

June 14, 2024

Kathleen Byrne  
Hearing Examiner  
Office of Zoning and Administrative Hearings  
100 Maryland Avenue 2<sup>nd</sup> Floor  
Rockville, Maryland

Subject: Community Concerns  
Local Map Amendment H-149  
Glenmont Forest Apartments Rezoning

It is our understanding that the rezoning request stipulated above has been filed under the land use zoning device identified as a “floating zone,” a concept created to allow greater flexibility to a landowner in the use of a parcel of land. Further, a reading of Guide to Maryland Zoning Decisions by Stanley D. Abrams has emphasized that these floating zone requests must be carefully considered and adopted with safeguards to ensure compatibility with the surrounding neighborhood and to assess whether they are in the public interest.

As the elected representatives of more than 550 residents in the Staff-Defined Neighborhood (Figure 2, Montgomery Planning Staff Report) directly across from the proposed redevelopment, the signatories below have learned that any detrimental effects on the surrounding area must be considered in determining compatibility. Existing uses in the neighborhood must be considered in reaching these required findings. Each of the residents listed below wishes to be identified as a party of record in the official record of this case.

The aforementioned residents also have learned that the power to regulate density is a legitimate exercise of the police powers utilized in zoning since the character of a neighborhood and the quality and lifestyle anticipated for it are determined in part by the density of development.

Now understanding what precedent land use law requires for the approval of an application for a floating zone, we are stunned by the enormity of the request in LMA H-149 and its massive overdevelopment in terms of projected density, size and form of the structures. Most overwhelming is the Applicant’s failure to consider the dangerous impacts that their gigantic redevelopment will have on the Glenmont community, and the quality of life of its residents.

One must question whether the inspiration for this redevelopment project originates with the thinking that led to the notorious “projects” built in New York City, Chicago and other large

**Exhibit 66**  
**H-149**

cities in the post WW II era. Those “projects” quickly fell into disrepute and were discredited because they failed to acknowledge the other factors that determine a successful life. Many were torn down, and new approaches to urban redevelopment implemented. Is the urgency of a need for more housing going to take Montgomery County down the same path?

Below we have addressed specific areas of concern based on the limited amount of information available to the general public.

### Transportation

The Applicant and the Montgomery County Planning Staff Report place considerable analysis effort on the “Existing and Future Traffic Impacts”. These appear to be acceptable under LATR Guidelines, primarily as a result of the millions of dollars invested by the Maryland State Highway Administration in the grade-separated intersection at Georgia Avenue and Randolph Road.

However, the Applicant did not provide information on other crucial aspects of transportation crucial to the complexity of this application: the numbers and safety of pedestrians generated by the redevelopment, the safety and detrimental impacts of the site access points, the traffic safety issues created by the unique road system dominated by the grade-separation at the Georgia Avenue/Randolph Road intersection, and the location of the Montgomery County Police Department District Headquarters. The Applicant also failed to provide directional trip generation data for the redevelopment, or the modal splits for the huge population generated by the redevelopment. They did not evaluate the impact of nearly five times as many pedestrians crossing Randolph Road and Georgia Avenue with the most serious impact on Randolph Road where Metro riders will have to traverse a right-of-way that is 8 to 12 lanes wide just east of the intersection with Georgia Avenue.

The multiple access points to the site also create serious detrimental impacts. Two of the access points are right-in/right-out only, reducing the directional choice of a driver from 3 to 1. The directional exit onto Georgia Avenue takes drivers north while the majority of drivers are going south in the a.m. peak hour. The directional exit on Randolph takes the drivers east, when the majority of drivers are going west in the a.m. peak. As a result, many drivers are going to have to make complex maneuvers to achieve the most frequently used directional movements in this area. The Applicant says nothing about relieving the existing situation for 468 homes, yet they want to expand the problem five-fold.

Of course, one could claim that the answer is to use the signalized main access in the middle. But this is an incredibly complex intersection. That is the point at which the grade-separated lanes on Randolph Road rise and fall; multiple service lanes for traffic use the MCPD District Headquarters access point, and there is a jug-handle lane for east bound drivers onto Randolph Road who are forced to make a dangerous U-turn. Yes, it sounds complicated and

dangerous... AND IT IS. Yet the Applicant and the Staff Report make no mention of it, despite the fact that the redevelopment request can increase the volume of traffic from the site by 400%.

The request for approval of LMA H-149 should be denied due to the failure of the Applicant to address transportation compatibility and the public interest.

### **Storm Water Management**

The Glenmont Forest Apartments have a long and extensive history of creating storm water management problems for its neighbors, especially to the east and south of the site. With that history, the plans for Local Map Amendment H-149 demonstrate the Applicant's wanton disregard of the facts and the potential harm that would be inflicted on the neighborhood.

The breadth and depth of this threat is completely demonstrated in "Figure 6: Floating Zone Plan" of the Montgomery County Planning Staff Report. The Figure illustrates the roof tops of the buildings, the asphalt areas of the parking lots, and the pavement in the street – all impervious surfaces that create stormwater management problems. When compared to "Figure 3: Aerial View of the Property," one readily observes the destruction of the existing natural vegetation that will result from this redevelopment. The impact will be more frequent flooding, higher flood peak flow, and the overwhelming of downstream facilities. This plan is completely incompatible with current uses in the neighborhood and represents a major threat to the residents of the area. It is clearly not in the public interest, and it is completely ignored by the Applicant.

The request for approval of LMA H-149 should be denied due to the failure of the Applicant to address storm water management compatibility and the public interest.

### **Schools**

Changes in zoning that cause the need for large public investment and have possible deleterious effects on public facilities cannot be said to be an example of zoning in the public interest without serious extensive analysis. If approved, LMA H-149 will introduce large numbers of school students generated by the vast increase in the number of dwelling units. Further, the requirements for the approval of a floating zone application dictate that the assessment of compatibility and impacts on schools are a first step in the approval process.

The record contained in the Staff Report for LMA H-149 shows that the Applicant said nothing on the issue of school impacts. In fact, the Applicant In the Attachments to the Staff Report, personnel from Park and Planning and the Montgomery County Public School System make comments about the schools but make no concrete recommendations on how to proceed with an analysis. Clearly, the Applicant did not meet its burden of proof on these issues.

The request for approval of LMA H-149 should be denied due to the failure of the Applicant to address school compatibility and the public interest.

### SUMMATION

In Maryland there is extensive case law covering the application of the "floating zone" in zoning. Very important considerations in the approval of the floating zone are compatibility with existing or planned uses in the area and whether the Application is in the public interest.

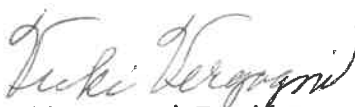
It also has been established in case law that the burden of proof is upon the party(ies) seeking a rezoning reclassification to establish all the elements of its case.

Specifically, in Local Map Amendment Case H-149 the Applicant has failed to provide the extensive evidence and argument to support approval of its Application. There is significant evidence in the record that the huge increase in density requested will have negative impacts and incompatibility with the neighborhood. These negative impacts and incompatibilities are in the areas of transportation, storm water management and schools.

We therefore request that LMA H-149 be denied because it is not in the public interest and is a threat to the health, safety and welfare of the residents of the area.

Respectfully submitted,

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