

**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:**  
**Notley Road**

Applicant.

David Muller  
Joshua Sloan  
Logan Kelso  
Katie Wagner

Zoning Application No. H-159

For the Application.

Elizabeth C. Rogers, Esquire  
Erin E. Girard, Esquire  
Vincent G. Biase, Esquire  
Attorneys for the Applicant.

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**APPLICANT'S PRE-HEARING STATEMENT**

In accordance with the provisions of Rule 3.4 of the Rules of Procedure for Zoning Cases, the Applicant, Notley Assemblage LLC (an affiliate of Ryan Stuart Development), submits this Pre-Hearing Statement (the "Statement"). The Applicant hereby incorporates by reference its Land Use Report, submitted with the Local Map Amendment ("LMA") Application, which contains additional information in support of the application and justification for the rezoning request.

**I. STATEMENT OF GROUNDS UPON WHICH THE CASE IS BASED AND JUSTIFICATION FOR THE REZONING APPLICATION.**

**A. The Project Provides a Compatible, Residential Redevelopment that Complies with the Requirements of the Zoning Ordinance.**

The Property consists of approximately 8.97 acres of net lot area located in the northwest corner of the intersection of Notley Road and New Hampshire Avenue in Silver Spring, Maryland. The Property is zoned R-200 and is improved with several single-family detached dwellings units

and associated accessory structures. Access to the Property is currently provided through seven separate vehicular access points along Notley Road and one curb cut on New Hampshire Avenue. Surrounding uses include institutional uses to the north (including two large senior living facilities and the Cambodian Buddhist Temple); commercial and religious uses across New Hampshire Avenue to the east (including an accounting office and a church); single-family residential (including both detached and townhouse building types) and the Colesville Center (a commercial shopping center) to the south; and the Washington Suburban Sanitary Commission (WSSC) facility and Colesville Manor Neighborhood Park to the west. The Surrounding Neighborhood, as defined in the Applicant's Land Use Report and discussed further below, is characterized as a true mixed-use neighborhood.

The Applicant proposes to rezone the Property from the R-200 Zone to the CRNF-1.0, C-0.0, R-1.0, H-50' Floating Zone to accommodate desired redevelopment of the Property with a residential community that will provide much-needed additional housing along a major corridor, to help address the County's housing needs. Specifically, the Applicant is proposing to redevelop the Property with up to 130 residential units (the "Project"). Pursuant to Section 59.5.3.4 of the Zoning Ordinance, any building type is allowed in the Commercial/Residential Floating zones, unless an Applicant voluntarily restricts certain building types through binding elements. While the proposed LMA includes a binding element that limits development on the Property to residential use, it intentionally does not dictate specific residential building typologies. Although the Applicant currently anticipates building townhouses, the application maintains flexibility to provide either townhouses, triplexes, or two-over-two's, particularly in the area proximate to New Hampshire Avenue, based on future market demands.<sup>1</sup> Regardless of what building typology is ultimately selected, all units will conform with the maximum density and height limits established through the binding elements. Final building types will be determined at time of Preliminary Plan and Site Plan approval, where the Applicant and M-NCPPC Staff will be able to comprehensively analyze the building typology, in combination with the final architecture and site design elements, to determine compatibility.

As detailed in the Land Use Report and illustrated on the Floating Zone Plan, submitted with this Local Map Amendment application, the Project layout has been designed to ensure compatibility with the surrounding neighborhood, and the proposed development will satisfy all applicable standards of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") and substantially conforms to the goals and recommendations of the *1997 Approved and Adopted White Oak Master Plan* (the "White Oak Master Plan" or "Master Plan") and the County's General Plan, *Thrive Montgomery 2050* ("Thrive" or "Thrive 2050").

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<sup>1</sup> Footnote number 2 on the Floating Zone Plan (sheet FZP-01) confirms that the final unit building types will be determined during Site Plan.

The sticks of townhouses fronting along Notley Road will be limited to 100 feet in width and will be substantially setback from the street (*i.e.* approximately 40 feet from the curb) to emulate the rhythm of detached homes in the surrounding community. Although the architecture will be finalized at the time of Site Plan, the townhomes along Notley Road will be designed to read as single-family structures, by utilizing traditional single-family design elements and incorporating side and/or rear unit access points (to minimize the number of entrances per stick directly facing Notley Road). The units along New Hampshire Avenue have been oriented to be parallel to and front directly on this major corridor, to help define and activate the streetscape.

The Project also provides significant streetscape improvements along Notley Road (where no sidewalk currently exists) and New Hampshire Avenue (where there currently is only a 5-foot sidewalk with no pedestrian buffer). Along Notley Road, the Project will provide a 10-foot wide sidepath, buffered by a seven (7) foot tree panel and a 7.5-foot landscape strip, to provide additional connectivity to the adjacent park and New Hampshire Avenue. The Project proposes to improve the Property's New Hampshire Avenue frontage by providing an 11-foot shared use path (recommended by the County's *Bicycle Master Plan*), separated from the street by an eight (8) foot buffer. Additionally, the proposed development will reduce the number of vehicular access points from eight existing curb cuts (seven on Notley Road and one on New Hampshire Avenue), to two curb cuts. The consolidation of vehicular access and streetscape improvements will significantly improve pedestrian safety and circulation.

Significant open space will also be provided with the proposed Application. In accordance with the requirements of Sections 59.5.3.5.D.2.a and 59.4.5.3.C of the Zoning Ordinance, the Project will include a minimum of 10% (or  $\pm$  39,081 square feet) of open space. As required by Section 59.6.3.2, this open space will be designed as common open space. The Open Space will be provided through a series of spaces that offer diverse opportunities for residents to gather and recreate. While the open space location and design will be finalized at the time of Site Plan, the common open space is envisioned to include three main components: (1) a linear park connecting New Hampshire Avenue to a central park, with stormwater features, landscaping, and seating; (2) a central park framed by streets and townhouses with natural playground elements; and (3) an approximately 18,000-square-foot expansion of Colesville Manor Park along Notley Road, which will visually expand the neighborhood park and facilitate alternative means of pedestrian connections to the public park. Collectively, these open space areas meet and exceed applicable zoning standards to provide meaningful opportunities for community gathering and interaction.

#### **B. There will be Adequate Public Facilities to Support the Proposed Project.**

Adequate public facilities will be available to serve the proposed development. Since a Preliminary Plan will be filed subsequent to the LMA approval, the Montgomery County Planning Board ("Planning Board") will be responsible for determining whether Adequate Public Facilities ("APF") exist to support the proposed Project at that time. Nonetheless, the Applicant's Land Use

Report confirms the adequacy of transportation, schools, water/sewer, and other public facilities to serve the proposed development.

A Local Area Transportation Report was prepared by the Applicant's traffic consultant, Gorove Slade, which confirms there will be adequate capacity on the surrounding street networks to accommodate the project. The Property falls within the Yellow Policy Area in the current FY 2024-2028 Growth and Infrastructure Policy. An analysis of peak hour vehicular trips generated by the proposed development was performed in accordance with the January 2025 update to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) Local Area Transportation Review (LATR) Guidelines. The Local Area Transportation Report, submitted with the LMA, confirms that all the intersections studied operate well within the congestion standards under all existing, background and total future scenarios. Specifically, under future conditions, both with and without the proposed development, the study intersections will operate with critical lane volumes (CLVs) of less than 1350 during both the AM and PM peak hours.<sup>2</sup> As such, no further motor vehicle adequacy analysis or mitigation is required to satisfy the County's adequacy standards.

The intersection at New Hampshire Avenue (MD 650) and Notley Road does not trigger mitigation as the intersection operates well within the Colesville Policy Area CLV standard. However, a preliminary traffic signal warrant study was conducted as requested by Maryland State Highway Administration (SHA) and results indicate that a new traffic signal is warranted at this intersection under existing conditions without the project. After conducting this analysis, the Applicant was informed that SHA had previously reached the same conclusion. Yet, through additional correspondence with SHA, the Applicant understands that SHA has not begun work on the signal design and no funds have been allocated for the construction of the signal at this time. The Applicant will continue to coordinate with SHA on the timing and funding of the Notley Road traffic signal, which will be reviewed and finalized at the time of Preliminary Plan.

Adequate public school facilities exist to serve the proposed development. The Property is served by Westover Elementary School, White Oak Middle School, and Springbrook High School – all of which have capacity to accommodate the proposed residential community. In accordance with Chapter 50 of the County Code and the 2024–2028 Growth and Infrastructure Policy (“GIP”), the Planning Board adopted the FY2026 Annual School Test on June 26, 2025, effective July 1, 2025, which establishes the adequacy status of all Montgomery County public schools based on enrollment projections for the 2029–2030 school year.

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<sup>2</sup> The LATR Report conservatively used the trip generation rates for single-family attached. A mix of two-over-two, triplex and townhouse units can be included within the Project without triggering any change to the overall trip generation. In fact, if up to half of the Project's units were two-over-two or triplex units, the total trip generation would actually be lower than what was assumed in the LATR Report. And even if more than half of the units were two-over-two or triplexes, based on the maximum of 130 units proposed, the trip generation would still remain below what was assumed in the LATR analysis.

It is important to note that several years ago, in connection with the approval of the 2020-2024 Growth and Infrastructure Policy, the Montgomery County Council eliminated school moratoriums because it was recognized that most of the student generation originates from residential turnover in existing single-family homes, not new development. And it was recognized that new development contributes needed funding toward school capacity projects. Based on this, through the 2020-2024 Growth and Infrastructure Policy the Council instead implemented a requirement for development applications in areas served by overutilized schools (*i.e.* schools identified by the Annual Schools Test as exceeding certain utilization thresholds and seat deficits) to pay a Utilization Premium Payment (which is in addition to any development impact taxes that would otherwise be required), to provide additional funding for school capacity projects. This approach was reconfirmed by the County Council with the adoption of the 2024-2028 Growth and Infrastructure Policy. Given this revised policy, which allows residential development to move forward regardless of school capacity, and the fact that APF will be finalized with the subsequent Preliminary Plan, school adequacy is not a relevant consideration at this early stage of rezoning.

Regardless, the Applicant's Land Use Report confirms that there is adequate school capacity and that no Utilization Premium Payments are currently required for the proposed Project. The Property is located within the Colesville Policy Area, which is designated as an Infill Impact Area under the 2024-2028 Growth and Infrastructure Policy. Based on FY2026–2027 Student Generation Rates for Infill Impact Areas, the proposed development of up to 130 townhouses<sup>3</sup> is estimated to yield 27 elementary school students, 15 middle school students, and 22 high school students. Based on projected student enrollment for 2029-2030, the individual school percent utilization will be 107.2% at the elementary school grade level (available capacity of 54 seats before triggering Tier 1 UPP), 84.5%, at the middle school grade level (available capacity of 273 seats before triggering a Tier 1 UPP), and 87.0% at the high school grade level (available capacity of 432 seats before triggering a Tier 1 UPP). Even with the additional students generated by the Project, all three school levels remain within the adequacy ceilings established in the FY 26 Annual School Test and do not generate any Utilization Premium Payments. As such, adequate public school facilities exist to serve the residential development proposed by this Application. The adequacy of school capacity will be confirmed by the Planning Board at the time of Preliminary Plan approval.

