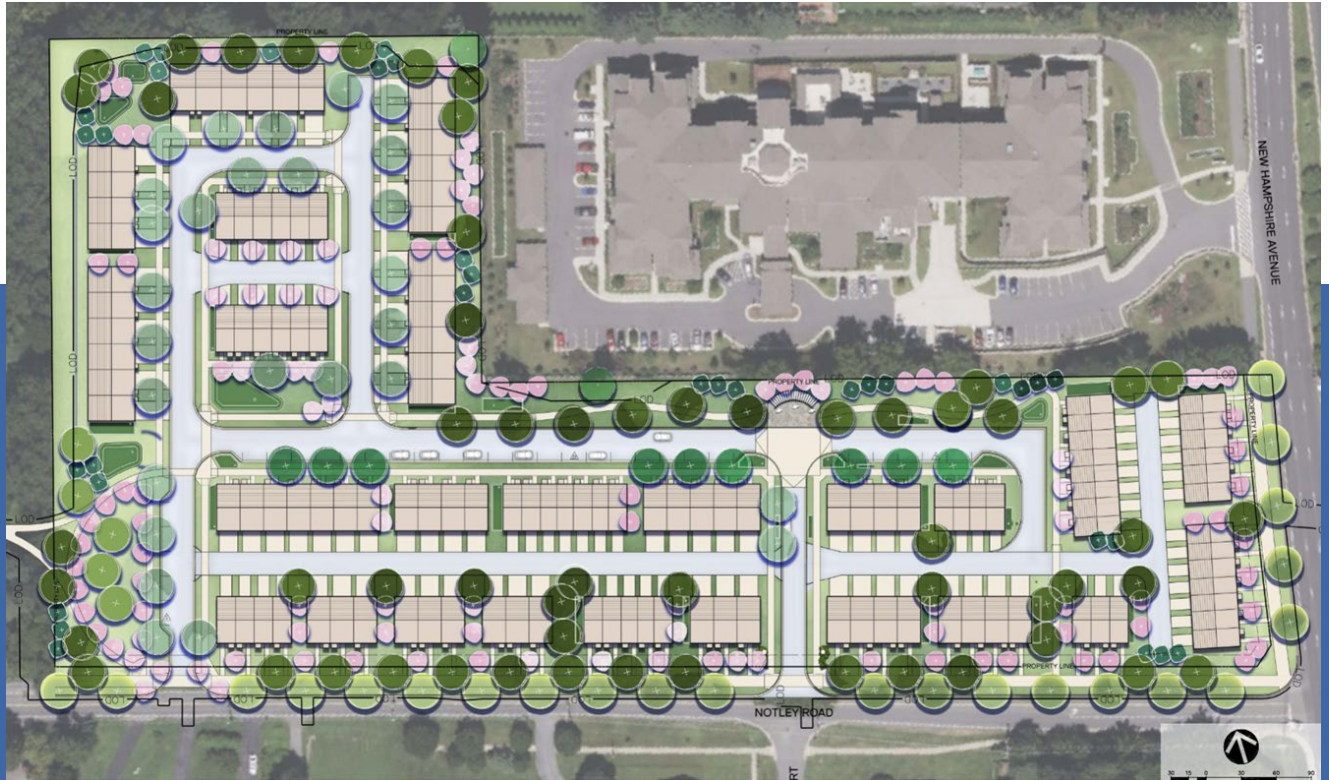


Exhibit 56

OZAH Case No: H-159

NOTLEY ROAD

LOCAL MAP AMENDMENT NO. H-159 & PRELIMINARY FOREST CONSERVATION PLAN NO. F20250680



Description

Proposal to rezone the Property from R-200 to CRNF-1.0, C-0.0, R-1.0, H-50 for the development of a residential community. The Local Map Amendment will be reviewed concurrently with Preliminary Forest Conservation Plan No. F20250680.

COMPLETED: 10/20/2025

PLANNING BOARD HEARING DATE: 10/30/2025

MCPB ITEM NO. 9

Planning Staff

TL
KM

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LOCATION/ADDRESS

NW quadrant, intersection of Notley Road and New Hampshire Avenue

MASTER PLAN

1997 *White Oak Master Plan*

ZONE

R-200

PROPERTY SIZE

9.99 acres

APPLICANT

Notley Assemblage LLC, an affiliate of Ryan Stuart

ACCEPTANCE DATE

June 25, 2025

REVIEW BASIS

Chapters 22A & 59

Summary:

- Staff recommends: (1) approval of Local Map Amendment No. H-159 and associated Floating Zone Plan, with binding elements and transmittal of comments to the Hearing Examiner (OZAH) for a November 6, 2025, public hearing; and (2) approval with conditions of the Preliminary Forest Conservation Plan (FCP) No. F20250680.
- The 1997 *White Oak Master Plan* does not recommend a Floating zone for the Property. Therefore, the Applicant is requesting a change in zoning of the 9.99-acre site from R-200 to CRNF 1.0, C-0.0, R-1.0, H-50, in accordance with Section 59-5.1.3 of the Zoning Ordinance.
- The proposed Project will exceed the 12.5% MPDU requirement by providing a minimum of 15% MPDUs.
- Subsequent Preliminary and Site Plan approvals will be required.
- The FCP proposes to meet all planting requirements off-site, as there is no forest on-site. Significant specimen tree impacts are proposed.
- The Application has received significant community opposition.

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SECTION 1: EXECUTIVE SUMMARY

LOCAL MAP AMENDMENT NO. H-159

A zoning map change to apply a Floating or Euclidean zone to an individual property requires approval of a Local Map Amendment (LMA). The Local Map Amendment application describes the property and basis for the requested zoning change. Included with LMA's are binding elements, which may include but are not limited to restrictions on use and building type that the zone would otherwise allow, limit on a development standard to less than the maximum allowed or a general development requirement beyond the minimum required. A binding element binds the Applicant, and any successor, unless amended.

Requests for LMA's are reviewed by the Planning Board which must hold a public hearing on the application and provide recommendations to the Hearing Examiner. The Hearing Examiner must also hold a public hearing and provide recommendations to the County Council. The County Council makes the ultimate decision to approve, deny or remand the Application to the Hearing Examiner.

The Applicant of the Subject Application requests to rezone a property assemblage fronting on New Hampshire Avenue from the R-200 zone to a Commercial Residential Neighborhood Floating (CRNF) zone utilizing the LMA process.



Figure 1: Aerial view of the Property

Planning Staff and the development reviewing agencies have determined that the Subject LMA is compatible with the surrounding neighborhood and recommends approval with binding elements that limit the project to residential use with a maximum of 130 units, increase the minimum setback

requirements with surrounding R-200 zoned residences, provide a higher rate of MPDU's than the base zone, and relate to the existing residences on Notley Road.

Planning Staff received over 150 pieces of written correspondence on the Subject Application. The key themes of the concerns include traffic capacity and safety issues, visitor parking, school capacity, environmental impacts, public services capacity, project design, and zoning. Staff responded to all concerns in writing and in the staff report. Many of these issues will be further evaluated and addressed at the time of Preliminary and Site Plan.

There will be further refinement of the Project during the next phases of development. In compliance with the Subdivision Regulations (Chapter 50 of the County Code), the Board will finalize the layout of the lots, easements, roads, utilities, stormwater management and storm drain during a regularly scheduled public hearing for a Preliminary Plan. A final finding for adequate public facilities and any required mitigation for schools, transportation networks, and public services will be determined with this review. The Board will also consider a Final Forest Conservation Plan which will finalize the Limits of Disturbance (LOD) for the Project, and determine final tree impacts and protection strategies.

Approval of a Site Plan by the Planning Board during a public hearing will also be required before a plat can be recorded and building permits are pulled. At this stage the architectural design, landscaping, lighting, streetscapes and open spaces will be finalized.

SECTION 2: RECOMMENDATIONS AND BINDING ELEMENTS/CONDITIONS

LOCAL MAP AMENDMENT NO. H-159

Staff recommends approval of Local Map Amendment H-159 and the associated Floating Zone Plan, with revisions to include the proper zone as the CRNF 1.0, C-0.0, R-1.0, H-50, and with the following binding elements:

1. The maximum number of units, including MPDUs, is 130 dwelling units.
2. The development must provide a minimum 30-foot building setback for rear and side property boundaries that abut existing single-family homes on the northern and western boundaries.
3. The use of the Property is limited to residential development with the following building types: townhouse, triplex, duplex, and detached house.
4. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent consistent with the requirements of Chapter 25A.
5. No assemblage of attached units or a singular building along Notley Road may have a combined width greater than 100 feet, measured along the foundation of the group of units or building.

At the time of Preliminary Plan and Site Plan approval, the Applicant must address the following:

1. Ensure that open space is usable, minimally encumbered by conservation areas or stormwater management facilities, and sufficient for the number of dwelling units proposed.
2. Design the open space so that it relates to and connects with the Colesville Manor Park.
3. Explore the feasibility of undergrounding existing overhead utilities along the Notley Road frontage of the Site.
4. Update the LATR Study. As required by the Subdivision Regulations, identify any motorized and non-motorized deficiencies in the LATR study, and provide a list of proposed mitigations and associated cost estimates.
5. Strive to provide the following:
 - a. more than 10 percent (10%) open space or increase the size of private yards for the individual units,
 - b. taller buildings closer to New Hampshire Avenue and further from abutting residential zones,
 - c. architectural façades and heights of units that relate to single-family houses along Notley Road, and
 - d. outdoor spaces, such as patios, balconies, and terraces, to the greatest extent possible.

