

Findley, Steve

From: DLevy@rockvillemd.gov
Sent: Friday, April 13, 2012 5:35 PM
To: Findley, Steve
Cc: SSwift@rockvillemd.gov; AWallas@rockvillemd.gov; MTewari@rockvillemd.gov; Yearwood, Nkosi
Subject: Gaithersburg Annexation Proposal of Great Indoors Site
Attachments: MandC Letter of Testimony re LU 032211.pdf; Attachment C MoU between Rockville, Gaithersburg and Montgomery County.PDF; Attachment D - Rockville MEL.pdf; Attachment E Montgomery PB testimony re Rockville MGE.PDF

Steve --

Nkosi Yearwood alerted me that you are the staff assigned to be working on the annexation proposal that Gaithersburg is processing, for the Great Indoors site south/southeast of Shady Grove Road.

We wanted to make sure that you are aware that Rockville has commented to the City of Gaithersburg on this topic. The Mayor and Council of Rockville sent a letter of testimony to Gaithersburg in objection to their including this property in their then-proposed amendment to the Land Use Element of their master plan. I am attaching a few relevant items, so that we can understand the background and position.

First is the testimony submitted by Rockville's Mayor and Council. Second is the language of the Memorandum of Understanding (MoU) between Montgomery County and the cities, which was to guide coordination on annexation of properties. Third is a map of our northern area MEL from our adopted Municipal Growth Element. I have also added Montgomery County's testimony on our MGE, as it specifically mentions the site (the "Great Indoors").

(See attached file: MandC Letter of Testimony re LU 032211.pdf)(See attached file: Attachment C MoU between Rockville, Gaithersburg and Montgomery County.PDF)(See attached file: Attachment D - Rockville MEL.pdf)(See attached file: Attachment E Montgomery PB testimony re Rockville MGE.PDF)

Rockville's position remains that the land south/southeast of the 370 and Shady Grove Road corridor is appropriately in Rockville's Maximum Expansion Limits, rather than Gaithersburg's. Furthermore, we know of no attempt by Gaithersburg to work cooperatively with all MoU parties, per commitments made within the MoU. We have made our point of view known to the Maryland Department of Planning.

Please don't hesitate to call or discuss as you are preparing the staff document for the Planning Board.

Thanks.
David

David B. Levy
Chief of Long Range Planning and Redevelopment
Dept. of Community Planning and Development Services
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850-2364
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March 23, 2011

Mayor Sidney A. Katz and Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

Dear Mayor Katz:

Re: Great Indoors Site (City of Gaithersburg Land Use Map Designation #18)

Thank you for inviting the City of Rockville to comment on the Draft Land Use Element of the City of Gaithersburg's 2009 Master Plan. We appreciate the effort that your staff has put into this very professional document and applaud the overall product.

However, there is one portion of the document with which the City of Rockville must take exception. The draft element includes a stated intention to annex the site of the former Great Indoor store into Gaithersburg, which is found at Map Designation #18. This property lies to the south of Shady Grove Road and, per the attached map, within the City of Rockville's adopted Maximum Expansion Limits (MEL). The Montgomery County Planning Board supported Rockville's placement of this site within our MEL. It is our firm view that Shady Grove Road is the logical physical boundary between our neighboring jurisdictions, in conformance with the spirit of the Memorandum of Understanding (MOU) signed by Rockville, Gaithersburg and Montgomery County in 1992 (attached). Gaithersburg's annexing any properties south of Shady Grove Road would constitute piecemeal annexation.

The City of Rockville therefore requests that the City of Gaithersburg

MAYOR

Phyllis Marcuccio

COUNCIL

John B. Britton

Piotr Gajewski

Bridget Donnell Newton

Mark Pierzchala

CITY MANAGER

Scott Ullery

CITY CLERK

Glenda P. Evans

CITY ATTORNEY

Debra Yerg Daniel



Mayor Sidney A. Katz and Council

March 23, 2011

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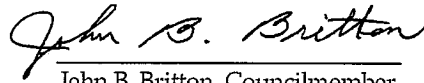
Re: Great Indoors Site (City of Gaithersburg Land Use Map Designation #18)

remove this property from its MEL and retain Shady Grove Road as the physical boundary between our two Cities.

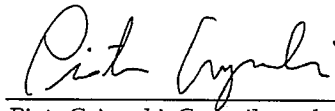
Sincerely,



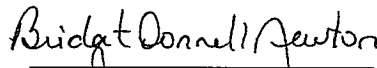
Phyllis Marcuccio, Mayor



John B. Britton, Councilmember



Piotr Gajewski, Councilmember



Bridget Newton, Councilmember



Mark Pierzchala, Councilmember

Cc: Scott Ullery, Rockville City Manager
Angel Jones, Gaithersburg City Manager
Greg Ossont, Director, Planning and Code Administration
Susan Swift, Director, Community Planning & Development Services
David B. Levy, Chief of Long Range Planning
Ann Wallas, Planner III
Kirk Eby, Planner
Rollin Stanley, M-NCPPC
Glen Kreger, M-NCPPC
Nkosi Yearwood, M-NCPPC

Attachments:

Attachment A - Montgomery PB testimony re Rockville MGE

Attachment B - Mou between Rockville, Gaithersburg and Montgomery County



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

July 9, 2010

The Honorable Phyllis Marcuccio
Mayor, City of Rockville
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

**SUBJECT: Municipal Growth Element of the City of Rockville's
Comprehensive Master Plan**

Dear Ms. Marcuccio:

At our regular meeting on July 8, 2010, the Montgomery County Planning Board reviewed the City of Rockville's proposed Comprehensive Master Plan Amendment to include Municipal Growth and Water Resources Elements, as required by the State of Maryland.