The Property is located within water/sewer categories W-1 and S-1 and will be served by existing public water and sewer. Electricity, gas, and telecommunications services are also available and adequate to serve the proposed development. Other public facilities and services—

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<sup>3</sup> If two-over-two's or triplexes are included in the Project, it would result in a lower student generation. Two-over-two's and triplexes are classified as "apartment" buildings by the Zoning Ordinance. The FY 2026-2027 student generation rates for multi-family low-rise are significantly lower at all school levels (compared to the student generation rates for single-family attached). As such, this analysis represents a conservative approach.

including police, fire, and emergency services—are in close proximity to the Property and have sufficient capacity.

**C. The Project will Provide Stormwater Management, Where None Currently Exists, and Comply with Forest Conservation Requirements.**

The Property contains no existing stormwater management facilities. As such, uncontrolled stormwater runoff from the site currently drains across multiple neighboring properties into Notley Road and New Hampshire Avenue. This unmanaged condition contributes to localized flooding, untreated pollutant loads, and diminished downstream water quality. The proposed redevelopment will significantly improve stormwater management beyond existing conditions through the installation of a modern closed drainage system that will collect runoff from the internal street network and convey it to an outfall on New Hampshire Avenue. Additionally, the Project will incorporate distributed micro-bioretention practices throughout the proposed community, integrated into landscaped areas and open spaces. Implementation on-site will slow runoff, promote infiltration, and filter stormwater prior to discharge. Collectively, the proposed stormwater management facilities will provide significant water quality and quantity control improvements beyond existing conditions. A stormwater management concept plan will be developed and approved in connection with the subsequent Preliminary Plan of Subdivision application.

The Project will comply with the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). The Applicant submitted a Preliminary Forest Conservation Plan concurrently with this LMA. The approved Natural Resources Inventory ("NRI") plan confirmed that there is no existing forest on the Property. However, as shown on the NRI, there are twenty-eight (28) specimen trees (30" DBH and larger) located on-site, and an additional fourteen (14) specimen trees immediately surrounding the site within the 100-foot study area beyond the Property. The Property contains no protected soils, endangered species, or other natural features that would impact development. The Applicant will seek approval of a tree variance in connection with the subsequent Final Forest Conservation Plan Application, once the site layout and design is finalized to confirm tree impacts. However, it is worth noting that with the Applicant's revisions to the site layout and design, as shown on the updated Floating Zone Plan, all off-site trees can be saved. The Applicant will provide mitigation for any specimen trees removed, which will result in a net ecological benefit by introducing new street trees, open space plantings, and landscape buffers where very few currently exist.

**D. The Proposed CRNF Floating Zone Reclassification is Appropriate for the Property and the Project Complies with the Purpose and Intent of the CRNF Zone.**

To qualify for a Floating Zone, a property must first meet strict pre-requisites. These "pre-requisites" were closely analyzed by the County Council in approving the 2014 Zoning Ordinance

Re-Write. In fact, there was detailed discussion about where non-residential floating zones should be allowed and what criteria were appropriate for the pre-requisites. To address concerns expressed about the intrusion of non-residential zones in residential neighborhoods, the Council adopted the specific criteria contained in Section 59.5.1.3.C.2.b of the Zoning Ordinance, which requires the Property (1) front on a nonresidential street or must confront or abut property that is in a Commercial/Residential, Employment, or Industrial zone; and (2) must satisfy a minimum of 2 prerequisites for each of the categories under Section 59.5.1.3.D. It is worth noting that these adopted criteria still significantly limit the number of properties in the County that are eligible for a non-residential Floating Zone, but ensure that growth is aligned with County priorities. As discussed in detail in the Applicant's Land Use Report, this Property is one of the select properties that meets these strict criteria, given its ability to satisfy the locational requirements (with location on a major highway) and pre-requisites (including access to service and amenities) that the Council has deemed important.

The CRNF Zone is the most appropriate Floating Zone for the proposed development. Through this LMA, the Applicant is seeking to redevelop the Property with compatible residential uses, which respond to the Property's specific surroundings. While the majority of the Property will be developed with townhouse living units, the Application retains the flexibility to develop triplexes or two-over-two's along New Hampshire Avenue, to create a strong edge and better buffer along this major highway (while still respecting the height and density limits set forth in the binding elements). These uses, although similar in appearance to townhouses, are technically defined as apartments because of the vertical separation of units and are allowed in the CRNF Zone, but not the Townhouse Floating Zone.

The CRNF Zone does not require a mix of uses on-site, but rather provides "flexibility in uses for a site" and allows development of "communities at a range of density and heights flexible enough to respond to various settings," among others. (See Section 59.5.3.2). The flexibility to accommodate a mix of uses does not necessitate a mix of uses. This has been confirmed numerous times by the District Council, in approving other applications of the CRNF Zone, where only residential uses were permitted (e.g. H-156 for reclassification of property to the CRNF-1.25, C-0, R-1.25, H-60' zone; H-143 which included a binding element prohibiting commercial uses; and H-141 which included a binding element limiting uses to multi-family residential).<sup>4</sup> This is no different from the CRN Euclidean zone, for which the stated intent is "for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges..." (*emphasis added*) (See Zoning Ordinance Section 59.4.5.1.B); and yet, the Council, through Sectional or District-wide Map Amendments has previously created CR zones with only residential density (e.g. the Property located at 12607 and 12615 Viers Mill Road was rezoned CRN 1.5, C-0.0, R-1.5, H-45'; 2131 Randolph Road was zoned CRN 1.0, C-0.0, R-1.0, H-75'; a portion of the Property located at

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<sup>4</sup> Similarly, the District Council has also approved CR Floating Zones that only permit commercial development, including H-147, which has a binding element that limits use of the property to self-storage.

10000 New Hampshire Avenue in Silver Spring is zoned CRN-0.25 C-0.0 R-0.25 H-45'; 11520 Game Preserve Road in Gaithersburg is zoned CRN-1.5 C-0.0 R-1.5 H-65'; numerous properties along the east side of the Silver Spring CBD are zoned CRN-0.75 C-0.0 R-0.75 H-40', just to name a few). Likewise, the Council has established CRN zones with only commercial density (e.g. the Property in the southwest quadrant of the intersection of Turbridge Drive and Greencastle Road is zoned CRN-0.25 C-0.25 R-0.0 H-45'; the Property at 10230 New Hampshire Ave in Silver Spring is zoned CRN-1.0 C-1.0 R-0.0 H-45'; and the Properties at the Darnestown crossroads are zoned CRN-0.25 C-0.25 R-0.0 H-35'; among others). There are many reasons to apply the CRN zone as a Euclidean or Floating Zone with no commercial or residential component, including the allowed uses within the commercial or residential categories, the building types allowed, the development standards, and other regulations of the code.

As detailed in the Applicant's Land Use Report, the proposed LMA comports with the purpose and intent of the CRNF Zone. The proposed development provides a compatible transition between corridor-scale development along New Hampshire Avenue and the existing single-family neighborhoods to the west. The conceptual layout shown on the Floating Zone Plan takes into account feedback received from numerous stakeholders, including M-NCPPC Planning Staff and residents of the surrounding community, and provides context-sensitive massing along Notley Road; a strong urban design along New Hampshire Avenue; strategically located open-space to provide improved circulation/access; buffering and preservation of existing trees etc.. The resulting design provides for a compatible, context-sensitive infill community. Through the CRNF zone, the proposed Project will have flexibility to accommodate various building typologies – including both townhomes, triplexes, and two-over-two's (flexibility that would not have otherwise been allowed in the Townhouse Floating zone, for example). And importantly, the CRNF zone provides the flexibility necessary to ensure compatibility with the adjacent development and the Property's unique surroundings, a key objective of the zone.

#### **E. The Project Will Not Adversely Affect Character of the Surrounding Neighborhood.**

Section 59.7.2.1.E.2.f requires that the District Council find, in approving a Floating Zone Plan, that, "when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, [it will] not adversely affect the character of the surrounding neighborhood."

Although the Commercial/Residential zone is in fact classified as a non-residential zone, the Applicant is only proposing residential uses in connection with this Local Map Amendment application. Regardless, as discussed in the LMA Application, the proposed development will not adversely affect the character of the surrounding neighborhood. The Surrounding Neighborhood (defined below) is characterized as a true mixed-use neighborhood, including several forms of residential uses (e.g. large senior living facilities, townhouses, and single-family detached homes), as well as commercial (e.g. the Colesville Center and a Park-and-Ride facility), institutional (e.g.



the Cambodian Buddhist temple) uses, and a public park. The Surrounding Neighborhood is depicted on sheet LAM-1 and is bounded by Colesville Manor Road and Hobbs Drive to the North; Hollywood Branch, a tributary of the Paint Branch, and part of the Colesville Farm Estates to the east; East Randolph Road to the south, and the Middle Main Tributary of the Northwest Branch, Leibig Road, Sherwood Forest Drive and Montvale Drive to the west (the “Surrounding Neighborhood”). The Property will not change the character of the surrounding neighborhood, as it will continue to be used for residential use. Importantly, the Project will contribute to the diversity of residential uses, in furtherance of the County’s goals and objectives to increase housing through infill redevelopment along major corridors and in close proximity to existing activity centers. The Project massing and setbacks have been designed to provide a compatible transition to the confronting and abutting residential homes. For example, the proposed massing, design and substantial streetscape buffers along Notley Road will provide a compatible transition to the single-family detached homes confronting the Property across Notley Road – the townhomes fronting on Notley Road have been broken down into smaller sticks that have comparable widths to the confronting single-family detached homes and will be designed to have a cohesive façade that is reminiscent of a single-family detached home. Additionally, the Project layout and design, along with the substantial streetscape improvements proposed, will help to facilitate pedestrian and bicycle connectivity within the surrounding neighborhood. And the Project’s open space has been located and will be designed to provide important pedestrian connections to the Colesville Manor Neighborhood Park.

#### **F. The Project is in Substantial Conformance with the Master Plan and Thrive 2050.**

Floating Zones are intended to provide flexibility to “respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments.” (See Section 59.5.1.2.B.1). This is exactly what this LMA seeks to accomplish. As discussed in greater detail below and in the Applicant’s Land Use Report, the *1997 Approved and Adopted White Oak Master Plan* is almost 30 years old. The Master Plan specifically notes that recommendations of the Master Plan were rooted in the County’s prior General Plan – the *1964 Wedges and Corridors Plan*. “The White Oak Master Plan directly supports the Land Use Goal and Wedges and Corridors Concept...” and supports the “General Plan objective to ‘direct the major portion of Montgomery County’s future growth to the Urban Ring and I-270 Corridor.’” (See Master Plan, page 6). The County recently updated its General Plan. *Thrive Montgomery 2050* comprehensively amends the previous General Plan (*Wedges and Corridors*). *Thrive 2050* recognized that not all of the planning approaches outlined in the *Wedges and Corridors Plan* were beneficial. Specifically, *Thrive 2050* notes that the 1993 refinement of the *Wedges and Corridors Plan* “established the residential wedge, identified as an area for ‘maintaining a low-density residential character’ and directed most growth to the ‘urban ring’ and the I-270 corridor” but recognizes that “the removal of the eastern portion of the county as a location suitable for corridor-focused development discouraged public and private investment in this area.” (See *Thrive 2050*,

page 3; *see also* pages 12 and 68). Notably, *Thrive 2050* seeks to correct for this mistake “[b]y focusing investment and encouraging development along corridors in the East County... to establish the foundation for Complete Communities and create a more prosperous and equitable future in all parts of the county.” (*See Thrive 2050*, page 77). The White Oak Master Plan has not been updated since the approval of *Thrive 2050*. And as such, the White Oak Master Plan’s recommendations remain in effect only to the extent that they are not inconsistent with *Thrive 2050*. (*See Archers Glen Partners, Inc. v. Garner*, 176 Md.App 292, 312 (2007); reaffirmed by *Maryland-Nat. Capital Park and Planning Com’n v. Greater Baden-Aquasco Citizens Ass’n*, 412 Md. 73 (2009)). As noted above, and in the Applicant’s Land Use Report, many of the Master Plan’s recommendations are no longer relevant, given that they were specifically based on recommendations contained in the prior *Wedges and Corridors* Plan that were expressly superseded by *Thrive 2050*.

