



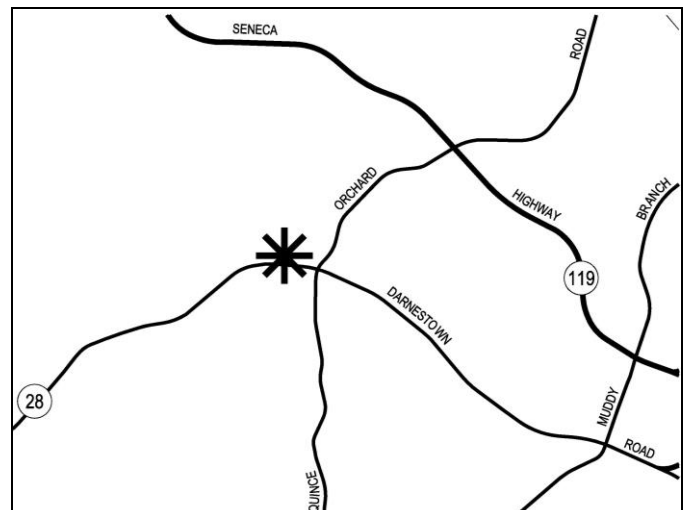
Revised Johnson Property, Annexation, X-7067-2015

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Completed: 6-15-16

Description

- Request to annex approximately 23.45-acre Johnson Property into the City of Gaithersburg and rezone the parcels from the County’s R-200 and NR 0.75 H 45 zones to the City of Gaithersburg’s MXD Zone.
- Located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland within the area of the 2010 *Great Seneca Science Corridor Master Plan (GSSC)*.
- Filed April 25, 2016.
- Applicant: Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC.
- The City of Gaithersburg has not yet published a hearing date for this Application.



Summary

This Application is a revision to the first Application reviewed by the Planning Board on November 12, 2015 (Attachment 1).

Staff Recommendation:

Approval to transmit the following comments to the Montgomery County Council and the City of Gaithersburg:

The development proposed with this Application does not include land uses that are substantially different than the authorized uses under the current zoning and is not more than 150% of the density that could be granted for the entire property under the zoning classifications of Montgomery County at the time of annexation.

PROPERTY DESCRIPTION AND BACKGROUND

The Property, owned by the Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, is located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) and along a portion of the Quince Orchard Road (MD Route 124) right-of-way in Gaithersburg, Maryland. The Property is within the Quince Orchard District of Montgomery County's 2010 *Great Seneca Science Corridor Master Plan*. It consists of approximately 23.45 acres on four separate and adjoining parcels plus a portion of the abutting right-of-way of Quince Orchard Road (MD 124). The parcels are described as Parcel B (0.60 acres), Parcel C (5.45 acres), and Parcel D (3.0 acres), which are owned by Johnson Family Enterprises, LLC; and Parcel E (13.99 acres), which is owned by Three Amigos Real Estate LLC.

The Property is surrounded by a mix of commercial and residential uses. Properties to the north and west are zoned R-200 and are improved with a combination of single-family detached houses and townhomes. The property directly to the south, on the opposite side of Darnestown Road, is zoned R-200 and is improved with the Quince Orchard public high school. The properties to the east are located for the most part within the City of Gaithersburg limits and are zoned C-1 (Local Commercial) and improved with low-density commercial uses.



Figure 1 – Parcel Layout and Context

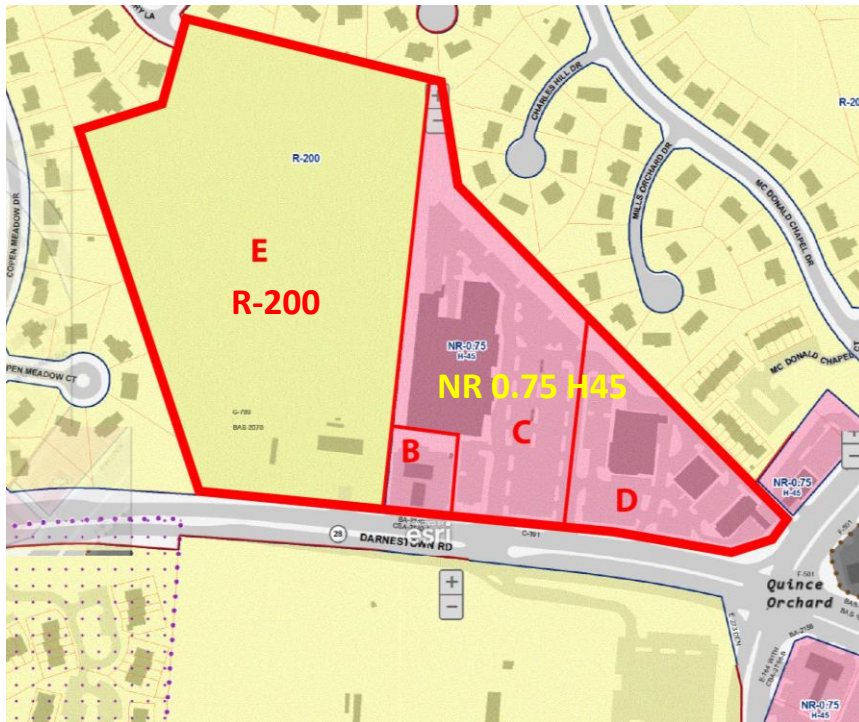


Figure 2 –Parcels and Current Zoning

PREVIOUS PROPOSAL

The Applicant originally filed a petition for Annexation of the Property into the City of Gaithersburg on June 26, 2015. That proposal consisted of a total of 305 units and 375,000 square feet of non-residential space as follows: up to 180 residential units of up to four-stories on the R-200 portion of the Property (Parcel E- Phase one); up to 125 residential units of up to six-stories on the NR 0.75 H45 zoned portion (Parcels B and C - Phase two); and up to 375,000-square feet of commercial development on the remainder of the NR 0.75 H45 zoned portion (Parcel D - Phase three).

The Planning Board reviewed the proposed annexation on November 12, 2015, and agreed with its staff's analysis and recommendations (Attachment 1) that:





1. The zoning and the development proposed with the annexation petition includes substantially higher density and uses substantially different than those authorized by the existing zoning.
2. The Council should not approve the development proposed with this annexation petition under Local Government Article Section 4-416(b), since:
 - a) the proposed density and uses are substantially higher and different than those allowed in the existing zone recommended by the 2010 *Great Seneca Science Corridor Master Plan*;
 - b) the GSSC Master Plan recommended against annexation of the Property; and
 - c) the annexation will create an enclave that will be contiguous to the City of Gaithersburg only through a dedicated right-of-way, but otherwise completely surrounded by Montgomery County.

In December 2015, the Applicant requested a postponement of the Annexation review process to have additional time for community outreach and assessment of the development plan. In a letter dated April 25, 2016 (Attachment 2), the City of Gaithersburg notified the Planning Department that it has received a revised annexation plan and that the City is “reinitiating the City Annexation Process.” It further stated that the “Mayor and City Council will hold a public hearing regarding the proposed annexation on a date to be announced following the date that any determination as to “substantial conformance” of the revised annexation plan by the Montgomery County Planning Board is issued and any actions by the Montgomery County Council, if necessary, are conducted.”

REVISED PROPOSAL

The Applicant has revised their earlier proposal from a total of 305 housing units and 375,000 square feet of non-residential space to a total of 110 units, a minimum of one acre of multi-use open space, and 100,000 square feet of non-residential use (including 90,000 square feet of existing commercial space to remain). The residential portion of the revised development proposal consists of up to 28 single-family homes and up to 82 townhomes (including Moderately Priced Dwelling Units and Workforce Housing Units complying with the requirements of the City of Gaithersburg). All residential units and multi-use open space are proposed on Parcel E (currently zoned R-200) while 10,000 additional square feet of commercial use will be located on Parcels B, C, and D (currently zoned NR 0.75 H45). The Applicant proposes the annexation plan to be subject to certain “binding elements” such as the mix and total number of proposed units, MPDUs and workforce housing units, and at least one acre of open space.



- LEGEND**
- 
 PROPOSED RESIDENTIAL
 • SINGLES= UP TO 28
 • TOWNS= UP TO 82
 - 
 PROPOSED GREEN
 SPACE/BACKYARDS
 - 
 COMMERCIAL
 • UP TO 10,000 SF
 • EXPANSION ALLOWED
 - 
 PROPOSED SITE
 CIRCULATION



JOHNSON'S PROPERTY | APRIL 25, 2016

SKETCH PLAN

PKA MARKING, LLC ■ ARCHITECTS
 SUSTAINABLE DESIGN

Figure 3 – Revised Sketch Plan

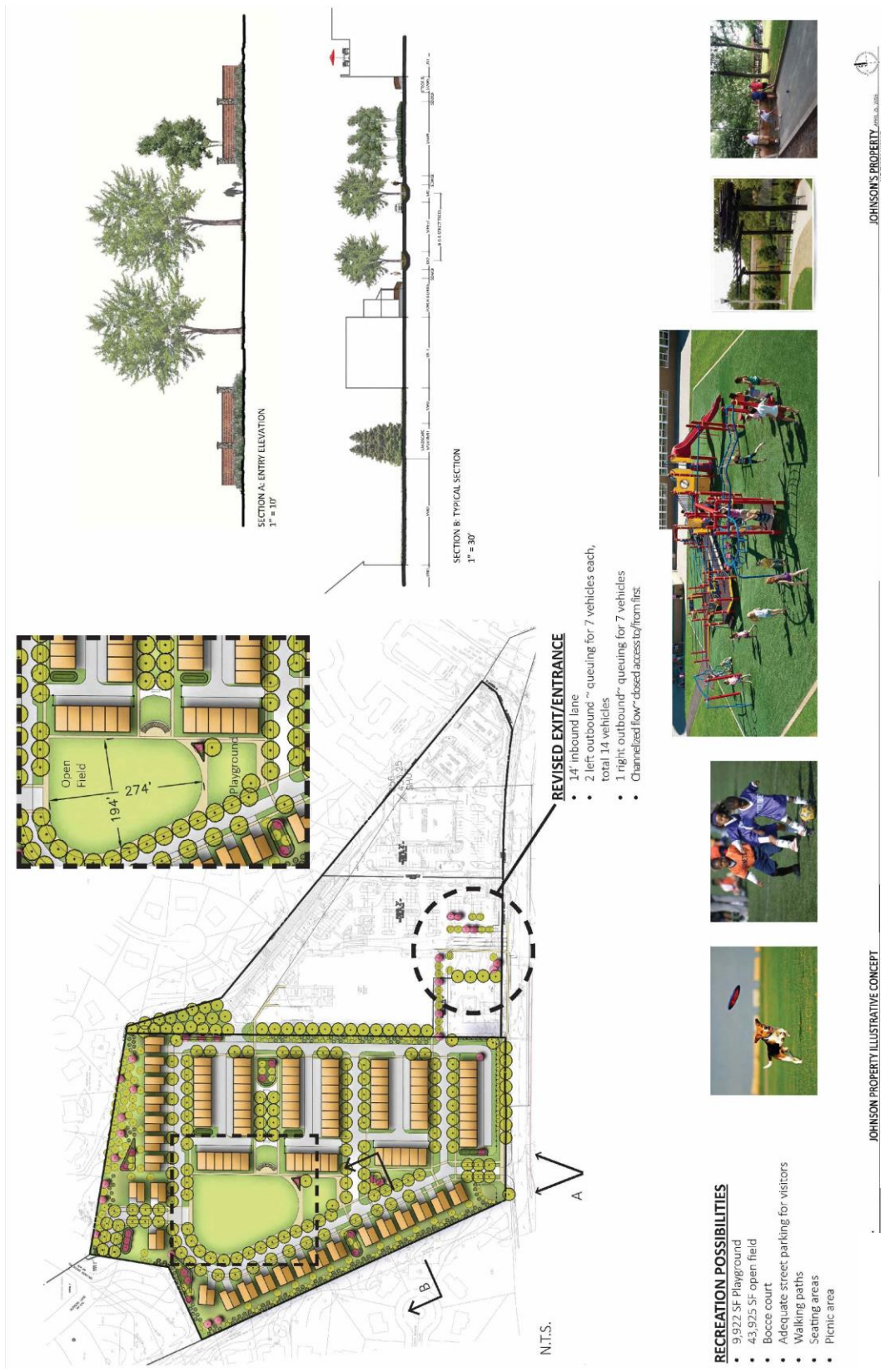


Figure 4 – Revised Illustrative Plan

ANALYSIS AND FINDINGS

All previous analysis and findings regarding the *Great Seneca Science Corridor Master Plan* Master Plan, Public Facilities and Services, Environment, and Transportation as reviewed by the Planning Board on November 12, 2015 (Attachment 1) remain valid. This report focuses only on the zoning analysis of the revised square footage of development and how it meets Section 4-416 of the Maryland Code’s Local Government Article, which states in relevant part:

Different land use or density

(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

The following table provides a comparison of what could be approved under the current zoning and the proposed development after annexation:

Table 1- Project Data Table

Parcels/Current Zoning	Maximum Development Allowed Under Current Zoning	Proposed Development
R-200 Portion, Parcel E (609,404.4 sf or 13.99 acres)	Up to 34 units (with MPDU) (Section 59.4.4.7.C, optional method—13.99 x 2.44 units per acre)	110 units
NR 0.75 H 45 Portion, Parcels B, C, & D (434,433 sf or 9.97 acres)	Up to 40 units and 228,077 sf of non-residential floor area*	100,000 sf non-residential floor area (90,000 sf existing plus 10,000 sf proposed)
Total Development on the Entire Property	74 units and 228,077 sf non-residential	110 units and 100,000 sf non-residential

*Maximum of 325,825 sf non-residential at full 0.75 FAR, or 288,077 sf of non-residential (70 %) and 97,747sf of residential (maximum 30%), which could yield 40 units at 2,400 sf average per unit.

