



October 7, 2025

**Exhibit 57 (b)**  
**OZAH Case No: H-159**

**Via electronic mail and US mail**

Troy Leftwich, Planner III  
East County Planning Division  
Montgomery County Planning Department  
2425 Reedy Drive  
Wheaton, Maryland 20902  
Email: [troy.leftwich@montgomeryplanning.org](mailto: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, 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"), seeking to rezone an approximately 9-acre property along Notley Road ("Notley 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.

We ask that staff recommend DENIAL of the application because it does not substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans as required by Zoning Code § 7.2.1.E.2.A.

**I. THE PROPOSED REZONING DOES NOT SUBSTANTIALLY CONFORM WITH APPLICABLE COUNTY MASTER PLANS.**

The Zoning Ordinance requires that any proposed floating zone application "substantially conform" with the recommendations of "the applicable master plan, general plan and other applicable County plans." This Rezoning does not comply with any of these plans, as explained in turn.

**A. The Rezoning Does Not Substantially Conform With The 1997 Approved and Adopted White Oak Master Plan As Amended In the 2014 White Oak Science Gateway Master Plan.**

The White Oak Master ("White Oak Plan") offers the most relevant master plan recommendations for this project. Originally adopted in 1997, it was materially amended in 2014 with the adoption of the 2014 White Oak Science Gateway Master Plan ("White Oak Science Gateway Plan").<sup>1</sup>

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<sup>1</sup> Dan Wilhelm, representative of the Greater Colesville Citizens Association, was Vice-Chair of the Citizens Advisory Committee for the 1997 White Oak Plan. White Oak Plan p. iv, .pdf p. 7. [1997 White Oak Master Plan](#). The White Oak Science Gateway Plan summarized the White Oak

The White Oak Science Gateway Plan includes 3,000 acres and was adopted as a “Comprehensive Amendment to portions of the Approved and Adopted 1997 White Oak Master Plan and portions of the Approved and Adopted 1997 Fairland Master Plan [“Fairland Plan”] . . .” and was primarily comprised of property within the White Oak Plan:<sup>2</sup>

All of the [2014 Plan] area was previously part of the 1997 White Oak Master Plan except for the . . . US 29/Cherry Hill Road Employment Area” of the Fairland Plan.

White Oak Science Gateway Plan p. 20. .pdf p. 22. [2014 White Oak Science Gateway Plan](#) (emphasis added).<sup>3</sup>

The 3,000-acre 2014 White Oak Science Gateway Plan, which included 2,200 acres within the original White Oak Plan and only 800 acres from the original Plan, profoundly changed zoning and land use patterns within its boundaries, in part by recommending that 665 acres be rezoned CR, 79 acres be rezoned CRT, and 24 acres be rezoned to CRN. White Oak Science Gateway Plan p. 31 Table 2, .pdf p. 33.

By leaving the White Oak Plan recommendations in place within the remaining areas of the Plan, the 2014 White Oak Science Gateway Plan reaffirmed the 1997 recommendations:

The 1997 White Oak Master Plan envisioned the area remaining residential, with any infill development following the established pattern. Commercial areas would be attractive, pedestrian-friendly, multi-purpose centers for daily retail services. Any redevelopment within the centers would enhance the communities, but *the character and density of the neighborhoods would not appreciably change.*

White Oak Science Gateway Plan p. 20, .pdf p. 22 (emphasis added).

An Updated Land Use Report (“ULUR”), filed in support of the Rezoning, does not even mention, let alone recognize, the 2014 amendment to the White Oak Plan, instead suggesting that it is outdated and frozen in time. See generally ULUR p. 11. Rather, it was updated and affirmed by

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Plan in this way: “The 1997 White Oak Master Plan envisioned the area remaining residential, with any infill development following the established pattern. Commercial areas would be attractive, pedestrian-friendly, multi-purpose centers for daily retail services. Any redevelopment within the centers would enhance the communities, but the character and density of the neighborhoods would not appreciably change.” White Oak Science Gateway Plan p. 20, .pdf p. 22.