The Master Plan specifically notes that “Master plans generally look ahead about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years.” (*See Master Plan*, page viii). In fact, the Master Plan recognizes “...that the original circumstances at the time of plan adoption will change over time, and that the specifics of a master plan may become less relevant as time goes on.” (*See Master Plan*, page viii). The age of the Master Plan and the fact that its recommendations were specifically based on a previous General Plan, which has since been comprehensively amended by the Council through *Thrive 2050*, diminishes the relevance of its recommendations. Regardless, the Project still promotes and substantially conforms to many of the general recommendations outlined in the Master Plan, while specifically addressing the County’s current planning initiatives and objectives outlined in *Thrive 2050*. This conformance is discussed in detail in the Applicant’s Land Use Report. Of note, the Master Plan seeks to “[m]aintain housing for people of varying incomes, ages, and lifestyles, and continue to provide a variety of housing types that will permit households with changing needs to find suitable accommodations within the White Oak Master Plan area.” (*See Master Plan*, Page 18). The redevelopment of the Property with an infill residential community accomplishes this by providing for additional, diverse housing opportunities in this area of the County, including Moderately Priced Dwelling Units. This diversity of housing typology, in addition to the diversity of incomes served through the provision of Moderately Priced Dwelling Units, will help accommodate residents with diverse incomes, ages and lifestyles. Additionally, the Plan recommends streetscape improvements along the major highways. (*See Master Plan*, Page 53). Specifically, the Master Plan seeks to “[p]rovide streetscape improvements to strengthen the vitality of adjoining commercial areas, enhance community identity and pedestrian circulation, and improve the roadway experience in general.” (*See Master Plan*, Page 53). The Project accomplishes this by providing significant streetscape improvements along both Notley Road and New Hampshire Avenue, which will improve pedestrian access to the adjacent Colesville Neighborhood Park, as well as the Colesville Shopping Center and the planned Bus Rapid Transit (BRT) station near the intersection of Randolph Road and New Hampshire Avenue. In addition

to these improvements along the Property's frontage, as discussed in the Local Area Transportation Report, the Project will provide additional off-site improvements that will be finalized during the Preliminary Plan review.

Importantly, as discussed in detail in the Applicant's Land Use Report, the Project directly implements the County's current policies as expressed through *Thrive 2050*. "The concept of corridor-focused growth is a fundamental organizing element for Thrive Montgomery 2050..." (Page 70). *Thrive 2050* "...makes a new commitment to promoting growth along major transportation corridors to maximize the efficient use of land and create Complete Communities." (See *Thrive*, Page 70). As noted above, *Thrive 2050* specifically seeks to encourage investment and development along corridors in the East county to "establish the foundation for Complete Communities and create a more prosperous and equitable future in all parts of the county." (See *Thrive 2050*, page 77). Complete Communities are "places that include the range of land uses, infrastructure, services, and amenities that allow them to meet a wide range of needs for a variety of people... [and] include housing suitable for different household types, income levels, and preferences, helping to support racial and socioeconomic integration." (See page 85) (*Emphasis added*). *Thrive 2050* recognizes that a variety of factors all determine what elements should be incorporated in these Complete Communities. However, importantly, *Thrive 2050* makes it clear that "[d]espite the varying needs and conditions of different parts of the county... the concept of encouraging more diversity of use and form is relevant in almost every location." (*Emphasis Added*) (See page 85). While "new or substantially expanded centers of activity should be focused along growth corridors," *Thrive 2050* recognizes that "[l]imited, organic development beyond the corridors and defined growth areas should be allowed to increase the diversity of housing types in existing residential neighborhoods and make these areas more complete, particularly near existing centers of activity or development." (See page 85) (*Emphasis added*). While the Property is located just outside a defined growth area, its location along a major corridor (New Hampshire Avenue) in East county and in very close proximity to an existing activity center (Colesville Village and Neighborhood Center), make this Property ideally situated for the infill residential development that is envisioned by *Thrive 2050*. *Thrive* recognizes that "[o]pportunities for increased housing diversity outside the defined growth areas will allow neighborhoods to evolve over time to address current and future housing needs and become more racially and socioeconomically integrated." (See *Thrive*, page 86). As noted above, *Thrive* specifically seeks to focus investment and encourage development along corridors in the East-county to address the economic and social isolation created by the Wedges and Corridors plan and create a more prosperous and equitable future. (See *Thrive*, page 77). That is exactly what this Project accomplishes. The proposed redevelopment helps to address the housing needs in the County while simultaneously promoting these other very important County objectives.

## **II. REPORTS INTENDED TO BE INTRODUCED AT THE HEARING**

### **1. Land Use Report;**

2. Local Area Transportation Report prepared by Gorove Slade; and
3. Supporting Exhibits.

The Land Use Report (Exhibit 2) has already been submitted into the record in connection with the LMA Application. The Applicant is submitting an updated Local Area Transportation Report in connection with this pre-hearing statement (Exhibit 3). The evidence to be presented will demonstrate that (1) the subject LMA satisfies the purpose and requirements of the CRNF Zone as set forth in Section 59-5.3 of the Zoning Ordinance; (2) adequate public facilities and services will be available to serve the proposed development under the Growth and Infrastructure Policy; (3) the LMA substantially conforms with the recommendations of the *White Oak Master Plan* and *Thrive Montgomery 2050*; and (4) the Application satisfies the required findings for approval of a Local Map Amendment pursuant to Section 59-7.2.1.E of the Zoning Ordinance.

### **III. SUMMARY OF EXPERT TESTIMONY**

At the present time, the Applicant intends to call the following expert witnesses to testify in support of the rezoning application:

1. Josh Sloan, Certified Land Planner and Registered Landscape Architect with VIKA Maryland will testify as to, among other things, the physical characteristics of the Property, the proposed Floating Zone Plan, and the adequacy of public school facilities serving the proposed development. Mr. Sloan will also testify as to the LMA's substantial conformance with the Master Plan and *Thrive 2050*, as well as the Project's compliance with the Zoning Ordinance. Finally, Mr. Sloan will also testify as to the Natural Resources Inventory/Forest Stand Delineation, the Preliminary Forest Conservation Plan, and landscaping and open space provided in connection with the proposed development.
2. Logan Kelso, Professional Engineer with VIKA Maryland will testify to, among other things, the physical characteristics of the Property, the proposed Floating Zone Plan, the proposed storm water strategy for the redevelopment of the Property, and the adequacy of certain public facilities to serve the Project.
3. Katie Wagner, Transportation Engineer with Gorove Slade, will testify as to the Local Area Transportation Report prepared for the LMA and the adequacy of transportation facilities to serve the Project.


The resumes of the above identified expert witnesses are attached. (*See Exhibit 1*). The Applicant reserves the right to amend this list of witnesses and call additional expert witnesses if it deems necessary.

#### IV. ESTIMATED TIME REQUIRED FOR PRESENTATION

It is estimated that one (1) full day will be required for the Applicant to present its case in chief. This submission is intended to satisfy the requirement of the Rules of Procedure for Zoning Cases. If it is subsequently determined that new or supplemental information is necessary, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,  
Lerch, Early & Brewer, Chtd.

By:   
Elizabeth C. Rogers

By:   
Erin E. Girard

By:   
Vince G. Biase

# **Exhibit 1**



## Joshua Sloan, ASLA, PLA, AICP

*Vice President / Director of Planning and Landscape Architecture*

Josh Sloan is a respected, knowledgeable professional with over 30 years of experience in Landscape Architecture and Planning. He began his career in the design/build arena of the private sector on landscape crews, as a designer, and business owner. This experience provided him with a strong background in the construction and permitting processes, project management, and business practices. He then spent seven years with the Montgomery Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC), rising to the level Planning Supervisor. During his tenure at the Commission, he participated directly in development review, master planning, zoning, and community relations.

In 2013, Josh returned to private practice, joining VIKa as the Director of Planning and Landscape Architecture. Josh has presented at the USGBC Greenbuild Conference, the National APA Conference, and the ASLA Conference on Landscape Architecture, as well as serving on various committees for APA, ASLA, and local jurisdictions. He has been qualified as an expert witness in Planning and Landscape Architecture in Montgomery County, MD and provided expert testimony to the State of Maryland.

### Areas of Professional Expertise

- Feasibility & Yield Studies
- Urban Design & Planning
- Rezoning & Map Amendments
- Site Planning
- Zoning & Regulatory Review
- Expert testimony
- Forest Conservation & Tree Save Plans
- Project Management of Multi-Disciplinary Design Teams
- Landscape Architecture
- Master Planning

### Selected Projects

- Tower Oaks, Rockville, MD, City of Rockville
- Montgomery Row, Bethesda, MD, Montgomery County
- Villages at Cabin Branch, Clarksburg, MD, Montgomery County
- Park Potomac, Potomac, MD, Montgomery County
- Brandywine Senior Living at Potomac, Potomac, MD, Montgomery County
- Neighborhoods of Crown, Gaithersburg, MD, City of Gaithersburg
- Greater Cheverly Sector Plan, Cheverly, MD, Prince George's County
- Chevy Chase Crossing, Chevy Chase, MD, Montgomery County
- Swann Crossing, Suitland, MD, Prince George's County
- Artspace Silver Spring Campus, Silver Spring, MD, Montgomery County
- 4909 Auburn Avenue, Bethesda, MD, Montgomery County

### Professional Degrees and Accreditations

- Master of Landscape Architecture, Graduate Studies in Philosophy, State University of New York College of Environmental Science and Forestry & Syracuse University
- Bachelor of Arts in Biology, St. Mary's College of MD
- MD: Registered Landscape Architect, 2014 # 3776
- VA: Registered Landscape Architect, 2000 # 0406000856
- Co-Chair, Sustainable Design & Development PPN, ASLA, 2020-2022
- Treasurer, National Capital Area Chapter of APA, 2015-2018
- American Institute of Certified Planners, 2015

### Market Sector Experience

- Senior Living
- Transit Oriented Development
- Commercial
- Office
- Mixed-Use Development
- Retail
- Single Family Residential
- Affordable Housing

### Jurisdiction Experience

- City of Gaithersburg, MD
- City of Rockville, MD
- Montgomery County, MD
- Prince George's County, MD



## Logan B. Kelso, PE

### *Executive Associate*

Logan is a licensed professional engineer with over a decade of experience in Commercial, Retail, Hospitality, Mixed-Use, Residential, Senior/ Assisted Living, Public Storage development and redevelopment. Logan's jurisdictional experience includes Montgomery County, Prince George's County, City of Rockville, City of Gaithersburg, Maryland State Highway Administration, Maryland Department of Environment, and Washington Sanitary Sewer Commission. He focuses on Client and Jurisdictional relationships while successfully coordinating with consultants to pro-actively achieve project goals. Logan's emphasis on sustainable design and schedule awareness allows him to successfully achieve project milestones. Logan is a qualified expert in civil engineering by the Montgomery County Hearing Examiner.