Table 1 shows that the total proposed development is not greater than 50% of what could be allowed on the entire property under the current zoning:

Maximum residential units on the entire property under current zoning =	74
1.5 times the maximum under current zoning (74 x 1.5) =	111
Proposed residential units on the entire property =	110
Maximum non-residential on the entire property under current zoning =	228, 077 square feet
Proposed non-residential on the entire property =	100,000 square feet

COMMUNITY OUTREACH

The Applicant has undertaken the following community outreach efforts over the past few months:

- One-on-one meetings with local civic and community leaders, including the leaders of the Willow Ridge Civic Association, North Potomac Civic Association, Hidden Ponds and Orchard Hills Homeowners Association.
- Meetings with the representatives of the Quince Orchard Cluster, as well as the principals and PTSA presidents of both Quince Orchard High School and Thurgood Marshall Elementary School.
- Small group meetings with adjoining homeowners and the Darnestown Civic Association.
- On February 23, 2016, the Applicant held a community workshop.
- On March 22, 2016, the Applicant held a community wide meeting to present an updated plan based on the input received from previous meetings.
- A website was created – www.johnsonpropertyannexation.net – that includes a contact form where residents can submit questions and comments.
- Email updates to send invitations to community meetings and respond to questions and concerns.

Staff received approximately 180 letters and emails opposing the annexation petition. Of the 180 opposing correspondence, approximately 165 community members assert the following:

1. The proposed development would increase traffic and safety concerns in an area that is already congested.
2. Annexation will create an area that is a part of the City of Gaithersburg surrounded on all sides by neighborhoods and resources that are not part of the City of Gaithersburg.
3. The proposed development would increase school enrollment for the elementary, middle and high schools in schools that are already overcrowded. The City of Gaithersburg's new Adequate Public Facilities Ordinance (APFO) standard of 150% per each school (Thurgood Marshall Elementary, Ridgeview Middle School, and Quince Orchard High School), is inconsistent with Montgomery County's APFO standard of 120% per cluster (Quince Orchard Cluster).
4. Concerns persist regarding the increased residential density.
5. The City of Gaithersburg could approve development exceeding the current proposal.

Staff has also received approximately five emails supporting the current annexation. The email messages state that the current proposal offers smarter urban development that blends with its context.

CONCLUSION

Based on the analyses contained in this report, Staff determines that, Per Subtitle 4-416(b) of the Maryland State Annotated Code, the development proposed with this revised annexation petition will not contain substantially different uses than currently allowed and is not substantially higher (more than 50%) than what could be granted in accordance with the zoning classifications of Montgomery County at the time of annexation.

Attachments:

1. Johnson Property Annexation X-7067-2015 Staff Report dated November 5, 2015
2. Revised petition for Annexation into the City of Gaithersburg dated April 25, 2016
3. Community Letters

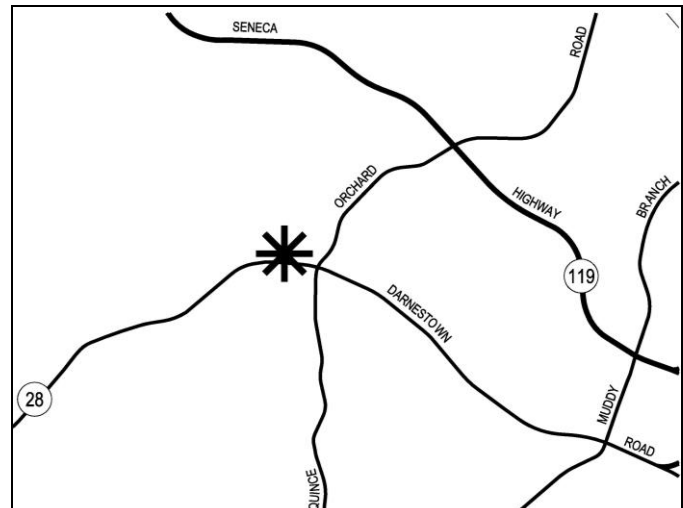
Johnson Property, Annexation, X-7067-2015

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Completed/Revised: 11-5-15

Description

- Request to annex 23.45-acre Johnson Property into the City of Gaithersburg and rezone the parcels from the County’s R-200 and NR 0.75 H 45 zones to the City of Gaithersburg’s MXD Zone.
- Located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland within the area of the 2010 *Great Seneca Science Corridor Master Plan (GSSC)*.
- Filed June 26, 2015.
- Applicant: Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC.
- Action required for the City of Gaithersburg public hearing on November 16, 2015. Comments to the City’s Planning Commission are due by November 20, 2015 in order to be considered at their December 2 meeting. The City Council’s public record will remain open through their February 1, 2016 public hearing.



Summary

Staff recommends approval to transmit the following comments to the Montgomery County Council and the City of Gaithersburg for a public hearing on November 16, 2015:

1. The zoning and the development proposed with the annexation petition includes substantially higher density and uses substantially different than those authorized by the existing zoning.

2. The County Council should not approve the development proposed with this annexation petition under Local Government Article Section 4-416(b), since:

- a) the proposed density and uses are substantially higher and different than those allowed in the existing zone recommended by the 2010 GSSC Master Plan;
- b) the GSSC Master Plan recommended against annexation of the Site; and
- c) the annexation will create an enclave that will be contiguous to the City of Gaithersburg only through a dedicated right-of-way, but otherwise completely surrounded by Montgomery County.

BACKGROUND AND LOCATION

The Site, owned by the Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, is located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) and along a portion of Quince Orchard Road (MD Route 124) right-of-way in Gaithersburg, Maryland. The Site is within the Quince Orchard District of Montgomery County's 2010 *Great Seneca Science Corridor Master Plan*. It consists of approximately 23.45 acres on four separate and adjoining parcels plus a portion of the abutting right-of-way of Quince Orchard Road (MD 124). The parcels are described as Parcel B (0.60 acres), Parcel C (5.45 acres), and Parcel D (3.0 acres), which are owned by Johnson Family Enterprises, LLC; and Parcel E (13.99 acres), which is owned by Three Amigos Real Estate LLC.

The Site is surrounded by a mix of commercial and residential uses. Properties to the north and west of the Site are zoned R-200 and are improved with a combination of single-family detached houses and townhomes. The property directly to the south of the Site, on the opposite side of Darnestown Road, is zoned R-200 and is improved with the Quince Orchard public high school. The properties to the east are located for the most part within the City of Gaithersburg limits and are zoned C-1 (Local Commercial) and improved with low-density commercial uses.



Figure 1 – Parcel Layout and Context

ANNEXATION PROPOSAL

The Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, (the Applicant) filed the proposed annexation petition with the City of Gaithersburg to reclassify the Site from the County's R-200 and NR .75, H 45 zones to the City's Mixed Use Development Zone (MXD). The Applicant has proposed a conceptual development plan to be completed in three phases: up to 180 residential units of up to four-stories in Parcel E (Currently zoned R-200) during Phase one; up to 125 residential units of up

to six-stories on Parcels B and C (Currently zoned NR 0.75 H45) in Phase two; and up to 375,000-square feet of commercial development on Parcel D (Currently zoned NR 0.75 H45) during Phase three.

The City of Gaithersburg ~~Mayor and Council submitted a statement dated June 26, 2015 in support of accepted the~~ annexation petition and ~~a~~ conceptual plan on June 30, 2015 (see Attachment). ~~A public hearing is scheduled for November 16, 2015. The City's Planning Staff, Mayor, and City Council support the petition and MXD designation on the Site since~~ The applicant's statement in support of the annexation petition states that *"The Property is within the maximum expansion limit of the City of Gaithersburg, as depicted in the Growth Element of The City's 2003 Master Plan, adopted April 2009. The proposed development on the Property is consistent with the Master Plan recommendations, fulfills the purposes and requirements of the MXD zone, and is compatible with the surrounding community."*

The City's Planning Commission will ~~also hold a public hearing and transmit~~ discuss their ~~recommendation comments~~ to the ~~Mayor and City~~ Council on December 2, 2015. The City Council will hold their public hearing on February 1, 2016.

MASTER PLAN AND ZONING

The Site is located within the Quince Orchard district of the 2010 *Great Seneca Corridor Master Plan*, which recommends against annexation of this property. One of the Master Plan's recommendations is to:

"Meet the recreation needs of the GSSC area by identifying and acquiring a site for a new local public park in the Quince Orchard area and requiring the dedication of parkland for new parks and open spaces in the LSC Districts." (GSSC Master Plan, page 10.)

On page 61, the Master Plan states:

"The 1985 Gaithersburg Vicinity Master Plan and the 1990 Shady Grove Study Area Master Plan both recommended a 10-acre local park on the Crown Farm, which has since been annexed into the City of Gaithersburg and is no longer available for a County park site. Consideration should be given, but not limited to the Johnson property at 12311 Darnestown Road. The Johnson family owns the largely vacant R-200 14-acre parcel on Darnestown Road along with the adjacent C-1 commercial property.

Ideally, a new local park would provide two rectangular fields for active recreation. If the R-200 parcel is not acquired as an active recreation park site, the parcel may be appropriate for residential use including single-family detached and townhouse units. Townhouse development could be requested through a Local Map Amendment."

The Montgomery County Department of Parks Staff confirms that the Johnson Family did not accept the Department's offer to purchase Parcel E. Parks Staff is concerned that if this annexation occurs the Master Plan's goal of supplying more parks in the Quince Orchard Area may not be achieved. This occurred previously with the Crown Farm annexation to the City of Gaithersburg. Parks Staff believes there are unmet recreation needs in the area and there are no other large, suitable properties.

On page 13, the GSSC Master Plan states:

"In 2009, the City of Gaithersburg established a new MEL as part of its adopted Municipal Growth Element. The City's new MEL includes nearly all of the GSSC Master Plan area, including the Life Sciences

Center. This Master Plan recognizes that future annexations may occur and that annexing properties surrounded by municipalities would help create coherent boundaries.

Ideally, the boundaries between the County and the municipalities would be logical and well-defined, following roads or natural features such as streams. This Plan strongly opposes annexation of any portion of the Life Sciences Center, which is not an enclave. Over the past 30 years, the County has invested substantial resources to create and develop the LSC. Annexing any of the LSC would leave the County without control of a significant element of its economic development strategy and create irretrievable revenue losses.”

The Site will be contiguous with the City of Gaithersburg only through a small area of the Quince Orchard Road right-of-way, previously dedicated by the applicant. This annexation will create an area that will be technically contiguous to the City of Gaithersburg, but completely surrounded by Montgomery County.

On page 57, the Great Seneca Science Corridor Master Plan states that:

“The communities in the westernmost part of the Plan area are Quince Orchard, Orchard Hills, Willow Ridge, and Parkridge. The Plan recommends that these residential neighborhoods be maintained and preserved.

Quince Orchard and Longdraft Roads divide the County from the City of Gaithersburg. The City’s 2009 Maximum Expansion Limits (MEL) include extensive areas in the vicinity of Quince Orchard. This Plan does not support annexation, which would alter the logical boundaries that currently divide the County and the City and could result in the loss of potential sites for County parks, as occurred when the Crown Farm was annexed into the City of Gaithersburg.”

The GSSC Master Plan designates five enclaves that are completely or nearly completely surrounded by the City of Gaithersburg, within the City’s Maximum Expansion Limits (MEL), that could be considered for annexation (GSSC Master Plan, page 66). This Site is not one of the five enclaves.



Figure 2 – Existing Zones

As shown in Figure 2, Parcel E is currently zoned R-200 while Parcels B, C & D are zoned NR 0.75 H45. If this annexation is approved, all four parcels will be placed in the City’s MXD Zone. The R-200 Zone is primarily for single-family detached houses at a maximum density of one dwelling unit for every 20,000-square feet under the Standard Method, although up to 40% of units may be townhouses if the property is developed under the MPDU Optional Method development. The NR 0.75 H45 Zone allows a maximum density of 0.75 FAR for non-residential uses permitted in the zone. But residential uses (single and multiple-family) are limited to a maximum 30% of the total density allowed. The City’s MXD Zone is a mixed-use zone similar to the County’s NR 0.75 H45 Zone, except that both the residential and non-residential uses have a maximum FAR of 0.75. Since Parcels B, C & D will go from the County’s NR 0.75 H45 Zone to the City’s MXD zone, there will be no substantial change in the uses permitted for these parcels. Parcel E, currently in the R-200 Zone, however, will be placed in the MXD Zone, which is substantially different for both uses and maximum density allowed.

The following table provides a comparison of the before and after zones:

Table 1- Project Data Table

PROJECT DATA TABLE				
	R-200 Portion Parcel E (13.99 acres, or 609,404.4 sf)		NR 0.75 H 45 Portion Parcels B, C, & D (10.36 acres, or 451,281.6 sf)	
	Current R-200 Zone	Proposed MXD Zone	Current Zone NR 0.75 H 45	Proposed Zone MXD
Permitted Uses	Single-family Residential (detached, very limited townhouses)	Mixed-Use with Residential (SF, MF) and non-residential	Mixed use, with residential limited to 30% of the total floor area (Section 59.4.6.1.A)	Mixed-use with residential (SF, MF) and non-residential
Maximum Density	Up to 30 units (without MPDU bonus)	0.75 FAR, or 457,053 sf residential or non-residential (approximately 189 units)	0.75 FAR, or 325,825 sf non-residential, Residential is limited 30%, or 101,538 sf	0.75 FAR or 325,825 sf non-residential or residential floor area

The Applicant proposes up to 60-units of “Multi-Family/Towns” in the R-200 zone (Parcel E, Phase one). While the Montgomery County’s R-200 zone (Section 59.3.1.6. Use Table, Single-Unit Living) allows a total maximum of 30 units with limited number of Two-Unit Living, and allows a Limited Use or Conditional Use for Townhouse Living; it does not permit any Multi-Unit Living.

