



October 13, 2025

Exhibit 57 (c)
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, 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 in support of denial of the Local Map Amendment Case No. H-159 ("Rezoning"). That application seeks to rezone an approximately nine acres along Notley Road ("Notley Property") from R-200 zone 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.¹

We ask that staff recommend DENIAL of the application because the application does not (and cannot) satisfy the following necessary requirements:

1. The Rezoning is not compatible with existing and approved adjacent development (Zoning Code § 7.2.1.E.d); and
2. The Rezoning will adversely affect the character of the surrounding neighborhood (a standard that applied if a Rezoning seeks to rezone property now in a Residential Detached zone (r-200) to a non-Residential CRN Floating zone, as this one does) (Zoning Code § 7.2.1.E.f); and
3. The Rezoning does not further the public interest (Zoning Code § 7.2.1.E.b).²

¹ My Clients dispute that the "neighborhood" designated in the Rezoning is correctly delineated. The properly delineated neighborhood is attached as Exhibit 1.

² This letter supplements the grounds for denial in our previously filed letters dated September 17 (the proposed site is not eligible for the CRNF zone) and October 7, 2025 (the proposed Rezoning does not conform to governing master plan recommendations).

I. THE PROPOSED REZONING IS NOT COMPATIBLE WITH EXISTING ADJACENT DEVELOPMENT, WILL ADVERSELY AFFECT THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD, DOES NOT FURTHER THE PUBLIC INTEREST, AND MUST BE DENIED.

A. The Proposed Rezoning Is Not Compatible With Existing Adjacent Development

1. The Height and Massing Of The Buildings Are Incompatible With The Existing Neighborhood.

The Subject Property is surrounded by existing development. The Wiltshire Estates Senior Housing development (approved by special exception) is Immediately to the north, as are existing single-family homes. Existing single-family homes also abut the property to the west (as does Colesville Local Park) and to the south.

The existing low-density neighborhood has considerable open space, is in parts heavily treed, and is served exclusively by neighborhood roads. The single-family residential structures do not exceed 40 feet in height.

Even the 155-bed senior housing project, at 48.6 feet in height, has an effective height of forty feet or less at the western end because the site drops approximately 8 – 10 feet in elevation at that end, so it effectively is less than 40 feet tall when viewed from the Notley Road.

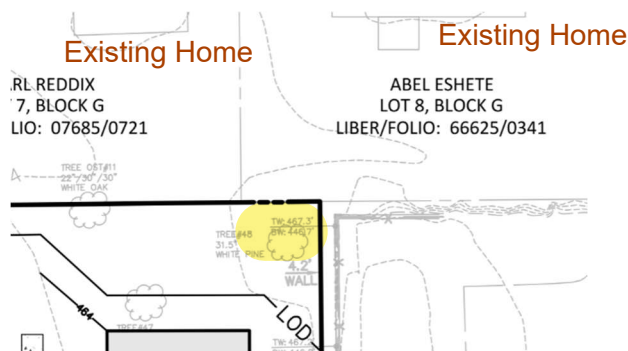
The 50-foot height limit proposed in the Rezoning would tower even over the senior housing structure and dwarf the surrounding single-family homes that are modest in both scale and height.

As confirmed in the Concept Grading and Utilities Plan (DAIC Plan entered 8/19/2025 No. 10.iv), the senior housing project is built at an elevation of approximately 446' at the rear of the building, nearly 20 feet lower than the existing grade of the closest residential homes and northernmost boundary of the project. The existing grade was significantly lowered when the senior housing project was built, and as such the 48.6' building height has the appearance of being less than 30' tall from the closest homes. See Figures 1, 2.

Figure 1 (elevations in upper corner of Figure 2 enlarged).



Figure 2



The lots along Greenspring are capped by zoning at 40', and could not be built to a height of 50, even if redeveloped.³

With only a 20-foot setback proposed to the north and west and all existing tree cover to be removed, there will be no meaningful physical or visual buffer between the new units and the existing homes to the north and west, and likewise will tower over the confronting homes to the south.