PRELIMINARY FOREST CONSERVATION PLAN NO. F20250680

Staff recommends approval of Preliminary Forest Conservation Plan No. F20250680 subject to the following conditions:

1. The Applicant must submit a Final Forest Conservation Plan with any associated Preliminary Plan or Site Plan. The Final Forest Conservation Plan must include:
 - a. detailed and specific tree protection measures to retain existing trees on the Subject Property,
 - b. a variance request and analysis for any impacts or removals of any Protected Trees, with impacts avoided and minimized as much as possible through the site design process, and
 - c. mitigation plantings for any removal of Protected Trees. All mitigation trees will be a minimum size of 3 caliper inches and located outside of utility and stormwater management easements and rights-of-way. Mitigation trees may not be used to meet any other development requirement (excluding screening requirements).
2. No demolition, clearing, grading, or construction is permitted before approval and certification of a Final Forest Conservation Plan.
3. The Applicant must schedule the required site inspections by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

SECTION 3: SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Property (“Property”, “Site”) is located at the northwest corner of the intersection of New Hampshire Avenue and Notley Road. The 1997 *Approved and Adopted White Oak Master Plan* (the “Master Plan”) established R-200 zoning for the Property.

The Property is located within a larger neighborhood generally bounded by residential properties located approximately one block from New Hampshire Avenue and Colesville Local Park to the east, Maryland Route 200, known as the Intercounty Connector (ICC) to the north, Northwest Branch Stream Valley Park (SVU 5) to the west, and segments of Beaumont Road, Sherwood Forest Road, and Randolph Road to the south. A shopping center (Coleville Center), senior living facility, and religious institutions fronting on New Hampshire Avenue are also included. This Staff’s-defined Neighborhood¹ (“Neighborhood”) is outlined in red in Figure 2.

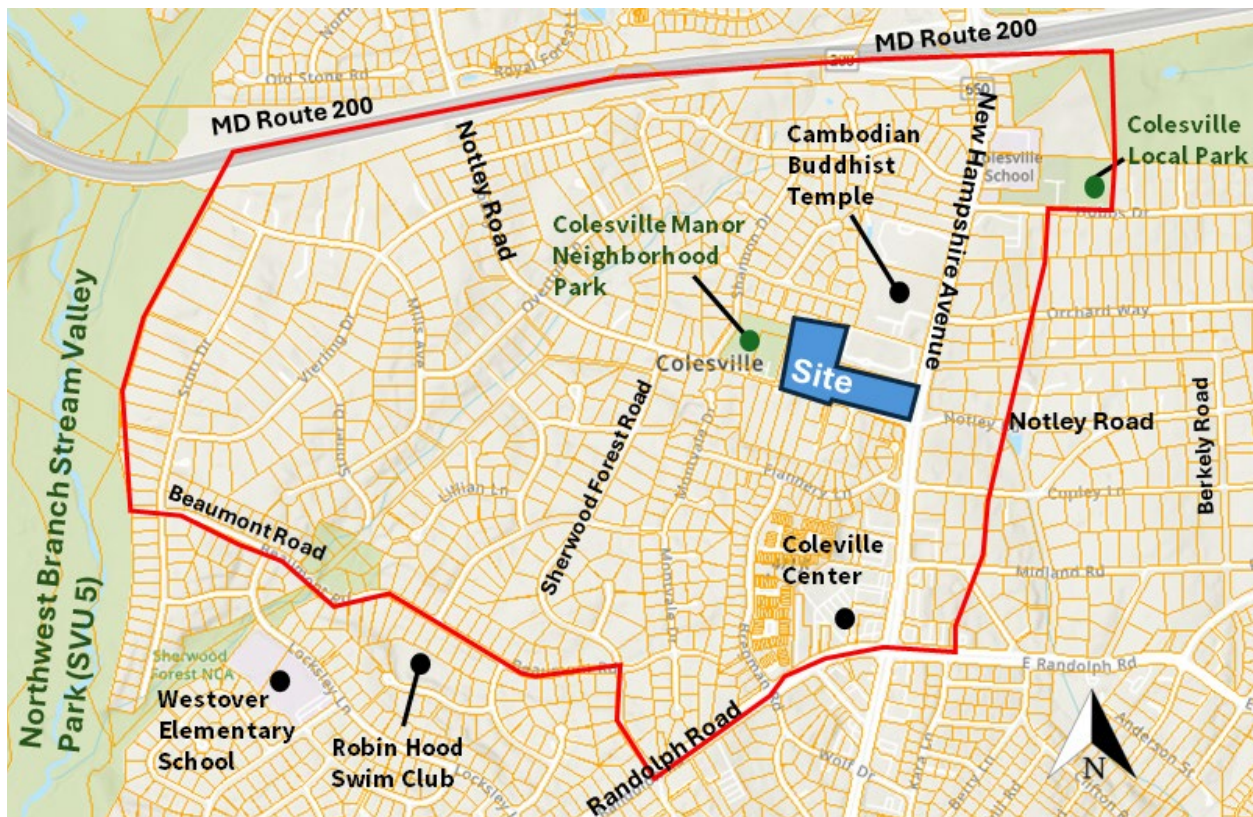


Figure 2: Staff-Defined Neighborhood

¹ Staff used the boundaries of the 1997 *Approved and Adopted White Oak Master Plan* and major corridors in the area to define the “Neighborhood”. The Community Outreach section of this report identifies a large area of interested parties that are outside of the Staff’s defined ‘Neighborhood’.

The Neighborhood has a mix of uses along the major corridors of New Hampshire Avenue and Randolph Road, including several forms of residential uses, institutional, and commercial uses. This includes senior housing, health care facilities, Coleville Center, and the Cambodian Buddhist temple.

Outside the two major corridors, the Neighborhood is primarily comprised of single-family detached housing, with a townhouse development abutting the Colesville Center. Also located in the Neighborhood are two parks, Colesville Local Park and Colesville Manor Neighborhood Park, which abuts the Site.

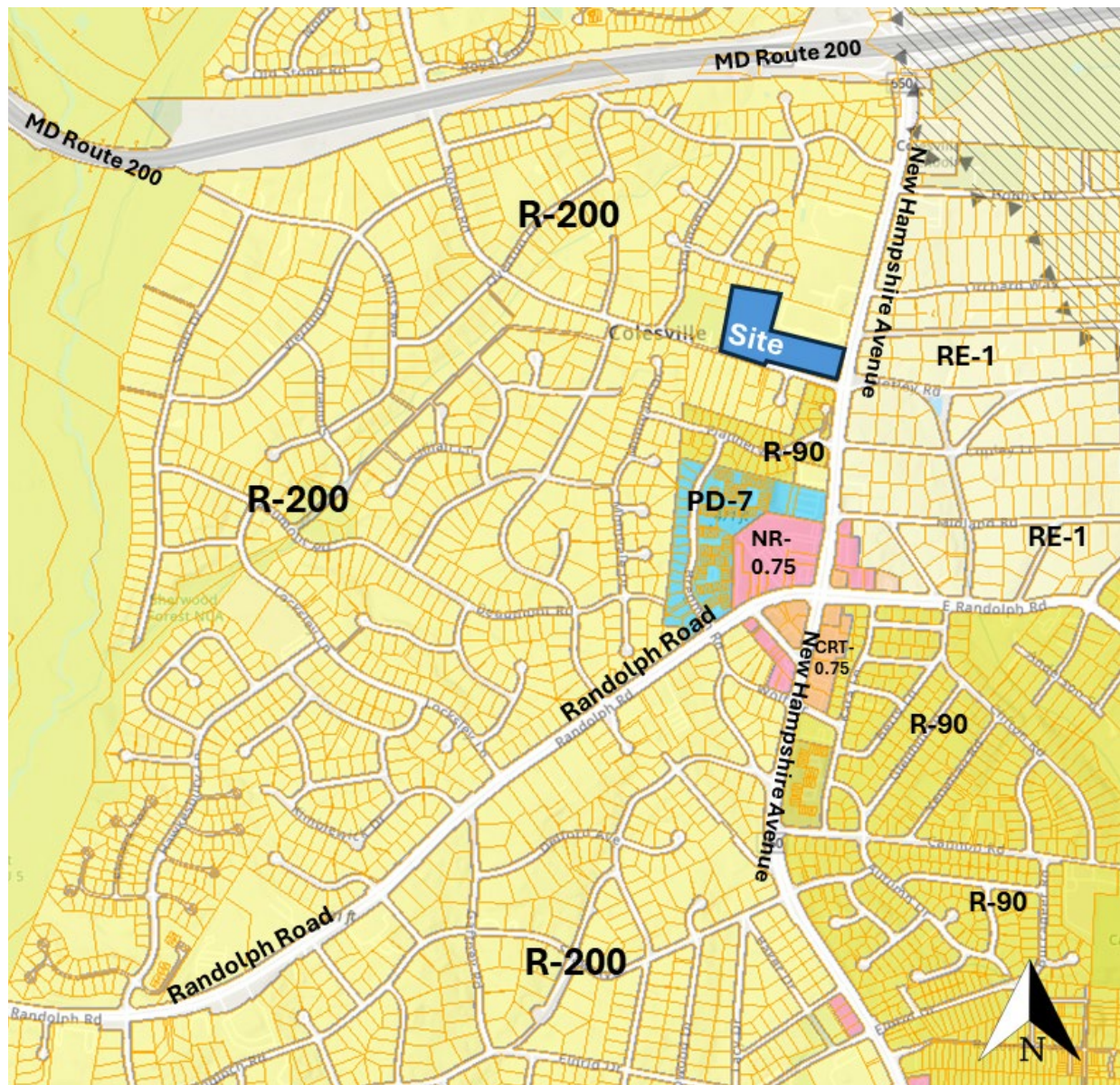


Figure 3: Zoning Vicinity Map

PROPERTY DESCRIPTION

The Property or Subject Property is comprised of an assemblage of individual parcels, bounded by New Hampshire Avenue to the east, Colesville Manor Neighborhood Park to the west, the Wilshire Estates senior housing facility to the north, and Notley Road to the south.

The “L” shaped 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”. Together the assemblage of properties consists of 435,254 square feet (9.99 acres).



Figure 4: Aerial view of the Property

The R-200 zoned Property is currently improved with six single-family detached dwellings units and associated accessory structures. Access to the Property is currently provided via seven separate vehicular access points along Notley Road and one on New Hampshire Avenue. There is also a Washington Suburban Sanitary Commission (WSSC) easement along the Notley Road frontage that will remain.