The ~~Mayor and Council of the City of Gaithersburg Applicant’s~~ Statement in Support of Annexation Petition to the Mayor and Council of the City of Gaithersburg – June 26, 2015, Page 3, states, *“If the Property was not annexed and remained in the County and was developed under the current County Zoning Ordinance adopted in 2014, there are two ways to accommodate townhouse development on Parcel E, as recommended by the Master Plan – Optional Method MPDU Development, or a Local Map Amendment Application of a floating zone. Because Optional Method MPDU Development limits townhouse development to 40% of the total number of units, this approach is not viable, and a floating zone is necessary to accommodate a realistic yield for townhouse development.”*

Although the Applicant claims that the R-200 portion could be rezoned to a townhouse zone, Staff has not analyzed this petition for such a possibility since the annexation law does not contemplate a scenario for a possible rezoning in the County. It requires a comparison of the zone at the time of annexation and the proposed future zone after the proposed annexation.



Figure 3 – Proposed Conceptual Plan

Annexation of land in another municipality prohibited

(c) A municipality may not annex land that is in another municipality.

Although the Site will be mostly surrounded by the County, the eastern edge of the Site (see Figure 4) consists of right-of-way within Quince Orchard Road (MD Route 124) as described in the Description of Part of Quince Orchard Road Maryland Route No. 124 (see Attachment 1). This portion of the Site is still in fee ownership of the Applicant, and makes the Site contiguous to the City of Gaithersburg limits. Therefore, the petition is compliant with the requirements of Local Government Article § 4-401.

Section 4-406 of the Maryland Code’s Local Government Article, titled “Public notice and hearing on resolution,” states in relevant part:

“(a) After an annexation resolution is introduced, the chief executive and administrative officer of the municipality shall publish notice in accordance with the requirements of this section that:

- (1) briefly and accurately describes the proposed annexation and the applicable conditions and circumstances; and*
- (2) specifies the date, time, and place that the legislative body sets for the public hearing on the proposed annexation.*

Notice to county and planning agencies

(c) Immediately after the first publication of the public notice, the municipality shall provide a copy of the public notice to:

- (1) the governing body of the county in which the municipality is located; and*
- (2) any regional or State planning agency with jurisdiction in the county.*

The letter from the City of Gaithersburg, dated August 19, 2015, serves as official notification, as required by Section 4-406. It states that the Mayor and City Council will hold a public hearing regarding the proposed annexation on a date to be announced following the date that any determination as to “substantial conformance” by the Montgomery County Planning Board is issued and any actions by the Montgomery County Council, if necessary, are scheduled. The City Council’s record is currently open. Advertising for the public hearing will be in accordance with Section 4-406.

Section 4-416 of the Maryland Code’s Local Government Article states in relevant part:

Different land use or density

(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

County approval of zoning classification

(c) Notwithstanding § 4-204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with

planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.”

The Applicant proposes up to 375,000 square feet of commercial use and 305 dwelling units (125-units in the NR Zone and up to 180-units in the R-200 Zone). The existing R-200 Zone does not allow non-residential uses, but the proposed MXD Zone allows commercial uses. Both the NR and MXD Zones allow commercial uses. The density proposed by the petition exceeds the maximum allowed by the County for both residential and non-residential uses by more than 50%.

PUBLIC FACILITIES AND SERVICES

The Site is located within the area served by Thurgood Marshall Elementary School, Ridgeview Middle School, and Quince Orchard High School. The petition’s total residential development of up to 305 dwelling units may negatively impact the area’s elementary and high school capacity. If developed in the County, Phase one development (Parcel E) would require a school facility payment since, according to the Subdivision Staging Policy FY 2016, the projected 2020 Elementary School Cluster utilization is at 115.3% and High School capacity is currently at 108.7%.

As part of the annexation petition, the Applicant will request relief from the City’s APFO School Test either through a comprehensive City-wide change to the APFO standards or under the City’s Zoning Ordinance Section 24-244, which allows relief when a property is subject to an annexation agreement.

The Site is located in water and sewer service categories W-1 and S-1 and will be served by public water and sewer. Electric, gas and telecommunications services also will be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are also estimated to be adequate.

ENVIRONMENT

There are no environmental concerns with the proposed annexation.

The City of Gaithersburg approved the Natural Resources Inventory/Forest Stand Delineation for this Site in association with this application. The NRI/FSD reports no forest, streams or their buffers, floodplains or their buffers, or wetlands or their buffers on the Site. The Site contains 9 significant trees (over 24 inches diameter at breast height, or dbh), and four specimen trees (over 30 inches dbh). One white pine tree (*Pinus strobus*) is within 75% of the diameter of the current County champion for that species. No rare, threatened or endangered species or cultural or historic resources are known to exist on the Site. The Site drains to the Great Seneca Creek watershed, which is a Use Class I/IP stream.

The major environmental issues affecting this Site is noise. The Site is adjacent to two major highways (Route 28 and Quince Orchard Road). Montgomery County development review procedures would require any proposed residential use of the Site to undergo a Phase I noise analysis as part of the review process, with possible noise abatement required if necessary to bring the development into compliance with the noise guidelines.

TRANSPORTATION

The *Great Seneca Science Corridor Master Plan* (“Master Plan”) recommends Quince Orchard Road (State route MD 124) to be a 6-lane major highway, M-24, with a 150-foot wide right-of-way and a dual bikeway, DB-44 -- a shared-use path along the Site’s frontage and bike lanes. Currently along the Site’s frontage of Quince Orchard Road, the right-of-way near the intersection with Darnestown Road is at least 119-feet wide with the shared-use path located on the opposite south side and a 5-foot wide sidewalk with a 2.5-foot wide green buffer panel.

The *Master Plan* recommends Darnestown Road (State route MD 28) to be a 4-lane major highway, M-22, with a 120-foot wide right-of-way and a dual bikeway, DB-16 -- a shared-use path along the Site’s frontage and bike lanes. The current right-of-way along the Darnestown Road frontage is 60-feet wide in front of the undeveloped Parcel E and 75-feet wide from the centerline in front of the proposed redeveloped Parcels N88 (Parcel C), N144 (Parcel B), and N139 (Parcel D). Thus additional right-of-way dedication would not be required if the Site was a subdivision case in Montgomery County. However, along the Site’s Darnestown Road frontage, the Applicant should replace the existing 5-foot wide sidewalk with a 2.5-foot wide green buffer panel and construct the master-planned 10-foot wide shared use path with a buffer to be in compliance with the *Countywide Functional Bikeways Master Plan*.

The Site is served by Ride On bus route 76 along Darnestown Road and route 56 along Quince Orchard Road with bus stops along the Site’s roadway frontages. Ride On route 76 operates buses approximately every 30 minutes only on weekdays. Ride On route 56 operates buses approximately every 30 minutes on weekdays and weekends. The Applicant should work with the Montgomery County Division of Transit Services regarding the possible upgrading and relocation of the existing bus stops.

To satisfy the Master Plan’s Transportation Demand Management (TMD) recommendation, the site’s annexation will expand the northwestern corner of the boundary of the Greater Shady Grove TMD. The Applicant should enter into a Traffic Mitigation Agreement with the City and the Montgomery County Department of Transportation (MCDOT) to comply with the *Master Plan* requirements to participate in the TMD and assist the City and County in achieving and maintaining its Stage 2 non-auto driver mode share of 18%. The Traffic Mitigation Agreement should be executed prior to release of the relevant City approval or building permit.

The transportation Adequate Public Facility test includes the Local Area Transportation Review (LATR) test and the Transportation Policy Area Review (TPAR) test.

Under the County’s LATR test, the proposed 185 mid-rise apartments, 95 townhouses, 25 single-family detached units, 125,000-square feet of general office space, and an undefined 250,000 square feet of mixed land uses will generate well over 400 peak-hour trips. A traffic study would be required to satisfy the LATR test (over 30 peak-hour trips).

The site is located in the North Potomac Policy Area that has inadequate roadway and transit capacity. If developed under the County’s subdivision regulations and TPAR test, it will have to make a payment to the Montgomery County Department of Permitting Services equal to 50% of its transportation/development impact tax approximately 2 million dollars.

COMMUNITY OUTREACH

The Applicant held a community outreach meeting regarding the proposed annexation at the Johnson warehouse building located at 12311 Darnestown Road, Gaithersburg, Maryland, on Tuesday, October 27, 2015 at 7:00 p.m.

On October 29 and 30th, 2015, Staff received over 550 emails/letters and over 30 voice messages opposing the annexation. The letters and voice messages express the community's request to delay the decision to annex the Johnson Property pending further studies and impact analyses. The letters in opposition assert the following:

1. The proposed development would increase traffic and safety concerns in an area that is already congested.
2. The proposed development would increase school enrollment for the elementary, middle and high schools in schools that are already overcrowded.
3. The proposed development would increase demand and burden on current utilities, infrastructure, recreation, and the environment.
4. Annexation will create an area that is a part of the city of Gaithersburg surrounded on all sides by neighborhoods that are not part of the city of Gaithersburg.
5. The R-200 lot is much better suited to include community resources that are already needed in the surrounding area. Possible programmed spaces for recreation could be a part of the proposal and serve to balance the proposed residences. Possible uses of the Site may include: Pocket parks, gardens for education, multi-programmable fields for soccer and baseball, a recreation center, etc.
6. The annexation will propose an increase in density that does not comply with the Approved and Adopted *2010 Greater Seneca Science Corridor Master Plan*.

CONCLUSION

The requested annexation proposes a use that is substantially different than the uses authorized in the existing R-200 Zone, and the petition is contrary to the recommendations of the *Great Seneca Science Corridor Master Plan*. The development density allowed in the City's MXD Zone is substantially higher (more than 50% higher) than the maximum allowed under the current zone. As recommended in the GSSC Master Plan, an isolated area not fully contiguous to the City limits should not be annexed into the City. In addition, this petition will locate multi-family units on a property intended in the Master Plan to be park facilities or contain only single-family units, and it will introduce more density to the area than allowed in the R-200 and NR zones. Staff therefore recommends that the County Council not approve the proposed development associated with the annexation petition. Without the Council's express approval, the City of Gaithersburg cannot approve development of the annexed property for land uses substantially different than the currently authorized uses, or at a substantially higher density than currently allowed, for five years after the annexation.

Attachments:

1. Petition for Annexation into the City of Gaithersburg
2. Johnson Community Meeting Invitation
3. Community Letters
4. Chairman's Correspondence

ATTACHMENT 2



ideas that work

Attorneys at Law

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Bethesda, MD 20814
www.lerchearly.com

Tel. (301) 961-6095
Fax (301) 347-1771
srbarr@lerchearly.com

Stuart R. Barr

April 25, 2016

BY HAND DELIVERY

John Schlichting, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg MD 20877

Re: **Annexation X-7067-2015 (Johnson Properties)**
Petition for Annexation into the City of Gaithersburg
Approximately 23.45 acres - Northwest corner of Darnestown Road (MD Route 28)
and Quince Orchard Road (MD Route 124)
Property Owners: Johnson Family Enterprises, LLC and Three Amigos Real Estate,
LLC
Submission of Revised Sketch Plan

Dear Mr. Schlichting:

As you are aware, in December, 2015, we requested a postponement of the Annexation review process for Case Number X-7067-2015 (the Johnson Properties). We requested additional time for community outreach and assessment of the original plan that was submitted in connection with the annexation petition in June, 2015. We now have prepared a revised Sketch Plan and are submitting it for the City's review and consideration.

Community Outreach Efforts

In October, 2015, we held a community outreach meeting to present the original Sketch Plan that was submitted in connection with the annexation petition. Based on that outreach meeting and subsequent communications, it was clear that the community had concerns with the original Sketch Plan. The County Planning Board conducted a public hearing in November, 2015 and decided not to support the original Sketch Plan. Rather than continue with the original plan at that point, we decided to postpone the process and take a step back to engage the community and apply those comments to a revised plan.

Mayor and City Council
X-7067-2015
99

Over the past few months, we have studied questions raised by community members primarily involving density, school capacity, open space, and transportation. We have conducted a number of meetings and a number of more informal conversations as part of our community engagement. The community outreach efforts overall have consisted of:

- One-on-one meetings with local civic and community leaders, such as the leaders of Willow Ridge Civic Association, North Potomac Civic Association, Hidden Ponds and Orchard Hills Homeowners Associations.
- Meetings with the representatives of the Quince Orchard Cluster, as well as the principals and PTSA presidents of both Quince Orchard High School and Thurgood Marshall Elementary School.
- Small group meetings with adjoining homeowners and the Darnestown Civic Association.
- A February 23, 2016 community workshop that included small discussion sessions for residents to provide input, feedback and ask questions about three key areas: schools, traffic, and the design of our development plan. Close to 100 residents attended this meeting and participated in the breakout sessions.
- A March 22, 2016 community wide meeting to present an updated plan based on the input we received from community members.
- A website – www.johnsonpropertyannexation.net – on which we post information about the community-wide meetings and our efforts to revise the plan. We also created a contact form for residents to send questions and comments via the website.
- Email updates to send invitations to our community meetings and respond to questions and concerns from residents.

Revised Sketch Plan

Based on these outreach efforts, we have prepared the attached Sketch Plan, which substantially revises the project. When compared with the original plan submitted with the annexation petition, the revised Sketch Plan:

- Reduces the maximum number of residential units from 305 to 110. The 110 units are proposed as a mix of up to 28 single-family homes and up to 82 townhomes and will include any Moderately Priced Dwelling Units and Workforce Housing Units.

- Eliminates all proposed multi-family housing (185 units).
- Reduces maximum additional commercial space from 285,000 square feet to only 10,000 square feet.
- Preserves the existing height of commercial space.
- Substantially increases proposed park and open space.
- Reconfigures proposed site circulation, which will likely result in greater separation between proposed single-family units on the north and west perimeter of the property and adjoining properties.
- Provides signalized access to Darnestown Road for the existing community through Nursery Lane.

Undoubtedly, some community members will believe that the enclosed plan does not go far enough and that any proposed development on the property must be identical to current County zoning. We believe that the enclosed plan is a good plan, is appropriate for the site, and is compatible with the surrounding community.

