridor, most notably, the Shady Grove Life Sciences Center, the Belward campus, the campuses of the University of Maryland and The John Hopkins University, the Center for Advanced Research in Biotechnology, the Maryland Technology Development Center, the Human Genome Sciences headquarters complex, and the Public Services Training Academy site.

Some 30 years ago, Montgomery County set out to establish itself as a global hub for biotechnology research and development, related technological advancements and higher education academic excellence. Through perseverance, capital investment, advocacy at the State level, and partnerships with the private and academic sectors, the vision developed for the Shady Grove Life Sciences Center, the properties surrounding this core area, and the entire 270 technology corridor has become reality. Enhancing the life sciences industry and emerging forms of technology has been a key component of the County's economic development strategy for over three decades, and today remains at the core of our business development plan. By including the aforementioned properties in the MEL, you will be undercutting the County's ability to fully cultivate the industry and land which have for years been driving our economic vision.

While the 270 technology corridor – and developments such as the Life Sciences Center – has been blessed with an abundance of skilled professionals, an entrepreneurial spirit, and coveted Federal and private centers of excellence, it is important to acknowledge the huge capital investment the County has made in establishing this life sciences hub. Specifically, Montgomery County has:

- purchased close to 300 acres for the world-renowned Shady Grove Life Sciences Center, whose land value today approximates \$150 million;
- donated 85 acres of land to the University of Maryland and The Johns Hopkins University for their academic campuses and for the Center for Advanced Research in Biotechnology (CARB);
- infused over \$17 million in infrastructure for the Life Sciences Center and for Hopkins' Belward Campus;
- constructed Hopkins' first academic building (a \$12 million capital outlay), and financed the construction of CARB;
- developed and continues to operate the \$10 million Maryland Technology Development Center, a business incubator for life sciences companies; and
- advocated at the State level for major capital investments in the University of Maryland, Johns Hopkins and CARB by continually highlighting these assets in the County's state legislative priorities.

As we look toward the future, it is important to keep in mind Montgomery County's vested interest in the southernmost properties delineated in the Maximum Expansion Limits area in the draft Master Plan Element. The County continues to own strategic properties in the Life Sciences Center. Our Department of Economic Development markets the Life Sciences Center and adjacent commercial properties to companies wishing to relocate to this biosciences hub. Our successful life sciences incubator has been expanded once, and potential expansions remain on the horizon.

We will continue to advocate for funding for the Corridor Cities Transitway, or CCT, whose alignment and transit stops will be contained within the parcels discussed in this letter. The CCT is critically important to the County and any decisions that could impact it are of significant interest. The County is continuing to invest in this area. The County will be relocating the functions currently at our Public Services Training Academy site and will be making this valuable tract of land available for more appropriate uses that will build on the economic strength of this area.

The Honorable Sidney A. Katz
December 1, 2008
Page 3

The decisions that are made as to the City's Maximum Expansion Limits could have significant impacts upon the County. These impacts include loss of control of a significant element of our economic development strategy as described above, service delivery impacts and irretrievable losses of revenues. For example, as a result of large developments within the City, the County has nearly doubled the size of its 6th District Police Station. There are similar impacts upon the delivery of fire and rescue services. In fact, on October 13, 2008, the Department of Fire and Rescue Services provided City Planning Department staff with some suggestions for inclusion in the draft plan.

For all of these reasons, I strongly encourage the City of Gaithersburg, at a minimum, to remove the following tracts of land from the Maximum Expansion Limits in the draft Master Plan Element: the Shady Grove Life Sciences Center, the Belward campus, the campuses of the University of Maryland and The John Hopkins University, the Center for Advanced Research in Biotechnology, the Maryland Technology Development Center, the Human Genome Sciences headquarters complex and the Public Services Training Academy site. The investment we have, and will continue to make in these properties and the enhancement of this life sciences hub dictates that these parcels remain within the County's boundaries.