The proposed massing and height are incompatible with the surrounding neighborhood and it should be denied.

2. The Density And Internal Road Network, Leaving Only Ten Percent Open Space, Is Incompatible With The Surrounding Open, Low Density R-200 Residential Housing And The Wide Setbacks Provided In The Senior Housing Project.

B. The Proposed Rezoning Will Adversely Affect The Character Of The Surrounding Neighborhood

Not only is the proposed Rezoning incompatible with the surrounding neighborhood, it will adversely affect the character of the surrounding neighborhood in at least two ways: (1) There will be overflow parking on Notley Road and along confronting and abutting interior roads; and (2) because there is no ingress/egress from New Hampshire Avenue, there will be excessive cut-through traffic between the site and Randolph Road via Sherwood Forest Drive, which will be easier to navigate than facing already excessive delays at Notley/New Hampshire Avenue.

1. The Proposed Density of 130 Units And Only 30 Guest Parking Spaces Necessarily Will Result In Overflow Guest Parking On Petwin Court, Greenspring Lane and Notley Road.

The applicant is proposing 130 units with 30 guest parking spaces. Using the site layout, the distance between the two rows of townhouses is only 40 feet, half of which is the private alley. Thus, there would only be 10 feet between the back of each townhouse and the alley for parking. A parking space needs to be at least 18 feet per zoning ordinance 59-6.2.5.E. Thus, vehicles will protrude into the alley or will need to park partly within an existing garage. See, for example, Figure 3, a photo taken of a nearby townhome development in Glenmont⁴ that shows parking constraints similar to those that would occur if the proposed 130 townhouses were built. Note also in Figure 3 that part of the space facing the alleys are taken up with AC compressor units and thus not available for parking a vehicle. Note further that there is not enough space for cars to park on either side of the alley facing the townhouse units because it is too narrow. See Figure 3.

³ Chapter 59 § 4.4.7.B (Development standards for lots between 15,000 and 25,000 in size).

⁴ This project is located at the corner of Glenallen Ave and Layhill Rd across from the Metro Station; internal streets include Tamayo Alley, Vuillard Street and Kandinsky Loop.



Figure 3 (Glenmont townhouse community)

The proposed Rezoning materials confirm that some of the townhouses will be too narrow to allow cars to park. The townhouses range in width, *i.e.*, 14', 16', 20' or 22' wide. See Figure 4.

PARKING [4]	Permitted/ Required	Provided
Required Parking	2 per unit (minimum)	3.18 per unit
Front Load (22'x40') - 28 Units	56 spaces	56 garage spaces 56 driveway spaces
Rear Load (20'x40') - 43 Units	86 spaces	86 garage spaces 82 driveway spaces
Rear Load (16'x40') - 42 Units	84 spaces	42 garage spaces 37 driveway spaces
Required Parking	1 per unit (minimum)	
Rear Load MPDU (14'x40') 17 Units	17 spaces	17 garage spaces 17 driveway spaces
On-Street Parking		30 spaces
Total Parking	243 spaces	423 spaces

Figure 4 (Excerpted from DAIC Plan No. 10.1.a (Notley Road FZP01.pdf v3)

The zoning ordinance requires a width of 8.5 ft for a standard parking space. Thus, there is not enough width for two side-by-side parking spaces for the 16-foot wide units. This situation is illustrated in the Landscape Section Drawing submitted by the applicant. Figure 5. For “tandem” parking of two cars under a unit, each townhouse would need to be 36 deep (zoning ordinance requires 18 feet per space). Even if provided, in reality it would be a rare homeowner willing to routinely move vehicles to allow the one parked in “front” to exit. vehicles to access the one in front. Also, many people use an extensive amount of garage for storage, if not the entire garage. Thus, insufficient parking would be provided and people who would live in this development will try to park in the broader community thus causing adverse impacts on the surrounding neighborhood, contrary to their claim.