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. It is allowed under special exception No. S2882. Also, abutting the Property to the north are existing single-family detached homes that front on Greenspring Lane. Further to the north is the Cambodian Buddhist Society and an assisted living/memory care facility known as the Silver Spring Healthcare Center, also zoned R-200.

- East: Confronting the Property directly across New Hampshire Avenue is the Eun Sam Evangelical Church of Washington, located in the RE-1 Zone. Further east 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. Further south 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 (NR) zone.
- West: Abutting the Property to the west is a WSSC Colesville Pump Station and Reservoir facility and the Colesville Manor Neighborhood Park, located in the R-200 zone. Further west are single-family detached homes, also zoned R-200.



Figure 5: Land Uses of Surrounding Properties

Transportation

Vehicular access will be provided via Notley Road, which runs east to west along the Property's southern boundary. Notley Road is a two-lane Area Connector with a minimum master planned right-of-way (ROW) of 70 feet. Sidewalk along Notley Road is currently only present along the south side of the road (opposite the Site), with a street buffer from the travel lanes that varies in width.

While the Subject Property has frontage along New Hampshire Avenue, the existing driveway access will be removed, and no proposed access will be provided from this roadway. New Hampshire Avenue is a six-lane Boulevard with a median that runs north to south along the Subject Property's eastern boundary and has a 120-foot minimum master planned ROW. Narrow sidewalks are provided along both sides of the roadway, but there is no street buffer from the travel lanes.

There are no existing transit facilities located adjacent to or along the frontage of the Property². The closest bus stops are located approximately one half-mile to the south of the Subject Property and are serviced by both WMATA and Ride On buses. Both transit providers allow connections to the North Bethesda, Glenmont, College Park, and Hyattsville Crossing Metro stations.

Environmental

The Property is located on the drainage divide between the Northwest Branch of the Anacostia River watershed and the Paint Branch watershed. The drainage divide forms a ridgeline across the center of the Property, from north to south, with the elevation approximately 20 feet higher than at both the east and west property lines. There is no forest, streams, wetlands, or any associated environmental buffers onsite, but significant and specimen trees are located throughout the Property.

SECTION 4: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to rezone approximately 9.99 acres of land from the R-200 zone to the Commercial Residential Neighborhood Floating (CRNF) Zone to develop a residential community. The proposed development will include up to 130 dwelling units with 15% designated as Moderately Priced Dwelling Units (MPDUs) and a maximum building height of 50 feet. The Applicant will be required to provide a minimum of 10% open space.

² The Site frontage contains the remnants of a concrete pad and a knee wall that were part of a bus stop previously serviced by WMATA's Z2 Colesville – Ashton route. As of June of 2025, this stop and several others were taken out of service when the route was discontinued without replacement service.

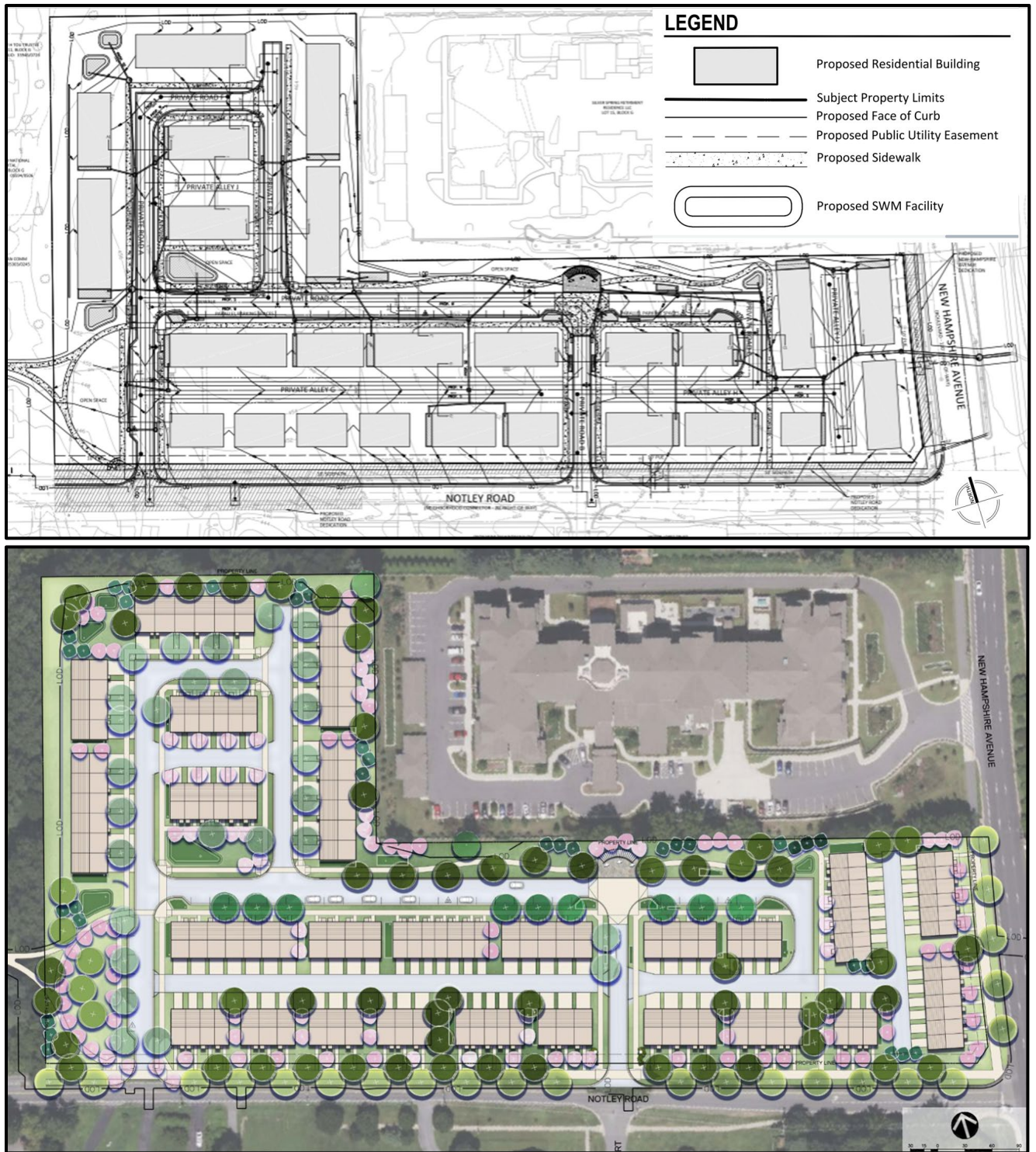


Figure 6: Floating Zone Plan

The Applicant's Floating Zone Plan (see Figure 6) includes 130 townhouse units utilizing a two-over-two townhouse option³, with a maximum building height of 50 feet. The 130-unit proposal from the Applicant is a reduction from the original request of 150 units and a maximum building height of 60-feet⁴. It is Important to note, that per Binding Element No. 3, the permitted building types are limited to townhouse, triplex, duplex, and detached house, as these are the building types that were analyzed for adequate public facilities and shared and discussed with the community

The Applicant has agreed to the deeper setbacks along the rear and side property boundaries (30 feet) and a minimum 20-foot setback along Notley Road. The Applicant agreed to limit the widths of the housing assemblage along Notley Road to 100 feet to better relate to the existing single-family homes confronting the Property to the south. The Applicant has also agreed to provide a 15% minimum MPDU ratio for the Project. The Project proposes consolidating all existing curb cuts to two, with all new access points on Notley Road. Utilities along Notley Road may be undergrounded if feasible. The Applicant will construct new shared use paths ("sidepaths") and landscaped buffers along both New Hampshire Avenue and Notley Road.

Final design details of the Project will be refined in future phases following zoning approval. During the review of the future Preliminary and Site Plan regulatory applications, the following key considerations outlined in the Staff Diagram (see Figure 7) will need to be addressed.



Figure 7: Staff's Diagram

³ A footnote on page 4 of the Applicant's Land Use Report indicated that the Project may include two-over-two units for the units oriented parallel to New Hampshire Avenue; however, this unit type was not specifically identified on the original or revised floating zone plans.

⁴ The original plan only showed 133 units even though the Application requested 150 units.

The numbered key considerations below correspond to the numbers shown in Staff's Diagram above.

1. **Central Open Space**
Incorporate existing mature trees into a centrally located, usable public open space.
2. **Neighborhood Park Connection**
Establish physical and visual links to Colesville Manor Neighborhood Park.
3. **Tree Preservation**
Retain mature trees, especially around the perimeter, and integrate them as focal points, buffers, and shade elements in the open space design.
4. **Setback Requirements**
Maintain a minimum 30-foot building setback along rear and side boundaries adjacent to existing single-family homes (north and west sides).
5. **Street Alignment**
Align building fronts parallel to New Hampshire Avenue to define the street edge.
6. **Compatible Housing Types**
Use a residential prototype along Notley Road with a combined width not exceeding 100 feet to ensure compatibility with existing homes.
7. **Access Points**
Provide site access from Notley Road.
8. **Defined Developable Area**
Areas for potential development on site.

These eight considerations will frame how the Project can be configured at the future phases of development under the requested CRNF zone.

BUILDING/ARCHITECTURE

Per the binding elements, the Project is limited to a maximum of 130 units and a building height of up to 50 feet. In reviewing the Subject LMA, Planning Staff focused on key elements including maximum density, setbacks, height, compatibility, and screening.

The CRNF zone and its binding elements will permit only residential uses. Within the proposed zoning, unit types may include single-family detached homes, duplexes, triplexes, and townhouse units. The final unit count and types will be determined during the next phases of development, not to exceed 130 units.

The recommended maximum building height is 50 feet, allowing flexibility in building types. It is anticipated that most units will range from 42 to 45 feet in height, which is closer to the 40-foot maximum height allowed in the R-200 zone. The Applicant is strongly encouraged to locate taller units along New Hampshire Avenue. All units must comply with the height compatibility requirements, per Section 4.1.8.B.