We recognize that the County's Great Seneca Science Corridor Master Plan identifies the western portion of the property as a potential site for a public park to provide ball fields for active recreation. At the same time, it states that if the property is not acquired for an active recreation park site, then the County Master Plan recommends that the property "may be appropriate for residential use including single family detached and townhouse units." We believe that our proposed development is consistent with these recommendations from the County Master Plan, along with recommendations from the City's Master Plan and the goals and objectives of the City's MXD zone.

The western portion of the property is transitional in nature. It is located in between existing residential uses and existing commercial uses. Frequently, in this type of situation, the development that is proposed is transitional in nature with a mix of unit types and density. For example, the commercial uses at the Quince Orchard Road/Darnestown Road intersection are surrounded by existing townhomes to the north (on McDonald Chapel Drive), the east (on Orchard Drive and Cherry Blossom Place), the west (on Granite Ridge Drive), and northwest (on Hayshire Court). The same is true for many other areas adjoining other commercial areas and major crossroads sites in the County.

We believe that the property has the potential to be a very well designed, smart growth, pedestrian-friendly, and environmentally sensitive residential community with open spaces and a variety of unit types for a variety of life styles. As shown on the attached revised

Sketch Plan, larger single family detached lots are provided on the perimeter of the property to promote compatible relationships with existing homes and provide an appropriate transition to the commercial portions of the property along Darnestown Road. We believe that townhome units, as recommended in the County Master Plan, are appropriate towards the interior of the site.

We understand that the proposed number of units is greater than the number of units allowed under the current County R-200 zone. But we believe that it is comparable to what could be proposed under a County townhouse rezoning application and is the type of development that is frequently proposed on many other infill sites throughout the area, particularly for sites located along major roadways or that serve a transitional purpose between commercial development and single-family residential. The proposed density under the revised Sketch Plan is fewer than 8 units per acre, which is less dense than many other examples of infill development that share similar characteristics with the Johnson properties.

We spent a significant amount of time studying the open space. We prepared the attached illustrative plan that reflects a potential layout of the units in relation to open space, which could become a combination of a playing field and park. The illustrative plan reflects a conceptual potential layout, but could be subject to certain “binding elements” consistent with the Sketch Plan such as single-family and townhouse uses only, a maximum of 110 units (including Moderately Priced Dwelling Units and Workforce Housing Units), and a minimum size open space area of at least one acre.

We ask the City to review the enclosed plan and to schedule the City Planning Commission recommendation and City Council public hearing dates. If you have any questions or need any additional information, please let us know. Thank you very much for your consideration.

Very truly yours,



Stuart R. Barr

Attachments:

Revised Sketch Plan
Illustrative Plan

cc: Russell Johnson
Josh Sloan
Ellen Bogage
Robert Harris, Esq.

ATTACHMENT 3

From: [Chris Thomas](#)
To: [Bello, Michael](#)
Subject: Johnson Property Development
Date: Monday, May 23, 2016 10:30:27 AM

Good morning,

I wanted to contact you this morning to voice my support for the current proposed plan for developing the Johnson property west of Quince Orchard road on Rt 28. My wife and I grew up in the area and have lived in the area for more than 13 years having moved back here during the final part of my 22 years in the Navy. We currently live in Ancient Oak North, on White Rock Road.

Like most of my neighbors, I am generally opposed to more development in the North Potomac / Darnestown area. However, I think supporting the current plan and moving forward with a known plan is ultimately in the community's best interest. Over the long-term, if we continue to delay executing this plan, the Johnsons may choose to develop the entire parcel (including the Safeway etc. site) with even more homes, making the perceived overpopulation problem even worse.

A few years ago, the Johnsons wanted to develop the parcel with a garden center, but they were rebuffed. Like all of my neighbors, I think it would be awesome if the area was turned into a park, or a farm or something with no homes, but the Johnsons are well within their rights to develop their property in the manner they deem most beneficial to them. The Johnsons have been excellent stewards of their land across the county, including this property. From letting the Boy Scouts and Cub Scouts store mulch and popcorn respectively in their warehouse, to their responsible development projects, the Johnsons have been great neighbors and pillars of the community. The vilifying of the Johnsons as part of the debate around this project has been unfortunate.

In conjunction with this project I would like to see a right turn lane added to the Rifleford Rd intersection with Rt 28. I commute through this area every day, and the only consistent back up in this area is at this intersection.

Thank you,

Chris Thomas

ATTACHMENT 3

From: [Mike Agha-khan](#)
To: [Bello, Michael](#)
Cc: [Russell Johnson: "Mike Agha-khan"](#)
Subject: RE: Johnson Property support
Date: Thursday, May 26, 2016 2:13:32 AM

Dear Mr. Bello,

I am writing to you regarding **our support** of the Johnson property development . I support his effort for further developing our community of Gaithersburg. I have read the documentation related to Mr. Russell Johnson development property and like to inform you that his planning to develop the area is an excellent idea and will create jobs, improves quality of living and has minimal impact to the area traffic. My son will go to Quince Orchard High School next year and I do not see any issues with Mr. Russell Johnson revised plan building in Quince Orchard cluster. His plan has no impact regarding traffic and students entering the school.

Russell Johnson's family are known in Maryland and more than 80 years they were provider of jobs for our community. Mr. Russell Johnson proposed development is the key for creating jobs, improve economy and developing our community we live in. His excellent records of community services including his honest business dealings with our people/community is an example of his public trust. His revised development plan is an excellent addition to the area and it is something that we need to have rather than delaying building/development .

Best regards

Mike Agha-khan
14000 Esworthy Road

ATTACHMENT 3

From: mhodes@michelehodgesevents.com
To: [Bello, Michael](#)
Subject: Support of Johnson Property Development
Date: Wednesday, May 18, 2016 5:40:18 PM

Dear Mr. Bello,

My family and I reside in the Quince Orchard cluster and have two sons that attend QOHS. I am writing to you regarding **our support** of the Johnson property development. While I am not encouraging more development in the area after the number of students and traffic that the Lakeland's development added, in my opinion, based on the revised Johnson property plan, I feel that the Johnson plan will add little difference to both of those concerns.

I believe those opposed are ignorant of the small impact the new plan will have regarding traffic and students entering the schools in our cluster. Furthermore, I feel terminating this project will eventually ultimately result in a larger buildout than currently planned.

Thank You,

Michele Hodges
12816 Doe Lane
Darnestown, MD 20878

ATTACHMENT 3

From: efakler@comcast.net
To: [Bello, Michael](#)
Subject: In suport of the Johnson property development plan
Date: Friday, May 20, 2016 8:21:53 AM

Dear Mr. Bello,

Our Family has lived in Darnestown for 20 years . I am writing in **support** of the Johnson property development. Based on the revised Johnson property plan, I am not concerned about the increase in traffic and students entering the schools in our cluster. In fact,I believe terminating this project will eventually result in a larger build-out than currently planned and a much worse effect on traffic and increase in students.

I believe those opposed are not fully aware of how little impact the Johnson plan will have and are ignoring the impact of what will happen if it is not approved.

Thank You,

Ed Fakler
13408 Straw Bale Lane
Darnestown MD, 20878

ATTACHMENT 3

From: [Am](#)
To: [Bello, Michael](#)
Subject: Johnson Property Development
Date: Sunday, May 15, 2016 4:39:23 PM

Mike,

Good Day!

The planned residential development of the Johnson property in Darnestown can be welcome addition and in concert with smarter urban development sited by Montgomery County. Having this property developed at this location with denser development will make good use of the public infrastructure (roads, utilities, transportation, communication), and provide for good blend of dispersed and dense communities. As the upper Montgomery County develops, mix of population densities is needed for tax income base growth to support public services in the county. I am in support of the Johnson Property development near Route 28 and Quince Orchard Road.

Sincerely,

Arvind Mistry
7 Talley Court
North Potomac, MD 20878
202-288-7788

Sent from my iPad

Dear Mike Bello and Montgomery County Planning Board,

Regarding the Johnson Property Annexation petition X7067-2015, we continue to oppose this annexation and encourage you to again recommend a 5-year moratorium on development, should the annexation occur. We have read the revised proposal submitted by the Johnsons and would like to address several points:

1. They claim to have held numerous meetings to get input from neighbors. In reality, this felt like a farce. We voiced the same concerns repeatedly and they largely ignored our input. Their proposal implies that we agree with their current plan. We do NOT!
2. They claim to have reduced the number of housing units from 305 to 110. In reality, the original proposal was 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen not to address the existing commercial parcel, so including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable. While the Johnsons claim that their revised sketch plan is comparable to what could be done through the county, we do not believe this to be the case. The Johnsons were told by the planning board last November that they cannot assume a Local Map Amendment would be approved. They have not gone through that process, so with the current R-200 zone, they cannot build townhouses. In addition, if they obtain Gaithersburg annexation and rezoning, we have no reason to expect anything less on the commercial parcel than the 125 residential units in their original proposal.
3. Our concerns are exacerbated by the City's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this could permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall Elementary) due to development within the city limits. Stuffing 30 kids into every single classroom that was designed for 20 is NOT acceptable.

4. Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with three lanes of traffic merging into one on Rt 28 directly in front of this property. Their proposed plan contributes significantly to the problem without offering any realistic mitigation.

In summary, given that this revised plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by the county, we urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development. .

ATTACHMENT 3

From: [Dan Brower](#)
To: [Bello, Michael](#)
Cc: planning@gaithersburgmd.gov
Subject: Annexation Petition X7067-2015, Johnson Property
Date: Friday, June 10, 2016 7:58:00 PM

Dear Mike Bello and Montgomery County Planning Board:

Regarding the Johnson Property Annexation petition X7067-2015, we encourage you to recommend a 5-year moratorium on development, should the annexation occur. We **oppose** the development of more than 30 homes on this property. We understand that the Johnson family is hoping to maximize their profit from their investment in this property, but we believe this location is unfit for this type of development. Our neighborhood, Willow Ridge, is adjacent to the Johnson Property. A rezoning of this property will directly impact our neighborhood in a serious negative manner. The entrance and egress to this planned neighborhood will exacerbate an already dangerous situation at the intersection at Copen Meadow Drive and Route 28.

In summary, given that this revised plan **does not** address the community concerns consistently voiced nor abide by the current zoning allowed by the county, we urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development. The impact on the community is too significant to do otherwise.

Sincerely,

Daniel and Kathryn Brower
12532 Carrington Hill Dr.
Gaithersburg, MD 20878

ATTACHMENT 3

From: [Josh Lavine](#)
To: [Bello, Michael](#)
Subject: Annexation
Date: Thursday, June 09, 2016 9:56:24 AM

Mike,

I'm not going to waste your time and forward the same emails that everyone else is regurgitating. I am a Gaithersburg business owner and a homeowner in Hidden Ponds. If you take the political route and give them what they want, I'll move both out of the City. Please do what's best for the area and put politics aside. I am sure that a deal will get done but we must force them to stay within the already approved zoning requirements.

Josh Lavine
1 Hidden Ponds Court
Gaithersburg, MD 20878

ATTACHMENT 3

From: [Mary Silva](mailto:Mary.Silva)
To: [Bello, Michael; planning@gaithersburgmd.gov](mailto:planning@gaithersburgmd.gov); rrobinson@gaithersburgmd.gov; Councilmember.katz@montgomerycountymd.gov
Cc: maryjeffsilva@verizon.net
Subject: Johhson Brother Development proposal
Date: Friday, June 10, 2016 1:53:13 PM

Mr. Bello, Mr. Robinson and Councilmember Katz

I am writing you regarding a new proposal that the Johnson brothers have submitted to the city of Gaithersburg to be annexed into the city. The Johnson Property Annexation petition X7067-2015, continues to disregard the opinion of existing residents regarding traffic congestion, school overcrowding and overdevelopment in Montgomery County. As a result, my husband and I strongly oppose this annexation and encourage you to again recommend a 5-year moratorium on development, should the annexation occur. We have read the revised proposal submitted by the Johnsons and would like to address several points:

- 1) The annexation will seriously overcrowd the local schools, particularly in view of the fact that the increase in housing density will likely result in addition attendance in Montgomery County schools for residents of the proposed development which would be part of the city of Gaithersburg. Our concerns are exacerbated by the City's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this would permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall ES, Ridgeview MS, and Quince Orchard HS) due to development within the city limits. Having overcrowded classrooms is not acceptable. The annexation will have serious negative effects on our children and their ability to get a quality education. The schools cannot be properly served by the annexation plan.
- 2) Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with 3 lanes of traffic merging into 2 on Rt. 28 directly in front of this property, and then 1 lane at Riffle Ford Rd. The only road in our neighborhood, Copen Meadow Dr, which exits onto Rt. 28, is dangerous and almost unusable during the hours of 7am – 9am, and 4pm – 7pm due to the large volume of cars. The proposed plan contributes significantly to the problem without offering any realistic mitigation. The Johnson plan intends that some traffic would exit through the Safeway parking lot and would substantially increase traffic around Quince Orchard High School which is already severely congested during school start and stop times.
- 3) Johnsons and Three Amigos Limited claim to have reduced the number of housing units from 305 to 110. In reality, the original proposal had 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen to exclude the existing commercial parcel; therefore, including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable. While the Johnsons claim that their revised sketch plan is comparable to

ATTACHMENT 3

what could be done through the county, we do not believe this to be the case. The Johnsons were told by the planning board last November that they cannot assume a Local Map Amendment would be approved. They have not gone through that process, so with the current R-200 zone, they cannot build townhouses. In addition, the 9-acre parcel that is currently commercial is still a concern. If they obtain Gaithersburg annexation and rezoning, we have no reason to expect anything less than the 125 residential units in their original proposal.

4) They have held numerous meetings to get input from neighbors. In reality, this felt like lip service. All attendees repeatedly voiced the same concerns and they largely ignored our input. Their proposal implies that we agree with their current plan and we do not. No one in Willow Ridge or at the meetings that I have spoken with has any problem with the Johnsons developing under the current R-200 zoning. Everyone I have I spoken with oppose anything greater than 50% of the current zoning.