In addition to this important matter, the County has indicated with respect to previously proposed maximum expansion areas that it is concerned about the loss of moderately priced dwelling units (MPDUs) as a result of possible annexations into the City. The City requires both fewer MPDUs and for shorter durations. Therefore, even for the Maximum Expansion Limit areas to which the County has not specifically objected, the County would like to see the requirements of the County MPDU law applied to any area that ends up being annexed into the City.

Thank you for the opportunity to express my views on this important matter.

Sincerely,



Isiah Leggett
County Executive

ATTACHMENT 5

**West Montgomery County Citizens Association
Darnestown Civic Association ~ North Potomac Citizens Association
Audubon Naturalist Society ~ Montgomery Countryside Alliance**

December 1, 2008

To: Mayor and Council, City of Gaithersburg, Md.

Re: Master Plan Amendment MP-2-08: Municipal Growth Element

Dear Mayor and City Council,

We are aware that Gaithersburg, as an incorporated City is subject to Article 66B - Land Use, of the Annotated Code of Md., that Section 3.05(a)(4)(x) requires the development of a Municipal Growth Element. and that you have produced a 72 page document titled '*City of Gaithersburg Municipal Growth – A Master Plan Element*', dated September 24, 2008.

The plan notes that the City has delineated areas outside of the current incorporated limits. These areas, defined as the maximum expansion limits (MEL) are sites that, as you see it, could be annexed into the City of Gaithersburg by the year 2030.

Your city planners project there is no future land available to satisfy your population, housing, job estimates and forecasts. They thus delineate additional annexation property as your right in order to make your growth dreams a reality.

However, Gaithersburg's proposed annexation concept does not even reference or consider the existence of the Potomac Subregion Master Plan approved by the Montgomery County Council in 2002. The County's views on road infrastructure and the environment, to mention but two aspects of the Potomac plan, must be recognized and coordinated in any Gaithersburg planning regime. To even contemplate future annexations without consideration of Montgomery County approved master plans in adjacent jurisdictions is a serious deficiency and an unrealistic planning approach. Will the Agricultural Reserve become your next annexation target?

Because the Gaithersburg plan fails to recognize adjacent land use master planning beyond Gaithersburg's current boundaries, the Darnestown Civic Association, North Potomac Citizens Association, West Montgomery County Citizens Association, Montgomery Countryside Alliance and the Audubon Naturalist Society believe that this single and simple minded approach is a fatal planning flaw. We thus oppose Gaithersburg's unilateral land expansion plan, via annexation, into any part of the Potomac Subregion.

Sincerely,

Carol Van Dam Falk, President - WMCCA
Dan Drazen, President - NPCA
Lisa Patterson, President - DCA
Michael D. Rubin, Executive Director - MCA
Dolores Milmoie, Md. Conservation Associate - ANS

FACT SHEET

Memorandum of Understanding Between Montgomery County and the Cities of Rockville and Gaithersburg

The following is the full text of the Memorandum of Understanding about Urban Growth Areas that was signed by the Montgomery County Executive and the Mayors of Rockville and Gaithersburg. This document was signed on July 23, 1992.

All parties to this Memorandum of Understanding share the conviction that the area's quality of life is dependent upon the maintenance of economic vitality. It is the economic base that helps provide the resources to support the services which make living in this area so attractive.

In order for Rockville, Gaithersburg, and Montgomery County to continue to enjoy the quality of life people have come to expect, it is essential that all jurisdictions support well-managed economic development and housing initiatives which will be mutually advantageous to all parties, and agree to the goals and principles of the General Plan.

Therefore, the Montgomery County Executive and the County Council of Montgomery County, sitting as the District Council, the Mayor and Council of the City of Rockville, and the Mayor and Council of the City of Gaithersburg agree to the following:

1. The City Councils, the County Council, and the Executive agree to work cooperatively to determine logical urban growth areas and to established boundaries which will serve as guidelines for a twenty-year planning horizon regarding:
 - 1) Land use and required community facilities,
 - 2) Capital investment responsibilities, and
 - 3) Logical and efficient operating service areas.
2. Montgomery County will base its position of support on annexations upon the above three considerations and the designation of logical urban growth areas by Rockville and Gaithersburg. The Cities and the County

will develop procedural guidelines for handling annexation agreements.