The Planning Board approved the technical staff recommendation to modify the proposed Maximum Expansion Limits (MEL). David B. Levy, Chief of Long Range Planning and Redevelopment for the City, informed the Board that no portion of Rock Creek Regional Park is included in the MEL. Therefore, the third comment in the enclosed technical staff report is deleted from our recommendation.

The Board supports Montgomery County Executive Isiah Leggett's recommendation to exclude the Montgomery County Service Park (CSP) from the proposed expansion limits. The County has spent significant public resources on property acquisition to redevelop the CSP into a mixed use urban village as recommended in the Shady Grove Sector Plan. We believe it is more appropriate that the United States Postal Service, Great Indoors, and the vacant Casey 3 properties along Shady Grove Road be included in MEL. The Planning Board also supports Montrose Road as the logical terminus to the City's expansion limits.

Thank you for the opportunity to review and comment on the Municipal Growth Element of the City of Rockville's Comprehensive Master Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Françoise M. Carrier".

Françoise M. Carrier
Chair

Enclosure: Staff Report

cc: David Hill, Chair
Planning Commission

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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.

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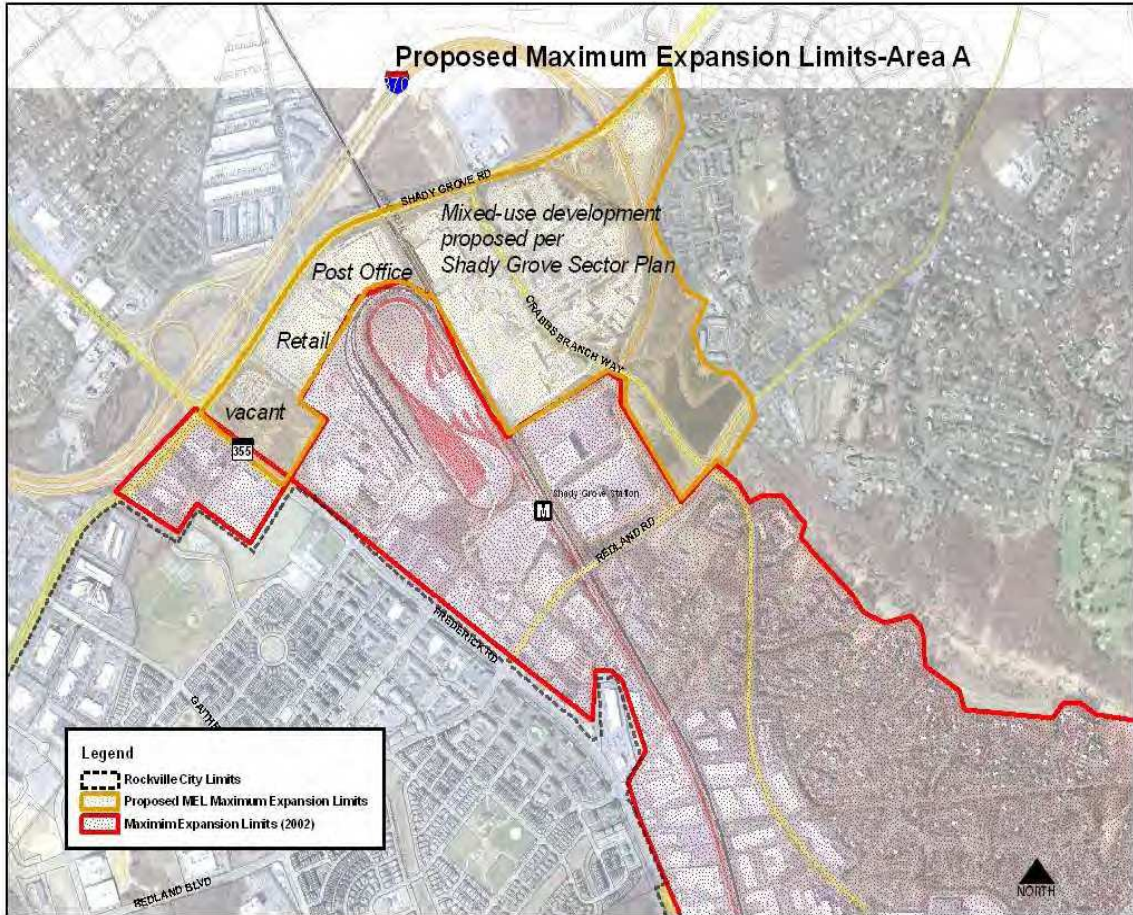
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OFFICE OF THE CHAIRMAN

July 9, 2010

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Françoise M. Carrier
Chair

Enclosure: Staff Report

cc: David Hill, Chair
Planning Commission

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