Special attention will be given to units that abut existing R-200 properties, particularly those adjacent to or confronting existing single-family homes. At the time of Site Plan review, Planning Staff will determine appropriate screening treatments, which may include a six-foot-tall board-on-board fence

and landscaping. These measures will be in addition to the screening requirements of Section 6.5.3, which require buffers between residential and commercial zones based on unit types.

Furthermore, Binding Element No. 2 establishes a minimum setback of 30 feet along the northern and western boundaries. This matches the original R-200 zoning minimum required setbacks and supports compatibility with the existing properties.

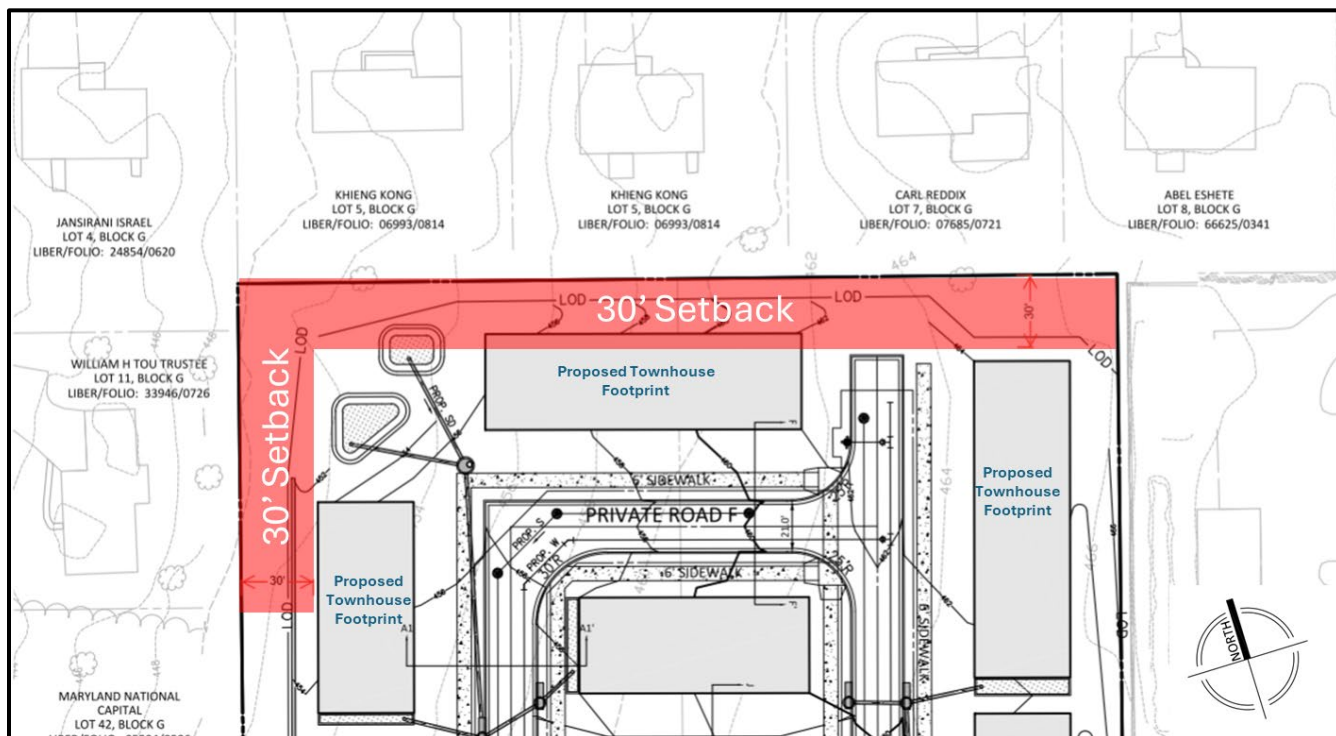


Figure 8: Setback Plan

To ensure compatibility along Notley Road, Binding Element No. 5 will guide the proposed massing and architectural façade to reflect the character of the surrounding single-family community. Building footprints and facades will be limited to 100 feet in width, aligning with the scale of existing neighboring single-family homes (see Figure 8). During Site Plan review, the Applicant will finalize building materials and façade elements. Staff strongly encourages the Applicant to choose building materials that complement the surrounding established homes. Staff also recommends emphasizing ground-floor design features along the frontage and incorporating outdoor spaces such as patios, balconies, and terraces wherever possible.



Figure 9: Precedent Images (Home-scale residential unit typology such as duplexes, triplexes, and quads⁵)

The CRNF zone provides the flexibility needed to achieve these goals in the upcoming phases of development.

OPEN SPACE

The Application proposes to provide 10% open space, which meets the minimum requirement for the CRNF zone. The current plan includes a large green area located along Notley Road, adjacent to Colesville Manor Park. Future refinements to this space are necessary to encourage more active use, both in this area and throughout other open spaces, including the linear open space along the northern Property boundary adjacent to the existing senior housing development. Establishing and enhancing greenways will be an important focus in the next phases of development. The Applicant is encouraged to provide more than the minimum open space with future regulatory applications.

The Applicant should coordinate with the Parks Department before submitting the Site Plan to explore feasible options for both onsite and offsite open space improvements.

⁵ Quads, or four-unit building types, are not included in the binding elements for the Subject LMA but are included in the photos for reference and architectural style.

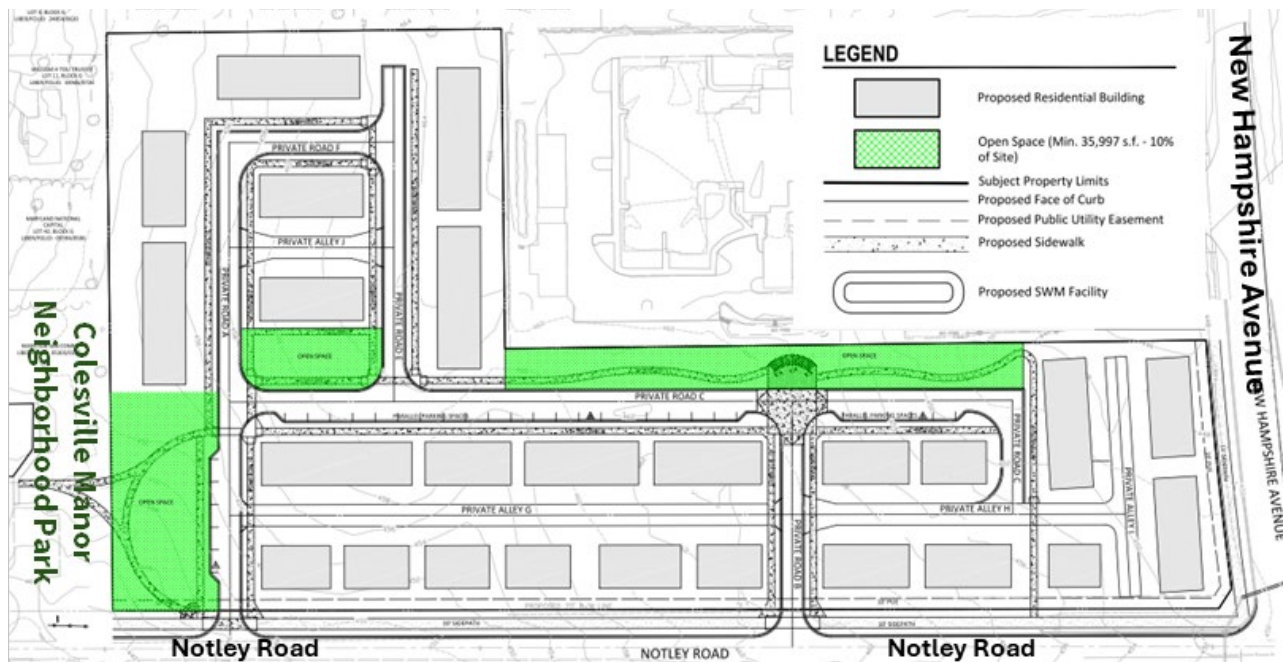


Figure 10: Proposed Open Space Plan

In addition to common open space, establishing more private outdoor areas is also a priority for future refinement of the Project, which will help foster the sense of community that the Project aims to achieve. During the next phase of development, Planning Staff will evaluate the balance between usable open space and private yards to ensure the future community has access to adequate and functional outdoor areas. Additionally, as previously stated, the Project should provide outdoor spaces, such as patios, balconies, and terraces, to the greatest extent possible.

TRANSPORTATION

The Subject Property has frontage along two public streets – Notley Road and New Hampshire Avenue. Notley Road is a County-owned and maintained street classified as a Neighborhood Connector with a minimum master planned right-of-way of 70 feet per the 2025 *Master Plan of Highways and Transitways*. New Hampshire Avenue is a State-owned and maintained street classified as a Boulevard with a minimum master planned right-of-way of 120 feet per the 2025 *Master Plan of Highways and Transitways*.

Along New Hampshire Avenue, there are narrow sidewalks present on both sides of the street with no street buffer, and existing bikeable shoulders on both sides of the roadway. There is a master planned 11-foot-wide sidepath along the New Hampshire frontage of the proposed development. Notley Road does not have any existing bicycle facilities, but has a master planned ten (10)-foot-wide sidepath along the Site's frontage per the 2018 *Bicycle Master Plan*. Both master planned facilities are intended to facilitate safe and comfortable pedestrian circulation to the Property and the neighboring area.

As demonstrated in the Local Area Transportation Review (LATR) Study submitted by the Applicant, the generated traffic from the floating zone plan does not exceed the critical lane volume (CLV) standard for the study intersections, as applicable under the Planning Board's LATR Guidelines.

The Applicant expressed interest in collaborating and contributing to the realization of the warranted traffic signal at Notley Road and New Hampshire Avenue. This will be further discussed and assessed at the Preliminary Plan stage in coordination with MCDOT and MDOT SHA. Other non-motorized mitigations and frontage improvements will also be determined at this stage.