Given these dimensions, the reality is that the “379 parking spaces in-unit garages and/or driveways” that the applicant suggests will be provided simply defies credulity as the actual useable number of spaces. Revised Land Use Report p. 6. As a practical matter, parking in these height density townhome developments is substandard, at best, given the number of vehicles in a typical household, the amount of garage space in townhomes dedicated to storing things other than vehicles, and the severe limitations on the size and location of parking spaces as designed.

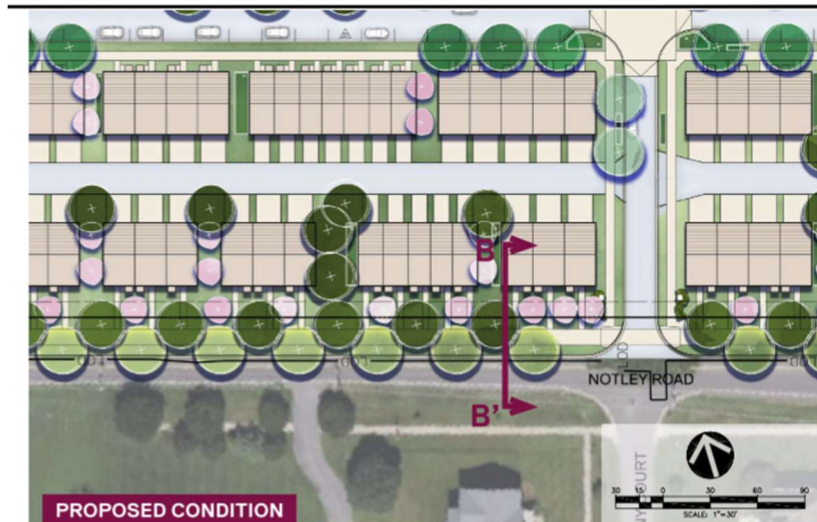


Figure 5 (excerpted from DAIC Notley Road Landscape Section)

Note: Some many townhouses lack driveways wide enough to park two cars.

Moreover, it defies credulity that in a development of 130 units that there would only be 30 guests at any given time, particularly during sports seasons (virtually year round), graduation and wedding seasons, and during holidays. The 30-proposed guest parking spaces are woefully inadequate, particularly at this location which is not served by any form of public transit.

At the request of transportation agency staff, one of the ingress/egress driveways to the site is going to be aligned directly across from Petywn Court (highlighted in yellow, Figure 6).

21. Future Intersection (p.25): Please note that future intersection #4 should be aligned with the existing curb-cut opposite to the Site. Please note the type of intersection being proposed for future intersection #5.

Response: The future intersection #4 will be aligned with Petwyn Court. Intersection #5 will be a one-way stop-controlled intersection with a stop sign at the site access and free flowing traffic along east-west on Notley Road.

August 19, 2025 Comment Response Letter p. 5 (emphasis in original). See Figure 6.



Figure 6

The likelihood that this will be the first choice for overflow off-site guest parking is undeniable. The residents of Petwyn Court, then, are going to be subject to additional vehicular traffic, constraints on their own use of their street for guest parking, and possible interference with their own ability to ingress/egress their own street.

The same adverse impacts will apply to the residents of Greenspring Lane, which is highly likely to serve as overflow parking for people who want to visit residents living in the northern end of the project. This overflow parking occurs every day even within the far less dense townhouse community on Bregman Road. See Figure 7.



Figure 7 (Overflow Townhouse Parking On Adjacent Neighborhood Road)

And the same is true for the length of Notley Road, if that is a more convenient place to park than the other two nearby streets. Also, any parking on Notley Road, a narrow two lane road, will create a dangerous situation when two-way traffic attempts to navigate between parked cars which will necessarily further narrow the driving lanes.