3. Rockville and Gaithersburg recognize the County's goal of requiring adequate public facilities in order to assure managed growth and acknowledge their accountability for the cooperative achievement of such goals. Within its boundaries each City will, however, assume responsibility for and determine how those goals should be measured and attained. It is the mutual intent of all parties that project funding and staging will relate to the timing of public facility availability and to that end will consult with each other as necessary to assure attainment of desired goals.

4. The County recognizes the ability of the two Cities to develop and implement public interest solutions to growth management concerns. City or County development plans for land located within the urban growth areas and on adjacent areas should seek to achieve the land use, transportation, and staging objectives of each of the affected jurisdictions, as defined in duly Approved and Adopted master, Sector, or Neighborhood Plans. Every effort should be made by all parties to reconcile any differences in those objectives.

5. The City Councils, the County Council, the Executive, and the Montgomery County Planning Board agree to work on a cooperative basis in the development of plans and programs, including development districts, that affect parcels within the

urban growth areas. Changes in land uses, staging, or zoning proposals for parcels within the urban growth areas will only be undertaken after the participation and consultation of the other parties. Any land annexed by either Gaithersburg or Rockville should include a staging component in the annexation agreement.

6. Rockville and Gaithersburg endorse the R & D Village concept outline in the Shady Grove Study Area Adopted Plan as being in the best interest of both Cities and the County.

7. Rockville and Gaithersburg recognize the importance of creative development initiatives such as Moderately Priced Dwelling Units (MPDU) and Transferable Development Rights (TDR). The Cities will continue to utilize these and other appropriate innovative concepts to further the common development goals for the area.

8. The Cities will cooperate in a master traffic control plan and transportation (including transit) system for the County.

9. The principles contained within this Memorandum are meant to apply to all future actions pertaining to land in the Cities or on or near the Cities' borders.

10. We recognize the importance of moving ahead on an early basis to establish a schedule of action and agree to meet frequently on these important issues.

Sub-area 5: This is the existing Parklawn Building and parking lot. Neither the City's nor the County's plans recommended any zoning changes to the site.

Sub-area 6: This area is east of Twinbrook Parkway and generally south of Parklawn Drive. It retains many residential structures that are now used for small industrial businesses. If annexed, the area is recommended for continued service industrial use. It is zoned I-1 (Light Industrial) in the County.