### Areas of Professional Expertise

- Feasibility and Adequate Public Facility Analysis
- Hydrologic and Hydraulic Studies including TR-55, and TR-20
- Expert Testimony in Civil Engineering
- Street Grade Establishment and Road Design in Civil Engineering
- Water and Sewer Design
- Street Tree and Lighting Design
- Maintenance of Traffic Design
- Public and Private Storm Drain and Paving Design
- Erosion and Sediment Control and Stormwater Management Design
- Permit Processing/Post Construction/Bond Release Services

### Selected Projects

- Farmstead District, Rockville, MD, City of Rockville
- 4909 Auburn Avenue Apartments, Bethesda, MD, Montgomery County
- St. Elmo Apartments, Bethesda, MD, Montgomery County
- West Side at Shady Grove Station- Bldg. B, Rockville, MD, City of Rockville
- The Chase at Quince Orchard, Gaithersburg, MD, City of Gaithersburg
- Tower Oaks, Rockville, MD, City of Rockville
- Ingleside at King Farm, Rockville, MD, City of Rockville
- ezStorage, Bethesda, MD, Montgomery County
- Grosvenor Heights Residential, Bethesda, MD, Montgomery County
- Montgomery Row Residential, Bethesda, MD, Montgomery County

### Professional Degrees and Accreditations

- Bachelor of Science, Civil Engineering with High Distinction, The Pennsylvania State University
- Bachelor of Science Engineering Mathematics, Waynesburg University
- Professional Engineering License (MD) #51971

### Market Sector Experience

- Senior Living
- Transit Oriented Development
- Commercial
- Office
- Hospitality
- Mixed-Use Development
- Retail
- Multifamily Residential
- Single Family Residential
- Affordable Housing
- Infrastructure
- Labs and Medical Facilities

### Jurisdiction Experience

- City of Gaithersburg, MD
- City of Rockville, MD
- Department of Environmental Protection (DEP)
- Federal Emergency Management Agency (FEMA)
- Maryland State Highway Administration (MSHA)
- Maryland Department of the Environment (MDE)
- Montgomery County, MD
- Prince George's County, MD
- WSSC





## EDUCATION

Bachelor of Science, Civil Engineering,  
Gonzaga University, 2009

## PROFESSIONAL REGISTRATIONS

Professional Engineer – District of  
Columbia, Maryland, Virginia, Delaware,  
New York, Oregon

Professional Traffic Operations Engineer

## PROFESSIONAL ASSOCIATIONS

Institute of Transportation Engineers (ITE)

Commercial Real Estate Women Network  
(CREW)

Urban Land Institute (ULI)

Maryland Building Industry Association  
(MBIA)

National Association of Industrial and  
Office Properties (NAIOP)

## EXPERIENCE

16 years total  
10 years with GOROVE SLADE

## LOCATION

Bethesda, MD

## AWARDS

NAIOP DC|MD 2024 Member of the Year

MBIA 2024 Montgomery County Chapter  
Member of the Year

CREW Champion 2022

## KATIE WAGNER PE, PTOE

*Principal*

Ms. Wagner has significant transportation planning and engineering experience, including traffic impact studies, traffic simulation, site access and circulation planning, roadway signing and striping plans, traffic signal design, functional parking lot and garage design, parking demand studies, loading dock analysis, field data collection and analysis, Transportation Demand Management (TDM) planning and analysis.

Ms. Wagner has been involved with various types of projects including educational institutions, mixed-use developments, commercial and retail developments, office developments, and government facilities throughout the District of Columbia, Virginia, and Maryland. She takes great interest in the multi-modal component of urban projects that requires brainstorming solutions to benefit all modes of transportation.

*Katie's project experience covers a spectrum of land-uses and a sampling includes:*

## RESIDENTIAL

8676 Georgia Avenue, Silver Spring, MD

19115 Liberty Mill Road, Germantown, MD

315 E Diamond Avenue, Gaithersburg, MD

20220 Frederick Road, Gaithersburg, MD

Quarry Springs, Montgomery County, MD

King Buick Redevelopment, Rockville, MD

41 Maryland Avenue, Rockville, MD

The Lofts, Rockville, MD

St. Angela Hall, Bethesda, MD

Rockshire Village Center, Rockville, MD

Alta New Carrollton, New Carrollton, MD

Holly Place, Harlow Heights, MD

Alta Woodmore, Glenarden, MD

Haeden Spring, East Riverdale, MD

4315 Silver Hill Road, Silver Hill, MD

2142 K Street Office to Residential Conversion, Washington, DC

3401 Water Street, Washington, DC

4865 MacArthur Boulevard, Washington, DC

PNBC Residential, Washington, DC

The Strand, Washington, DC

Press House, Washington, DC

Deanwood Town Center, Washington, DC

1530 First Street SW, Washington, DC

1550 First Street SW, Washington, DC

218 Cedar Street NW, Washington, DC

45 Q Street, Washington, DC

Queens Court, Arlington, VA

2901 Eisenhower Avenue, Alexandria, VA

Riverhouse Apartments, Arlington, VA

## PRIMARY & SECONDARY SCHOOLS

French International School, Bethesda, MD  
St. Andrew's School, Potomac, MD  
Landon School, Bethesda, MD  
Diener School, Bethesda, MD  
Holton-Arms School, Bethesda, MD  
Shaare Tefila Daycare, Olney, MD  
Burtonsville Elementary School, Burtonsville, MD  
German International School, Potomac, MD  
JoAnne Leleck Elementary School, Silver Spring, MD  
Suitland High School, District Heights, MD  
German International School, Potomac, MD  
Bishop Ireton High School, Alexandria, VA  
Goding Elementary School and Swing Space, Washington, DC  
Christian Family Montessori School, Washington, DC  
Bruce Monroe Elementary School, Washington, DC  
Capitol Hill Montessori School, Washington, DC  
Eagle Academy Naylor Campus EISF, Washington, DC  
Houston Elementary School, Washington, DC  
Hyde Addison Elementary School, Washington, DC  
John Eaton Elementary School, Washington, DC  
National Cathedral School, Washington, DC  
Beauvoir School, Washington, DC  
St. Alban's School, Washington, DC  
Georgetown Day School, Washington, DC  
Mundo Verde Bilingual PCS, Washington, DC  
DC Bilingual School, Washington, DC  
Washington International School, Washington, DC  
Malcom X Elementary School, Washington, DC

## MIXED-USE DEVELOPMENT

15400 Calhoun Drive, Rockville, MD  
7500 Standish Place, Rockville, MD  
14119 Travilah Road, Rockville, MD  
15930 Frederick Road, Rockville, MD  
Ellsworth Residential, Silver Spring, MD  
10509 Summit Avenue, Kensington, MD  
1300 East Gude Drive, Rockville, MD  
Armed Forces Retirement Home Redevelopment, Washington, DC  
Reunion Square, Washington, DC  
CSX East, Washington, DC  
1319 S Capitol Street, Washington, DC  
The Yards, Washington, DC  
Market Terminal, Washington, DC  
Michigan and Irving Redevelopment, Washington, DC

965 Florida Avenue PUD, Washington, DC  
680 Rhode Island Avenue LTR, Washington, DC  
Hechts East LTR, Washington, DC  
New City, Washington, DC  
Atlantic Plumbing, Washington, DC  
Skyland Town Center, Washington, DC  
The Yards, Washington, DC  
Walter Reed Army Medical Center Redevelopment, Washington, DC  
300 Morse Street NE PUD, Washington, DC  
750 N Glebe Road, Arlington, VA

## STATE & MUNICIPAL GOVERNMENT

NIST, Gaithersburg, MD  
Social Security Administrations, Baltimore, MD  
Bureau of Engraving and Printing, Vansville, MD  
Federal Reserve, Washington, DC  
Armed Forces Retirement Home, Washington, DC  
DDOT Bike Facility Feasibility, Washington, DC

## OTHER

700 Quince Orchard Road, Gaithersburg, MD  
Novavax, Gaithersburg, MD  
Children's National Health System, Washington, DC  
Kaiser Permanente, Largo, MD  
Congress Heights Recreation Center, Washington, DC  
2230 Spencerville Road, Spencerville, MD  
Shady Grove Adventist Hospital, Rockville, MD  
Redeemers Church of Christ, Greenbelt, MD  
Good Luck Recreation Center, Lanham, MD  
7500 Standish Place, Rockville, MD  
8800 Brookville Road, Silver Spring, MD  
Town of Garrett Park On-Call Transportation Engineers, Town of Garrett Park, MD  
Springfield Residential Traffic Calming, Bethesda, MD  
Montgomery County VMT Evaluation, Montgomery County, MD

## **Exhibit 2**

**Updated Land Use Report  
Local Map Amendment No. H-159  
Notley Road**

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## **I. Overview**

Notley Assemblage LLC, an affiliate of Ryan Stuart Development, (the "Applicant") is submitting this Local Map Amendment ("LMA") application to rezone the property located in the northwestern corner of the intersection of Notley Road and New Hampshire Road in Silver Spring, Maryland (the "Property").<sup>1</sup> Specifically, the Applicant seeks to rezone the Property from the R-200 Zone to the Commercial Residential Neighborhood Floating Zone ("CRNF") – CRNF-1.0, C-0.0, R-1.0, H-50'.

As discussed more fully below, the proposed rezoning will accommodate desired redevelopment of the Property with a townhouse community that will provide much-needed additional housing along a major corridor, to help address the County's housing needs. The Applicant is proposing to redevelop the Property with up to 130 Townhouse Living units (the "Project"). The Project layout has been designed to ensure compatibility with the surrounding neighborhood, and the proposed development will satisfy all applicable standards of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") and substantially confirm to the goals and recommendations of the *1997 Approved and Adopted White Oak Master Plan* (the "Master Plan") and the County's General Plan, Thrive 2050.

Subsequent to approval of the Local Map Amendment, the Applicant will seek Preliminary Plan and Site Plan approval from the Montgomery County Planning Board (the "Planning Board") to facilitate the redevelopment of the Property.

## **II. Design Iteration**

The Applicant has made numerous revisions to the proposed Floating Zone Plan to address comments received from both Park and Planning Staff and the surrounding community. Specifically, the revised Floating Zone Plan, submitted concurrently with this Land Use Report, incorporates the following revisions:

1. The proposed density has been decreased from the up to 150 units (previously proposed) to the up to 130 units now proposed.
2. The proposed building height has been decreased, with the maximum building height now proposed at four stories or 50 feet.
3. The building massing along Notley Road has been substantially revised to mimic single-family building form and typology. The revised plan breaks up the massing of units along Notley Road and proposes smaller clusters of townhomes that will have a collective maximum front width of 100 feet per stick, which is comparable with the widths of the

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<sup>1</sup> The Property includes several parcels with the following addresses 13707, 13711, 13715, 13719, 13727, and 13733 Notley Road, and 13704 New Hampshire Avenue.

single-family homes directly across the street. Although the architectural design will be finalized at the time of Site Plan, the townhomes along Notley Road will be designed to read as single-family structures, by utilizing traditional single-family design elements and incorporating side and/or rear unit access points (to minimize the number of entrances per stick directly along Notley Road). To the extent possible, the resulting façades, as viewed from Notley Road, will read as single-family structures, as opposed to sticks of individual townhome units. Additionally, the front setback along Notley Road has been increased from the 40.5 feet previously proposed (as measured from the back of the curb) to 43.5 feet, to provide a greater buffer and larger “front yards” along the street. Because of fire access requirements, there is not much additional allowance for increasing this further. More importantly, and to replace the existing treed frontage, the Applicant is also exploring an alternative streetscape design that would meet the standards contained in Complete Streets and the Bicycle Master Plan, but allow the Applicant to provide a double row of trees along the Notley Road frontage.