By seeking more density than is appropriate for this site, approval of the Rezoning will force off-site guest parking onto the adjoining neighborhood streets in ways that will adversely affect the existing owners' use and enjoyment of their properties, adversely impact ingress/egress to their own properties, erode the rural character of the existing neighborhood by creating a more "urban" feel with heavily parked residential streets, and overall adversely impacting the character of the surrounding neighborhoods.

2. Sherwood Forest Drive Will Become A Cut-through Street To Randolph Road, Adversely Impacting The Neighborhood Surrounding That Local Street.

With Notley Road serving as the sole means of ingress/egress to the site, there will be two ways to get to Randolph Road and points south. The first would be a right-hand turn onto New Hampshire Avenue from Notley Road, which even under current conditions is extremely difficult during rush hour traffic. The other would be to turn right, then left onto Sherwood Forest Drive, which truncates at Randolph Road. Returning from points south, these directions would be reversed. See Figure 8.

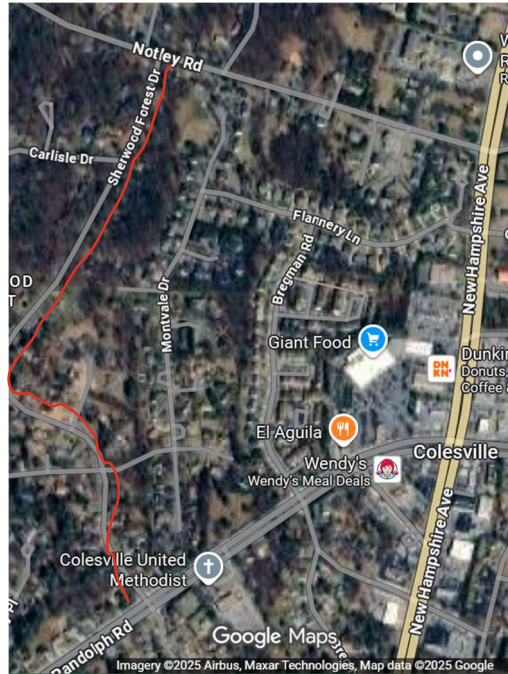


Figure 8

Because of the difficulty of the right-hand turn onto New Hampshire Avenue, new residents are highly likely to instead choose to drive down Sherwood Forest Drive, increasing traffic on that street beyond the already heavy traffic that it now handles. With 664 net new vehicular trips during the morning peak hour and 77 net new vehicular trips in the evening, the backups on Notley will only get longer, and a substantial percentage of these new trips are likely to find Sherwood Forest Drive the preferable choice. According to the LATR, 30% of the inbound/outbound trips generated by the site will use be going to or coming from Randolph Road.

This number of additional new trips are unwarranted (there will be no reduction in impact because no trips will be able to access New Hampshire Avenue via any road but Notley), will create additional congestion and delay on an already busy road, and will adversely impact the community on either side of Sherwood Forest Road to an unacceptable degree.

C. The Proposed Rezoning Does Not Further The Public Interest And Moreover Is Detrimental To The Public Interest (Zoning Code § 7.2.1.E.b);

Not only does the proposed Rezoning fail to further the public interest, it will have adverse impacts relating to the public interest specific to the neighborhood, and more generally to the public at large, for the following reasons.

1. The property does not qualify for rezoning because it does not have the minimum two prerequisites necessary under the Transit and Infrastructure category to be eligible for consideration for Rezoning.

All floating zone rezoning applications that are not recommended in a master plan and request “an increase in density above that allowed by the base zone” “must satisfy a minimum of two prerequisites for each of the categories under Section 5.1.3.D” (emphasis added).

The Updated Land Use Report inaccurately claims that it meets three prerequisites in this category when in fact it meets only one (the property is not in an area subject to a moratorium based on lack of school capacity).

The other two claimed Transit and Infrastructure prerequisites are not met:

a. The site does not have vehicular access to a non-residential road.

The “site” must have “frontage on *and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.*” The Zoning Code defines “site” as “an area of land including all existing *and proposed lots and parcels in one application . . .*” Zoning Code § 4.1.7.A.2 (emphasis added).