In summary, this revised zoning plan is not appropriate and the public facilities cannot handle the increased population it would bring. The Johnson plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by Montgomery County. We urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development.

Thank you for taking the time for incorporating the community's input to this proposal.

ATTACHMENT 3

From: jelm3@comcast.net
To: [Bello, Michael](#)
Subject: Johnson Annexation Proposal
Date: Thursday, June 09, 2016 11:52:52 AM

Mr. Bello-

I am writing regarding the annexation of the property owned by Johnson Family Enterprises into the City of Gaithersburg. I testified at the Planning Board in opposition to the earlier proposal by the same entity. As a former President of the adjacent Orchard Hills Homeowners Association, I remain firmly against the annexation and -- for Planning Board purposes -- strongly supportive of the imposition of a five-year moratorium on any development in excess of 50% over current zoning.

While the property owner claims to have made the proposal more reasonable, the plain fact is that -- at 110 units -- the proposal is well over 300% of current, R-200 zoning. This would exacerbate existing school overcrowding as well as traffic issues which turn Route 28 between Quince Orchard Road and Riffle Ford Road into a parking lot each and every rush hour. Moreover, the "improved" proposal offers a scant one acre for recreational use, which is entirely inadequate, especially as the County had intended the **entire property** be used for recreational purposes. Further, the owner's statement regarding the community input it received implies that its plan took that input into account. It did not. I attended each and every meeting that was held, and there was not a single comment in support of their proposal. The universal sentiment, clearly expressed, was that the owner should limit its development to current zoning standards.

The property owner is clearly taking advantage of a recently enacted state law permitting it to circumvent County zoning standards. As you know, the law does not permit the County to determine the outcome of the annexation request. However, what the Planning Board can do -- as it did previously -- is support the imposition of a five-year moratorium on development in excess of 50% over current zoning standards. This was about to be accomplished previously but the owner -- again manipulating the system to its maximum advantage -- pulled its proposal before the County Council could adopt the Planning Board recommendation for a moratorium.

Like my neighbors, I strongly urge you to, once again, recommend the imposition of a five-year moratorium on the Johnson property, and prevent the implementation of an excessive development proposal which would severely aggravate existing density, traffic, school and recreational space issues.

Thank you for your consideration.

Michael B. Lehrhoff
12118 McDonald Chapel Dr.
Gaithersburg, MD 20878
jelm3@comcast.net
301-452-2505

ATTACHMENT 3

From: [Katherine Carney](#)
To: planning@gaithersburgmd.gov; [Bello, Michael](#)
Subject: Johnson Property
Date: Thursday, June 09, 2016 6:31:04 PM

Dear Mr. Bello and Planning Board members,

Please note our family's opposition to the Johnson Property Annexation into Gaithersburg City limits.

The plan to build 110 homes on land zoned for 30 is unreasonable and unsafe, particularly located directly across the street from very busy Quince Orchard HS and without proper road adjustments planned to absorb the tremendous increase in traffic and to direct traffic AWAY from the school.

The Annexation appears to many neighbors who attended the meetings to be a way for the Johnson Family to avoid county zoning rules and for the City of Gaithersburg to enjoy increased tax revenue without considering the impact to surrounding neighborhoods, schools and roads.

Development is not the problem, but the density of homes is, as is the lack of infrastructure to support it.

We respectfully ask you to deny the petition for annexation and to deny the current proposed development.

Thank you,

Kathy Carney and Family

Sent from my Verizon Wireless 4G LTE DROID

ATTACHMENT 3

From: [Katie Rapp](#)
To: [Bello, Michael](#)
Cc: [Councilmember Katz's Office](#); [Lindsay Hoffman](#); [Munish Mehra](#); [Jeff Odom](#); [Rob Robinson](#)
Subject: Johnson property annexation concerns
Date: Friday, June 10, 2016 10:25:27 AM

Dear Mike,

Thank you, as always, for the work that you and the planning board do to ensure smart, well-planned growth in the county. I continue to be opposed to the Johnson property rezoning and annexation. I am surprised and a bit offended that they have submitted the current revised plan that is still so out of sync with the R-200 zone on the western portion of the property. I think it is a waste of your time and a waste of the planning board's time to have to look at this again, after what was recommended at the November 12 planning board hearing. It's a waste of taxpayers dollars.

They have also wasted uncounted hours of our community members' time in attending numerous meetings that resulted in almost nothing as far as I can see on the current plan. And I say that from very personal experience because I attended all the Johnson team's meetings and I have been heavily involved in the continued conversations going on among community members. This process has been very time-consuming and the Johnson's response has been minimal and disappointing.

Purpose of the community outreach: Just for show

I'll go into some detail about this, because their community outreach appears now to have been calculated to confuse people and done just for show. They didn't need to meet with us to find out what our concerns were. They already knew from the 600+ letters to you in November what the community's issues were with the original plan. They also knew from the planning board's conversation with them at the hearing in November.

Yet they held all these community meetings, and it appears to me now that they did this just to say they met with us. The Johnson team created an illusion of working with the community and listening to us and taking our concerns into account. While really the meetings (and I attended them all!) were insulting and confusing to attendees, the community members' concerns were clearly voiced and ignored by the Johnson team, and yet have been spun (in Stuart Barr's 4/25/16 cover letter to John Schlichting) as evidence that they have worked with us and are responding to our concerns with the current plan for 110 residential units on the R-200 parcel. In reality, the revised plan demonstrates very little effort to address the widespread community concerns that were repeated often to the Johnson team at the community meetings.

Feb 10 Meeting with Community Leaders

After the new year, I was contacted by the public relations firm hired by the Johnson family to work with the public as they move forward on annexing their property into the city of Gaithersburg. I was president of Willow Ridge Civic Assn for over 10 years and continue as a board member. I have a long history of working with the Johnsons on this property's development. I'm in contact with many other community leaders and

ATTACHMENT 3

I coordinated the meeting Feb 10 with 9 of us representing the leadership of Willow Ridge, Orchard Hills, Hidden Ponds, Orchard Knolls, North Potomac Citizens Association, Thurgood Marshall ES PTA, and Quince Orchard HS Cluster. We met for several hours and shared our concerns about the annexation with Russell Johnson, attorney Stuart Barr, and the PR firm rep. I reiterated my concerns, which are well-known to the Johnsons. My mantra has become "30 single family homes" because:

- It is what this property is zoned for
- It is what homeowners who did their homework when buying in Willow Ridge and Orchard Hills over the past 30 years expected when purchasing next to a vacant R-200 property
- It is in keeping with the recommendations in the county's master plan-- maintaining and preserving the suburban area
- It would not adversely impact our schools and traffic the way heavier development will
- It is the preference of the wider Quince Orchard community as voiced by many community leaders and residents on numerous occasions since this annexation became public.

Naive to Expect 30 SFH Development?

It is clear to me that the Johnsons never intended to build 30 single family homes on it and have been maneuvering for many years to do something different with the vacant property. I told the Johnson team on Feb 10 that we have been made to feel naive or stupid to think that the R-200 property would be developed in the way it has been zoned for decades. I have been through the iterations over the past 11+ years with them using the special exception to build the garden center (approved, not built), the effort to rezone the R-200 portion to C-1 in 2009 (withdrawn), and now the annexation and rezoning to Gaithersburg MXD... all a clear attempt to do something other than 30 single family homes with the property. If they'd intended to do that, it would have been sold to the developer of the adjacent Hidden Ponds portion of the Johnson property 12 years ago.

Desire for Higher Residential Density than Currently Zoned

They sat on that 14 acres, believing they could get something more out of it. At the Feb 10 meeting, Johnson told me the R-200 was (I believe the term he used) a "legacy zoning" that wasn't really applicable to the property because it hadn't been updated in two master plan revisions. I told him, no, it was the current zone, specifically referred to in the current county master plan. Then he called it a "transitional property" (repeated in Stuart Barr's 4/25/16 letter to John Schlichting) that was most suited for townhouses because you don't want to put single family homes next to a commercial property (even though the current commercial Johnson properties at this corner are surrounded by single family homes in Orchard Hills). I know they can't build townhouses on it in the county R-200 zone unless they apply for a local map amendment and I heard the planning board tell Russell at the November 12 hearing that this was not something he could assume he would get. So I told them that. And I repeated my mantra: "30 single family homes." Build them.

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Attempts to Circumvent the County Master Plan

What is the point of having the master plan if property owners don't have to follow it? I understand the master plan document is the driving force behind coordinated development in the area... the effort to make sure that roads and schools and infrastructure are appropriate and keep pace with development. It appears that the Johnsons are trying to circumvent the county master plan by asking for the annexation and the much heavier development possible with MXD zone in the city of Gaithersburg.

Surrounding Community Wants and Supports Development of 30 SFHs

Willow Ridge and the surrounding communities feel strongly that 30 single family homes, the current zoning, is the appropriate development for the western portion of the Johnson property (given that the Johnsons have made it clear they won't sell the property to the Parks Dept). The Feb 10 meeting left us not sure what direction he was going, but uneasy that Russell was going to continue pushing for something other than 30 single family homes.

Feb 23 Community Workshop

The answer came quickly. The Johnsons announced a community workshop held on Feb 23 at Quince Orchard High School. This was advertised widely, paper fliers were mailed to homeowners, the notice appeared in the Town Courier, and the meeting was well attended. At this workshop, they broke attendees up into smaller groups, each with Johnson team speakers talking about different issues with developing the property.

To my utter disbelief, they presented the sketchplan from last fall (very slightly amended, with townhomes rather than multifamilies) as their viable plan for moving forward with the annexation. They presented a timeline with construction beginning on the 180 residential units in 2017! The plan was unaltered from last fall except they said they did not need to talk about the current commercial properties because of longterm leases on them and no intention to redevelop them in the near future. And they opened the traffic flow from the existing community up through the fire lane of the Safeway, creating community access to the Safeway traffic light for left turns on 28 (a concern we had voiced at the Feb 10 meeting and a bizarre, unsafe, and probably illegal solution).

Misinformation provided by Johnson team at the community meeting

There was much misinformation communicated by the Johnson team. In my small group, they said the impact on Thurgood Marshall ES would be minimal "because they already have a plan to expand the school" (completely untrue) and they said that they were already approved for townhomes on the R-200 property. I spent much time that evening clarifying the misinformation. I repeated many times that the property is zoned for 30 single family homes, a fact they never mentioned. My friends and neighbors in the three other small groups related similar stories. These issues are complicated and difficult for people to wrap their minds around, especially when the Johnsons themselves are feeding us misinformation.

No Mention of November Planning Board Hearing

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It was very frustrating that the Johnsons chose to reach out to the community that night presenting the sketch plan from last fall as if it were still a viable option for them and spending 2.5 hours explaining the rationale and the numbers backing it up. I never heard them mention the planning board decision or the reality of their situation during the workshop. There was no mention of the planning board's recommendation of the 5 year moratorium on the zoning change, no mention of the need to scale back the plan to a lot less density and more green space (as recommended at the hearing). It seemed to me that night that the Johnsons did not take the decision of the planning board seriously or they would have come back to the community asking for feedback about a realistic scaled-back plan based on the current R-200 zoning.

I heard community members say they were insulted by the presentations and felt their time was wasted. I now believe this was part of the Johnson team's plan... to wear people down. Numerous, long, confusing meetings with misinformation provided to the public... each step along the way confuses people more, each call for letter writing gets less response as people are fatigued by it and feel it's so repetitive. Why should the community need to repeat themselves over and over and over again when the issues remain essentially the same?

March 22 Community Workshop

The email announcement from the Johnson team for the second community-wide meeting was not received by many community members (including myself, although a neighbor forwarded it to me). No paper fliers were mailed and I did not see a notice in the Town Courier. Not surprisingly, there were fewer community members in attendance. The Johnsons presented a plan for 120 residential units on the western 14 acres. They presented this as if it were taking into consideration all the community concerns. Then, the plan submitted to the city of Gaithersburg was for 110 residential units.

Johnson Response to Community Concerns

The Johnsons say the revised plan DOES take into account community concerns. These are the concerns the Johnsons say they responded to in the plan.

* Reduce the number of residential units: They presented the plan as going from 305 in the original plan down to only 110. In fact, since they decided to no longer talk about developing the current commercial property, they should be comparing 180 units on the western 14 acres to 110 in the revised plan... a less impressive reduction and not in keeping with the R-200 zone. This smoke and mirrors tactic is insulting. I hope you're insulted! Most everyone at the March community meeting who spoke was insulted.

* Provide access to the Safeway traffic light for the larger community: This was raised at the February 10 meeting with community leaders in response to our concern that no one will ever again make a left turn out of Willow Ridge (Copen Meadow Dr). The current situation is dangerous and heavy development on the Johnson property will mean it simply becomes impossible. The idea was raised by Russell to allow community access to the Safeway light... not knowing how this might be engineered, we agreed this might be helpful. Neither scenario presented so far for funneling neighborhood traffic through the Safeway parking lot would make any sense, be safe, or work, and I question whether it would even be legal or that the Safeway lease

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would allow it as it would drastically reduce safe access to the Safeway store.

* Provide more parkland: they increased green space from 1/2 acre to 1 acre and moved it toward the townhouses rather than backing to Willow Ridge homes. This is fine, but hardly in keeping with the county master plan recommendation for the property or the advice given to the Johnsons at the Nov 12 planning board hearing.

* Provide more buffer between existing single family homes and the new community: It appears that a couple of feet of green space were added around the edges of the sketch plan as a "buffer" between existing homes and the new 3.5 story single family homes on the sketch plan. This is a buffer in name only.

From my perspective as a community leader, the revised plan does nothing to alleviate community concerns.

"Much Greater Potential" than 30 SFH

At the March 22 meeting, the Johnson team allowed a small number of community members to speak. They made us stand uncomfortably in line and speak into a malfunctioning microphone at the front. Community members voiced various vehement concerns, the same concerns that have been voiced since last fall, since this revised plan would not alleviate any of them. Traffic, congestion, heavy residential development that is higher than the land is zoned for in the county, adverse impact on schools, especially Thurgood Marshall ES.