4. The open space layout has been modified to incorporate a more public facing open space along Notley Road, which abuts the adjacent public park. The location of this approximately 18,000 square foot open space along Notley Road will visually expand the neighborhood park and facilitate alternative means of pedestrian connections to the park, both from Notley Road and internal to the site.
5. Additionally, the internal public streets have been modified to allow the western most access drive to activate the open space on Notley Road and allow the open space to read as more public space. The private alley running parallel to Notley Road has also been widened to read as a more public street (as opposed to an alley), with room for street trees, and full driveways, so as to substantially increase the amount of parking provided on-site.
6. The amount of on-site parking has been increased to provide both additional resident and private visitor spaces, as well as to provide additional on-street visitor parking spaces.
7. The Applicant has tightened the proposed Limits of Disturbance to minimize tree impacts. As a result, the Applicant is now able to save off-site trees, while accommodating the desired park connection.

### **III. Property Description**

#### **A. Site Location and Existing Conditions**

The Property is comprised of an assemblage of individual parcels, generally bounded by New Hampshire Avenue to the east, Colesville Manor Neighborhood Park to the west, the senior housing facility, known as the Wilshire Estates, to the north, and Notley Road to the south. Specifically, the Property is comprised of Part of Lot 1, Part of Lot 2, and Lots 3-5 in the “Price’s Subdivision” as recorded among the Montgomery County Land Records at Plat No. 1767 and two unrecorded parcels in “Beall’s Manor”. As shown on the Floating Zone Plan (the “FZP”), the

Property has a combined (net) Lot area of approximately 390,812 square feet (or 8.97 acres) and a (gross) Tract area, including prior right-of-way dedications, of approximately 435,254 square feet (or 9.99 acres).

The Property is currently improved with several single-family detached dwellings units and associated accessory structures. Access to the Property is currently provided through seven separate vehicular access points along Notley Road and one curb cut on New Hampshire Avenue. As thoroughly explained below, the proposed redevelopment will improve vehicular circulation by consolidating the numerous existing access points into two curb cuts along Notley Road, with no vehicular access (except for fire access) provided from New Hampshire Avenue.

The Property is located within a larger neighborhood bounded by Colesville Manor Road and Hobbs Drive to the North; Hollywood Branch, a tributary of the Paint Branch, and part of the Colesville Farm Estates to the east; East Randolph Road to the south, and the Middle Main Tributary of the Northwest Branch, Lehigh Road, Sherwood Forest Drive and Montvale Drive to the west (the “Surrounding Neighborhood”). This boundary defines the approximate pedestrian walk shed of 5-10 minutes where there are visual or physical connections and paths up to natural and human-made edges.

The Surrounding Neighborhood, as depicted in Attachment A, is characterized as a true mixed-use neighborhood, including several forms of residential uses (*e.g.* large senior living facilities, townhouses, and single-family detached homes), as well as commercial (*e.g.* the Colesville Center and a Park-and-Ride facility), institutional (*e.g.* the Cambodian Buddhist temple) uses, and a public park.

## **B. Zoning and Permitted Uses**

This Local Map Amendment requests approval for the application of a Floating Zone to the Property, to rezone the Property from the R-200 and to the CRNF-1.0, C-0.0, R-1.0, H-50' Zone. Sections 5.3.3.A.1 and 3.1.6 of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") permit Townhouse Living uses by right in the CRNF Zone.

## **C. Surrounding Zoning and Land Uses**

The zoning and land uses of surrounding properties are described as follows:

- North: Abutting the Property to the north is the senior living facility known as the Wilshire Estates, which is zoned R-200. Farther to the north is the Cambodian Buddhist Society and an assisted living/ memory care facility known as the Silver Spring Healthcare Center, also located in the R-200 Zone.



- East: Confronting the Property directly across New Hampshire Avenue is the Eun Sam Evangelical Church of Washington, located in the RE-1 Zone. Farther beyond is a single-family detached neighborhood, also zoned RE-1.
- South: Confronting the Property to the south, across Notley Road, are single family detached homes located in the R-200 and R-90 Zones. Farther beyond is a townhouse community located in the Planned Development (PD-7) Zone and the Colesville Center, a neighborhood shopping center, located in the Neighborhood Retail zone.
- West: Immediately adjacent to the Property to the west is a WSSC facility and the Colesville Manor Neighborhood Park, located in the R-200 zone. Farther beyond the park are single-family detached homes, also zoned R-200.

#### **IV. Proposed Development**

The Applicant is proposing to develop the Property with a residential townhouse community. The design and layout of the Project will be finalized with the subsequent Preliminary and Site Plan applications but is proposed to include up to 130 townhouse living units, including 12.5 percent moderately priced dwelling units ("MPDUs") (or up to 17 MPDUs), with associated parking, open space, and amenities.<sup>2</sup>

The proposed townhomes have been strategically arranged to create a sense of community and encourage pedestrian activity, while also promoting a compatible transition to the surrounding residential communities. The townhomes along the Property's New Hampshire Avenue frontage have been oriented to be parallel with the street, with front doors directly facing the public realm, to activate and define this major corridor. Along Notley Road, the townhomes have been oriented and designed to provide a more single-family aesthetic, with units grouped so as to have no more than 100 feet front width, to conform with the width of the existing single-family homes across the street. No parking will be located between the building and the surrounding public streets, so as to promote a more safe and pleasing pedestrian environment. Internally, the Project is organized around the proposed private streets and open spaces, which the units have been designed to front onto where feasible. The Project also includes substantial streetscape improvements along Notley Road (where no sidewalk currently exists) and New Hampshire Avenue (where there currently is only a 5-foot sidewalk with no pedestrian buffer). Collectively, the Project design will enhance the pedestrian environment, improve connectivity, and promote compatibility with the surrounding community.

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<sup>2</sup> The Project may include two-over-two units for the units oriented parallel to New Hampshire Avenue.

## **A. Architecture Design**

The building architecture will be finalized at the time of Site Plan. However, at this early stage, the architecture is intended to create a vibrant, residential community, with special attention paid to details and design. The building design will include typical residential materials such as masonry and/or siding and traditional residential design elements and rooflines. The townhomes along Notley Road will be designed to read as single-family homes, with a cohesive building design and incorporation of side and/or rear entry doors within each stick. The majority of the townhomes will be four-story units. MPDU units will be provided in accordance with the County's requirements.

## **B. Open Space**

In accordance with the requirements of Sections 5.3.5.D.2.a and 4.5.3.C of the Zoning Ordinance, the Project will include a minimum of 10% (or  $\pm$  39,081 square feet) of open space. As required by Section 6.3.2, this open space will be designed as common open space.

The Open Space will be provided through a series of spaces that provide diverse opportunities for residents to gather and recreate. In accordance with the requirements of Section 6.3.5.B of the Zoning Ordinance, the common open space will be located in a central position in the neighborhood and bordered by streets or building lots. The common open spaces will function in tandem to create diverse open space offerings that will be in a continuous area (only separated by residential streets).

Specifically, the common open space is envisioned to include three main components: (1) a linear park that connects New Hampshire Avenue to the central open space, (2) a central park, and (3) a neighborhood park expansion (located along Notley Road, abutting the Colesville Manor Neighborhood Park). The Linear Park is envisioned to include a walking path with various seating opportunities and shade, to provide opportunities for passive recreation and socialization. The Linear Park will incorporate stormwater management features that will serve as interactive learning elements, demonstrating natural water filtration with native plantings. The Central Park is framed by streets on three sides and is planned to include natural playground elements, which will provide opportunities for children to gather and recreate in a safe and visible area of the community. Lastly, the neighborhood park expansion, located along Notley Road in the southwest corner of the Property, will serve as a physical and visual expansion of the Colesville Manor Neighborhood Park. This open space will serve as a more pedestrian friendly, public entrance to the adjacent park, with a curvilinear pathway connecting the park from the street (where no such dedicated pedestrian pathway currently exists). Collectively, these open spaces will provide opportunities for recreation, socialization, and connection with nature while prioritizing sustainability and education. Pollinator gardens will be integrated throughout, offering hands-on educational experiences for children while supporting biodiversity. The landscape will emphasize

native and adaptive species, ensuring ecological resilience, seasonal interest, and low-maintenance sustainability. The final design and programming of these common open spaces will be determined at the time of Site Plan.

### **C. Parking and Circulation**

To ensure the Project will not have any adverse impacts on the surrounding neighborhood, the Project will provide adequate parking on-site to accommodate all users of the Property. Parking for the townhouse units will be provided through in-unit garages and/or driveways, and ample on-street parking will be provided for visitors.

Sections 5.3.5.D.1 and 6.2.4.B requires a minimum of two parking spaces/unit.<sup>3</sup> The Project will exceed the minimum requirement, and is currently planned to provide 379 parking spaces in-unit garages and/or driveways and 30 additional on-street visitor parking spaces, for a total of 409 parking spaces. The final parking counts to be determined at the time of Site Plan approval.

As discussed above, the Project will significantly improve vehicular access, as compared to the existing conditions. Currently, there are seven (7) curb cuts on Notley Road and one (1) curb cut on New Hampshire Avenue. The Project consolidates these vehicular access points into two curb cuts on Notley Road (with only emergency fire access permitted from New Hampshire Avenue). The Project will include several internal private streets and alleys, organized in a grid network to facilitate connectivity.

### **D. Private Roads Justification**

The Project is proposing a series of private streets for the Project, chiefly to implement compliance with the Complete Streets Guide, where roadways are designed and operated to provide safe, accessible, and healthy travel for all users of our roadway system, including pedestrians, bicyclists, transit riders, and motorists. Proposing a public street for the Project is not feasible, as several elements of the site layout preclude public right-of-way maintenance. Specifically, these elements are anticipated to include, but are not limited to, “tabletop” intersections, road-side stormwater management facilities and centerline radius less than standard road code requirements. Additionally, to accommodate many of the design modifications made in response to comments received (*e.g.* widening of the east-west alley closest to Notley Road to read as an internal street and provide additional parking), many of the internal streets are narrower than required for a public street.

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<sup>3</sup> The parking requirement is based on the proposed CRNF zoning, outside of a reduced parking area.

The road design will be designed with sound engineering principles for safe use for the intended target speeds throughout the site. The pavement surface depth and structural design will be designed according to the corresponding public road construction specifications. Furthermore, Stormwater Management (SWM) can be more flexible within private roads to create a progressive application of Environmental Site Design (“ESD”) and will follow Montgomery County Department of Permitting Services’ (MCDPS) Technical Policy #8 for safe placement of SWM practices.