While the Subject Property *as currently used* has vehicular access to a non-residential road (New Hampshire Avenue), the Rezoning application itself does not, because the proposed lots within the site do not have vehicular access to New Hampshire Avenue. Consequently, the proposed Rezoning fails to satisfy this requirement.

An August 19, 2025 Comment Letter responding to MNCPPC comments offered in connection with the LATR confirms that there will be no vehicular site access to New Hampshire Avenue.

MNCPPC Comment No. 19: “Access and Circulation (p.10): Please modify that emergency access will no longer be out of New Hampshire Avenue, as it was initially proposed.

Response: Comment Acknowledged. Emergency access from New Hampshire Avenue has been removed and the updated site plan is included in the revised TIS.

(Emphasis in original.) See Figure 9.⁵

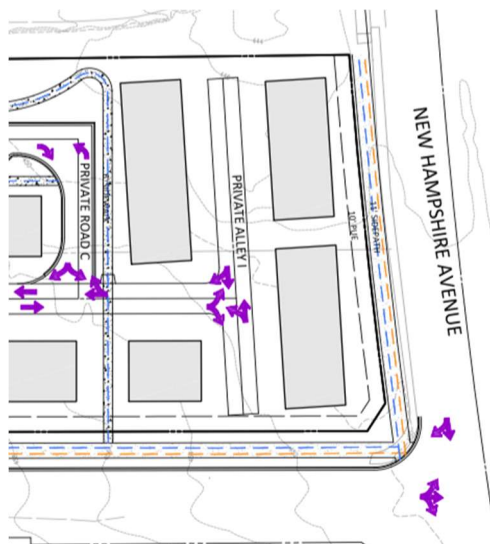


Figure 9 (excerpted from DAIC Plan No. 10.vi. (circulation plan) confirming no vehicular access from site to non-residential road (New Hampshire Avenue))

⁵ We note that the Updated Land Use Report has not been updated to reflect that there will be no vehicular access of any kind to New Hampshire Avenue.

With no site access to a non-residential road the Rezoning cannot satisfy this prerequisite.

b. There is no evidence that the existing water and sewer infrastructure is adequate to serve the proposed Rezoning.

The Updated Land Use Report says “It is *anticipated* that the existing water and sewer infrastructure will not require either an upgrade to the service line or installation of a pump station.”

The plain language of the Zoning Codem however, makes it clear that the applicant must prove now that the site is served by existing water/sewer infrastructure adequate to serve the project. These requirements are prerequisites that must be established prior to approval of the Rezoning, and not contingent possibilities to be evaluated later. It is plainly evident from the zoning provision that this determination is not to be left to future assessment. What if the Rezoning is approved and it is later determined that an upgrade to the service line, or installation of a pump station, is necessary?

A “prerequisite” is a “necessary qualification before the next benefit, privilege, *etc.* is received.” Black’s Law Dictionary 2d ed. (emphasis added).

The Rezoning application fails to establish that the site “is served” by water/sewer infrastructure adequate to support the project.

c. Under A Plain Reading Of The Transportation and Infrastructure Prerequisites Table, The Rezoning Is Ineligible For The Requested LMA And The Application Must Be Denied.

The prerequisites table is plainly written. See Figure 10.

D. Prerequisites	
Category	Prerequisite Choices
Transit & Infrastructure	At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.
	The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.
	The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.
	All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.
	The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.

Chapter 59: Zoning Code
Montgomery County, Maryland

Figure 10

The Rezoning application is substantively deficient by failing to provide the two necessary prerequisite factors under the Transit and Infrastructure category and must be denied. The application itself – on its face -confirms that (a) the project does not have vehicular access to a

non-residential road; and (b) that the property may not be served by existing water and sewer infrastructure adequate to serve the proposed development.

Approval of the Rezoning in the absence of these two statutorily-mandated requirements not only fails to serve the public benefit, but is adverse to the public interest by furthering a rezoning application that is legal deficient.

