

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings
100 Maryland Avenue, Suite 200
Rockville, Maryland 20850

**IN THE MATTER OF:
GLENMONT FOREST**

Applicant.

Brian Alford
Randall Rentfro
Gary Unterberg

For the Application.

Elizabeth C. Rogers, Esquire
Steven A. Robins, Esquire

Attorneys for the Applicant.

Zoning Application No. H-149 (Remand)

**PRE-HEARING REMAND STATEMENT OF GLEN WAYE GARDENS
CONDOMINIUM, INC., VICKI VERGAGNI, AND JAMES E. JOHNSTON**

In accordance with Rule 3.4 of the Rules of Procedure for Zoning Cases, Glen Waye Gardens Condominium, Inc. (“Glen Waye Condominium”), Vicki Vergagni in her capacity as President of Glen Waye Condominium and in her individual capacity as a resident, and James E. Johnston (together “Community”) submit this Pre-Hearing Statement.

The Community Members incorporate all exhibits filed concurrently with their Prehearing Statement, along with the evidence already contained in the Record for the Local Map Amendment H-149.

I. Introduction

The Community participated (along with others not party to this filing) in the original proceedings before the Office of Zoning and Administrative Hearings, and the District Council, raising opposition to specific elements of the application, and thereafter filed a petition for judicial review with the Montgomery County Circuit Court.

After a June 14, 2024 public hearing, the presiding Zoning Hearing Examiner (“ZHE”) recommended approval to the Montgomery County District Council which, upon request by the Community, held oral argument on September 24, 2024. The District Council approved the LMA (Resolution No. 20-616 (Map Amendment H-149) dated September 24, 2024). The Community

and others appealed the District Council's decision to the Montgomery County Circuit Court which vacated the District Council's Resolution, and remanded the matter to the District Council with instructions to return the case to the Hearing Examiner for further consideration of school adequacy and compatibility with, in particular, the community to the north of the proposed development.¹

II. Confronting Community's Statement In Support Of Grounds For Denial Or, In The Alternative, For Additional Binding Elements.

A. The LMA Is Not Compatible With Property To The North (1) With Respect To Certain Height And Massing Along Randolph Road; and (2) With Respect To Highly Adverse Impacts Resulting From Significant Increased Pedestrian Cut-Through Traffic Walking From Project to Metro Station.

The building across from the Glen Way Condominium property should be reduced to a maximum of 45 feet in height across the full 260-foot width of the Glen Way Condominium property (approximately 100 feet of this frontage are now set at that maximum in the proposed plan). Additionally, to soften the visual impact of the new buildings at street-level, the streetscaping along this 260 foot section of Randolph Road frontage should be in the form of evergreen, not deciduous, trees.

Greenery Lane, the private street that serves the Glen Way Condominium complex, is a pedestrian cut-through for people seeking an easy pedestrian route to the Glenmont Metro Station, and current pedestrian cut-through traffic is already a significant impact on the Community. The layout of Randolph Road, and the well-established pedestrian impediments on Georgia Avenue, Layhill Road and Glenallan Avenue, have made Greenery Lane the route that existing residents on the LMA subject property already use, and a five-fold increase in the number of units on the subject property will significantly increase that pedestrian traffic. It will exacerbate pedestrian safety concerns as people walk behind Glen Way Condominium residents who are backing out of parking spaces, reduce privacy for Glen Way Condominium residents, and increase the already significant burden of removing trash and litter deposited on Glen Way Condominium property by the pass-through residents of the subject property. These impacts are incompatible with the existing Glen Way Condominium and Community.

The Hearing Examiner should recommend the following additional binding element:

"The Applicant shall provide a daily shuttle running between its property and the Glenmont Metro Station every 15 minutes during Metro's AM and PM peak operating hours and every 30 minutes during the remaining Metro operation hours."

This approach will greatly reduce, if not eliminate, the inevitable adverse impacts to the Glen

¹ See Order, Case No.: C-15-CV-24-005724 (OZAH Ex. 71).

Way Condominium and Community as a result of the significant increase in the number of residents on the subject property, plus it would make Metro access safe and convenient, enhance ridership, and further the transit-friendly goals of the Sector Plan.

B. The Local Schools Lack Adequate Capacity To Serve The Proposed Development.

The subject Property is served by Glenallan Elementary School, Odessa Shannon Middle School, and John F. Kennedy High School. Notwithstanding the Planning Department's analysis regarding school adequacy, the underlying demographic information is flawed, and we will show that school capacity is, indeed, inadequate.

III. Reports Intended To Be Introduced At The Hearing

Demographic Profile of Council Districts, Montgomery County, MD (2022),

IV. Summary Of Expert Testimony

None.

V. Witnesses

Vicki Vergagni, President, Glen Way Gardens Condominium, Inc. and individually as resident.

James E. Johnston, individually as resident.

VI. Estimated Time Required For Presentation

It is estimated that the Community will need approximately 2 hours to present its case in chief related to the Remand.

Respectfully Submitted,

Michele McDaniel Rosenfeld

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November 19, 2025