When I spoke, I asked Russell and Stuart what the current zoning on the 14 acres allowed. This was the first that they mentioned 30 single family homes, they said they knew this is what I wanted, but they said they felt this land had a much greater potential. Team members said that R-200 allows "many uses" and that the county master plan recommended townhouse development. I pointed out that they had to go through the process of requesting the local map amendment and asked if they had started that process yet. I asked them to describe how the county would consider community input on that. And I pointed out that at the Nov 12 hearing the planning board told them they could not assume they would get it.

Community input cut off at March 22 community meeting

This type of workshop is not about hearing and responding to community concerns. After much criticism, the Johnson team cut the meeting short while there were still at least half a dozen people standing in line to speak. I stayed a half hour afterward talking to neighbors. No one I spoke to feels that the revised plan is reasonable or that the Johnsons have responded to any community concerns. More and more community leaders from around the Quince Orchard, North Potomac, and Darnestown areas are asking to be added to email lists on this issue and kept in the loop. We feel the Johnson team held the community meetings simply so they could say they did outreach to the community and say they made an effort to respond to concerns. This is an interesting way to spin what really took place at these meetings.

Commercial areas on Johnson Property (and Magruder Property)

Beyond the R-200 property, I have deep concerns about the Johnsons' (as now unstated) plan for the commercial areas. The existing NR zone commercial properties are appropriate for meeting our needs for community convenience businesses. I do

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not want the added commercial density possible with Gaithersburg MXD. Russell is saying now that they only are asking for 10,000 more SF of commercial space, however, I am concerned this could change quickly after annexation. Much higher density and more flexible development is available through Gaithersburg MXD. For example, the city of Gaithersburg recently approved the annexation of the Magruder property at the same intersection. The city planner finds it appropriate to allow 5 times the current commercial footprint and up to 10 story buildings... next to the high school. This was later reduced to max 5 story buildings. Still too high for this area with many teenagers walking around (including my own son who is entering QOHS as a freshman in the fall... we are walkers from Willow Ridge and he will walk through this intersection at least 2x per day for the next 4 years and then his younger brother will follow him).

By limiting the conversation (and sketch plan) now to just the 14 western acres, the Johnsons leave themselves free to take advantage of the more generous MXD zone on the commercial properties, without having to discuss what they might change or when once it is annexed. Since the entire 23 acres would be annexed as a single property into the city's MXD zone, I think this is very deceptive. Russell was certainly aware of longterm leases on the commercial properties when he submitted the original sketch plan last fall, so it's deceptive to say something changed and now there's no reason to talk about what they'd like to see happen on those properties. They could certainly redevelop and add a residential component on the commercial properties once it is annexed into the city (as they indicated they would do on the original plan from last fall). I have no reason to believe they would develop fewer than 125 residential units on the NR-zone commercial property if it were annexed.

Transparency and the Process

I want to mention that this has all been an extremely complicated and confusing process from the community's perspective, and while both the county and the city claim transparency in these dealings, my experience is the opposite. In fact, there appears to be no mechanism for informing the community that an annexation is taking place. There were no letters sent to neighbors or community associations and no signs up on the properties while the county planners were working on their reports with recommendations to the planning board last fall. We were in the dark until Russell announced the community meeting last fall. Since then, it's been a non-stop effort of trying to find out what would happen next and how the community could participate. Very time consuming and difficult to stay informed from my perspective.

Five Year Moratorium on Rezoning to MXD?

Linked to this lack of clarity about the process... the community was under the impression after the Nov 12 planning board hearing that we had "won" that portion and that if the Johnsons wanted to develop the property in the next 5 years they needed to come back with something in keeping with the current county zoning and regulations. At the March 22 workshop, while discussing the revised plan, the Johnsons presented a different picture. They said because they pulled their earlier plan before it went to county council, there was no moratorium on the rezoning and they plan to submit the revised plan to both the county and city simultaneously. It was a total shock that they could submit a new plan with high density. The process from

ATTACHMENT 3

there was unclear, even after asking all of our contacts at the county and city what to expect and when.

Another major concern for us... with the property still within the county, getting the information we need to participate in this process is difficult; it will become harder when/if the property is annexed.

Maintain and Preserve

The current county master plan says that the neighborhoods around Quince Orchard, including Orchard Hills and Willow Ridge, should be "maintained and preserved." I believe the best way to maintain and preserve the character of Willow Ridge, Orchard Hills, and Hidden Ponds (the neighborhoods directly adjacent to the Johnson property) is to build 30 single family homes on the R-200... it is in keeping with the surrounding suburban community. This will also maintain the character of the larger Quince Orchard community, a suburban area on the very edge of suburbia, with low density Potomac Subregion planning area and the Agricultural Reserve beyond.

Gateway to the City... for Techway?

Why does the city want to encroach with heavy urban-type development (10 story buildings!) at this intersection? I hear rumblings again about a Potomac river crossing and the Techway. Is this the plan? To create an opportunity for a Tysons North at the edge of Gaithersburg when/if the new highway comes through this area? This scenario makes much more sense to me than building up like this to meet the needs of Darnestown and Poolesville commuters coming into the city.

Opposed to annexation and rezoning

In conclusion (and obviously), I feel the annexation is not in the best interests of the community and I oppose the rezoning to MXD and the current Johnson sketch plan. The surrounding community loses its voice if the Johnson property is in the city, since we are not city residents and the council is not answering to us as our elected officials. We in Willow Ridge are highly concerned about having a property in a different jurisdiction literally in our backyards.

We question the legality of this annexation since the property is adjacent/contiguous to the city only through a tiny corner. It is an enclave and the county master plan specifically recommends against these types of annexations.

There are widespread community concerns, completely unaddressed by the Johnsons in the revised plan. The concerns are not just from the immediately adjacent communities, but throughout the Quince Orchard, North Potomac, and Darnestown areas, and also from some city of Gaithersburg residents. We do not see the annexation and heavy development of the properties at this intersection as providing any benefit to us. We foresee many potential and likely problems.

Please recommend against the rezoning of the Johnson property. Recommend the 5-year moratorium on the rezoning.

Thank you for all you have done for our community.

ATTACHMENT 3

Katie Rapp
12515 Carrington Hill Drive
Willow Ridge

ATTACHMENT 3

From: [Alyssa Alban](#)
To: [Bello, Michael](#)
Cc: planning@gaithersburgmd.gov
Subject: Johnson Property Annexation petition X7067-2015
Date: Friday, June 10, 2016 7:33:06 AM

Mr. Bello and Montgomery County Planning Board,

Through my community I have been made aware of some issues regarding the Johnson Property Annexation petition X7067-2015.

I oppose this annexation and encourage you to again recommend a 5-year moratorium on development, should the annexation occur.

There are a few points in regard to the revised proposal submitted by the Johnsons:

They claim to have held numerous meetings because they wanted to get input from the community to help revise and improve their new plan. Based on their new proposed plan, it does not reflect the strong feedback that was consistently voiced against increased density and development.

These concerns were repeatedly voiced and input was largely ignored. Their proposal implies that the community agrees with their current plan. It does NOT!

They claim to have reduced the number of housing units from 305 to 110. In reality, the original proposal was 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen not to address the existing commercial parcel, so including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable.

While the Johnsons claim that their revised sketch plan is comparable to what could be done through the county, we do not believe this to be the case. The Johnsons were told by the planning board last November that they cannot assume a Local Map Amendment would be approved. They have not gone through that process, so with the current R-200 zone, they cannot build townhouses. In addition, if they obtain Gaithersburg annexation and rezoning, we have no reason to expect anything less on the commercial parcel than the 125 residential units in their original proposal.

The communities concerns are exacerbated by the City's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this could permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall Elementary) due to development within the city limits. This school already has portable classrooms as it is over capacity.

Stuffing 30 kids into every single classroom that was designed for 20 is NOT acceptable. Including higher density development will only exacerbate the student population at Thurgood Marshall ES and the Quince Orchard Cluster.

Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with three lanes of traffic merging into one on Rt 28 directly in front of this property. Their proposed plan contributes significantly to the problem without offering any realistic mitigation.

In summary, given that this revised plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by the county, I urge you to recommend the County Council reject the rezoning and impose a 5-year moratorium on this development.

ATTACHMENT 3

Sincerely,

Alyssa Alban

ATTACHMENT 3

From: pmforinger@verizon.net
To: [Bello, Michael](#)
Cc: planning@gaithersburgmd.gov; rrobinson@gaithersburgmd.gov;
Councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property Annexation petition X7067-2015
Date: Thursday, June 09, 2016 7:41:07 PM

Good evening Michael,

Please make sure that common sense prevails in the development of this corner in Montgomery County. I would hate to think that your offices could be duped by a bunch of clever lawyers presenting partial truths. Too much is at stake. Private business owners should not dictate development in Montgomery County. Lets be honest, their only interest is monetary gain. You are the people we look to to protect the best interests of our community. This includes the safety of our vehicular and pedestrians residents, the quality education of our children, and the property values of our neighborhoods. None of those items has been addressed by the Johnsons. Again, it's just business to them, and their interests are monetary. Period.

Development is both inevitable and necessary for the vitality of a community. Let the plans come from the people who have the community's best interests at heart, not private business owners with private agendas.

ATTACHMENT 3

From: [Nell Feldman](#)
To: [Bello, Michael](#); Councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property Annexation Proposal
Date: Thursday, June 09, 2016 11:33:11 AM

Dear Mike Bello and the Montgomery County Planning Board,

We are writing in hopes that you will again recommend to the County Council to object to the rezoning of the Johnson Property Annexation – X7067-2015 and thereby impose a 5-year moratorium on the potential development. Although the Johnson family has revised its application to reduce the amount of housing units on the property, the current submission still exceeds the amount of units that is currently allowed or zoned for on that property. As such, we believe that the many reasons the Montgomery County Planning Board recommended the County Council to impose a 5-year moratorium on the Johnson's initial application remain the same for this revised application.

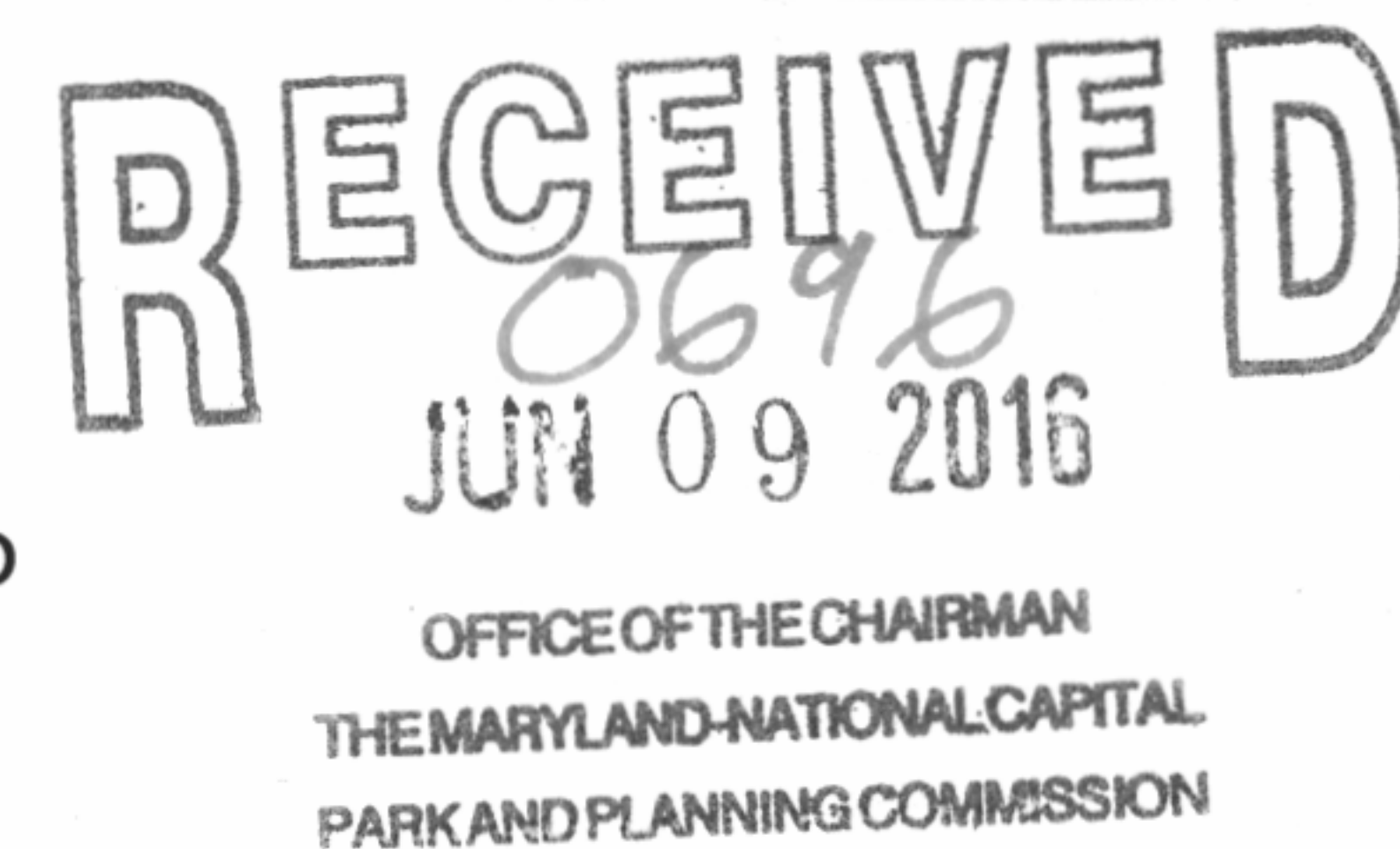
Although Johnson's revised sketch plan reduces the number of residential units from 305 to 110 most of the reduction takes place in the existing commercial area. In the undeveloped parcel (E), which is approximately 14 acres and currently zoned R-200, the initial plan included 180 units and in the revised sketch plan includes 110 residential units. These 110 units are still approximately four times the County's zoning allotment for this parcel and therefore also exceeds the 50% that could be granted based on zoning classifications (i.e., the current zoning R-200 for parcel E is 30 single-family detached homes for a maximum of 45 units). To put it simply, they are requesting 110 units when the current zoning allows a maximum of 45 units. While the Johnson family claims that their revised sketch plan is comparable to what could be proposed if they rezoned the property through the county, we do not believe this to be the case, as we, and many others, would fight vigorously through the county's fair process. We believe that they are requesting annexation so that they can circumvent the County's process for rezoning for this very reason.