The Rezoning application is substantively deficient by failing to provide the two necessary prerequisite factors under the Transit and Infrastructure category and must be denied. The application itself – on its face - confirms that (a) the project does not have vehicular access to a non-residential road; and (b) that the property may not be served by existing water and sewer infrastructure adequate to serve the proposed development.

Approval of the Rezoning in the absence of these two statutorily-mandated requirements not only fails to serve the public benefit, but is adverse to the public interest by furthering a rezoning application that is legal deficient.

2. Increased Traffic From The Rezoning, If Approved, Would Materially Impair Public Safety At The Notley Road/New Hampshire Avenue Intersection.

The proposed Rezoning will generate 64 net new vehicular trips during the morning peak hour and 77 net new vehicular trips during the afternoon peak hour on Notley Road, a “substandard (narrow two-lane and un-striped) residential [street]” that serves the surrounding neighborhood. LATR p. 5; Wiltshire Estates Staff Report p. 10. Every one of these trips necessarily will ingress/egress via Notley Road, a residential road. This is the result of the fact that the site does not have vehicular access to New Hampshire Avenue, defeating the very purpose of the prerequisite requirement that this floating zone have access to a non-residential road, which would serve to divert some percentage of site traffic from a residential road to one with far greater capacity.⁶

The resulting overburdening of Notley Road, a “minor street “that is already highly congested during peak hours, does not serve a public benefit and instead poses a direct detriment to the residents within and proximate to the Neighborhood. LATR pp. 6, 12; LATR August 19, 2025 comments letter p. 2 ¶ 5.

With Notley Road serving as the sole means of ingress/egress to the site, public safety is further compromised by the fact that the existing 85th percentile speed along Notley Road *exceeds the posted speed limit by over 20%* in both the eastbound and westbound directions. LATR p. 13.

⁶ The LATR incorrectly states that “The project site is within a quarter-mile of bus stops serving WMATA bus route Z2 that provides connection to the Silver Spring Metrorail Station.” LATR p. 47. This was the only public transit facility available in the vicinity of the site. WMATA has discontinued all bus service on New Hampshire Avenue north of Randolph Road, leaving the site unserved by any means of public transit. It is unclear whether this change affects the underlying traffic generation rates for the site, but calls for an update to the LATR as it relates to the Transit Facilities analysis.

Notably, the highest concentration of vehicular/pedestrian crashes are at the Notley/New Hampshire intersection, further underscoring that additional traffic concentrated at this location is contrary to the public interest.⁷

Moreover, as noted by the Planning Department staff when the adjoining Wiltshire Estates Senior Housing project was under review (in connection with the then-pending special exception), citizens at the time:

[R]aised concerns regarding the difficulty of finding gaps in traffic to turn left onto and from New Hampshire Avenue at . . . Notley Road Given the large size of the intersection and sight distance difficulties (*due to the crest in the road*) for left-turning vehicles, many drivers pull half-way across the intersection (past three lanes of through traffic) and find themselves stranded in the middle with little to no queue space and high volumes of traffic traveling by in both directions.

In 2014, “Transportation staff visited the area surrounding the site *and confirmed the left-turning difficulties expressed by the citizens.*” Staff Report p. 12. The restricted visibility, high volume of traffic and limited queuing space would appear to contribute to the fact that this intersection also is the location of the highest pedestrian/vehicle crashes in the vicinity. See Figure 11.