<sup>2</sup> Certification of Approval and Adoption White Oak Science Gateway Master Plan. White Oak Science Gateway Plan, .pdf p. 5. [2014 White Oak Science Gateway Master Plan](#) “This Plan contains the text and supporting maps for a comprehensive amendment to portions of the approved and adopted 1997 White Oak Master Plan and portions of the approved and adopted 1997 Fairland Master Plan, as amended.” *Id.*, .pdf p. 3. Dan Wilhelm, now President of GCCA, was a member of the Citizens Advisory Committee for the White Oak Science Gateway Plan as a GCCA representative as that plan was drafted and approved. *Id.*, .pdf p. 2.

<sup>3</sup> Geographically, this area is located north of the Paint Branch Stream Valley Park and south of Cherry Hill Road.

amendment in 2014, well within the anticipated 20-year lifespan of a plan, and the recommendation that the “character and density of the neighborhoods would not appreciably change” remains as meaningful now as it was in 1997.

Additionally, the White Oak Plan accurately describes the Colesville neighborhoods surrounding the Rezoning as: “mostly low-density, single family detached residential in nature with a scattering of townhouses tucked throughout.” White Oak Plan p. 10. The White Oak Plan “envision[s] the [plan area] remaining residential in nature. Within that context, the White Oak Plan says:

- a. In-fill development will follow the established residential pattern” (p. 13);
- b. Has a goal to “protect and strengthen *existing* neighborhood character and pattern of land use” (p. 38);
- c. Recommends future development “retain existing zoning designations in residential neighborhoods” (p. 38); and
- d. To “encourage new residential development within residential neighborhoods that is compatible with the surrounding neighborhoods and community” (p. 38).

When viewed against these recommendations, the request to rezone property now zoned R-200 to a mixed-use Commercial/Residential zone does not conform to these recommendations and moreover is directly contrary to the recommendation that future development “retain existing zoning designations in residential neighborhoods.”<sup>4</sup>

Moreover, the Rezoning’s proposed density of up to 130 townhouses on nine acres is approximately *eight times* the density of the surrounding neighborhood, does not begin to conform to the White Oak Plan recommendations that neighborhood “character and density” not “appreciably change.” The surrounding area is residentially zoned and developed under the R-200 zone (adjacent to this property) and R-90 (across Notley Road), and is comprised of single-family detached residential housing, senior housing approved subject to special exception approval, and by-right houses of worship, all presumptively compatible uses under the existing zoning.

The nearest townhouse development, west of the Colesville Shopping Center and outside of the properly delineated Defined Neighborhood was approved by the Council as a Planned Unit Development (PUD) project under PUD-7 zoning, and the density was reduced even below that level. In contrast, the Rezoning proposes 16 units/acre, which appreciably changes the character and density of the neighborhood.

### **1. The Rezoning Undermines The White Oak Housing Recommendations**

As noted in the Rezoning’s Updated Land Use Report, “[t]he Master Plan seeks to ‘...ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities’ function, sense of place, and identity,’” and “seeks to protect the existing residential communities.” Updated Land Use Report p. 12, citing White Oak Plan pp. 16, 6.

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<sup>4</sup> We recognize that a master plan recommendation in favor of a floating zone is not a requirement necessary to find master plan conformance. A mixed-use commercial/ residential zone, with the attendant increase in density, lot coverage and height limits, and material reductions in open space and setbacks requirements from those more typical of residential zones (even residential floating zones), however, on its face conflicts with the recommendations of the White Oak Plan.

Contrary to the assertion in the Rezoning's Updated Land Use Report the proposed project "will serve as a buffer and transition between New Hampshire Avenue (and the institutional uses that line this major highway), and the less dense residential development to the west," (Updated Land Use Report p. 12), the project instead drops a development project with densities at a mixed use commercial zone into the middle of a low density residential community with highly incompatible building heights of 50 feet, nominal setbacks, minimal open space primarily located between the rear of the project and the abutting senior housing which already has substantial setbacks (unlike the nearest single-family residential housing), and loss of significant trees.

While the White Oak Plan seeks to "[m]aintain housing for people of varying incomes, ages, and lifestyles, and continue to provide a variety of housing types that will permit households with changing needs to find suitable accommodations within the White Oak Master Plan area" (Updated Land Use Report p. 12, citing White Oak Plan p. 18).

