



September 17, 2025

Exhibit 57 (a)
OZAH Case No: H-159

Via electronic mail and US mail

Troy Leftwich, Planner III
East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive
Wheaton, Maryland 20902
Email: troy.leftwich@montgomeryplanning.org

RE: Local Map Amendment Case No. H-159 (Notley Road)

Dear Mr. Leftwich:

On behalf of my clients the Greater Colesville Citizens Association (GCCA), Dan Wilhelm, President, and Kyle Smiddie, a confronting property owner who lives at 334 Flannery Lane, Silver Spring, MD 20905, please accept these preliminary comments for Planning Department staff and Planning Board consideration as you review the pending application for Local Map Amendment Case No. H-159 ("Rezoning"). That application seeks approval to rezone an approximately 9-acre property along Notley Road ("Property") from R-200 (a single-family residential detached zone with a minimum 20,000 square foot lot size) to the Commercial Residential Neighborhood Floating (CRNF) Zone to allow for development of up to 130 townhouses.

The Rezoning is located in the middle of a neighborhood comprised primarily of single-family residential homes and an age-restricted residential multi-family development approved as a conditional use, authorized in the R-200 zone. GCCA represents 3500 single family households in east Montgomery County that live within two miles of the commercial area at the intersection of Randolph Road and New Hampshire Avenue, encompassing the entirety of the Property and the surrounding community, including a distance well beyond the "Neighborhood" as delineated by the applicant in its Rezoning materials.

For the reasons explained herein, we ask that staff recommend DENIAL of the application.¹

The Rezoning should be denied for the following reasons:

1. The CRNF zone is not intended for, or appropriately located, at this location.

The CRNF zone is a mixed-use zone, intended to offer mixed-use development compatible with adjacent development. The Rezoning proposes 100% residential use, does not offer any

¹ This letter explains why denial is called for based solely on the application's reliance on the CRNF zone, a zone that cannot be justified in this location. My clients will separately submit additional testimony explaining that even if evaluated under the CRNF standards, the application it must be denied for failure to conform to the master plan, lack of compatibility with the character of the surrounding neighborhood, and adverse impacts to the neighborhood, among other reasons.

mixed use, and as such is inconsistent with the purpose and intent of the zone. Because it is a mixed-use zone and is intended as a transitional zone *between* lower-density residential and commercial development, the design standards include higher density, greater heights, and significantly less open space that is typical of an exclusively residential zone.

The Zoning Code includes a floating zone option specifically developed for a 100% townhouse project, appropriately named the Townhouse Floating Zone. This zone includes height, setback, density and open space requirements that reflect characteristics more typical of an exclusively residential development, and that respect the character of surrounding residential communities.

The Commercial/Residential Neighborhood Floating zone – intended as a mixed-use zone - allows materially greater density, requires materially less open space, and requires only negligible setbacks when compared with the applicable Townhouse Floating zone standards.

*Specifically, “If the master plan does not recommend a floating zone for a particular residential property” (as is the case here), the maximum density on this 9.99-acre site² would be capped at 4.36 units/acre, or **a total density of 43 units.**³*

The sole reason the applicant has filed a 100% residential project using the Commercial/Residential mixed-use zone is to *sidestep* the legislative standards that the Council established as appropriate in an exclusively residential townhouse development established through a floating zone application.

As a result, the proposed 130-unit Rezoning is objectively incompatible with the surrounding neighborhood. The standards for such a project have been legislatively established in the Townhouse Floating zone. The proposed 130-unit project inherently will impose material adverse impacts on the surrounding neighborhood through materially increased density with consequential adverse impacts on traffic within the local road network, parking on adjoining local streets, removal of trees that otherwise might be preserved, significantly increased impervious coverage, and a material decrease in space and minimal setbacks along all Property boundaries, among other adverse impacts.

By all objective measures, the proposed Rezoning is inconsistent with the intent and purposed of the Commercial/Residential floating zone, does not begin to satisfy design standards that properly govern a project that is exclusively made up of residential townhouses, and on this basis alone the application fails to satisfy the floating zone findings required in this case.