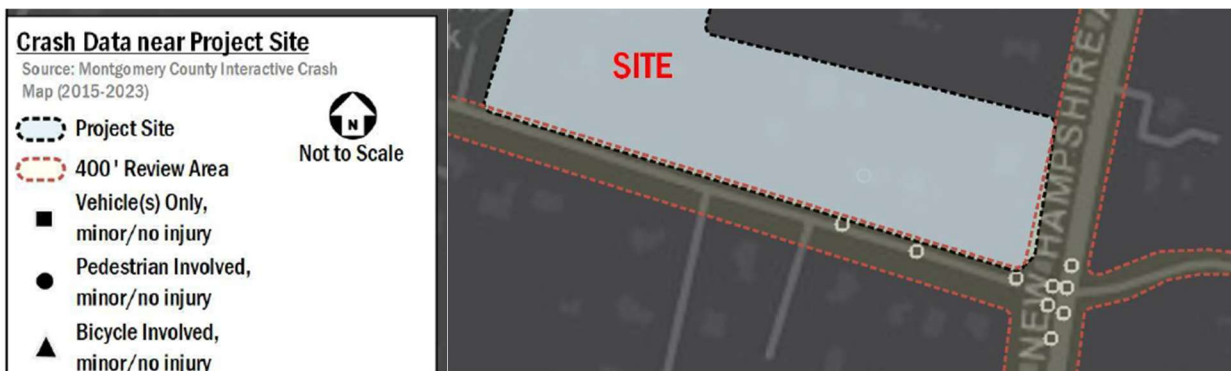


Figure 11(Excerpted from LATR Figure 4 p. 15).

These concerns about pedestrian not only remain but are heightened by the increased traffic volumes over the past decade. Adding this significant amount of new vehicular traffic to this interest is not a public benefit, and worse yet, undermines public safety.

The Colesville community is fortunate that there have been no fatal accidents at this intersection, but are highly concerned that routing all vehicles from the site to this intersection potentially sets the stage for just such a tragedy.

Furthermore, we dispute that the underlying data used in connection with the LATR analysis for the intersection of Randolph Road and New Hampshire Ave is valid because the traffic counts

⁷ In the applicant’s August 19, 2023 response to staff comments on the LATR, the applicant noted that “the MD 650 and Notley Road intersection is included in an OOTS-TEDD single advertisement projects for signalization,” and so “additional signal warrant analysis has not been deemed necessary at this time due.” If this information came from SHA it is not in the record, it is unclear when this signal will be installed, and at this time this intersection is dangerous and the proposed Rezoning will only make it more so.

were taken at a time when a high percentage of the federal employees and other federally funded private contractors were working remotely (from home). In May 2024 some 1.1M federal employees were eligible to work from home. An Executive Order to work in the office was issued on February 19 with the return to work, slated to start on March 3, 2025. The traffic study was taken on February 25, 2025, before the return to work order took effect, and so undercounted current traffic volumes. The traffic engineer should have known that the traffic counts were taken before people returned to the office. This issue was widely discussed in the print media and on TV news programs.

We asked the planning staff to find old traffic counts from before the massive number of employees worked from home earlier this year and from before the pandemic. A study in 2012 showed that on New Hampshire Ave the peak direction of travel was 600 vehicles greater in the AM (from the north) and 550 greater in the PM (from the south). For Randolph Road, the peak direction of travel was 620 vehicles greater in the AM (from the east) and 503 greater in the PM (from the west). These numbers are 28%, 29%, 44% and 33% respectively greater than the volume Gorove Slade counted. Having lived in the community, we have observed that the traffic volume just before the pandemic in 2019 was even higher than in 2012. Even using the 2012 counts for historical comparison, if Gorove Slade had undertaken its traffic counts after employees returned to work, we expect that the resulting LATR analysis would confirm that the intersection is congested for both the CLV and delay measures.

II. CONCLUSION

The Rezoning is not compatible with the surrounding neighborhood, would generate adverse impacts adversely affecting the surrounding neighborhood, and as a threshold matter lacks the requisite two predicate conditions necessary to qualify for the rezoning in the first place. 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