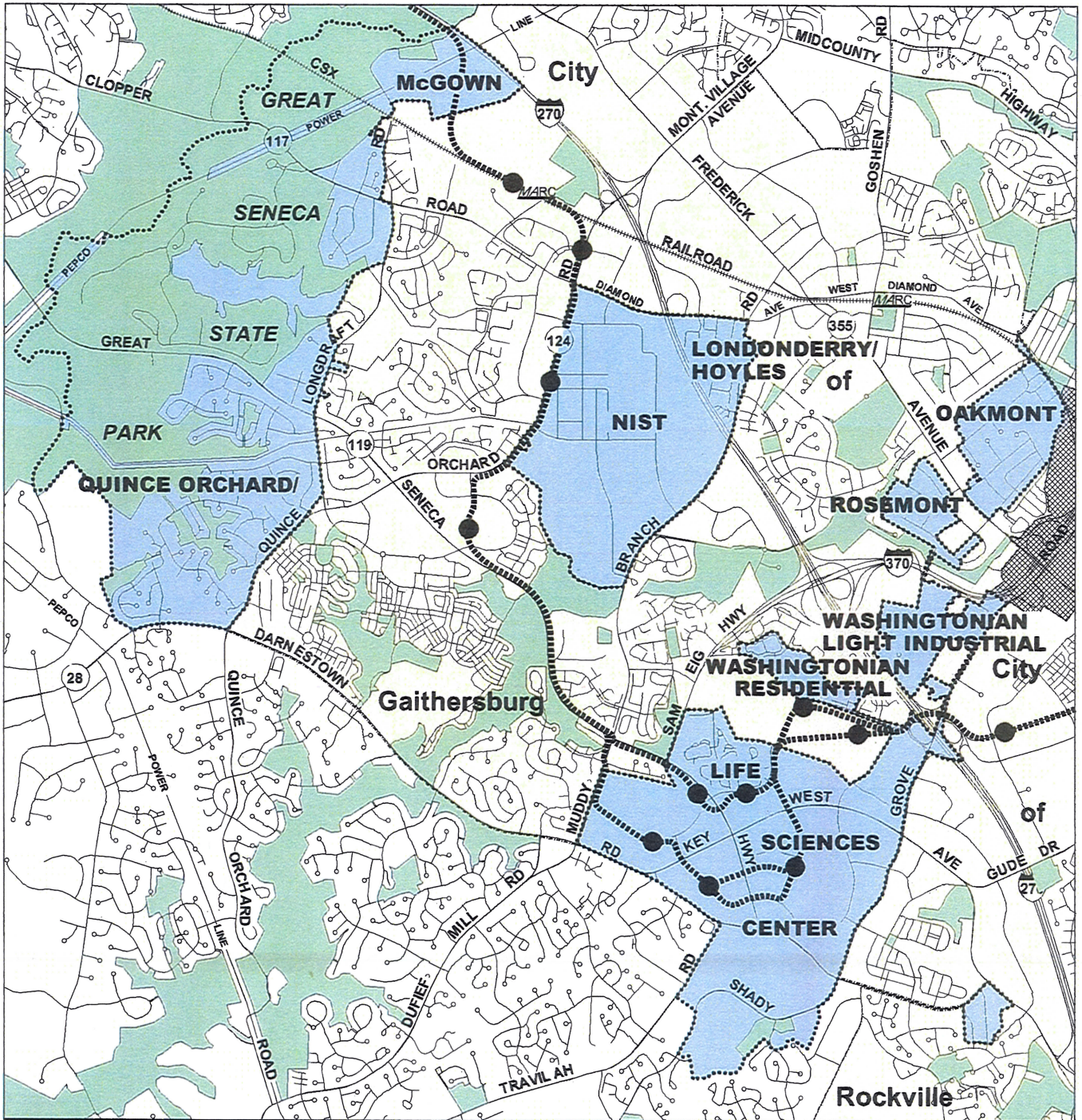
Sub-area 7: Both subareas in this section are fully developed as moderate density residential uses. No changes were recommended in the 1993 Master Plan, and the areas were not annexed. The land use recommendations for these parcels of moderate density residential is confirmed in this plan.

Sub-area 8: This area is bounded by the railroad tracks to the east, Montrose Road to the south, the Jewish Community Center and Jefferson Street to the west, and the City boundary just south of Rollins Avenue to the north. The area is mostly developed. However, annexations in this area would move the City boundary to the north side of Montrose Road and Randolph Road for a recognizable geographic boundary. The area is recommended for the RPC zoning classification. A 2.29-acre site on Bou Avenue has been annexed since the 1993 Master Plan.







Sub-area 9: The Jewish Community Center complex is located in this area. It is a fully developed institutional use, and a change of use is not anticipated.

Sub-area 10: This area includes the Miramont Apartments along California Circle. No change of use was recommended in 1993 or by this Plan.