2. **No Prior CRNF Rezoning Was Both Exclusively Residential And Surrounded By Existing Residential Uses.**

There currently are four Council-approved rezonings to the Commercial/Residential Floating Zone. None share the characteristics of the proposed exclusively residential townhouse development in the middle of a long-established exclusively single-family detached community abutting with a senior housing development.

² Applicant’s Land Use Report p. 3

³ Montgomery County Zoning Ordinance § 59-5.2.5.A.1 (emphasis added). See Exhibit 1.

Further, the properties that were the subject of these rezoning applications:

1. Had existing institutional or commercial buildings; and
2. Are bounded by major roadways, a Metro rail line or station, and/or were described as an “edge condition” to an urban area, specifically the Silver Spring Central Business District (CBD).

In other words, not one of these prior rezonings to the CRNF zone involved an exclusively residential development fully surrounded by single-family detached residential housing and a sole senior housing development. The primary road frontage is on Notley Road, a local, two-lane narrow road which will provide sole access to the proposed development. The Property has limited frontage along New Hampshire Avenue. Although, the only major roadway that fronts on the Property, access to New Hampshire Avenue will not be allowed.

Table 1 highlights the material differences between the way in which the CRNF zone has been applied in the past and the characteristics of the pending application.⁴ Not only does the pending application fail to meet the intended purpose of the CRNF zone, it fails to conform to the Council's past practice with respect to application of the zone.

Table 1:

Pending Application Name/Location	Acreage/use prior to rezoning	Original zoning	Surrounding Neighborhood	Approved Uses
Notley Road/Colesville				
	9.99 acres Six single-family detached homes	R-200	North: Single-family detached housing, multifamily senior housing and by-right institutional uses (houses of worship); East & west: Single-family detached residential; West: parkland.	N/A

⁴ The Applicant's proposed neighborhood delineation goes well beyond the area of anticipated impacts and properly should be scaled back, as explained herein. The uses listed within the Surrounding Neighborhood in Table 1 reflects those in the Neighborhood proposed by my Clients. See Exhibit 2.

Prior Approvals Name/Location	Acreage/use prior to rezoning	Original zoning	Surrounding Neighborhood	Approved Uses
“TriPointe Homes” (Derwood) 2025				
H-156 Council Res. No. 20-850	13.86 acres 4 1-3 story office buildings; 649-space surface parking lot.	IM-2.5, H-50 (Moderate Industrial)	North & east: single-family detached homes; <i>East: East Gude Drive;</i> <i>South: Metro Rail Line</i>	210 townhouse and 2-over-2 units (15% MPDU)
“Corso” (Chevy Chase) 2023				
	12.3 acres 4-H National Conference Center	R-60	<i>North: East-West highway;</i> <i>South: Bradley Lane;</i> <i>East: Brookeville Road;</i> <i>West: Town of Chase (R-60 single-family detached homes)</i>	287 independent living dwelling units, 190 assisted living beds, and 30 memory care beds; 5,000 square feet of retail.
“Strathmore” (North Bethesda/Garrett Park) 2022				
H-143 Council Res. No. 19-1308	15.26 acres; Vacant retirement home for nuns.	R-60	North & west: single-family detached residential homes. <i>South & east: Institutional (Strathmore Hall) & public transit (Grosvenor/Strathmore Metro Station)).</i>	125 single family homes (w/ 15% MPDUs) and 145-bed residential care facility
“ArtSpace” (East Silver Spring) 2016				
H-110 Council Res. 18-405	2.31 acres Former District 3 Police Station and associated surface parking	R-60	“Edge condition” “immediately east” of urban area (Silver Spring CBD); ⁵ North & south: primarily single-family detached residential on narrow lots; West: low- to mid-rise mixed-use development; East: mix of single-family, townhouse and multi-family residential.	68 multi-family affordable units, 4 work-force townhouse units, 7 market rate townhouse units, 30 artist studios, and 1,500 square feet of retail.

⁵ Council Resolution 18-405 p. 2.

3. **The delineated “Surrounding Neighborhood” is unjustifiably large.**

Specifically, the applicant’s proposed neighborhood extends well beyond the area that will experience direct impacts from the development, a standard typically applied when making a determination as to how far the neighborhood boundaries should be drawn. “Direct impacts” include such things as visual compatibility (height, setbacks), traffic impacts to nearby intersections proximate to the proposed new development (not based on LATR standards but based on considerations of compatibility and adverse impacts to the community, and potential stormwater, impervious coverage, tree loss and other environmental concerns.