In summary, given that this revised plan does not address the community concerns consistently voiced regarding density nor abide by the current zoning allowed by the county, we urge you to again recommend to the County Council to reject the rezoning and impose a 5-year moratorium on this development.

Thank you,
Nell Feldman, Concerned County Resident
12002 Citrus Grove Road
North Potomac

MCP-CTRACK

From: Steve Gammarino <steve.gammarino@gmail.com>
Sent: Thursday, June 09, 2016 1:18 PM
To: MCP-Chair
Cc: Bello, Michael; Councilmember Katz; Afzal, Khalid; Annie Mo
Subject: Johnson Property Annexation
Attachments: Johnson Property AnnexationMNCPPC6.5.2016.docx



To Montgomery County Planning Department

Attached is are my comments against the proposed annexation and rezoning of the Johnson Property. I would appreciate this letter being part of the permanent record.

Please let me know if you have any questions regarding my positions.

Sincerely,

Steve Gammarino

Dear Montgomery County Planning Board

June 9, 2016

I understand that the Johnson Property Annexation – X7067-2015 is being reevaluated by the Montgomery County Planning Department. As a homeowner adjacent to this property, I am writing to request that you deny this proposal for rezoning and annexation of the Johnson Property. Although the Johnson Property has revised its application, I think many of the reasons cited by the Montgomery County Planning Department to deny the original proposal remain the same. This includes; creating an enclave within the County, increased overcrowding of area schools, zoning that is inconsistent with the County Master Plan, traffic and related safety issues, and lack of community support. My specific concerns include the following:

- 1) Annexation Enclave** –The Johnson property touch point with the City of Gaithersburg is a questionable sliver of land that, I think, stretches the state’s prerequisite that the property to be annexed be contiguous and adjoining to the municipality. This annexation, also results in the Johnson property being completely surrounded by Montgomery County. As the Montgomery County Planning Department stated in its previous review in November, 2015, this creates an enclave which leads to a number of issues. Among them: 1) Area residents will have no voice in matters associated with this property. And, 2) Discrepancy in the guidelines used to determine the adequacy of the local public schools capacity standards (reference #2 Overcrowded Schools).
- 2) Overcrowded Schools** – We are all familiar with the overcrowding of the public schools in our area. The Thurgood Marshall Elementary School which would serve children from this proposed development currently uses trailers to support its population. Additionally, our schools in the Quince Orchard Cluster (QOC) are deemed by the Montgomery County Planning Department to have “inadequate” student capacity. Our concerns are exacerbated by the City’s new Adequate Public Facilities Ordinance (APFO) of 150% - per school, before imposing a moratorium on new residential development. This APFO is inconsistent and significantly higher than Montgomery County’s standard of 120% - per cluster. I’ve been informed by staff in Gaithersburg’s planning office that

this could result in residential development on the Johnson property even if the Quince Orchard Cluster exceeds the County's moratorium standard of 120% for new development.

- 3) Increased Residential Density** – Although Johnson's new proposal reduces the number of residential units, this proposal is still not consistent with the Greater Seneca Science Corridor Master Plan (GSSC). This is evidenced by Johnson Property's proposal of 110 residential units in parcel E. This request is almost **four times** the County's zoning limit for this parcel. The approved zoning for parcel E (30 single-family detached homes) is in keeping with the present character of the residential community. In fact, the most recent development adjacent to this property, Hidden Ponds, was built on what used to be the Johnson farm property. This area retains a feel that is green and open rather than urban and closed. This recently developed area has many acres of common area that is restricted in its use with significant environmental regulatory oversight. It seems inconceivable that you would preserve many acres in its natural state while allowing high density residential development, with little or no green space, less than a block away.

In addition, if Johnson property is annexed by Gaithersburg, the proposed zoning – MXD will allow them to proceed with the level of residential density that was proposed in the original application for the commercial parcels (B, C and D).

Also, as indicated in Montgomery Planning's previous review of this annexation, there are also environmental issues that are of concern. For example, since this site is adjacent to two highways any development would have to be evaluated for compliance with existing noise guidelines.

- 4) Traffic and Related Safety Concerns** - Today at the location of this annexation (Route 28 and 124) we have nightmarish traffic with corresponding safety issues for pedestrians and bikers (A biker was a recent traffic fatality at this intersection). In fact, because of the traffic adjacent to parcel E, there is no good way for vehicles to exit or enter this property, particularly if you want to go east on Route 28. Therefore, as evidenced by the

applicant's artist rendering, traffic either goes through existing interior roads, exits west on to Route 28 or through the commercial parcels B and C to get to a traffic light. Because of the traffic issues on 28, one could see a significant increase in the interior roads from this high density residential area. These interior roads are already congested during morning school drop-off and afternoon pick-up from the near-by elementary and middle school. This has resulted in significant safety issues for the students and their families. The adjacent Hidden Ponds community has also had significant damage to the common areas adjoining the roads because of cars parked in our neighborhood for school events and heavy traffic to and from school. This has resulted in the county's Department of Transportation approving a claim to repair one of the local roads. Additionally, I can only imagine what the congestion and safety issues will be as residents leaving parcel E try to navigate and compete with commercial customers to get to the traffic light that controls the entering and exiting of the commercial parking area in parcel C.

- 5) **Lack of Community Support** – As indicated by the amended application, Johnson Property held meetings with the local community regarding the rezoning and annexation. At this meeting there was consistent push back from the community on this initiative. In fact, the residents' voiced strong opposition to the annexation, and wanted the zoning to remain unchanged, to include maintaining parcel (E) at 30 single family homes. Johnson speakers also offered no coherent rationale for the annexation of the property or why the existing zoning wasn't appropriate.
- 6) **Results of Potomac Valley Shopping Center South (PVSC) Annexation** – Since the Montgomery Planning Board's review and approval (November, 2015) of the PVSC annexation by Gaithersburg, the city has taken steps to increase the proposed building height limits and change the boundaries of the annexed property. This boundary change has created a county enclave within the city of Gaithersburg. Given this action by the city, I am concerned that the annexation of the Johnson Property by Gaithersburg could result in zoning limits inconsistent with the Johnson Property proposal and unchecked

boundary changes that could adversely affect the county and the surrounding neighborhoods.

Note: These concerns have been presented separately to Montgomery County's Planning Department and the city of Gaithersburg.

Given the significant issues and concerns raised in this letter, I urge the Planning Board to deny the annexation and rezoning of the Johnson Property.

Thank you for the opportunity to voice my view on this important matter.

Sincerely,

Steve Gammarino

Cc: Montgomery County Council Member Sidney Katz
Montgomery County Council Member Craig Rice
Montgomery County Planning Department - Planner Coordinator Michael Bello
Montgomery County Planning Department - Supervisor Khalid Afzal

ATTACHMENT 3

From: [Dan Crim](#)
To: [Bello, Michael](#); Councilmember.katz@montgomerycountymd.gov
Subject: Johnson Property Annexation
Date: Thursday, June 09, 2016 1:16:30 PM

Dear Mike Bello and Montgomery County Planning Board,

Regarding the Johnson Property Annexation petition X7067-2015, we continue to oppose this annexation and encourage you to again recommend a 5-year moratorium on development, should the annexation occur. We have read the revised proposal submitted by the Johnsons and would like to address several points:

1. They claim to have held numerous meetings to get input from neighbors. In reality, this felt like a farce. We voiced the same concerns repeatedly and they largely ignored our input. Their proposal implies that we agree with their current plan. We do NOT!

2. They claim to have reduced the number of housing units from 305 to 110. In reality, the original proposal was 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen not to address the existing commercial parcel, so including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable. While the Johnsons claim that their revised sketch plan is comparable to what could be done through the county, we do not believe this to be the case. The Johnsons were told by the planning board last November that they cannot assume a Local Map Amendment would be approved. They have not gone through that process, so with the current R-200 zone, they cannot build townhouses. In addition, if they obtain Gaithersburg annexation and rezoning, we have no reason to expect anything less on the commercial parcel than the 125 residential units in their original proposal.

3. Our concerns are exacerbated by the City's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this could permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall Elementary) due to development within the city limits. Stuffing 30 kids into every single classroom that was designed for 20 is NOT acceptable.

4. Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with three lanes of traffic merging into one on Rt 28 directly in front of this property. Their proposed plan contributes significantly to the problem without offering any realistic mitigation.

In summary, given that this revised plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by the county, we urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development.

Sincerely,

ATTACHMENT 3

Daniel Crim
Montgomery County taxpayer and voter

ATTACHMENT 3

From: gang.dong
To: planning@gaitthersburgmd.gov; [Bello, Michael](#)
Subject: Johnson property annexation
Date: Friday, June 10, 2016 5:10:29 PM

Dear Mr. Bello or Montgomery Planning Board,

I understand that the Johnson Property Annexation – X7067-2015 is being reevaluated by the Montgomery County Planning Department. As a homeowner adjacent to this property, I am writing to request that you deny this annexation. Although the Johnson properties have revised its application, many of the reasons for Montgomery County Planning Department denying this revised application remain the same. This includes; the annexation not being in accordance with state law, increased overcrowding of area schools, residential density that is out of character with our community, and increased traffic and pedestrian safety issues. My specific concerns include the following:

1) Overcrowded Schools –The Thurgood Marshall Elementary School, which would serve elementary school children from this proposed development currently already uses trailers to support its population. Additionally, our schools in the Quince Orchard Cluster (QOC) are deemed by the Montgomery County Planning Department to have “inadequate” student capacity. The matters are even exacerbated by the City’s new Adequate Public Facilities Ordinance (APFO) of 150% - per school, before imposing a moratorium on new residential development. This APFO is inconsistent and significantly higher than Montgomery County’s standard of 120% - per cluster.

2) Residential Density and Environment – Although Johnson’s new proposal reduces the number of residential units most of the reduction takes place in the existing commercial area. In the undeveloped parcel (E), Johnson proposal of 110 residential units (180 units in their previous proposal) is almost four times the County’s zoning limit for this parcel. The approved zoning for parcel E of 30 single-family detached homes is in keeping with the present character of the residential community. In fact, the most recent development adjacent to this property, Hidden Ponds, was built on what used to be the Johnson farm property. This area retains a feel that is green and open rather than urban and closed. This recently developed area has many acres of common area that is restricted in its use with significant environmental regulatory oversight. It seems inconceivable that you would preserve many acres in its natural state while allowing high density residential development, with little or no green space, less than a block away.

ATTACHMENT 3

3) Traffic and Pedestrian Safety - Today at the location of this annexation (Route 28 and 124) we have nightmarish traffic with corresponding safety issues for pedestrians and bikers (A biker was a recent traffic fatality at this intersection). As evidenced by the applicant's artist rendering, traffic either goes through existing interior roads, exits west on to Route 28 or through the commercial parcels B and C to get to a traffic light. Because of the traffic issues on 28, a significant increase in the interior roads from this high density residential area will be inevitable.

The adjacent Hidden Ponds community has also had significant damage to the common areas adjoining the roads because of cars parked in our neighborhood for school events and heavy traffic to and from school. This has resulted in the county's Department of Transportation approving a claim to repair one of the local roads.

4) Community Outreach Efforts – As indicated by the amended application, Johnson Properties held meetings with the local community regarding the rezoning and annexation. At these meetings or in the many breakout sessions, there was NO support from any of the attended community residents. On the contrary, there was consistent push back from the community on this initiative. In fact, the residents' voiced strong opposition to the annexation, and wanted the zoning to remain unchanged, to include maintaining parcel (E) at 30 single family homes. Johnson speakers also offered no coherent rationale for the annexation of the property or why the existing zoning wasn't appropriate.

Given the significant issues and concerns raised in this letter, I urge the Planning Board to reaffirm its previous decision and **deny this annexation request.**

Sincerely,

Gang Dong

16210 Hidden Ponds Way

Gaithersburg, MD 20878

301-424-6004

ATTACHMENT 3

From: [Lisa Konecke](#)
To: [Bello, Michael](#); Councilmember.katz@montgomerycountymd.gov
Subject: Johnson's Annexation
Date: Friday, June 10, 2016 12:17:44 AM
Attachments: [mike bello and planning board letter_060916.pdf](#)

Dear Mr. Bello and Mr. Katz: I'm writing tonight to express my concerns regarding the annexation of the Johnson's property.

My primary concern is with the impacts to traffic in the area. I work on Key West Avenue and regularly sit in slow moving or stop and go traffic for the majority of the trip home - approximately 4 miles. The area is particularly congested due to the narrowing of the road from two lanes to three right in front of the property in question. The major intersection of Quince Orchard Road and Darnestown Road is often blocked due to cars traveling towards Darnestown/Poolesville being unable to get through the intersection before the light changes.

The attached letter outlines the concerns of our neighborhood HOA. As indicated in this letter, the community is NOT in support of this project for reasons which would have a significant negative impact on the surrounding residents and business owners. The community has repeatedly indicated a preference for the 30 single family homes permitted by the current zoning.

Please consider recommending against the annexation. If the annexation is approved, please consider recommending the 5 year moratorium.

Sincerely,

Lisa Konecke

ATTACHMENT 3

From: [Tim Neary](#)
To: [Bello, Michael](#); councilmember.katz@montgomerycountymd.gov
Subject: Johnson"s property annexation proposal
Date: Thursday, June 09, 2016 1:41:02 PM
Attachments: [mike bello and planning board letter_060916.pdf](#)

As a homeowner in the Orchard Hills neighborhood and one who has tried to stay informed on the Johnson property annexation, I fully support our Board's position and their arguments contained in the attached letter. Please accept our voice among the other concerned homeowners and residents of our community in opposing the proposal.