As the Colesville area boasts among the most diverse neighborhoods in the County, even given its low density residential development,<sup>5</sup> adding townhouses at a density incompatible with the existing neighborhood is unnecessary to achieve this goal and moreover any potential benefit in this regard is heavily outweighed by the adverse impacts to the neighborhood that will result from this project.<sup>6</sup>

## **B. THE REZONING DOES NOT SUBSTANTIALLY CONFORM WITH THE THRIVE MONTGOMERY 2050 PLAN.**

### **1. Thrive Montgomery 2050 Plan Recommendations Do Not Supersede The White Oak Plan.**

It is critical to understand when considering the Thrive Montgomery 2050 Plan ("Thrive Plan") recommendations that those recommendations stand independently of area master plan recommendations *until* those area plans are "modified pursuant to the guidance of this [Thrive] Plan." In other words, by its own terms, the Thrive 2050 recommendations are forward looking:

*Area master plans . . . will remain valid until modified pursuant to the guidance provided by this Plan. Like the previous general plan, [Thrive Plan's] broad policy recommendations pave the way for future actions, such as amendments to other plans, policies, and development rules.*

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<sup>5</sup> The Thrive Plan documents that there is "High representation of Blacks in East Montgomery communities of Burtonsville, Fairland, Calverton, and Colesville," and that "areas such as Boyds, Clarksburg, and Colesville have a diverse racial and ethnic make-up even at lesser densities. Thrive Plan p. 147 (Appendix B-6).

<sup>6</sup> These adverse impacts will be discussed more fully in a separate submission but include building heights incompatible with existing residential homes, cut-through traffic impacts within existing neighborhoods, and on-street parking within adjoining narrow neighborhood streets with no curb and gutter or sidewalks. The RLUR also argues that the Rezoning is consistent with White Oak Plan recommendations on transportation and environment, however these matters are secondary to the overall housing and community master plan recommendations. Given the Rezoning's lack of compliance with these overriding recommendations, compliance with recommendations such as bike paths and street trees are secondary considerations and cannot override the primary goals of the plan.

Thrive Plan, [Thrive Montgomery 2050](#), .pdf p. 2 (emphases added).<sup>7</sup> As such, Thrive Plan recommendations do not supersede White Oak Plan recommendations and must be considered independently of them. The White Oak Plan recommendations, which were developed specific to the subject property and surrounding neighborhood and reaffirmed in 2014, take precedence over Thrive 2050 commentary.

## **2. Thrive Plan Recommendations Confirm That The White Oak Plan Recommendations Remain Relevant And That The Rezoning Is Inconsistent With Both The White Oak and Thrive Plans.**

The Thrive Plan specifically references the Colesville Center, a commercial shopping center located south of Notley Road and outside of the Defined Neighborhood,<sup>8</sup> is identified as a “Village and Neighborhood Center.” See Figure 1 (excerpted from Thrive Plan p. 71).