Gaithersburg West Master Plan



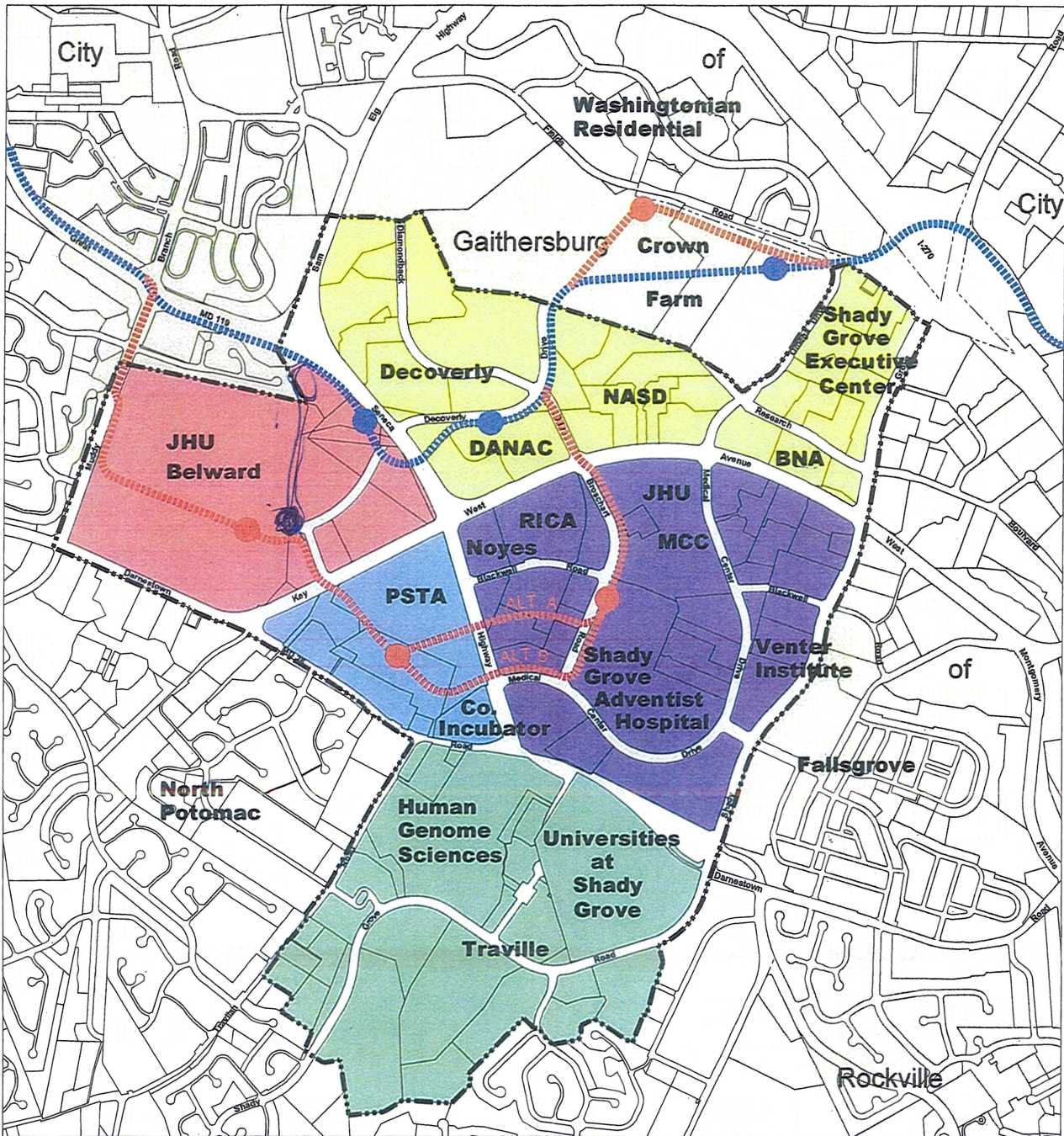
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-  Parkland
-  City of Gaithersburg, City of Rockville, Town of Washington Grove
-  Shady Grove Sector Plan
-  Gaithersburg West Planning Area
-  Proposed Corridor Cities Transitway and Stations
-  Commuter Train