Thank you for your time in considering this, and thank you for your service to all of our communities.

Tim and Mary Jane Neary
16237 Orchard View Court

ATTACHMENT 3

From: [Bryan Barnes](#)
To: [Bello, Michael](#)
Cc: planning@gaithersburgmd.gov
Subject: petition X7067-2015
Date: Friday, June 10, 2016 4:46:10 PM

Dear Mike Bello and Montgomery County Planning Board,

I wish to address concerns I have regarding the Johnson Property Annexation petition X7067-2015 and encourage you to recommend a 5-year moratorium on development, should the annexation occur. I have been keeping myself apprised of the situation from neighborhood advocacy groups and also from the Johnson's web site dedicated to these matters.

I concur with neighborhood advocates that the Johnsons are claiming to have reduced the number of housing units from 305 to 110. In reality, the original proposal was 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen not to address the existing commercial parcel, so including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable.

I am also concerned with Gaithersburg's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this could permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall Elementary) due to development within their city limits. Stuffing 30 kids into every single classroom that was designed for 20 is NOT acceptable, especially with the already overcrowded situation at Thurgood Marshall ES. Including higher density development will only exacerbate the student population at Thurgood Marshall ES and the Quince Orchard Cluster.

Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with three lanes of traffic merging into one on Rt 28 directly in front of this property. Their proposed plan contributes significantly to the problem without offering any realistic mitigation.

In summary, given that this revised plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by the county, this I urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development.

Sincerely,

Bryan Barnes

12204 Pueblo Rd, Gaithersburg, MD 20878

ATTACHMENT 3

From: [Annie Mo](#)
To: [Bello, Michael](#)
Cc: Councilmember.katz@montgomerycountymd.gov; planning@gaitthersburgmd.gov; rrobinson@gaitthersburgmd.gov
Subject: Please disapprove Johnson Properties annexation proposal
Date: Friday, June 10, 2016 10:12:55 AM
Attachments: [HOA community letter_JohnsonPropertyAnnexation_June 2016.pdf](#)

Dear Mr. Bello or Montgomery Planning Board,

I am the president of the Home Owner's Association of the Hidden Ponds Community, which is adjacent to the Johnson property that is applying for city annexation. On behalf of the Hidden Ponds community, I am writing to request that you deny this annexation.

Although the Johnson properties have revised its application, many of the reasons for Montgomery County Planning Department denying this revised application remain the same. This includes; the annexation not being in accordance with state law, increased overcrowding of area schools, residential density that is out of character with our community, and increased traffic and pedestrian safety issues. My specific concerns include the following:

- 1) **Annexation** –The Johnson annexation would results in the Johnson property being completely surrounded by Montgomery County, and creates an enclave which leads to a number of issues. Among them: 1) Area residents will have no voice in matters associated with this property. 2) Discrepancy in the guidelines used to determine the adequacy of the local public schools capacity standards (reference #2 Overcrowded Schools). Additionally, this proposal is not consistent with the Greater Seneca Science Corridor Master Plan.
- 2) **Overcrowded Schools** –The Thurgood Marshall Elementary School, which would serve elementary school children from this proposed development currently already uses trailers to support its population. Additionally, our schools in the Quince Orchard Cluster (QOC) are deemed by the Montgomery County Planning Department to have “inadequate” student capacity. The matters are even exacerbated by the City's new Adequate Public Facilities Ordinance (APFO) of 150% - per school, before imposing a moratorium on new residential development. This APFO is inconsistent and significantly higher than Montgomery County's standard of 120% - per cluster.
- 3) **Residential Density and Environment** – Although Johnson's new proposal reduces the

ATTACHMENT 3

number of residential units most of the reduction takes place in the existing commercial area. In the undeveloped parcel (E), Johnson proposal of 110 residential units (180 units in their previous proposal) is almost four times the County's zoning limit for this parcel. The approved zoning for parcel E of 30 single-family detached homes is in keeping with the present character of the residential community. In fact, the most recent development adjacent to this property, Hidden Ponds, was built on what used to be the Johnson farm property. This area retains a feel that is green and open rather than urban and closed. This recently developed area has many acres of common area that is restricted in its use with significant environmental regulatory oversight. It seems inconceivable that you would preserve many acres in its natural state while allowing high density residential development, with little or no green space, less than a block away.

Also, as indicated in Montgomery Planning's previous review of this annexation, there are also environmental issues that are of concern. For example, since this site is adjacent to two highways any development would have to be evaluated for compliance with existing noise guidelines.

4) Traffic and Pedestrian Safety - Today at the location of this annexation (Route 28 and 124) we have nightmarish traffic with corresponding safety issues for pedestrians and bikers (A biker was a recent traffic fatality at this intersection). As evidenced by the applicant's artist rendering, traffic either goes through existing interior roads, exits west on to Route 28 or through the commercial parcels B and C to get to a traffic light. Because of the traffic issues on 28, a significant increase in the interior roads from this high density residential area will be inevitable. These interior roads are already congested during morning school drop-off and afternoon pick-up from the near-by elementary and middle school. This has resulted in significant safety issues for the students and their families. The adjacent Hidden Ponds community has also had significant damage to the common areas adjoining the roads because of cars parked in our neighborhood for school events and heavy traffic to and from school. This has resulted in the county's Department of Transportation approving a claim to repair one of the local roads. Additionally, heavy congestion and safety issues will be expected as residents leaving parcel E try to navigate and compete with commercial customers to get to the traffic light that controls the entering and exiting of the commercial parking area in parcel C.

5) Community Outreach Efforts – As indicated by the amended application, Johnson Properties held meetings with the local community regarding the rezoning and annexation. At these meetings or in the many breakout sessions, there was NO support from any of the attended community residents. On the contrary, there was consistent push back from the

ATTACHMENT 3

community on this initiative. In fact, the residents' voiced strong opposition to the annexation, and wanted the zoning to remain unchanged, to include maintaining parcel (E) at 30 single family homes. Johnson speakers also offered no coherent rational for the annexation of the property or why the existing zoning wasn't appropriate.

Given the significant issues and concerns raised in this letter, I urge the Planning Board to reaffirm its previous decision and deny this annexation request.

Sincerely,

Annie Mo

President of the Hidden Pond Home Owner's Association

P.S. The signed letter in pdf is attached.

ATTACHMENT 3

From: [Deanie Preston](#)
To: [Bello, Michael](#); planning@gaithersburgmd.gov
Subject: Property Annexation Petition X7067-2015
Date: Thursday, June 09, 2016 3:04:48 PM

Dear Mike Bello and Montgomery County Planning Board,

I would like to address the proposed Johnson Property Annexation petition X7067-2015. As a community we continue to oppose this annexation and encourage the recommendation of a 5-year moratorium on development, should the annexation occur.

The family claims to having held community meetings for input is misleading as their proposed plan disregards the strong and consistent input given to them at these meetings. The community surrounding this area does not support this development.

They claim to have reduced the number of housing units from 305 to 110 is also misleading as those numbers do not include the commercial parcel of land that was included in the original proposal. They have actually only gone from 180 to 110 on property currently only zoned for 30 single family homes.

This would cause overcrowding of schools that are outside city limits of Gaithersburg (e.g. Thurgood Marshall Elementary) due to development within the city limits. Thurgood Marshall and Quince Orchard High are already over capacity and this would make matters worse.

Vehicular and pedestrian traffic is a major concern at this intersection, and their proposals are grossly inadequate to address these issues.

In short, this revised plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by the county. I urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development.

ATTACHMENT 3

Sincerely,

Deanie Preston

16567 Sioux Lane

Gaithersburg, MD 20878

ATTACHMENT 3

From: Kathmomma6@aol.com
To: [Bello, Michael](#)
Subject: Revised plan for Johnsons property
Date: Friday, June 10, 2016 8:10:20 AM

Good Morning: I am sending this email to encourage you to consider the people who have lived in this area and seen the development to this point. This area is incredibly congested. I live in the Quince Orchard Development and we were told that development in specific area like behind my own neighborhood, would be single family homes. More townhomes will clog the already overcrowded schools (Which I work in) and make route 28 and Quince Orchard Road even more dangerous than it is now for students and drivers from the high school. I have been here for 17 years and have pledged to work to stop these changes. Many in my neighborhood and in others have done the same. This change will make a very big difference when the property sellsgreat for the Johnsons but very bad for people who already cannot get into or out of their neighborhoods during drive times. Please consider these concerns, not just the money making potential of a piece of property. Thanks Kathy Wyatt

ATTACHMENT 3

From: [Munish Mehra](#)
To: [Bello, Michael; planning@gaithersburgmd.gov](mailto:planning@gaithersburgmd.gov); rrobinson@gaithersburgmd.gov; Councilmember.katz@montgomerycountymd.gov
Subject: SIGNIFICANT CONCERNS ON Johnson Property Annexation petition X7067-2015
Date: Thursday, June 09, 2016 6:31:22 PM

Dear Mike, Rob, Planning Commission, Council Member Katz,

My family and I have lived in Willow Ridge for almost 20 years and we are very concerned at what appears to be happening around us.

We do not oppose development, it is essential, but we do oppose rapid development not adequately accounting for intended and unintended consequences.

This email is regarding the Johnson Property Annexation petition X7067-2015, where we and are Willow Ridge residents oppose this annexation and encourage you to again recommend a 5-year moratorium on development, should the annexation occur. I had testified my concerns previously at the hearing too. We have read the revised proposal submitted by the Johnsons and would like to address several points:

1) The Johnson's have held numerous meetings to get input from neighbors. In reality, this was lip service. Numerous attendees repeatedly voiced the same concerns and the Johnson's and their representatives largely ignored our input. Their proposal implies that we agree with their current plan and we do not. No one in Willow Ridge or at the meetings that I attended have any problem with the Johnsons developing under the current R-200 zoning. Everyone I have I spoken with oppose anything greater than 50% of the current zoning.

2) Our concerns are exacerbated by the City's new Adequate Public Facilities Ordinance (APFO) of 150% per school, particularly since this would permit overcrowding of schools that are outside city limits (e.g. Thurgood Marshall ES, Ridgeview MS, and Quince Orchard HS) due to development within the city limits. Having overcrowded classrooms is not acceptable. The annexation will have serious negative effects on our children and their ability to get a quality education. The schools cannot be properly served by the annexation plan.

3) Vehicular and pedestrian traffic is a major concern, and their proposals are grossly inadequate to address these issues. This area is currently a traffic disaster, with 3 lanes of traffic merging into 2 on Rt. 28 directly in front of this property, and then 1 lane at Riffle Ford Rd. The only road in our neighborhood, Copen Meadow Dr, which exits onto Rt. 28, is dangerous and almost unusable during the hours of 7am – 9am, and 4pm – 7pm due to the large volume of cars. Their proposed plan contributes significantly to the problem without offering any realistic mitigation.

ATTACHMENT 3

4) They claim to have reduced the number of housing units from 305 to 110. In reality, the original proposal had 180 residential units on the undeveloped parcel and 125 units on the current commercial parcel. In the updated proposal, they have chosen to exclude the existing commercial parcel; therefore, including it in the discussion is misleading. The original proposal of 180 homes on the undeveloped parcel has been reduced to 110. It is crucial to note that this parcel is currently zoned R-200, which permits 30 single-family homes. Thus, they have gone from 600% of current zoning limits to 367%, which is still far in excess of what is acceptable. While the Johnsons claim that their revised sketch plan is comparable to what could be done through the county, we do not believe this to be the case. The Johnsons were told by the planning board last November that they cannot assume a Local Map Amendment would be approved. They have not gone through that process, so with the current R-200 zone, they cannot build townhouses. In addition, the 9-acre parcel that is currently commercial is still a concern. If they obtain Gaithersburg annexation and rezoning, we have no reason to expect anything less than the 125 residential units in their original proposal.

In summary, this revised zoning plan is not appropriate and the public facilities cannot handle the increased population it would bring. The Johnson plan does not address the community concerns consistently voiced nor abide by the current zoning allowed by Montgomery County. We urge you to again recommend the County Council reject the rezoning and impose a 5-year moratorium on this development.

Thank you for taking the time for incorporating mine and our community's input to this proposal.

Regards

Dr. Munish Mehra

Immediate Past President of WRCA and a Very Concerned Current Resident

ATTACHMENT 3

From: [Peter Poggi](#)
To: [Bello, Michael](#); planning@gaithersburgmd.gov; rrobinson@gaithersburgmd.gov; Councilmember.katz@montgomerycountymd.gov
Cc: [NPCA](#); [North Potomac Citizens Association Inc.](#); [Cynthia Poggi](#)
Subject: X7067-2015, Annexation of Johnson Property
Date: Thursday, June 09, 2016 11:33:22 PM

Dear Mr Bello,

I have now attended three meetings related to the subject annexation. Each meeting bears witness to more attendees, increased frustration, and more vehement opposition to the annexation "loophole" that seems to make a mockery of the planning and zoning process. Claims by Mr. Johnson and his public relations team that their latest proposal "takes the existing commercial section off the table" is so insulting to the intelligence of the audience as to be *infuriating*. Their response of silence, smirks and grins when asked "being taken off the table **for how long**" makes it all too clear that their objective is to be as vague as possible in order to secure the annexation, after which either Mr. Johnson or a future owner could obtain approval for the 300+ units originally requested.

Any suggestion by the petitioners that the community supports their latest proposal is absolutely untrue. At every meeting I attended I witness significant push back by the community, without a single attendee voicing support. The objections are consistent: impact to our public schools and the additional demand this will place upon an already overburdened system and unbearable traffic.

This annexation proposal is positively unacceptable!

Sincerely,
Peter and Cynthia Poggi
12413 Triple Crown Road
North Potomac, MD 20878

(301) 330-3196