ENVIRONMENT

The proposed development would add density to currently developed properties, which is generally more environmentally beneficial than greenfield development. While the Property does not contain any forest, it does have approximately thirty-two (32) significant and twenty-two (22) specimen trees scattered throughout. Significant trees are those that are between 24 inches in diameter at breast height (DBH) and 30 inches DBH. Specimen trees are generally those that are 30 inches of DBH and greater. All trees with a DBH of 30 inches or greater are considered a priority for retention and protection under Chapter 22A - Forest Conservation Law and require a variance for any impacts or removals. As currently shown, the proposed development will require the removal of approximately thirty-one significant trees and twenty-one specimen trees, retaining one significant tree and one specimen tree. The Applicant proposes replacing the trees with smaller landscape trees. While it is anticipated that some tree loss would be associated with any redevelopment of the Property, even at the existing zoning, the development of this Property should incorporate the existing trees into the site design instead of proposing to remove the trees and plant new trees as mitigation. The Applicant is required to save as many onsite trees as feasible. The final impacts to the onsite trees will be determined at the time of Final Forest Conservation Plan.

There are no sensitive water resources on the Site.

SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and signage requirements. A pre-submittal meeting is not required for a Local Map Amendment application, but the Applicant attended a meeting hosted by The Greater Colesville Citizens Association (GCCA) on July 15, 2025, after the Application was filed and accepted. Additionally, the Applicant held a small group meeting with neighbors adjacent to the Property to share updated plans on August 25, 2025.

Planning staff also responded to requests to meet with the community in person on two occasions. The first was a site visit requested by GCCA and residents within the surrounding neighborhood, held on August 27, 2025. The second was a public meeting hosted by the GCCA on September 4, 2025, where the Planning Staff provided a presentation on the regulatory review process and answered questions pertaining to the environmental review, traffic analysis, and the CRNF zone.

Planning Staff received over 150 letters of opposition from individual community members and the GCCA (see Attachment C). This section of the staff report summarizes the primary issues and concerns raised by the public. All comments have been entered into the public record and will be transmitted to the Planning Board and the Hearing Examiner. Attachment D is an exhibit showing the location of the interested parties in relation of the Site and the Staff-defined Neighborhood described earlier in the report.

SUMMARY OF COMMUNITY CONCERNS

During review of the Subject LMA the community expressed a range of topics relevant to the proposed rezoning application, including traffic capacity and safety, visitor parking, school capacity, environmental impacts, public services capacity, project design, and zoning. The concerns are summarized below, followed by Planning Staff's response.

Traffic Capacity and Safety

Concerns were raised that traffic congestion is likely to increase along Notley Road, especially at the intersection with New Hampshire Avenue. Additionally, there is a concern that the added vehicular traffic will impact pedestrian and vehicular safety along Notley Road.

The Applicant was required to prepare and submit a Transportation Impact Study (TIS) in accordance with the LATR Guidelines. It was determined intersections will operate within existing levels. In addition, the Applicant performed two additional analyses as requested by MDOT SHA. The first determined that the intersection at Notley Road and New Hampshire Avenue would operate below a Highway Capacity Manual (HCM) average delay of 59 seconds⁶. The second was a warrant analysis for this same intersection which concluded that a traffic signal is warranted. MDOT SHA indicated that this intersection is in its list of highway projects. The Applicant expressed interest in participating in the installation of a traffic signal at this location, subject to approval by MDOT SHA. The Applicant's contribution towards the installation of the traffic signal at this intersection will be further assessed at the time of Preliminary Plan.

Pedestrian and bicyclist experience will be enhanced along the frontage of the Site. The 2018 *Bicycle Master Plan* identifies buffered sidepaths along the Property frontages on Notley Road and New Hampshire Avenue. This will provide the pedestrians and bicyclists with safe, efficient, and adequate access to the Site and will build connections to the neighboring areas where none currently exist on Notley Road. The 2024 *Complete Streets Design Guide* also identifies internal street design parameters based on roadway classification. Frontage improvements on existing roadways and cross sections for

⁶ Per the 2024-2028 *Growth and Infrastructure Guidelines*, intersections scoped for study were only required to analyze intersections using the Critical Lane Volume test, however MDOT SHA requested analysis using the HCM method as well.

new roadways internal to the Site will be finalized at the time of Preliminary Plan, in compliance with the applicable master plans and design guidelines.

Parking

Staff received letters voicing concerns that as proposed, there will be insufficient visitor parking, which will lead to overflow into surrounding neighborhoods.

The onsite parking is not finalized until the Site Plan phase. The final layout and unit count is not determined with the LMA. Therefore, Planning Staff will evaluate the parking needs with the future Site Plan Application based on the final density of the Project. Careful consideration will be paid to onsite parking needs for both the individual units as well as visitors.

School Capacity

Concerns were raised that the anticipated increase in student population will result in overcrowded schools.

The Project will be officially evaluated for public school adequacy at the Preliminary Plan stage. At that time the appropriate level of mitigation in the form of Utilization Premium Payments will be determined if found necessary by the Annual School Test in effect at the time of approval.

A preliminary evaluation of student generation was conducted as part of the Subject LMA. Based on the recommended maximum density, as described in Binding Element 1, the current Annual School Test indicates that a UPP would not be required for the Elementary School, as discussed further in the Findings section of this report.

Environmental Impacts

Community concerns regarding stormwater management issues, specifically potential flooding and exacerbation of existing drainage problems, were raised. There was also concern for the loss of existing trees, impacts on wildlife habitats on the Site, and an increase in noise levels on nearby properties.

While it is important to note there is no forest on site, there are concerns about tree removal impacts on the surrounding community. Mature tree cover provides many benefits for both people and wildlife. Tree removal and retention of trees will be carefully evaluated at the time of Preliminary Plan and Final Forest Conservation Plan review. For example, the Applicant is proposing to address drainage issues through grading and a storm drain extension to redirect the movement of water. The storm drain capacity and design have not been evaluated at this time, nor has a grading plan been established. Redevelopment of the Property will have major impacts on the onsite tree cover; however, as required in Binding Element 2, the Applicant will be required to provide deeper setbacks than required under the CRNF zone, which is expected to provide additional protection for some of the trees located on the perimeter of the Site.

The proposed residential development will not generate more noise than any other residential development and no mitigation is required. Stormwater management will be addressed through future reviews, when additional details about the design are known. Likewise, runoff examination will be studied as details about grading, stormwater, and storm drain capacity are established.

Public Services

Concerns were raised about trash management, including increased waste and potential for litter. There was also concern that an increase in residential units may increase crime and would therefore impose a strain on emergency services.

Trash management for private residential developments is typically provided by private waste collection companies within designated areas/location (driveway or carport) and regular service to prevent overflow and litter. The Project will be reviewed by County agencies at the time of Preliminary and Site Plan to determine adequacy of emergency services such as police as well as fire and rescue.

Building Height

Staff received correspondence with concerns about the maximum height proposed by the Project. The R-200 base zone restricts heights at 40 feet maximum for lots between 15,000-25,000 square feet.⁷ The original sign posting for the Subject Application showed a request for a maximum height of 60 feet, which was later reduced to 50 feet during review of the Application.

The Building and Architecture section of this report states most units will range from 42 to 45 feet in height, which is closer to the 40-foot maximum height allowed in the R-200 zone. Additionally, the Project will have to meet the height compatibility for any property that abuts the R-200 zone, keeping these units closer to the 40-foot range (see Attachment H).

Staff reviewed the zoning request, setbacks, open space allocation, and existing site conditions. Staff recommends a binding element limiting the density to 130 total units on the Site. This report outlines how setbacks for compatibility, protection of environmental features, and creation of active open spaces are important priorities for the Project and how the LMA sets the direction for those priorities.

Zoning Compatibility

There is concern that the proposed townhouse development does not align with the intent of the CRNF zone, which is within the mixed-use zoning family of the Zoning Ordinance.

Staff evaluated the intent statement of the CRNF zone in the Zoning Ordinance. The CRNF zone allows for mixed-use centers, flexible uses, and mixed-use developments compatible with adjacent development. It does not exclude projects from developing a single use within the allowed zone on any particular property. The CRNF zone provides flexibility, which is ideal for properties located near commercial areas or corridors and that transition to lower-density residential neighborhoods within a

⁷ 35 feet maximum for lots between 0-15,000 sq. ft.

relatively short distance. The CRNF zone is the lowest-intensity mixed-use floating zone permitted under the Zoning Code.

Although another single-use zone would yield fewer units (including MPDUs) this does not mean that the requested CRNF zone is inappropriate for residential development. In addition, the flexibility allowed by use of binding elements can create an appropriate zone and development for the Property.

Rezoning of the Property, and ultimate redevelopment of any kind, will have impacts on the Site including traffic, which will be appropriately mitigated subject to the adequate public facilities requirements. However, the Project also presents opportunities for improvements and living opportunities for future residents. The 1997 *White Oak Master Plan* envisioned a stable residential community that will continue to thrive, and the County's General Plan outlines goals for future development that this LMA seeks to implement. Future refinements to the Project at the time of Preliminary and Site Plan will further enhance the principles of both applicable plans.

[Master Plan Compliance](#)

Questions were raised about the Project's alignment with long-term community planning goals as outlined in the 1997 *White Oak Master Plan*. Additionally, residents are concerned that the Subject Application will be the first CRNF rezoning application to propose solely residential uses within an established residential neighborhood.

The Project, as conditioned, substantially complies with the relevant Master Plan as discussed below and in the Findings Section of the staff report. The Master Plan and the County's General Plan are the guiding policies for community development in this area.

The LMA process requires applications to meet the requirements outlined in Article 5 and Section 7.2.1. These criteria include consideration of the public interest, compatibility, and other findings. The family of commercial/residential zones provide for designation of zoning uses as deemed appropriate for each property. Each LMA is evaluated based on the specific property, requested zoning, applicable master plan, and surrounding conditions.

The CRNF zone is a mixed-use zone designed to provide flexibility in meeting community needs while ensuring compatibility with adjacent developments. The zoning code does not prohibit single-use developments, such as the one proposed in this application. Additionally, the CRNF zone offers greater flexibility in addressing compatibility concerns as the property transitions from a non-residential corridor like New Hampshire Avenue to the existing R-200 neighborhood, which is primarily composed of single-family detached homes.

