

**BEFORE THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THE MARYLAND-
WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND**

**Office of Zoning and Administrative Hearings Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
(240) 777-6660**

IN THE MATTER OF:

Glenmont Forest Investors, LP

Applicant

Brian Alford

Steve Allison

Matthew Leakan

Randall Rentfro

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For the Application

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Attorneys for the Applicant

* * * * *

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In Opposition

* * * * *

Michelle McDaniel Rosenfeld, Esq.

Attorney for Opposition¹

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REMAND

Local Map Amendment

Application No. H-149

* Before: Khandikile Mvunga Sokoni,
* Hearing Examiner²

¹ Ms. Rosenfeld entered appearance for Glen Waye Condominium, Vicki Vergagni in her capacity as President of Glen Waye Condominium and in her individual capacity as a resident, and James E. Johnson together the "Community". Exhibit 86. The parties listed in opposition in this remand caption include those parties of record in the underlying proceeding regardless of whether or not they testified on remand.

² Hearing Examiner Kathleen Byrne who heard the original Local Map Amendment application is no longer Hearing Examiner, hence the substitution of Hearing Examiner on remand.

HEARING EXAMINER’S REPORT AND RECOMMENDATION ON REMAND

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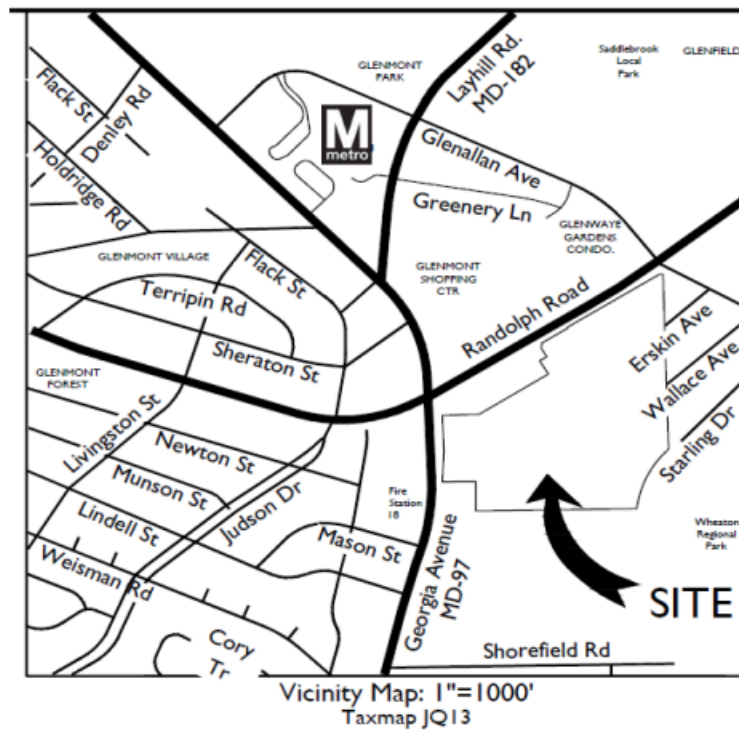
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I. CASE SUMMARY

Applicant: Glenmont Forest Investors, LP

LMA No. & Date of Filing: H-149, filed January 23, 2024

District Council Action:



Current Zone: R-30 multi-family.

Current Use: 19 two-to-three story garden style apartment complex buildings containing 458 dwelling units.

Requested Zone: CRF-1.75, (C-0.25, R-1.5, H-75' (Commercial Residential Floating Zone).

Proposed Use: Construct mixed-use residential development containing up to 2,275 residential dwelling units and up to 5,000 square feet of commercial use.

Consistency with Master Plan: Consistent with the 2013 Glenmont Sector Plan and consistent with Thrive Montgomery 2050, General Plan.

MPDUs Provided: 15%

Neighborhood Response: On remand while there was written opposition on record filed by the attorney representing the litigants in the Circuit Court case, the parties stipulated to a settlement whereby Community withdrew objections to approval of the revised floating zone plan and applicant agreed to add a 4th binding element.

II. STATEMENT OF THE CASE

This matter is before the Hearing Examiner on remand from Circuit Court. By Order dated May 30th, 2025, and entered with the Clerk of the Circuit Court on June 3, 2025, Judge Kevin G. Hessler for the Circuit Court for Montgomery County Maryland vacated the District Council's Resolution No. 20-016, and ordered the above referenced local map amendment application be remanded to the Hearing Examiner on two specific issues, to supplement the record to allow for more facts on the question of whether adequate public facilities exist specifically with regard to school adequacy, and to enable findings on the issue of compatibility with the neighborhood.

On November 10, 2025, the Office of Zoning and Administrative Hearings (OZAH) mailed a notice of hearing to the 156³ persons entitled to notice including abutting and confronting property owners.⁴ The notice hearing stated that a remand hearing would be held on December 9, 2025. Exhibit 85.

The Hearing Examiner held the remand hearing on December 9, 2025. The record on remand had an additional 19 exhibits beyond what was already in the record before the remand, which exhibits were numbered 71 to 90 picking up from the numbering in the underlying hearing

³ This number includes attorneys of record

before OZAH on June 14, 2024, and before the District Council. In response to a request by the Hearing Examiner, the Staff of the Maryland-National Capital Park and Planning Commission (M-NCCP) or Planning Department, supplied supplemental analysis on school adequacy. Exhibit 75. The parties also filed Pre-Hearing Statements outlining the nature of their proof and the expert witnesses to testify at the hearing on remand. Exhibits 80 and 86. Applicant started presenting its case in chief on remand although the parties reached a settlement before the conclusion of the hearing. TR 6-144.