In accordance with Section 4.3.E.4.b of the Subdivision Regulations, the following lists design elements and justification of the proposed private roads that do not meet public road standards for a residential street. The *Montgomery County Complete Streets* manual, “Neighborhood Streets” best describes the proposed street type of all private streets. Neighborhood Streets serve predominantly residential areas with low volumes of motor vehicle traffic, focusing on slow speeds, pedestrian safety, healthy street trees and well-defined routes to nearby parks, transit, and schools.

In order to be considered for approval as a private street under Section 4.3.E.4.d. of the Subdivision Regulations, a proposed road must not:

- *Be needed to maintain area circulation.*

As described above, the proposed Private Streets are internal to the proposed development. They do not serve area circulation and are only needed for circulation within the Project.

- *Provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis.*

The proposed Private Streets are not part of a continuous corridor and are not part of the network modeled for the area capacity.

- *Is not needed to be part of the network modeled for area capacity.*

The proposed Private Streets are not necessary to serve the general public needs for communication, utility, or future potential transportation and will not negatively affect development of other properties.

#### Private Streets – Neighborhood Street

Right of way width: 45’ minimum, 53’ maximum with parking

Travel Lanes: 10.5’

Parking Lane: 0’ or 8’ where provided

Street Buffer: 6'  
Sidewalk: 6'  
Maintenance buffer: 0'

## **E. Civil Engineering**

### **1. Natural Resource Inventory/Forest Stand Delineation**

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). A Simplified Natural Resources Inventory ("NRI") (No. 420251460) was approved for the Property on May 22, 2025 which denotes existing trees and certain natural features on the Property. As shown on the NRI, the Property contains no existing forest. However, forty-two (42) specimen trees (30" DBH and larger), twenty-eight (28) on-site and fourteen (14) off-site, have been identified and survey-located on and adjacent to the subject property and are shown on the NRI. The Property contains no protected soils, endangered species, or other natural features that would impact development. The site is not located within a Special Protection Area.

A Preliminary Forest Conservation Plan ("PFCP") (No. is F20250680) has been prepared to accompany the proposed Local Map Amendment. The Project meets forest conservation requirements through 1.45 acres of afforestation to be satisfied through an off-site forest bank or fee-in-lieu payment. The plan proposes to remove 21 of the existing specimen trees on-site. The Applicant has tightened the limits of disturbance and modified the site design to minimize impacts to the off-site specimen trees. As a result, no off-site trees are proposed to be removed. Accordingly, the Project requests a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section addresses the requirement to not disturb "any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State champion tree of that species." As mentioned above, and shown on the Simplified Natural Resource Inventory, there are specimen trees inventoried on, or within 100' of the site boundary for the Project. Details regarding the location, species, size and condition of the specimen trees included in the tree variance request are provided on the PFCP. A tree variance request is also being submitted concurrently with this Land Use Report. For the removal of the existing specimen trees sixty-three (63), three (3) inch caliper will be required for mitigation.

### **2. Stormwater Management Concept Plan**

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Because the Project will result in more than 5,000 square feet of disturbance, the Applicant will submit a Stormwater Management Concept Plan prior to submitting the Preliminary Plan and Site Plan applications. There is no known stormwater management on the site today and as such, water currently sheet flows off the property uncontrolled into the Notley Road and New Hampshire

Avenue right-of-way and adjacent properties. As such, the Project will substantially improve the treatment of stormwater management on-site. In accordance with 2010 MDE Stormwater Management Regulations, the site will implement Environmental Site Design ("ESD") practices to the maximum extent practicable ("MEP").

In order to manage the required stormwater volume to the MEP, the Applicant proposes to utilize both graded and planter style micro-bioretenion facilities. The SWM Strategy Plan included in this Application shows the approximate location, number, and size of stormwater management practices required to meet ESD to the MEP. The proposal will be further refined when the Concept Stormwater Management Plan is submitted for approval in connection with the subsequent Preliminary Plan of Subdivision. However, as demonstrated by the SWM Strategy Plan, it is expected that the proposed layout of the Project will fully accommodate stormwater management facilities that meet/exceed applicable County and State requirements.

In addition to stormwater facilities, the Project grading has been designed to substantially improve the existing conditions. As noted above, water currently sheet flows off the Property toward Notley Road, where there is no storm drain system, and the adjacent properties. To address this condition, the Applicant is proposing to re-grade the site, including storm infrastructure, such that the majority of the site conveys to New Hampshire Avenue in a closed system (underground structures and pipes). This network also includes stormwater management facilities (micro-bioretenion) which convey the 10-Year storm event through the storm infrastructure to New Hampshire. This provides a significant and important benefit to the surrounding community by reducing the impact to Notley Road.

### 3. Sediment and Erosion Control

A Sediment and Erosion Control Plan will be prepared and submitted to DPS for approval after Stormwater Management Concept approval and prior to commencement of construction on the Property.

### 4. Adequate Public Facilities

The public facilities are adequate to support and service the proposed development. As discussed above, a Preliminary Plan will be filed subsequent to the LMA approval. As such, the Montgomery County Planning Board ("Planning Board") will be responsible for determining whether Adequate Public Facilities ("APF") exist to support the proposed development of the Property at the time of Preliminary Plan.

#### *i. Traffic*

The Property falls within the Yellow Policy Area in the current FY 2024-2028 Growth and Infrastructure Policy. An analysis of peak hour vehicular trips generated by the proposed

development was performed in accordance with the 2025 update to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) Local Area Transportation Review (LATR) Guidelines. A Traffic Impact Analysis (the "Traffic Analysis"), prepared by Gorove Slade, has been submitted in connection with this Application. Gorove Slade has concluded that all the intersections operate well within the congestion standards under all the existing, background and total future scenarios and no further motor vehicle adequacy analysis or mitigation is required to satisfy the County's adequacy standards.

Additional HCM analysis requested by the State Highway Administration concluded that existing delays at the New Hampshire Avenue (MD 650) intersection with Randolph Road exceed the 59 second delay per vehicle standard, without the inclusion of the site generated trips. The New Hampshire Avenue (MD 650) and Notley Road intersection do not trigger mitigation as the delay does not exceed 59 seconds per vehicle. A preliminary traffic signal warrant study was conducted as requested by SHA and results indicate that a new traffic signal is warranted at this intersection under existing conditions without the project. To improve the existing conditions near the site, the following mitigations are proposed:

- New traffic signal at Notley Road and New Hampshire Avenue (MD 650)
- Signal timing adjustments at Randolph Road and New Hampshire Avenue (MD 650)

All study area intersections with the mitigation identified above will operate better than the existing or background conditions for the total future condition with the proposed development.

Additional safety countermeasures for speed management improvements are warranted based on the existing 85<sup>th</sup> percentile speed along Notley Road exceeding the posted speed limit by over 20%. The improvements will be reviewed during the Preliminary Plan Submission.

In addition, non-auto modal deficiencies were identified near the Project. At the time of the Preliminary Plan, the Applicant will work with MCDOT and Planning Staff to identify which improvement options should be pursued to meet the requirements to mitigate deficiencies in the Vehicular, Pedestrian, Bicycle, and Bus Transit systems.

## *ii. Schools*

The Property is served by Westover Elementary School, White Oak Middle School, and Springbrook High School. The Property is located within the Turnover School Impact Area.

The current FY 2026 Annual Schools Test indicates that all three school levels are operating with capacity, without triggering the need for a Utilization Premium Payment. Based on projected student enrollment for 2029-2030, the individual school percent utilization will be

107.2% at the elementary school grade level (available capacity of 54 seats before triggering Tier 1 UPP), 84.5%, at the middle school grade level (available capacity of 273 seats before triggering a Tier 1 UPP), and 87.0% at the high school grade level (available capacity of 432 seats before triggering a Tier 1 UPP). As such, there is adequate school capacity to accommodate the Project and no Utilization Premium Payments are currently required.

*iii. Other Services*

The Property will be served by existing water and sewer mains. The Property is located within water and sewer categories W-1 & S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines located in the abutting rights-of-way. Water service is proposed to be established by connecting to the existing 10" line along Notley Road and sewer service is proposed through connections to the existing 8" lines on Notley Road and New Hampshire Avenue. WSSC will evaluate the water and sewer capacity through a Hydraulic Planning Analysis.

Electric, gas and telecommunications services are also available to serve the Property. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently available in the vicinity of the Project.

In conclusion, the public facilities will be more than adequate to support and service the Project.

**V. Master Plan Conformance**

**A. White Oak Master Plan**

The Property is located within the boundaries of the *1997 Approved and Adopted White Oak Master Plan*. This Master Plan is almost 30 years old. The Master Plan specifically notes that "Master plans generally look ahead about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years." (*See* Master Plan, page viii). In fact, the Master Plan recognizes "...that the original circumstances at the time of plan adoption will change over time, and that the specifics of a master plan may become less relevant as time goes on." (*See* Master Plan, page viii). The Master Plan and its recommendations were shaped by the County General Plan in effect at the time (*i.e.* the Master Plan notes that it supports the "Land Use Goal and Wedges and Corridors Concept" of the previous General Plan (*see* Master Plan, Page 6)). Countywide land use policies and zoning changes have occurred in the years since the passage of the Master Plan. Of note, the County's General Plan has since been updated with the adoption of *Thrive Montgomery 2050*. Regardless, the Project substantially conforms to the general and recommendations outlined in the Master Plan, in addition to also reflecting more current land use policies.



There are no site specific recommendations for this Property in the Master Plan. However, the Project promotes the following goals and recommendations:

## 1. Housing

The Master Plan seeks to “...ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities' function, sense of place, and identity.” (*See Master Plan, Page 16*). The Master Plan seeks to protect the existing residential communities (*see Master Plan, Page 6*). The proposed Project, which retains the residential use of the Property, promotes this objective. Given the Property's location on the edge of the residential neighborhood, with direct frontage on New Hampshire Avenue, and in close proximity to the commercial center, the Project will serve as a buffer and transition between New Hampshire Avenue (and the institutional uses that line this major highway), and the less dense residential development to the west. Furthermore, the proposed Project has been designed to promote compatibility with the surrounding residential homes through the proposed building layout, massing and architecture, significant streetscape improvements, and environmental enhancements (*e.g. providing stormwater management, where none exists today*).

The Master Plan also seeks to “[m]aintain housing for people of varying incomes, ages, and lifestyles, and continue to provide a variety of housing types that will permit households with changing needs to find suitable accommodations within the White Oak Master Plan area.” (*See Master Plan, Page 18*). The redevelopment of the Property with a townhouse community accomplishes this by providing for additional, diverse housing opportunities in this area of the County.

## 2. Transportation

The Plan recommends streetscape improvements along the major highways. (*See Master Plan, Page 53*). Specifically, the Master Plan seeks to “[p]rovide streetscape improvements to strengthen the vitality of adjoining commercial areas, enhance community identity and pedestrian circulation, and improve the roadway experience in general.” (*See Page 53*). The Plan also seeks to “[e]nable pedestrians to safely and easily reach bus stops or community facilities and improve safety for pedestrians crossing main roads in the White Oak Master Plan area.” (*See Master Plan, page 54*).

