OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR
MONTGOMERY COUNTY, MARYLAND

Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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http://www.montgomerycountymd.gov/ozah/

APPLICATION NO. LMA H-115

NOTICE OF PUBLIC HEARING ON
AMENDED APPLICATION REQUESTING THE TF-5 ZONE

Local Map Amendment No. H-115: Soo Lee-Cho, Attorney for Applicant, 3 Sons Avalon, LLC, requests rezoning from the R-200 Zone to the TF-5 Zone of the property located at 22821 and 22901 Frederick Road, Clarksburg, consisting of 10.2753 acres in the 2nd Election District. Tax Account Numbers 02-00019087, 02-00019098, 02-0019076.

As originally proposed, the application requested rezoning from the R-200 Zone to the TF-6 Zone. The Applicant recently **amended its application to request the TF-5 Zone rather than the TF-6 Zone.**

OZAH previously issued Notices of Public Hearing in this case. Exhibits 17 and 22. Because the Applicant changed the zone requested, OZAH must reissue notice of the public hearing to reflect the new zone. *Zoning Ordinance,* §59-7.2.1.B.7.

Therefore, please take notice a public hearing in the above case will be **held on Friday, the 9th day of December, 2016, at 9:30 a.m.** in the 2nd Floor Davidson Memorial Hearing Room, Council Office Building, 100 Maryland Avenue, Rockville, Maryland. The public hearing will be held on the Applicant's amended request for rezoning from the R-200 Zone to the **TF-5 Zone**.

In compliance with Maryland requirements regarding the practice of law, groups or associations must be represented by counsel, unless their witnesses are members of the group or association and will offer testimony in narrative form (*i.e.,* there is no need for an attorney to conduct a direct examination). Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose.

Persons or associations represented by counsel or intending to appear in organized opposition to an application must file a pre-hearing statement with OZAH, in duplicate, no later than twenty days before the hearing date. Such persons or associations must also provide copies to all parties of record and the Planning Department. An electronic copy must also be provided to OZAH at the same time. The statement must include the following information:

- a statement of the grounds for opposing the application;
- copies of all reports intended to be introduced at the hearing;
- the names of all experts expected to testify at the hearing, their resumes, and a summary of

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expert testimony which will be proffered at the hearing;
- identity of all other witnesses who will testify; and
- estimated time required for presentation.

Electronic copies must be submitted on compact discs, in Microsoft WORD format for text documents, in PDF format for plans and other non-text documents, and in JPG or PDF format for photographs. Amended electronic copies must also be submitted of any plans, photographs, statements of operations or expert reports that are modified during or after the hearing.

A public review of this application will be scheduled by the Montgomery County Planning Board, after its Technical Staff has reviewed the application. You may provide facts and opinions to Technical Staff during their review, and you may also testify briefly before the Planning Board. The Planning Board will then make a written recommendation to the Hearing Examiner assigned to this case by the Office of Zoning and Administrative Hearings (OZAH), and the Hearing Examiner will conduct the hearing at the date, time and place specified on the first page of this notice.

Following the OZAH hearing, the Hearing Examiner will submit a report and recommendation to the County Council, which will make the final decision on this application at a public Council session. The County Council is required to make its decision in a Local Map Amendment case based solely on the evidence in the record compiled by the Hearing Examiner, and on oral argument at a public Council session, if it elects to permit such argument. Neither the applicant nor a member of the community may communicate directly to individual Council members about a pending rezoning case. The law prohibits such direct, private communication because it would not give other parties a fair opportunity to dispute the information provided or to provide contrary information.

If you need services to participate in the public hearing, please contact us as far in advance as possible by emailing us at ozah@montgomerycountymd.gov or calling 240-777-6660 (TTY 240-777-7914). This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 9th day of November to:

Applicant and Counsel
Abutting and confronting property owners (or a condominium's council of unit owners, if applicable)
Any municipality within a half mile of the site
Civic and Homeowners Associations within a half mile of the site
Gwen Wright, M-NCPPC Planning Director
Montgomery County Public Schools (MCPS)
Washington Area Transit Authority (Metro)
Washington Suburban Sanitary Commission (WSSC)
Montgomery County Department of Permitting Services

Lynn Robeson
Hearing Examiner
Office of Zoning and Administrative Hearings