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April 3, 2025

Via Email Delivery and Hard Copy

Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
Attn: Ms. Kathleen E. Byrne, Director/Hearing Examiner

Re: Pike Center Fee 1807, LLC (the “Applicant”), 12101 Rockville Pike, Rockville, MD (the “Property”) – Local Map Amendment Application No. H-155 (the “Application”) – Pre-Hearing Submission

Dear Ms. Byrne:

On behalf of the Applicant in the above-referenced Application, and pursuant to Rule 3.4 of the Rules of Procedure for Zoning, Conditional Use, and Board of Appeals Referral Cases, we hereby submit this letter and incorporate by reference the previous submissions dated on or about September 27, 2024 (the original Application filing) and October 21, 2024 (the Application resubmission in response to agency review comments) as the Applicant’s Pre-Hearing Submission, in advance of the Hearing Examiner hearing scheduled for the Application on May 15, 2025.

For purposes of completeness, we are including the October 21, 2024 Application resubmission in response to agency review comments with this pre-hearing submission. The materials included with the October 21st submission, and whether they are a revision to an existing exhibit or a new exhibit, are as follows:

- October 2024 Revised Statement of Justification (revision to Exhibit 6)
- Floating Zone Map (revision to Exhibit 11)
- Floating Zone Map Page 2 (revision to Exhibit 12)
- Local Area Transportation Report (revision to Exhibit 15)
- Circulation Plan (revision to Exhibit 17)
- Grading & Utility Plan (revision to Exhibit 18)
- Public Use Space Plan (revision to Exhibit 19)
- Recreation Exhibit (revision to Exhibit 20)
- Fire Access Plan (revision to Exhibit 22)
- Preliminary Forest Conservation Plan (revision to Exhibit 28)
- Preliminary Forest Conservation Plan Page 3 (revision to Exhibit 30)



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- Preliminary Forest Conservation Plan Page 4 (new exhibit)
- DRC Comment Response Letter (new exhibit)

We have also enclosed a Surrounding Neighborhood Exhibit as a standalone exhibit (it is already included in the record at page 2 of Exhibit 16 – Land Use Report). We have included it as a standalone exhibit due to its larger size and for ease of viewing at the May 15th Hearing Examiner hearing.

We have included a Civil Engineering & Environmental Report, prepared by VIKA Maryland, LLC and dated November 5, 2024, which Mr. Mark Morelock will speak to, as discussed further in Section C&D(3) below. This is a new exhibit.

Finally, we have included a Supplemental Traffic Analysis, prepared by Wells + Associates and dated December 5, 2024 along with accompanying Synchro files, and a Supplemental Analysis and Access Study, prepared by Wells + Associates and dated February 10, 2025 along with accompanying Synchro files. These are new exhibits.

A) Statement of the Grounds for Approving the Application

The Applicant hereby incorporates the Statement of Justification, originally dated July 2024 (Exhibit 6) and the revised version dated October 2024.

B) Reports and Materials Intended to be Introduced at the Hearing

The Applicant hereby incorporates the materials that were previously filed on or about September 27, 2024 and October 21, 2024, as well as the materials included with this pre-hearing submission.

The Applicant reserves the right to introduce additional materials at the public hearing on the Application as may be deemed necessary to satisfy the burden for approval of the Application and in response to any recommendations of the Montgomery County Planning Board and its staff in their review of the Application.

C&D) Identification of Witnesses and Summary of Testimony

At the public hearing on the Application, the Applicant anticipates that some or all of the following witnesses will appear and present testimony as set forth below:

1. Abbey Oklak or Gregory Reed, representatives of the Applicant, will testify with respect to the existing conditions at the Property, market demands, and the need for redevelopment of the aging strip shopping center into a mixed-use, transit-proximate development. A copy of their resumes was included with the Application and is identified in the record as Exhibits 31 and 32, respectively.

2. Miguel Iraola will testify as an expert in land planning. Mr. Iraola has testified as an expert land planner before the Hearing Examiner previously. A copy of Mr. Iraola's resume



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was included with the Application and is identified in the record as Exhibit 34. Mr. Iraola will address the propriety of the CRF Zone for the Property and conformance of the Application with applicable master plans, including the White Flint 2 Sector Plan and Thrive Montgomery 2050, and the Zoning Ordinance, as well as discuss that the Application furthers the public interest and is compatible with existing and approved adjacent development. Mr. Iraola's analysis and conclusions are included in the Land Use Report (Exhibit 16) included with the Application.

3. Mark Morelock will testify as an expert in civil engineering. Mr. Morelock has testified as an expert in civil engineering before the Hearing Examiner previously. A copy of Mr. Morelock's resume was included with the Application and is identified in the record as Exhibit 33. Mr. Morelock will address engineering and environmental matters related to the Application, including stormwater management and utility adequacy and design, as further discussed in the Civil Engineering & Environmental Report included in this Pre-Hearing Submission.

4. Matthew Fitzsimmons will testify as an expert in architecture. Mr. Fitzsimmons has testified as an expert in architecture before other hearing bodies in the Washington, DC area, though not previously before the Hearing Examiner. A copy of Mr. Fitzsimmons' resume was included with the Application and is identified in the record as Exhibit 35. Mr. Fitzsimmons will provide expert testimony relating to the proposed Project's architecture and compatibility thereof with the surrounding neighborhood.

5. Michael J. Workosky will testify as an expert in transportation planning/engineering concerning the transportation impacts of the Application. Mr. Workosky has testified as an expert transportation planner before the Hearing Examiner previously. A copy of Mr. Workosky's resume was included with the Application and is identified in the record as Exhibit 36. His conclusion that the Application will 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, is included in the Local Area Transportation Review (the original July 2024 study is identified as Exhibit 15; the updated study dated October 21, 2024 was included with the Applicant's October 21, 2024 Application resubmission in response to agency review comments and is included again with this pre-hearing submission; and the Supplemental Traffic Analysis, prepared by Wells + Associates and dated December 5, 2024, along with accompanying Synchro files, and the Supplemental Analysis and Access Study, prepared by Wells + Associates and dated February 10, 2025, along with accompanying Synchro files, are included with this pre-hearing submission) studies included with the Application.

The Applicant reserves the right to call additional witnesses at the public hearing on the Application as may be deemed necessary to satisfy the burden for approval of the Application.

E) Estimated Time for Presentation

The Applicant anticipates it will take approximately four hours to present its case-in-chief relating to this Application.



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Hard copies of these materials will be delivered to your office shortly. Thank you for your consideration of the Application and the Applicant's pre-hearing submission materials. Please do not hesitate to contact us if additional information is necessary prior to the hearing scheduled for May 15, 2025.

Sincerely,

Wire Gill LLP

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Enclosures

cc: Ms. Khandikile Mvunga Sokoni, OZAH
Ms. Nicole Meza, OZAH