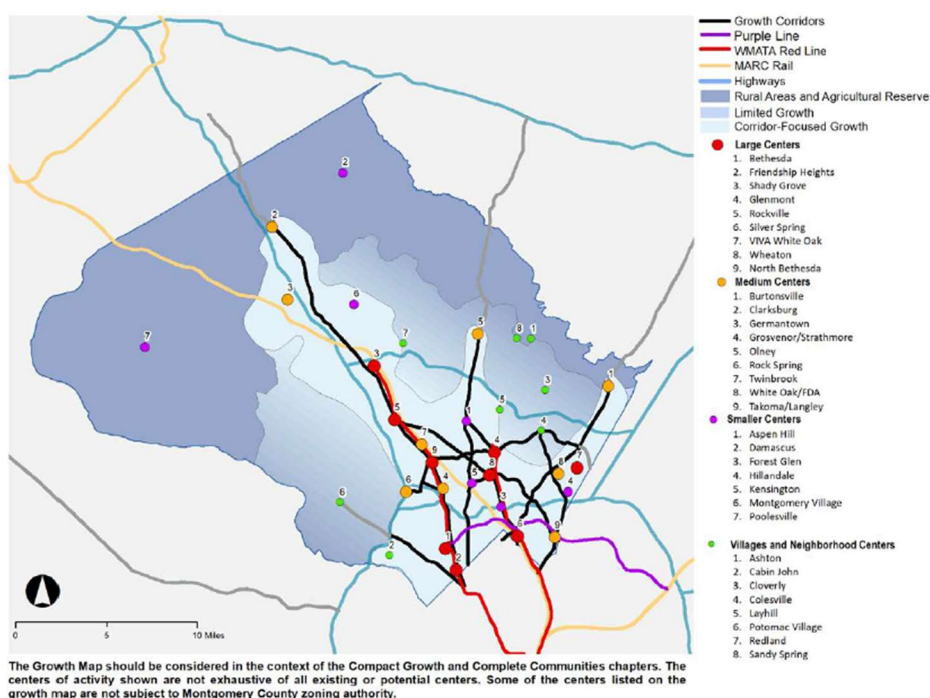


Figure 34: Proposed Growth Map - Corridor-Focused Growth

**Figure 1. Thrive Growth Map (p. 71)**

<sup>7</sup> The Thrive Plan did amend the 1969 General Plan (On Wedges and Corridors) and several functional master plans, e.g., the Master Plan of Historic Preservation, as amended; the 2010 Purple Line Functional Plan, as amended; the 2011 Housing Element of the General Plan, as amended; and the 2013 Countywide Transit Corridors Functional Master Plan, as amended, among others. The Thrive Plan is now in the implementation process, as the Council's recent adoption of Zoning Text Amendment 25-02 allowing redevelopment of certain “Corridor” properties for higher densities of housing pursuant to Thrive Plan recommendations attest.

<sup>8</sup> As propounded in a separate letter dated September 17. The Defined Neighborhood proffered by my Clients is attached as Exhibit 1.

The Thrive Plan defines a “Village and Neighborhood Center” as “the lowest intensity centers containing a small number of neighborhood-serving uses and *located in rural areas and low-density residential neighborhoods.*”

The neighborhood surrounding the Colesville Village and Neighborhood Center is not rural but it is an established “low density residential neighborhood.”

For purposes of understanding whether the Rezoning arguably can qualify as a low density townhouse development, it is instructive to look at the Townhouse Low Density Zone in the Zoning Ordinance (“TLD Zone”). The TLD Zone is intended “to provide designated areas of the County for residential purposes at *slightly higher densities than the R-90, R-60, and R-40 zones.* It is also the intent of the TLD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.” Zoning Ordinance § 4.4.11A.

A comparison of the zoning standards governing the TLD Zone and the Rezoning proposal confirms that the Rezoning is not low density:

Density: 9.07 units/acre (vs Rezoning 13 units/acre)

Common open space: 25% (vs Rezoning site open space 10%)

Maximum height: 40 feet (vs Rezoning currently proposed at 50 feet)

In other words, the Rezoning does *not* propose low density residential zoning (even for a townhouse development) and does not conform to the Thrive Plan recommendations for the neighborhood.<sup>9</sup>

## **II. CONCLUSION**

The Rezoning equally fails to substantially conform with the recommendations of the White Oak Plan and the recommendations of the Thrive Plan as required by Zoning Code § 7.2.1.E.2.A. and as a result the Rezoning must be denied, and we ask that the Planning Department and Planning Board recommend denial accordingly.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Cc: Dan Wilhelm, President, GCCA  
Kyle Smiddie

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<sup>9</sup> While Colesville is not targeted for housing under the White Oak or Thrive Plans, significant housing nearby is both planned and in various stages of approval and construction east of US29/Old Columbia Pike as envisioned in the 2014 White Oak Strategic Plan. 463 high-rise units are under construction at the Hillandale Gateway Project on New Hampshire Ave at the Beltway; 387 apartment and townhouse units have started to open on Broadbirch Boulevard; and approximately 4000-5000 high-rise apartments and townhouse units are in the early approval stages at the 280-acre Viva White Oak property where preliminary plan approval has been approved for three master plan roads and Tax Increment Financing for that \$2.8B project is under County Council consideration.