The shopping centers to the south, and southeast, which the applicant included in its proposed delineation, lie far beyond any area that reasonably could be expected to experience “direct impacts” from the development.

Neither shopping center abuts the proposed development or Notley Road.

The same is true for the townhome Planned Unit Development (PUD) development to the south. It is located well beyond an area where it will experience any impacts from the development including sight, sound, or environmental effects, and it will experience no direct traffic impacts. There is no direct road connection between the Property and the PUD development and so that neighborhood will suffer no traffic impacts that merit consideration as part of this application.

The applicant’s proposed Neighborhood should be revised to exclude the commercial and retail properties to the south/southeast, and to exclude the PUD townhome development to the south, as shown in Exhibit 2.

Conclusion

The pending LMA does not qualify for approval under any metric governing the CRNF zone, either the intent and purpose of the zone, or the manner in which it has been applied. For these reasons it should be DENIED. Without conceding that the application should be considered beyond this point, if it is evaluated further, the delineated “neighborhood” must be modified to exclude the commercial/retail and PUD townhome developments that the applicant shows in its proposed neighborhood.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

Cc: Dan Wilhelm, President, GCCA
Kyle Smiddie

Section 5.2.5. Development Standards

Exhibit 1

A. Density

1. Residential Density

a. If a Floating zone is recommended in a master plan, residential density must not exceed that recommendation, except where MPDUs above the minimum required or TDRs are provided.

b. If a Floating zone is not recommended in a master plan and the base zone is Residential, the following residential density limits apply, calculated on site area:

Pre-Existing Euclidean Zone	Base Lot/Site Size	Base Density in Units per Acre	Maximum Allowed Density in Units per Acre		
			Less than 3 times the base lot/site size	3 to <6 times the base lot/site size	At least 6 times the base lot/site size
Pre-Existing Euclidean Zone	Base Lot/Site Size	Base Density in Units per Acre	Less than 3 times the base lot/site size	3 to <6 times the base lot/site size	At least 6 times the base lot/site size
RE-2, RE-2C	2 acres	0.50	0.50	0.75	1.00
RE-1	40,000 SF	1.09	1.09	1.63	2.18
R-200	20,000 SF	2.18	2.18	3.27	4.36
R-90	9,000 SF	4.84	4.84	7.26	12.00
R-60	6,000 SF	7.26	7.26	10.89	14.52
R-40	4,000 SF	10.89	10.89	16.33	21.78
TLD	20,000 SF	9.00	9.00	13.50	18.00
TMD	20,000 SF	12.00	12.00	18.00	24.00
THD	40,000 SF	15.00	15.00	22.50	30.00
R-30	12,000 SF	14.50	14.50	21.75	29.00
R-20	16,000 SF	21.70	21.70	32.55	43.40
R-10	20,000 SF	43.50	43.50	65.25	87.00

c. If a Floating zone is not recommended in a master plan and the base zone is non-Residential, the following residential density limits apply, calculated on tract area:

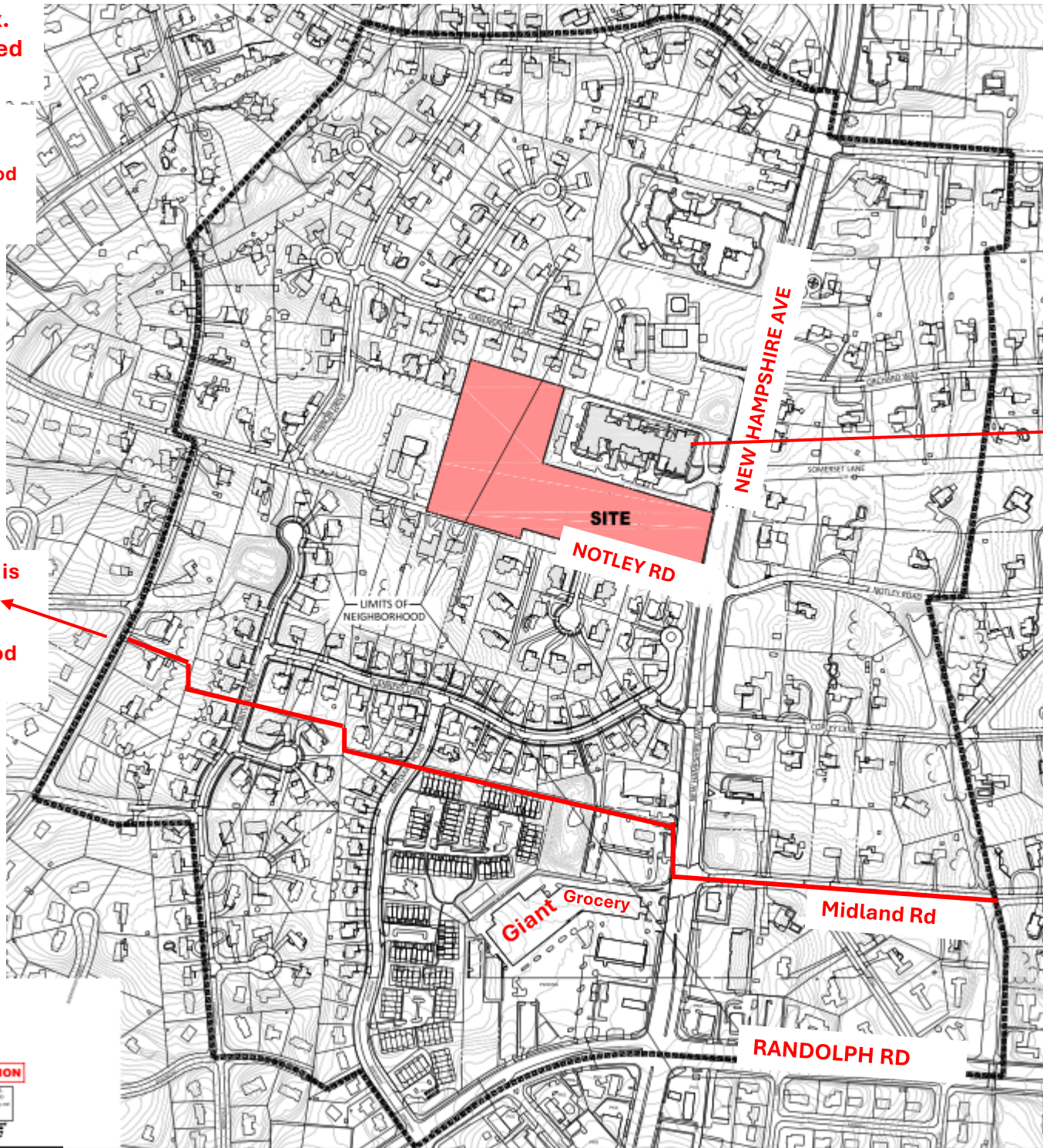
Pre-Existing Euclidean Zone Total FAR	Maximum Allowed Density in Units per Acre		
	Up to 0.5 acres	0.51 acres - 3.00 acres	Greater than 3 acres
Pre-Existing Euclidean Zone Total FAR	Up to 0.5 acres	0.51 acres - 3.00 acres	Greater than 3 acres
≤ 0.5	18	24	31
0.75 - 1.0	31	37	43
1.25 - 1.5	49	74	99
1.75 - 2.5	74	99	124
2.75 - 3.5	99	124	149
3.75 - 4.5	124	149	174
4.75 - 5.5	149	174	200
5.75 - 6.5	174	200	200
≥ 6.75	200	200	200

2. Commercial Density

H-159 10 ix.
Edited in red
font

Notley Road
Surrounding
Neighborhood
Plan
Corrected

This red line is
where the
surrounding
neighborhood
should end



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1/10 NAMP, 3052

WH-150

**SURROUNDING
NEIGHBORHOOD
PLAN**



DATE: 08/11/2011
DRAWN BY: JACOB
CHECKED BY: JACOB
DATE: 08/11/2011
PROJECT: VM50728
SHEET: 1
SHEET NO.

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