The record was kept open for 10 business days to allow for inclusion of the transcript of the remand hearing and the updated declaration of covenants by the applicant. Exhibit 90. The record closed on December 23, 2025.

III. QUESTIONS ON REMAND

The only issues before OZAH on remand were as follows:

1. Adequacy of Public Schools. The Hearing Examiner was to permit further testimony and evidence by the parties and other permitted participants to provide an adequate factual basis to support a recommendation to Council on this issue.
2. Compatibility with respect to the community to the north. The Hearing Examiner was to permit further testimony and evidence by the parties and any other permitted participants to create an adequate record upon which to make any required determination about the LMA's compatibility with the neighborhood to the north.

Exhibit 71.

IV. FACTUAL BACKGROUND

The subject property is located at the southeast quadrant at the intersection of Randolph Road and Georgia Avenue (MD-97) in Silver Spring, Maryland, also known as Parcel A, Plat 6337 & Parcel B, Plat 8065 (Tax Accounts 13-00975447 & 13-00975436).

At the remand hearing on December 9, 2026 the parties stipulated on the record that they had reached a settlement. The terms of the settlement are that the objecting parties that brought the proceeding in Circuit Court that resulted in this remand withdraw their objections in exchange for an amendment to the Floating Zone Plan which would add a fourth binding element. TR 6-8.⁵

Binding Elements in the prior to settlement (Exhibit 81)	Binding Elements following settlement Exhibit 81(a)
<ol style="list-style-type: none"> 1. The maximum building height is limited to 45 feet, for a distance of 100 feet from the eastern property boundary. 2. The use of the property will be limited to Multi-Unit Living, Townhouse Living and up to 5,000 sf of non-residential use. 3. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent consistent with the requirements of Chapter 25A. 	<ol style="list-style-type: none"> 1. The maximum building height is limited to 45 feet, for a distance of 100 feet from the eastern property boundary. 2. The use of the property will be limited to Multi-Unit Living, Townhouse Living and up to 5,000 sf of non-residential use. 3. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent consistent with the requirements of Chapter 25A. 4. The building height shall not exceed a maximum of 45 feet, between the northeast corner of the Property and a point 470 +/- feet west of that corner along Randolph Road, for a depth of 100 feet as measured from the Randolph Road property line.

⁵ References to the transcript of the remand hearing bear the reference TR in this report.

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V. FINDINGS AND CONCLUSIONS

Under Zoning Ordinance §59.7.2.1.B.2.g., every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan (FZP) that contains required information and often a list of “binding elements” that restrict future development of the property. The Applicants submitted the required plan. Exhibit 30 in the original proceeding before OZAH. That plan was approved by District Council and certified by the Hearing Examiner. Exhibit 81. Following the settlement by the parties as outlined earlier, Applicant submitted an updated FZP which mirrored the prior FZP except for inclusion of a fourth binding element in accordance with the settlement by the parties. Exhibit 81(a). The Hearing Examiner finds that the FZP, just like its predecessor, shows the proposed building layouts, frontage on Randolph Road, possible townhouse locations to the east and south, open space/forest conservation area to the southeast and eastern transition zone.

Except where specifically stated otherwise in this Report, this Hearing Examiner, on remand, adopts by reference all the facts and findings outlined in the Report and Recommendation of the Hearing Examiner Kathleen Byrne, issued on August 19, 2024. Although at the hearing on remand the Hearing Examiner heard some expert testimony presented by the applicant as more fully outlined in the transcript on remand, the need to make additional findings as directed by the Circuit Court has been rendered moot by the Community’s withdrawal of objections.

The Hearing Examiner takes the position that the findings of fact and conclusions that the Circuit Court did not direct be revisited must stand and are adopted by reference by the Hearing

Examiner on remand. The findings of fact and conclusions that the Circuit Court directed be revisited have been rendered moot by the withdrawal of Community's objections and the concession by applicant to add a fourth binding element addressing the Community concerns.

Therefore, the Hearing Examiner feels compelled to refrain from engaging in an academic exercise making findings on the two issues of school adequacy and neighborhood compatibility when the objections that gave rise to the ruling have been withdrawn and the parties have reached an amicable settlement with the inclusion of a fourth binding element on the floating zone plan as follows:

“4. The building height shall not exceed a maximum of 45 feet, between the northeast corner of the Property and a point 470 +/- feet west of that corner along Randolph Road, for a depth of 100 feet as measured from the Randolph Road property line.

VI. RECOMMENDATION

For the foregoing reasons, and based on the totality of the facts and evidence on the record in this matter and the stipulation of settlement by the parties as stated on the record during the hearing on remand, the Hearing Examiner concludes that the proposed reclassification and Floating Zone Plan, shown on the Floating Zone Map, as amended on remand and appearing in the record as Exhibit 81(a), will meet the standards set forth in the Zoning Ordinance, and is consistent with Circuit Court's instructions which sought to address the Community's concerns. Therefore, I recommend that the Local Map Amendment Application No. H-149, requesting reclassification from the existing R-30 Zone to CRF-1.75 C-0.25, R-1.5, H-75 (Commercial

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Residential Floating) located at 2300 Glenmont Circle, Silver Spring, Maryland as part of Parcel A, Plat No. 6337 and Parcel B, Plat No. 8065 in the “Americana Glenmont” subdivision and the “Americana Glenmont Apartments” subdivision (Tax Account No. 13-00975447, 13-00975436), be approved as depicted on Exhibit 81(a) as stipulated by the parties in the remand proceeding.

Issued: February 6, 2026.

Respectfully submitted,



Khandikile Mvunga Sokoni,
Hearing Examiner