The Project implements these objectives by enhancing pedestrian and bicycle connectivity while contributing to the overall character of the surrounding neighborhood. The Project provides significant streetscape improvements along both Notley Road and New Hampshire Avenue, which will improve pedestrian access to the adjacent Colesville Neighborhood Park, as well as the Colesville Shopping Center and the planned Bus Rapid Transit (BRT) station at the Colesville Park-and-Ride. The Property's New Hampshire Avenue frontage currently is improved with a

five (5) foot sidewalk directly adjacent to the travel lanes. The Project proposes to improve the Property's New Hampshire Avenue frontage by providing an 11 foot shared use path (recommended by the County's *Bicycle Master Plan*), separated from the street by an eight (8) foot buffer. The Project also provides significant streetscape improvements along Notley Road, where there currently is no sidewalk on the north side of the street. Along Notley Road, the Project will provide a 10-foot wide sidepath, buffered by a seven (7) foot tree panel and a 7.5 foot landscape strip, to provide additional connectivity to the adjacent park and New Hampshire Avenue. These improvements will support the Master Plan's goal of providing a safe and convenient bikeway network promoting multi-modal connectivity.

Furthermore, the Project contributes to the Master Plan's emphasis on improvements to the pedestrian realm by incorporating ample street trees along both the internal and external streets. These improvements will foster a more walkable and inviting community at a human scale. By integrating pedestrian and bicycle-friendly infrastructure and improving the streetscape, the Project aligns with the Master Plan's vision for a safe, inviting, and connected multi-modal transportation network within the surrounding neighborhood.

### 3. Environmental Resources

The Master Plan "recommends protection and enhancement of the natural resources in the White Oak Master Plan area for the enjoyment of its residents and to sustain a stable and healthy environment for native plant and animal populations." (See Master Plan, Page xviii). There is no forest or sensitive environmental features located on the Property. However, the Project provides several environmental benefits, as compared to the existing conditions. The Property currently has no stormwater management on-site, which results in uncontrolled stormwater runoff. The Project will introduce a comprehensive stormwater management system designed to capture, treat, and control the quantity and quality of runoff more effectively, thereby reducing negative environmental impacts. A key component of the Project's stormwater management strategy will likely include the implementation of environmental site design, such as bioretention facilities and stormwater filtration systems to enhance water infiltration and pollutant removal. These improvements will help to reduce peak runoff flows, minimize localized flooding risks, and protect downstream water bodies. Additionally, the project will increase the overall tree canopy (as compared to existing conditions).

#### **B. Thrive 2050**

The Project also promotes many of the goals and objectives in Thrive 2050. "The concept of corridor-focused growth is a fundamental organizing element for Thrive Montgomery 2050..." (Page 70). Thrive 2050 "...makes a new commitment to promoting growth along major transportation corridors to maximize the efficient use of land and create Complete Communities."

(See Thrive, Page 70). Thrive recognizes that the intensity of the development along the corridors should be aligned with their context and take into consideration planned transit infrastructure. (See Thrive, Page 70). This Property is located in a Limited Growth area (see Growth Map on page 71), which are areas that “contain the mainly suburban residential communities where limited, organic growth is envisioned to meet localized needs for services, *provide a diverse range of housing choices, and increase racial and socioeconomic integration to achieve complete communities.*” (*Emphasis added*) (See page 72). The proposed infill townhouse redevelopment on this Property, which fronts onto New Hampshire Avenue, a major corridor in the County, and is located just north of the Colesville Village and Neighborhood Center, directly promotes these objectives.

“Complete Communities” and “15-minute living” are two organizing planning principles in Thrive (see page 85). Complete Communities are “place that include the range of land uses, infrastructure, services, and amenities that allow them to meet a wide range of needs for a variety of people... [and] include housing suitable for different household types, income levels, and preferences, helping to support racial and socioeconomic integration.” (See page 85) (*Emphasis added*). Thrive recognizes that a variety of factors all determine what elements should be incorporated in these Complete Communities. However, importantly, Thrive makes it clear that “[d]espite the varying needs and conditions of different parts of the county... the concept of encouraging more diversity of use and form is relevant in almost every location.” (*Emphasis Added*) (See page 85). While “new or substantially expanded centers of activity should be focused along growth corridors,” Thrive recognizes that “[l]imited, organic development beyond the corridors and defined growth areas should be allowed to increase the diversity of housing types in existing residential neighborhoods and make these areas more complete, particularly near existing centers of activity or development.” (See page 85) (*Emphasis added*). While the Property is located outside a defined growth area, its location along a major corridor (New Hampshire Avenue) and in very close proximity to an existing activity center (Colesville Village and Neighborhood Center), make this Property ideally situated for the infill residential development that is envisioned by Thrive. Thrive recognizes that “[o]pportunities for increased housing diversity outside the defined growth areas will allow neighborhoods to evolve over time to address current and future housing needs and become more racially and socioeconomically integrated.” (See page 86). That is exactly what this Project accomplishes. The proposed redevelopment helps to address the housing needs in the County while simultaneously promoting these other very important County objectives.

A major objective of Thrive is to increase housing supply in the County. Thrive seeks to “[e]xpand opportunities to increase residential density, especially along major corridors and in locations where additional housing can assist in the development of Complete Communities.” (See Thrive, Page 132). Thrive also seeks to “[p]lan for a wide range of housing types and sizes to meet diverse needs.” In furtherance of this objective, Thrive seeks to “[f]acilitate the development of a

variety of housing types in every part of the county but especially in areas near transit, employment, and educational opportunities.” (See page 132) (*Emphasis added*). As discussed above, the Project not only increases the housing supply, in support of the County’s housing targets, but contributes to the housing diversity in this area of the County. The Property is ideally situated for the proposed townhouse development, given its location along New Hampshire Avenue and in close proximity to commercial uses (*i.e.* just north of the Colesville Center). The townhouse development proposed, in combination with the senior living uses, single-family detached homes, and limited townhouse development located in the Surrounding Neighborhood will help support the creation of a Complete Community around the Colesville Village and Neighborhood Center by adding housing diversity that can support various household incomes and family sizes.

Thrive seeks to “[i]mprove the environmental sustainability of growth by encouraging infill and redevelopment to curb sprawl and bring areas built out in an era with little or no environmental regulations up to robust standards for stormwater management and other state-of-the-practice environmental standards.” (See Thrive, Page 73). The Project accomplishes this by providing sustainable, compact infill townhouse redevelopment which provides stormwater management, where none currently exists.

The transportation objectives of Thrive support those goals discussed in the Master Plan. Thrive seeks to “[d]evelop a safe, comfortable and appealing network for walking, biking, and rolling” (See Thrive, page 112). As discussed herein, the Project provides substantial streetscape improvements along both Notley Road and New Hampshire Avenue to promote safe and efficient pedestrian and cyclist activity.

## **VI. Zoning Ordinance Conformance**

### **A. Section 5.1.2. - Intent**

Section 5.1.2 of the Zoning Ordinance states that Commercial/Residential Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment. The Project embodies the following specific intentions of the Floating Zones:

- *Implement comprehensive planning objectives by:*
  1. *furthering the goals of the general plan, applicable master plan, and functional master plans;*

2. *ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements ; and*
3. *allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property;*

As discussed in detail in Section V of this Report, the Project furthers the goals and recommendations of the Master Plan. The Project is supported by existing infrastructure and there is adequate public facilities to accommodate the proposed development. The Project will provide compatible in-fill redevelopment in furtherance of smart growth principles. The site is ideally situated for residential infill redevelopment, given its location between a public park and single-family homes (to the west), a senior living facility (to the north) and New Hampshire Avenue (to the east). The Project will serve as a transition from New Hampshire Avenue and the institutional uses that line it, to the surrounding residential neighborhood. Additionally, the proposed residential development will help support the commercial uses within the Colesville Center. The CRNF Zone will allow for necessary design flexibility to ensure that the proposed site layout and building design can be integrated into the existing land use patterns and circulation networks of the surrounding neighborhood.

- *Encourage the appropriate use of land by:*
  1. *providing flexible applicability to respond to changing economic, demographic and planning trends that occur between comprehensive District or Sectional Map Amendments;*
  2. *allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
  3. *ensuring that development satisfies basic sustainability requirements.*

The proposed Floating Zone facilitates the redevelopment of the Property with additional, diverse housing opportunities that will aid in meeting the County's housing targets. The Project promotes sustainability and smart growth principles through infill redevelopment of the Property, which is already served by existing infrastructure and near future public transportation (*i.e.* the BRT). As discussed in this Report, the Project has been designed to serve as a compatible transition to the surrounding residential neighborhood. The proposed streetscape improvements

will encourage pedestrian and bicycle connectivity between the Commercial Center and the surrounding residential uses. The proposed Floating Zone provides a flexible approach to address the updated planning concepts adopted by the County in Thrive, to allow for the creation of a more Complete Community surrounding the Colesville Village and Neighborhood Center, through the introduction of greater housing diversity.

- *Ensure protection of established neighborhoods by:*
  1. *establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density and uses;*
  2. *providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
  3. *allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

The Property is ideally situated for townhouse infill redevelopment, given its location along New Hampshire Avenue, adjacent to several institutional uses, and just north of the Colesville Center. The Project will serve as a transition between these more intense developments and the surrounding residential communities. The Project will also provide substantial open space on-site, in addition to the stormwater management, which will collectively promote the Master Plan's environmental recommendations.

As discussed herein, attention has been paid to the proposed building massing and design to ensure a compatible transition to the confronting residential homes along Notley Road. The building massing along Notley Road will be comparable with the widths associated with the single-family homes across the street. Additionally, the buildings will be designed to read as a cohesive façade that takes its cues from single-family architecture. The architectural design, including the incorporation of side and/or rear access doors (to minimize the number of front doors in each stick of townhomes along Notley Road), will allow the units to read as single family homes along Notley Road. As such, the Project will protect the character of the surrounding neighborhood, while simultaneously advancing the County's planning objectives in Thrive (e.g. increasing housing supply and housing diversity around the Colesville Village and Neighborhood Center to create a more Complete Community).

### B. Section 5.1.3. - Applicability

1. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential Zone;

The Property is zoned R-200 and is not in an Agricultural or Rural Residential Zone.

2. If a Floating zone is recommended in a master plan, there are no prerequisites for an application;

The Property is not recommended for a Floating Zone in the Master Plan and as such, must meet a minimum of two pre-requisites from each category (discussed below).

3. The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2 through Division 5.5. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the unites per acre or the FAR of the zone requested.

Based on the pre-existing Euclidean zone (R-200) and the tract size (9.99 acres), the Zoning Ordinance allows for a maximum density of 1.25 FAR with residential density limited to 1.0 FAR. The requested density of 1.0 FAR conforms with this requirement.

4. When requesting a Commercial Residential Neighborhood Floating zone for a property with a Residential base zone, the Property must front on a nonresidential street or must confront or abut property that is in a Commercial/Residential, Employment, or Industrial zone; and must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.

The Property fronts New Hampshire Avenue which is designated as a “Boulevard” (a non-residential street) in the County’s *Master Plan of Highways and Transitways*, and satisfies at least two pre-requisites in each of the categories as follows:

| Category                            | Prerequisite Choices  | Satisfied |
|-------------------------------------|---|-----------|
| <b>Transit &amp; Infrastructure</b> | At least 75% of the site is within 1/4 mile of a Level 3, 1/2 mile of a Level 2, or 3/4 mile of a Level 1 transit station/stop. |           |

|                                  |  |   |
|----------------------------------|--|---|
|                                  | The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.   | ✓ |
|                                  | The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.   | ✓ |
|                                  | All signalized intersections within 1/4 mile of the site boundary are operating below the applicable congestion standard.  |   |
|                                  | The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed. | ✓ |
| <b>Vicinity &amp; Facilities</b> | The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.   |   |
|                                  | The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.  | ✓ |
|                                  | The site is adjacent to a route that provides access to an existing or master- planned school within 1/2 mile.   |   |
|                                  | The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of existing public park and recreation facilities   | ✓ |



|                                    |   |   |
|------------------------------------|---|---|
|                                    | that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within 3/4 mile.   |   |
|                                    | The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer's market within 1/4 mile.   | ✓ |
| <b>Environment &amp; Resources</b> | The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.           | ✓ |
|                                    | The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.   | ✓ |
|                                    | The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.  | ✓ |
|                                    | The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.                                  |   |
|                                    | The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing. |   |

As shown in the table above, and described in more detail below, the Application satisfies a minimum of two (2) prerequisites under each of the three categories listed in Section 5.1.3.D.