Furthermore, there are at least four LMA applications since 2014 in the County that were approved for rezoning to the CRNF zone and were originally zoned single-family⁸.

Surrounding Neighborhood, as Submitted

Concerns were raised that the delineated “Surrounding Neighborhood” as submitted in the Subject Application is unjustifiably large.

As part of the review of the Application, Planning Staff revised the “neighborhood” boundary to encompass the area that may be impacted by the rezoning of the Property. This area now is bounded by residential properties located approximately one block from New Hampshire Avenue and Colesville Local Park to the east, Maryland Route 200, known as the Intercounty Connector (ICC) to the north, Northwest Branch Stream Valley Park (SVU 5) to the west, and segments of Beaumont Road, Sherwood Forest Road, and Randolph Road to the south.

SECTION 6: LOCAL MAP AMENDMENT FINDINGS AND ANALYSIS

Per Section 59-7.2.1.E.2 of the Zoning Ordinance, for a Floating zone application, 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;***

Master Plan

The proposed development substantially conforms with the recommendations of the 1997 *White Oak Master Plan* (Master Plan), *Thrive Montgomery 2050* (the General Plan), and other applicable County plans.

The Master Plan acknowledges 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,” and 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” (p. viii). Accordingly, the local map amendment (LMA) process allows property owners to request rezoning that may not have been contemplated at the time of the original master plan but is still in line with overall policies.

The Master Plan describes the Colesville community as “mostly low-density, single-family detached residential in nature with a scattering of townhouses tucked throughout” (p. 9) and envisions the area “remaining residential in nature. In-fill development will follow the established residential pattern” (p. 13).

⁸ See Attachment E for a LMA map and list of approved CRNF zoned projects.

The proposed development supports this vision by maintaining a residential use and further refinement through the development process will reinforce the existing neighborhood pattern. The Master Plan's land use and zoning goal is 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" (p. 16), which the proposed layout and design aim to achieve through active open spaces, new dwelling units, and enhanced pedestrian connections.

Additionally, the housing objective to "maintain housing for people of varying incomes, ages, and lifestyles, and continue to provide a variety of housing types" (p. 18), along with the recommendation to "encourage the development of innovative housing and a variety of housing types for all income ranges" (p. 18), is reflected in the proposed mix of housing sizes and in providing MPDUs. The Master Plan also emphasizes the need to "protect and strengthen existing neighborhood character and pattern of land use" and to "encourage new residential development within residential neighborhoods that is compatible with the surrounding neighborhoods and community" (p. 38). The proposed binding elements relate to the setback, height, and massing that currently exist in the surrounding neighborhoods and community.

The Master Plan envisioned an interconnected mobility network by adding and enhancing all modes of transportation, which includes pedestrian and bicyclist transportation: "This Plan recommends safe and attractive transportation improvements that enhance local circulation and convenience for all modes of travel within and through the communities of the White Oak Master Plan area" (p. xvi). Further, the Master Plan reinforced this vision with the addition of action goals to achieve this mission. These goals called for the expansion of the pedestrian and bicyclist infrastructure to allow for safe, efficient, and convenient access for pedestrians and cyclists around the area of the 1997 *White Oak Master Plan*.

The Proposed Development satisfies the vision of the Master Plan by contributing to these goals. As part of this Project, it is anticipated that the Applicant will construct a 10-foot-wide asphalt sidepath along the frontage on Notley Road. Similarly, an 11-foot-wide asphalt sidepath along the frontage on New Hampshire Avenue will also be constructed, as part of this Application.

Further reinforcing the Master Plan's transportation vision for the area, the Proposed Development will enhance the experience of pedestrians and cyclists in and around the area by separating the proposed asphalt facilities from the streets with a street buffer with trees along the entirety of its frontage: "[the Master Plan] Recommends street trees and sidewalk improvements to enhance the pedestrian experience and improve community character" (p. xiv). It is anticipated that the 10-foot-wide asphalt sidepath along Notley Road will be

separated from traffic by a 7-foot-wide buffer with trees on one side of the asphalt sidepath, and a 6-foot-wide street buffer with trees on the other side of the asphalt sidepath. Similarly, an 11-foot-wide asphalt sidepath along New Hampshire Avenue will be separated from traffic by an 8-foot-wide street buffer with trees. These facilities will also fulfill the requirements of the 2017 *Bicycle Master Plan* along the frontage of the Site on Notley Road and New Hampshire Avenue. Final frontage improvements will be conditioned at the time of the Preliminary Plan.

The Applicant will connect both proposed facilities to the proposed internal pedestrian network surrounding and within the Proposed Development, in alignment with the goals outlined in the 1997 *White Oak Master Plan*, as it recommends expanding “the system of walkways to improve pedestrian access to and from transit stops, community retail centers, schools, parks, and employment areas” (p. xiv). As part of this Project, all proposed new private streets will have 6-foot-wide concrete sidewalks on both sides of the street. The proposed pedestrian facilities will also be separated from traffic by a 6-foot-wide street buffer with trees. Further, the proposed internal street network will connect the proposed development to the Colesville Manor Neighborhood Park (west to the Site) through a proposed 6-foot-wide concrete sidewalk. The final layout and design of the internal streets will be determined at the time of the Preliminary Plan.

General Plan

The General Plan further reinforces the direction of the Sector Plan to provide a variety of housing types by identifying the area as part of the “Limited Growth area... 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” (p. 72). Furthermore, on page 86 the General Plan explains that, “Opportunities 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”. Additional housing and affordable housing as proposed in the Subject Application help achieve these recommendations.

The General Plan also recommends to “encourage the production of more housing to better match supply with demand,” to “plan for a wide range of housing types and sizes to meet diverse needs,” and to “promote racial and economic diversity and equity in housing in every neighborhood” (p. 132–133). The proposed LMA aligns with these principles by offering a compatible residential form that supports community diversity, housing choice, and neighborhood continuity. The core recommendations will be further refined during the next phases of the development process.

b) further the public interest;

The Project will further the public interest by introducing new housing to a well-established community that has not experienced residential development in over two decades. In addition to market-rate units, the Project will include government-regulated affordable housing, with 15% of the units designated as MPDUs, where none currently exist. This will enhance the diversity of housing options in the area. Furthermore, the proposed streetscape improvements along Notley Road and New Hampshire Avenue will create safe and accessible pedestrian and bicycle connections, addressing a current gap in infrastructure. These enhancements will improve connectivity to the Colesville Manor Neighborhood Park, encouraging greater utilization of this public amenity and potentially spurring further community investment and engagement.

c) satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

Applicability

To ensure objectives of the floating zones are achieved, the Zoning Ordinance sets forth specific requirements and prerequisites for local map amendment applications that propose rezoning from a residential base zone (in this case the R-200 zone) to the CRNF zone. Per Section 59-5.1.3.C.2.c of the Zoning Ordinance, to request the CRNF zone for a property with a residential base zone, the property must “front on a non-residential street” and “satisfy a minimum of two prerequisites for each of the categories under Section 59-5.1.3.D.

The Subject Property fronts on New Hampshire Avenue, classified as a Boulevard, which meets the first requirement. To address the second requirement for the CRNF zone request, Staff concurs that the Subject Application meets the following prerequisites in the categories listed below:

Transit & Infrastructure:

- 1. The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.**
- 2. 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.**

The Property has frontage on Notley Road and New Hampshire Avenue. Both roadways provide vehicular and pedestrian access. New Hampshire Avenue is classified as a Boulevard, which is a non-residential roadway classification.

The Project will not require any upgrades or the installation of a pump station to support the proposed development. The water and sewer needs for the Project will be met via connections to existing public water and sewer lines serving the property.

Vicinity & Facilities

- 1. The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer's market within ¼ mile.***
- 2. The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of 30% of the recreational demand under the Planning Board's recreation Guidelines, as amended, within a 3/4 mile.***

The Property fronts on New Hampshire Avenue with an existing sidewalk that connects to the Colesville Center, a strip shopping center, located just under ¼ mile from the Site. Within the Colesville Center is a Giant Food grocery store and other neighborhood retail stores and restaurants.

The Project is adjacent to Colesville Manor Neighborhood Park, which is well within the 3/4-mile requirement. Colesville Local Park is also within a ¾-mile radius of the Site. These parks satisfy 30% of the recreation demand for the Project.

Environment & Resources

- 1. 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.***
- 2. The site does not contain any rare, threatened, or endangered (RTE) species or critical habitats listed in the Maryland Department of Natural Resources.***

There is no forest onsite. The Environmental section of this report provides further detail as to the Project's compliance with this prerequisite.

The Site does not contain any Forest Interior Dwelling Species (FIDS), critical habitat, or RTE species as listed in the Maryland Department of Natural Resources.

Intent of Floating Zones

Per Section 59-5.1.2. of the Zoning Ordinance, the intent of the Floating zones is to:

A. 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; and**

The Project furthers the goals of the Master Plan and the General Plan as described in a previous finding. The residential use is in balance and is supported by the existing and planned infrastructure.

The Proposal will serve as a transition from New Hampshire Avenue and the institutional uses that line it, to the surrounding residential neighborhood. The CRNF zone will allow for necessary flexibility to ensure that the site layout can be integrated into the existing land use patterns and circulation networks of the surrounding neighborhood.

The CRNF zone is a mixed-use zone designed to provide flexibility in meeting community needs while ensuring compatibility with adjacent developments. The zoning code does not prohibit single-use developments, such as the one proposed in this application. Additionally, the CRNF zone offers greater flexibility in addressing compatibility concerns as the property transitions from a non-residential corridor like New Hampshire Avenue to the existing R-200 neighborhood, which is primarily composed of single-family detached homes.

Schools

An adequate public facilities (“APF”) review, including a schools adequacy analysis, will be conducted at the Preliminary Plan stage of development when details about the number and type of proposed dwelling units are available. Public school adequacy for a proposed development project is established by looking at the Annual School Test to determine capacity of the school and estimating the enrollment impact of the proposed development. For Preliminary Plan applications in overutilized school service areas, as identified in the Annual School Test, an Applicant is charged a Utilization Premium Payment (UPP) in addition to development impact taxes to supplement funding for school capacity projects.