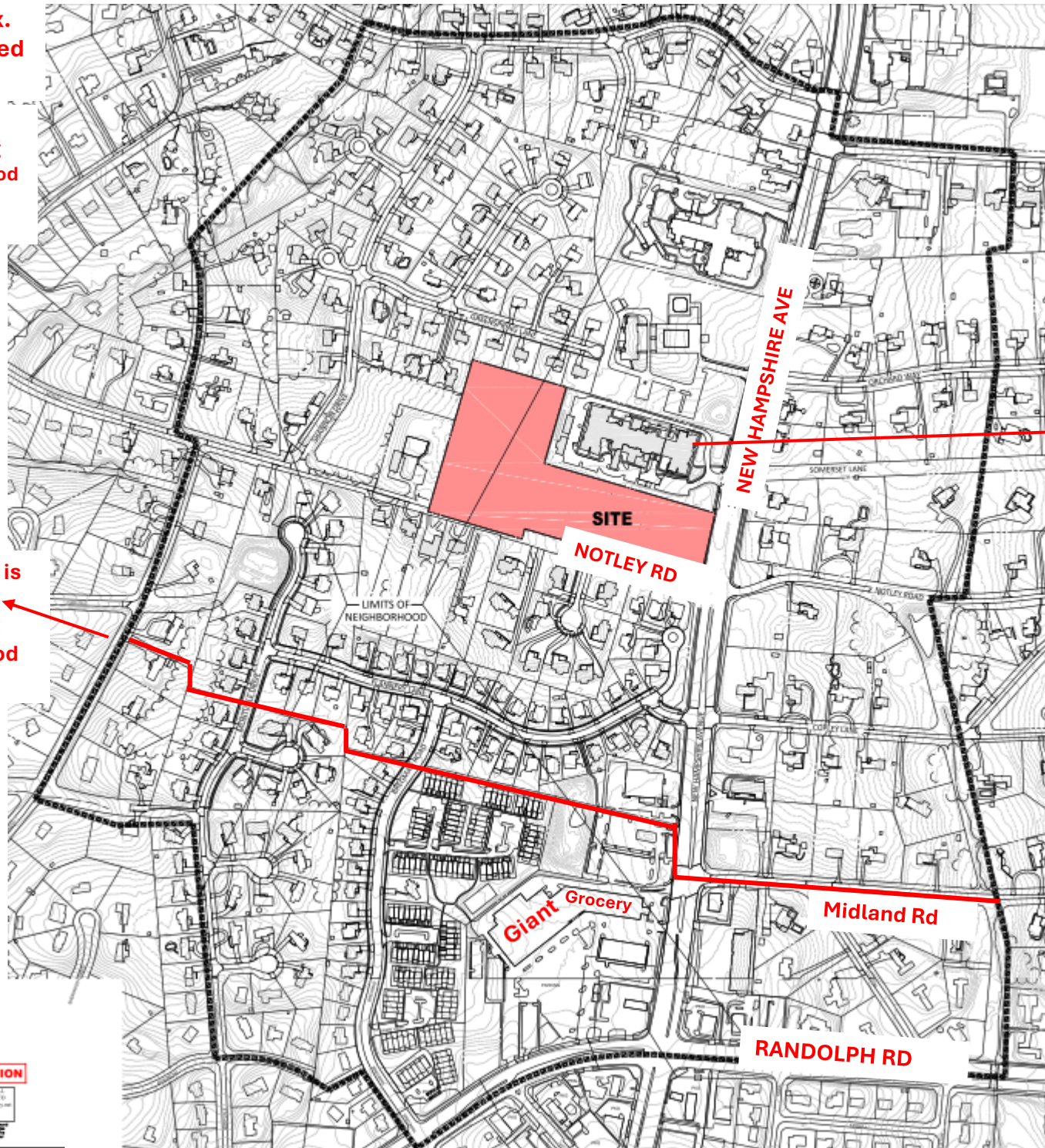
Michele McDaniel Rosenfeld

Cc: Dan Wilhelm, President, GCCA
Kyle Smiddie

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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WH-150

**SURROUNDING
NEIGHBORHOOD
PLAN**



DESIGNED BY: JARA
DRAWN BY: JARA
DATE: 05/05/2024
PROJECT: VM50728
SHEET: LAM-1
SHEET NO.

NOT FOR CONSTRUCTION