## 5. Transit & Infrastructure

- i. *The site has frontage on and vehicular, bicycle, and pedestrian access to at least two roads, at least one of which is nonresidential.*

The site has frontage on, and vehicular, bicycle and pedestrian access to, both Notley Road (residential) and New Hampshire Avenue (non-residential).

- ii. *The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.*

It is anticipated that the existing water and sewer infrastructure will not require either an upgrade to the service line or installation of a pump station. Water service is proposed to be established by connecting to the existing 10" line along Notley Road and sewer service is proposed through connections to the existing 8" lines on Notley Road and New Hampshire Avenue.

- iii. *The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.*

As discussed above, the schools serving the Property are currently operating with adequate capacity at all three levels, without triggering the need for a Utilization Premium Payment. Based on the FY 2026 Annual Schools Test and Projected 2029-2030 Utilization Rate, the utilization at all three schools will remain well below 120% capacity. Based on projected student enrollment for 2029-2030, the individual school percent utilization will be 107.2% at the elementary school grade level (available capacity of 276 seats) and 84.5%, at the middle school grade level (available capacity of 987 seats), and 87.0% at the high school grade level (available capacity of 2,100 seats). The Project will only add 27 elementary school students, 15 middle school students and 22 high-school students, well within the current school capacity limits. As such, there is adequate school capacity to accommodate the Project and no Utilization Premium Payments are currently required.

## 6. Vicinity & Facilities

- i. *The site is adjacent to a bicyclist route that provides access to commercial services within three miles.*

The site has frontage on New Hampshire Avenue, which is planned to have a shared-use path per the County's *Bicycle Master Plan*. The shared-use path will provide access to the Colesville Center, a commercial shopping center located within ¼ mile of the Property.

- ii. *The site is adjacent to a pedestrian route that provides access to an existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within ¾ mile.*

The Property abuts Colesville Neighborhood Park. Additionally, Colesville Local Park and Sherwood Forest Park are both within a ¾ mile radius of the Project. These parks fulfill at least 30% of the recreation demand for the Project.

- iii. *The site is adjacent to a pedestrian route that provides access to an existing grocery store or County farmer's market within ¼ mile.*

The Property is adjacent to a pedestrian route along New Hampshire Avenue that provides access to the Giant Food in the Colesville Center, which is within a ¼ mile walkshed of the Property.

## 7. Environment & Resources

- i. *The limits of disturbance (LOD) will not overlap any stream, floodplain, wetland, or environmental buffer, or any slopes greater than 25% or slopes greater than 15% on highly erodible soils.*

There are no environmental features located with the presumed limits of disturbance ("LOD"). There are no slopes greater than 25% or slopes greater than 15% on highly erodible soil. Rather, the LOD overlaps 2B Glenelg Silt Loam, on 3-8% slopes soil series (which is not highly erodible).

- ii. *The site does not contain any forest or, if forest is present, the LOD for the development will not reduce the amount of forest cover to less than area of 10,000 square feet and width of 35 feet at any point.*

There is no forest located on-site.

- iii. *The site does not contain any rare, threatened, or endangered (RTE) species or critical habitats listed in the Maryland Department of Natural Resources.*

The site does not contain any Forest Interior Dwelling Species (FIDS), critical habitat or RTE species.

### **C. Section 5.3.2. - Purpose of the CRNF Zone**

The CRNF Zone is an appropriate zoning classification for the Property. The intent of the CRNF Zone is to allow mixed-use development at a range of densities and heights flexible enough to respond to various settings. The CRNF Zone does not require a mix of uses on any individual

property, but rather allows flexibility in uses for a site. Here, the Property is proposing a residential development to promote compatibility with the Surrounding Neighborhood (which is another purpose of the CRNF Zone). The County in approving prior Floating Zones has recognized that the CRNF Zone is appropriate for all-residential developments (*e.g.* H-156).

As described previously in this Report, the proposed CRNF Zone facilitates the construction of desirable, additional housing along this major corridor. Furthermore, the flexible design standards of the CRNF Zone allow for a Project layout that promotes compatibility with the surrounding neighborhood.

#### **D. Section 5.3.5. - Development Standards**

As the following table illustrates, the proposed Project will satisfy the development standards for standard method of development in the CRNF Zone:

|         |  | <b>Permitted/ Required</b>                                       | <b>Provided</b>  |
|---------|--|--|--|
| 5.3.5.A | Density of Development<br><br>(a) Maximum Overall FAR<br><br>(b) Commercial or Residential Density | Established by Floating Zone                                     | Total Density: 1.0 FAR<br><br>Residential Density: 1.0 FAR<br><br>Commercial Density: 0.0 FAR  |
| 5.3.5.B | Bldg. Height   | Established by Floating Zone Plan                                | 50'  |
| 5.3.5.B | Bldg. Setbacks (minimum) from the boundary   | Established by Floating Zone Plan. (All others set by site plan) | From Notley Road (south):<br><br>Front: 17'<br><br>Side: 12'<br><br>From New Hampshire Avenue (east): 15'<br><br>From Colesville Neighborhood Park (west): 20' |

|         |   |                          |                 |
|---------|---|--------------------------|-----------------|
|         |   |                          | From North: 20' |
| 5.3.5.C | Lot Size (minimum)                        | Established by site plan |                 |
| 5.5.3.D | Open Space Provided Under Section 4.5.3.C | 10% (35,997 sf)          | 10% (35,997 sf) |

## **VII. Findings for Approval**

Pursuant to §59.7.2.1.A. a zoning map change to apply a Floating Zone to an individual property requires approval of a Local Map Amendment. Under §59.7.2.1.E., the District Council must find that the floating zone plan will:

### **A. Substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;**

As discussed in detail Section V above, the Project substantially conforms to the recommendations of the Master Plan. Importantly, the Project directly promotes many of the County's goals and objectives in Thrive, by adding to the housing diversity along New Hampshire Avenue, a major corridor, and within walking distance of the Colesville Village and Neighborhood Center, to promote the creation of a Complete Community and address the County's housing needs.

### **B. Further the public interest;**

As described more fully in this Report, the Project will further the public interest by transforming this underutilized site, located along a major transportation corridor, into a pedestrian friendly, compatible residential community with significantly more housing, including 12.5% MPDUs, in support of the County's housing targets. The Project will contribute to the diversity of housing options in this area, which the County recognizes will support both socioeconomic and racial diversity by supporting a variety of family sizes and household incomes, and serve as a transitional development to the existing residential communities. As discussed herein, the Project is supported by adequate public facilities (including schools, transportation, and other public infrastructure, etc.). Through the introduction of stormwater management on-site (there are no known existing stormwater management facilities) and the control of stormwater runoff through the diversion of water to the storm drain system in New Hampshire Avenue right-of-way, the Project will result in measurable environmental benefits.

**C. Satisfy the intent, purposes, and standards of the proposed zone and requirements of this Chapter;**

As described in section VI of this Report, the Project will satisfy the intent, purpose and specific standards of the CRNF Floating Zone and the Zoning Ordinance. For all the reasons discussed in this Report, the requested Floating Zone is appropriate at this location.

**D. Be compatible with existing and approved adjacent development;**

The Project will be compatible with and will complement the adjacent development. As discussed in detail herein, the Project will contribute to the diversity of housing along this major corridor and walking close proximity to the Colesville Village and Neighborhood Center, which will promote the County's objective of creating a more Complete Community. The Project also serves as a transitional development between the single-family detached neighborhoods and the institutional uses that line New Hampshire Avenue (a six-lane divided highway). Additionally, the Project provides significant streetscape improvements that will facilitate bicycle and pedestrian connectivity within the surrounding neighborhood, to the adjacent Colesville Manor Neighborhood Park and with the nearby commercial center and future BRT station. Importantly, through the proposed massing and architectural design, which will emulate single-family detached homes, the Project will promote a compatible transition to the abutting single-family homes across Notley Road.

**E. Generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and**

All intersections studied in the LATR will operate with critical lane volumes (CLVs) of less than 1350 with the proposed development. No further motor vehicle adequacy analysis or mitigation is required to satisfy the County's adequacy standards.

Additional HCM analysis requested by SHA concluded that existing delays at the New Hampshire Avenue (MD 650) intersection with Randolph Road exceed the 59 second delay per vehicle standard, without the inclusion of the site generated trips. Minor Signal timing adjustments were applied to the intersection to reduce the delays per vehicle, where the future with mitigation condition does not exceed the background condition's delay.

The New Hampshire Avenue (MD 650) and Notley Road intersection do not trigger mitigation as the delays are well within the Colesville standards. A preliminary traffic signal warrant study was conducted as requested by SHA and results indicate that a new traffic signal is

warranted at this intersection under existing conditions without the project. The traffic study (LATR) prepared by Gorove Slade demonstrates that the Project will not have a detrimental impact on the surrounding intersections.

**F. When applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.**

The proposed Project will not adversely affect the character of the surrounding neighborhood. The property will continue to be used for residential use. Importantly, the proposed townhomes will contribute to the diversity of residential uses, in furtherance of the County's goals and objectives to increase housing through infill redevelopment along major corridors and in close proximity to existing activity centers. The project massing and proposed building architecture has been designed to provide a compatible transition to the single-family detached homes confronting the Property across Notley Road – the townhomes fronting on Notley Road have been broken down into smaller sticks that have comparable widths to the confronting single-family detached homes and will be designed to have a cohesive façade that is reminiscent of a single-family detached home. The Project layout and design, along with the substantial streetscape improvements proposed, will help to facilitate pedestrian and bicycle connectivity within the surrounding neighborhood. And the Project's open space has been located and will be designed to provide important pedestrian connections to the Colesville Manor Neighborhood Park.

**VIII. Phasing**

The proposed development will be constructed in a single phase.

**IX. Conclusion**

The Project conforms to the Intent and Purpose of the CRNF zone and complies with all Development Standards within the Zoning Ordinance. The Project substantially conforms to the Master Plan's recommendation and promotes many important land use objectives of the County, as expressed through Thrive. The Local Map Amendment will facilitate the development of an underutilized, low-density site with a new, compatible townhouse community that will enhance the surrounding neighborhood, as well as advance the Master Plan's objectives, and the County's housing targets and policies of smart growth, by contributing to the creation of a Complete Community. For these reasons, we respectfully request approval of this Local Map Amendment.







## **Exhibit 3**

# **Local Area Transportation Report**

## **Notley Road**

**Silver Spring, Maryland**

**1<sup>st</sup> Submission: April 30, 2025**

**2<sup>nd</sup> Submission: August 19, 2025**

**3<sup>rd</sup> Submission: September 22, 2025**