The preliminary schools adequacy analysis prepared for this LMA application uses the same methodology as an analysis associated with a Preliminary Plan based on the applicable provisions of Chapter 50, Section 4.3.J, and the 2024-2028 *Growth and Infrastructure Policy* with applicable guidelines. Attachment G further explains the school analysis methodology.

Annual School Test Results

The Property is served by Westover Elementary School, White Oak Middle School, and Springbrook High School. Table 1 shows the enrollment and capacity projections of these schools reflected in the FY2026 Annual School Test, and the Utilization Premium Payment (UPP) tier placements. The FY2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective as of July 1, 2025, evaluates the adequacy of public-school capacity for development applications reviewed through the fiscal year based on projections for the 2029-2030 school year.

Table 1: FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Westover ES	276	296	107.2%	-20	No UPP
White Oak MS	987	834	84.5%	+153	No UPP
Springbrook HS	2,100	1,828	87.0%	+272	No UPP

Based on the FY2026 Annual School Test results in Table 1, the Project would not be subject to any default UPP if it were to be reviewed for preliminary plan approval during the current fiscal year. If the Project's estimated enrollment impact at any school level exceeds the applicable adequacy ceiling shown in Table 2, however, a partial payment would be triggered.

Table 2: FY2026 Annual School Test Adequacy Ceilings

School	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Westover ES	54	72	90
White Oak MS	273	351	499
Springbrook HS	432	692	1,007

Enrollment Impact Estimate

The Subject Application proposes to demolish the six existing single family detached units and construct a townhouse community. Per Binding Element No. 1, which limits the Local Map Amendment to a maximum of 130 units, the preliminary schools analysis assumes 130 townhouse units.

The Property is within the Colesville Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 *Growth and Infrastructure Policy*. Table 3 shows a preliminary enrollment impact estimate of the Project based on its proposed residential unit type and count using the FY26-27 Student Generation Rates for Turnover Impact Areas.

Table 3: Preliminary Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Student Estimate	Turnover MS Student Generation Rate	MS Student Estimate	Turnover HS Student Generation Rate	HS Student Estimate
SF Detached	-6	x 0.180	= -1.080	x 0.098	= -0.588	x 0.148	= -0.888
SF Attached (townhouse)	130	x 0.207	= 26.910	x 0.113	= 14.690	x 0.166	= 21.580
TOTAL (rounded down)			25		14		20

The preliminary enrollment impact estimate of the LMA is 25 elementary school students, 14 middle school students, and 20 high school students. This does not exceed the adequacy ceilings identified in Table 2. Westover Elementary School is projected to have a 20-seat deficit in the 2029-2030 school year, and the project's enrollment impact may increase the deficit to 45 seats. However, this is less than the 74-seat deficit threshold (the 54-seat adequacy ceiling depicts the number of students needed in addition to the pre-projected 20-seat deficit that would make a project reach this threshold) that the Annual School Test uses to assess a Tier 1 UPP at the elementary school level. Therefore, the Project would not have a UPP condition required if it were to be reviewed for preliminary plan approval during the current fiscal year. Based on Chapter 50 of the County Code and the 2024-2028 *Growth and Infrastructure Policy*, with associated policies and guidelines, there is adequate capacity in the public school system to serve the proposed development.

Water and Sewer

The Property will be served by existing water and sewer mains and is located within Washington Suburban Sanitary Commission (WSSC) categories W-1 and S-1. The proposed water service is to connect to an existing 10-inch line on Notley Road, and sewer service through existing 8-inch lines on Notley Road and New Hampshire Avenue. WSSC will evaluate capacity through a Hydraulic Planning Analysis and determine if upgrades or extensions are needed at the time of Preliminary Plan.

Stormwater Management

Pursuant to Section 59-7.2.1.B.2.g.ii, when filing an LMA, an Applicant is only required to provide a “preliminary stormwater management strategy”.

The Application states, “the Project will substantially improve the treatment of stormwater management on-site” where none currently exist. “In accordance with 2010 Maryland Department of Environment (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-bioretenention facilities.”

The Applicant will be required to submit a Stormwater Management Concept Plan for approval with the Preliminary Plan and Site Plan applications.

Other Public Facilities

The Project will be served by dry utilities including gas, electricity, and telephone. Fire access for the Property has been evaluated and determined to be adequate; however, during the subsequent Preliminary Plan, a formal determination for fire access adequacy will be issued by the Montgomery County Department of Fire and Rescue Service.

B. 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, including open space standards and environmental protection and mitigation; and***

The residential use proposed addresses the need for more housing and provides an opportunity to offer affordable housing by including MPDUs. If the base R-200 zone of the Property remains, a maximum of 21 total single-family units could be constructed. It is not

clear if over 20 single family units could be constructed based on other development requirements within the R-200 zone. If it is lower than the 20-unit threshold the project would not be required to provide MDPU's as part of a development. Therefore, the floating zone will require MPDUs, whereas if the Site were developed under the existing R-200 zone, MPDUs or other residential building types such as townhouses, triplexes, and duplexes would not be provided. The CRNF zone and the binding elements recommended allow for only townhouse, triplex, duplex, and detached house building types, and a higher density than the original zone to serve a diverse and evolving population. The required setbacks and cap on units at 130 establishing environmental protections and refining the open space plans will ensure the development meets the basic sustainability standards.

C. 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 proposed development will provide a compatible relationship with existing adjacent residential development to the north, south, and west. This is achieved through Binding Element No. 2, which requires the original R-200 zone rear setback of 30 feet from the property line that abuts existing residential properties to the north and west. Additionally, the CRNF zone will require landscape screening per Section 59-6.5.3 and height compatibility per Section 59-4.1.8.B. of the Zoning Code. These measures help ensure appropriate relationships between the new development and existing neighborhoods, while protecting the character of the adjacent neighborhoods. Also, through Binding Element No. 5 along Notley Road, the building massing will be comparable with the widths associated with the single-family homes abutting the property. The buildings will be designed to read as a façade that relates to a single-family home. The CRNF zone allows for the flexibility to provide mitigation of any negative impacts that may be caused by the new use as the plans evolve.

Development Standards

The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of subsequent Preliminary Plan and Site Plan review. The Project will meet the Development Standards for the CRNF zone as illustrated in the table below.

Table 4: Development Standards and Parking Requirements for the CRNF-1.0, C-0.0, R-1.0, H-50 Zone

	Site	
	Required/Permitted	Proposed
Tract Area		435,254 sf (9.99 ac)
Previous ROW Dedications		44,442 sf (1.02)
Proposed ROW Dedications		30,845 sf (0.71)
Site Area		359,967 sf (8.26)
5.3.5.A Maximum Density of Development		
Maximum FAR	1.00 FAR (435,254 sf)	1.00 FAR (435,254 sf)
Commercial	0	0 FAR
Residential	1.00 FAR (435,254 sf)	1.00 FAR (435,254 sf)
Max units	130	130
Individual Minimum Lot Areas	Determined at Site Plan	Determined at Site Plan
4.5.3.D Open Space	10% (35,997 sf) ⁹	10 % (35,997 sf)
MPDUs	15% (15 units)	15%<
5.3.5.B - Building Height (max.) subject to compatibility standards of 4.1.8.B	50 feet	<50 feet

⁹ This calculation is based only on townhouses. Other unit types, such as detached houses, duplexes and triplexes do not require any open space and if provided could affect this number. The required open space for the Project will be further refined at Site Plan and is subject to change.

Principal Building Setbacks (min.)

	Required/Permitted	Proposed
5.3.5.B - Bldg. Setbacks (minimum) from the site boundary	Established by Floating Zone Plan	From Notley Road (south): Front: 20'
Side street setback	Set at Site Plan	From New Hampshire Avenue (east): Front 15'
Side setback	Set at Site Plan	Abutting Single Family Detach (north & west): Rear & Side 30'
Rear setback	Set at Site Plan	Abutting Senior Living & Abutting Park (north, east & west) : Side & Rear 12'
Individual Building Setbacks	Determined at Site Plan	Determined at Site Plan

Parking*

	Required/Permitted		Proposed
Sections 5.3.5.D.1 and 6.2.4.B Parking	2 per unit (minimum) 1 per unit for MPDUs (minimum)		220 spaces ¹⁰ 20 spaces
Visitor Parking	n/a		30 spaces ¹¹
Total			<u>270</u>

**Final parking counts to be determined at the time of Site Plan.*

d) be compatible with existing and approved adjacent development;

The Project is compatible with existing and approved adjacent developments single-family homes by establishing setbacks that are consistent with existing R-200 Zone, locating the open space near adjacent parkland, and establishing connections through the development. The Project provides much-needed housing along the major corridors to limit impacts to abutting neighborhoods. The building massing along Notley Road will relate to the widths and design features of the existing single-family homes. The Project's design will be closely reviewed for its compatibility with the existing and adjacent developments during the preliminary and site plan applications.

This Project introduces a new building wall which will activate the street and a tree-lined streetscape along New Hampshire Avenue, which will enhance connectivity where none

¹⁰ Parking number reflects 130-unit cap.

¹¹ Visitor parking reflects the Applicant's Floating Zone Plan.

currently exists. Concentrating buildings with the tallest heights closest to New Hampshire Avenue will provide a visual transition from the corridor towards the residential neighborhood behind. These buildings will complement the existing institutional, religious, and commercial uses that line New Hampshire Avenue.

- 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 demonstrates an ability to mitigate such adverse impacts; and***

The 2024-2028 *Growth and Infrastructure Policy* (“the GIP”) requires mode-specific adequacy tests for any project estimated to generate 30 or more net new peak-hour vehicle trips. Given that the Application will result in more than 30 net new vehicle trips, a full Transportation Impact Study (“TIS”) addressing Local Area Transportation Review (“LATR”) Guidelines is necessary to evaluate the overall impact of the Proposed Development. The Applicant evaluated a maximum of 135 townhomes, which is a density higher than currently reflected per Binding Element No. 1 but provides a more conservative traffic analysis. The evaluated density of 135 single-family townhouses is expected to generate 48 net new vehicle trips during the morning peak hours and 57 net new vehicle trips during the afternoon peak hours (see Table 5).