ATTACHMENT 8

Life Sciences Center: Districts



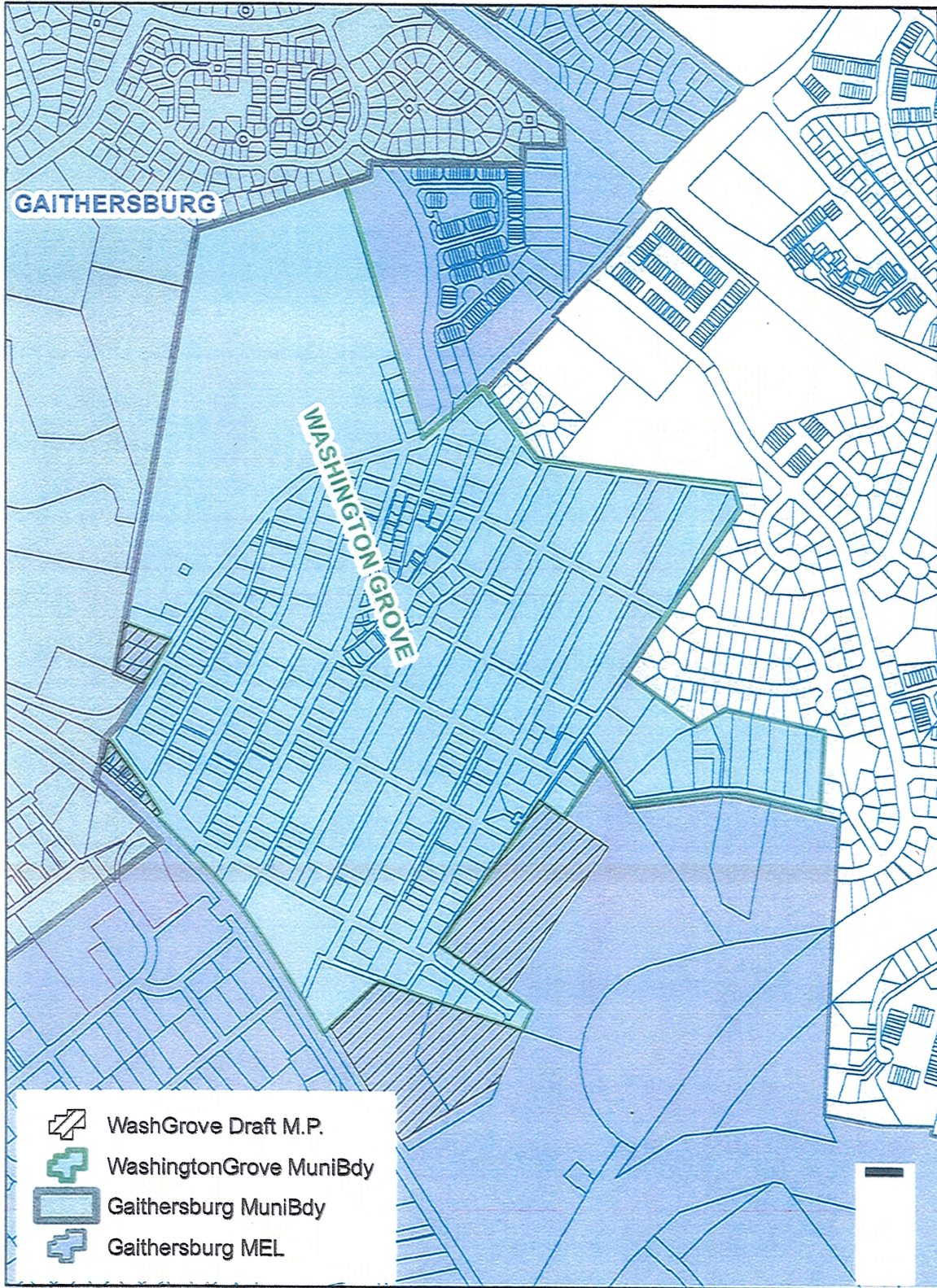
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- | | | | |
|--|---|--|-------------|
| | Life Sciences Center Study Area | | LSC North |
| | City of Gaithersburg, City of Rockville | | LSC Central |
| | Existing Corridor Cities
Transitway and Stations | | LSC South |
| | Proposed Corridor Cities
Transitway and Stations | | LSC West |
| | | | LSC Belward |



ATTACHMENT 9

Municipal Boundaries With Maximum Expansion Limits



Oct 8, 2008

1 inch equals 800 feet