Table 5: Notley Road Estimated Vehicle Trip Generation

Land Use	Morning Peak Hour	Evening Peak Hour
Existing (credit)		
Single-Family Detached Housing 5 dwelling units	4	5
Proposed		
Single-Family Attached Housing 135 dwelling units	52	62
Net New Vehicle Trips	48	57

Source: Local Area Transportation Review (LATR) Study by Gorove Slade, dated August 19, 2025.

As the Subject Application falls under the Colesville Policy Area, a Yellow Policy Area under the GIP, it is subject to a CLV analysis of one tier of intersections. Therefore, as part of this Application, the Applicant evaluated Motorized Vehicle adequacy, as well as non-motorized adequacy (pedestrian, bicycle, transit).

The Applicant performed capacity analyses at six identified key intersections to compare the future street conditions with and without the Proposed Development. The results of the Study showed that all intersections operate within the acceptable Critical Lane Volume (CLV) under all scenarios analyzed, in compliance with the LATR Guidelines. This means that all six studied

intersections are and will operate within acceptable congestion standards for the Coleville Policy Area. Therefore, no mitigation is required.

The LATR Guidelines require additional Highway Capacity Manual (“HCM”) analysis only if the CLV standard for the policy area is exceeded. According to the LATR Guidelines, for all six studied intersections located in a Yellow Policy Area, a CLV of 1,350 or less is considered acceptable. As demonstrated in Table 6 below, the CLV results show that all six intersections operate within congestion standards under all three analyzed scenarios. This means that the generated traffic from the floating zone plan does not exceed the critical lane volume standard as applicable under the Planning Board’s LATR Guidelines.

Table 6: Existing and Future Traffic Impact, Intersection CLV Delay Results

Intersection Number and Name	Policy Area Type	Policy Area Standard	Existing (2025) and Background (2030) AM	Total Future (2030) AM	Existing (2025) and Background (2030) PM	Total Future (2030) PM	CLV Triggers HCM?
1. New Hampshire Ave & MD-200	Yellow	1,350	919	923	696	701	N
2. New Hampshire Ave & Notley Road	Yellow	1,350	1165	1198	1090	1133	N
3. New Hampshire Ave & Randolph Rd	Yellow	1,350	1163	1170	1191	1200	N
4. East Site Access & Notley Rd	Yellow	1,350	221	259	313	360	N
5. West Site Access & Notley Road	Yellow	1,350	220	240	309	340	N
6. Sherwood Forest Dr & Notley Rd	Yellow	1,350	301	302	383	384	N

However, at the request of MDOT SHA, the Applicant conducted HCM analysis at three State-controlled intersections. The HCM congestion standard is an average of 59 seconds of delay per vehicle, following the LATR Guidelines for the Coleville Policy Area. The results for HCM analysis showed that one State-owned intersection is operating with delays over 59 seconds. As summarized in Table 7 below, the intersection at Randolph Road and New Hampshire Avenue operates with delays over the 59-second threshold under all conditions. Given this result, the Applicant has identified potential signal timing that could mitigate the delay. Implementation of the signal timing change requires further analysis and consideration by MCDOT and MDOT SHA, and it will be assessed further at the time of the Preliminary Plan.

Table 7: Existing and Future Traffic Impact, Intersection HCM Results

Intersection Number and Name	Policy Area Type	Policy Area Standard	Existing and Background Conditions AM	Existing and Background Conditions PM	Total Future Conditions AM	Total Future Conditions PM
1. New Hampshire Ave & MD 200	Yellow	59	32.4	28.9	32.5	29.1
2. New Hampshire Ave & Notley Rd	Yellow	59	12.9	22.8	24	30.8
3. New Hampshire Ave & Randolph Rd	Yellow	59	63.4	61.0	63.7	61.7

The intersection at New Hampshire Avenue and Notley Road does not trigger mitigation based on the CLV analysis results and HCM standards for the Coleville Policy Area. However, at the request of MDOT SHA, the Applicant conducted a preliminary traffic signal warrant study. The results of this traffic signal warrant study suggest that a new traffic signal is warranted at this intersection under existing conditions, even without the Project. A new traffic signal would improve the overall performance of the intersection and provide additional protected pedestrian and bicycle crossings of New Hampshire Avenue. Although correspondence with MDOT SHA indicates that the intersection at New Hampshire Avenue and Notley Road is included in a single advertisement project of the MDOT SHA Office of Traffic and Safety, Traffic Engineering Design Division (OOTS-TEDD) for signalization, the Applicant expressed interest in supporting efforts to get this signal installed. The Applicant's participation in the signal will be further evaluated at the Preliminary Plan stage, in coordination with all transportation agencies.

In addition to the motor vehicle adequacy test, as part of this Application, non-motorized adequacy was completed, consistent with the LATR Guidelines. The pedestrian, ADA, bicycle, transit, and illuminance system adequacy was evaluated. Deficiencies were noted, and mitigation will be determined at the time of the Preliminary Plan.

Based on the analyses performed, public facilities will be adequate for the proposed floating zone plan.

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 Applicant is requesting a commercial/residential floating zone (CRNF) for a property currently zoned R-200 (Residential Detached). Although the CRNF is a Commercial/Residential zone, per Section 59.5.3.2, the proposed binding elements restrict the unit count and building type. The flexibility allowed by the CRNF, along with further refinement during the Preliminary and Site Plan reviews will assure the Project does not adversely affect the character of the surrounding neighborhood. This will be achieved by enhancing the location and activation of open spaces, concentrating higher density closer to New Hampshire Avenue, designing

façades to reflect the character of single-family homes, establishing appropriate setbacks adjacent to existing detached single-family homes, minimizing impacts to existing environmental features, and providing new and affordable housing within a well-established community.

SECTION 7: PRELIMINARY FOREST CONSERVATION PLAN FINDINGS & ANALYSIS

ENVIRONMENTAL GUIDELINES

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved on May 22, 2025 (NRI/FSD No. 420251460). The Property is currently developed with six single-family houses. There are approximately fifty-four (54) significant and specimen trees distributed over the Property in clusters. There are no forest, streams, wetlands, or environmental buffers on the Property. The Property is not located within a Special Protection Area or within the Patuxent Primary Management Area and there are no impervious restrictions on development of the Property. The Property is bisected by the boundary between two watersheds. The eastern portion of the Property drains to the Paint Branch watershed, a Use Class III watershed. The western portion drains to the Northwest Branch watershed, a Use Class IV watershed. The watershed divide is a ridgeline that crosses the Property from north to south. The submitted Forest Conservation Plan is in conformance with the Montgomery County Planning Department's Environmental Guidelines, as there are no streams or sensitive environmental features on the Property.



Figure 11: Subject Property Topography

PRELIMINARY FOREST CONSERVATION PLAN NO. F20250680

Per Section 22A-11(a)(1), FCP No. F20240680 was submitted for review and approval concurrently with Local Map Amendment H-159 (Attachment B). The FCP includes a conceptual layout for the proposed development. The total net tract area for forest conservation purposes is 10.69 acres, which includes the Subject Property of 9.99 acres plus off-site disturbance of 0.70 acres. The Property is currently zoned R-200 and is proposed to be zoned CRNF-1.0, C-0.0, R-1.0, H-50; both zones are classified as High Density Residential as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Subject Property contains no forest, resulting in a total afforestation requirement of 1.45 acres regardless of watershed or Priority Area, as calculated in the Forest Conservation Worksheet. The Application proposes to meet the forest conservation requirements offsite through credits from an off-site forest conservation bank or by payment of fee-in-lieu if no credits are available. This is acceptable because there are no priority planting areas onsite.

VARIANCE

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-21 ("Variance"). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

The Property contains approximately twenty-two (22) Protected Trees with a diameter-at-breast-height (DBH) greater than 30 inches. The proposed redevelopment of the Property may require the removal of many Protected Trees onsite due to the impacts of demolition, grading, and construction.

While a variance request is required with each FCP application showing impacts to Protected Trees, in this case, Staff is not recommending approval of a variance request at this time because the protection of trees requires detailed information about types and locations of construction disturbance. The topography of the Property will require significant grading, but impacts may be minimized through detailed site design, which occurs through the Site Plan process. At this time, there is not enough information about the site design to make the findings to support the removal of the trees as currently shown on the FCP. There is no way to minimize impacts on the Protected Trees without having details related to stormwater management and storm drain design. While it is often difficult to save trees in the interior of a property during redevelopment, the Applicant should be able to retain trees at the edges of the Property, particularly on the border of Colesville Manor Neighborhood Park. Accordingly, Staff recommends approving the Preliminary Forest Conservation Plan without the variance, and as conditioned will review the variance request during subsequent review of the Final Forest Conservation Plan filed with the preliminary plan or site plan.

SECTION 8: CONCLUSION

The Local Map Amendment H-159 complies with the standards and requirements of Section 59.7.2.1 of the Zoning Ordinance. The proposed CRNF zone and use are consistent with the goals and recommendations of the 1997 *White Oak Master Plan* and *Thrive Montgomery 2050*, are in the public interest, and will not alter the character of the surrounding neighborhood. Therefore, Staff recommends transmittal of comments to the Hearing Examiner with a recommendation of approval of the LMA and associated Floating Zone Plan with the proposed binding elements.

Preliminary Forest Conservation Plan F20250680 satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of the associated Preliminary Forest Conservation without the variance but with conditions.

ATTACHMENTS

- Attachment A: Floating Zone Plan
- Attachment B: Preliminary Forest Conservation Plan
- Attachment C: Community Correspondence
- Attachment D: Map of Correspondence
- Attachment E: Map of Approved LMA's for CRNF zones
- Attachment F: Compatibility Height
- Attachment G: School Analysis Methodology
- Attachment H: Photos of Existing Conditions
- Attachment I: Approval Letters from MCDOT and MDOT SHA
- Attachment J: Applicant's Response to Community Concerns