

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY

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100 Maryland Avenue, Room 200
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/ozah/index.html>
Phone: (240) 777-6660; Fax (240) 777-6665

CASE NO. CU 20-05

APPLICATION OF SPECTRUM RETIREMENT COMMUNITIES, LLC.

NOTICE OF MOTION TO AMEND

The above application seeks a conditional use to allow a *Residential Care Facility* (over 16 persons) under Section 59-3.3.2.E of the Zoning Ordinance. The subject property is located at 9545 River Road, Potomac, Maryland, in the RE-2 Zone (Tax Account Number 10-00855533).

This matter is scheduled for public hearing before the Hearing Examiner on **Friday, January 15, 2021**, remotely via Microsoft Teams, at 9:30 a.m., or as soon thereafter as this matter can be heard.

Please take notice that on November 24, 2020, December 9, 2020 and December 11, 2020 the Applicant's Attorneys, Steven A. Robins, Esquire and Elizabeth C. Rogers, Esquire, submitted a request to amend the application.

In the 11/24/20 submission, the Applicant summarizes the changes as follows (Exhibit 83):

...the Amended Application eliminates the third-story component of the building. To make up for some of this lost floor area, the building footprint has somewhat expanded—the Petitioner worked closely with the neighbors on how best to accommodate the expanded building area on-site. The Petitioner also is proposing substantial, additional perimeter landscaping and fencing to screen the building. As shown on the amended Landscape Plans, the Petitioner not only has increased the number of plantings but also incorporated larger/more mature trees. The grading and landscaping along River Road also has been refined to provide additional screening of the building (*e.g.*, berms and additional, more mature plantings), as viewed from the street, while continuing to maintain safe and adequate vehicular site access. Lastly, the Petitioner has slightly modified the building architecture (particularly the colors of the materials) to provide a more tonal design that responds to specific comments from the community.

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In addition to the above, the Applicant also proposes to install an 8-foot high privacy fence around the perimeter of the property. *Id.*

In support of its Motion to Amend the application, the Applicant submitted the following documents: (Exhibits 84-102 and 103(a) and (b):

1. NRI/FSD
2. Proof of Ownership
3. Revised Statement of Justification
4. Certified Zoning Map
5. Traffic Statement
6. Existing Conditions Plan
7. Color Utility Plan
8. Revised Statement of Operations
9. Revised Conditional Use Plans:
 - a. Cover Sheet (C1)
 - b. Conditional Use Site Plan (C3)
 - c. Surrounding Neighborhood Plan (C4)
 - d. Building Coverage Exhibit
10. Rough Grading Plan
11. Architectural Drawings
 - a. Revised Height and Materials
 - b. Revised Level 0
 - c. Revised Level 1
 - d. Revised Level 2
12. Stormwater Management Concept Plans
 - a. Cover Sheet (CSWM-1)
 - b. Drainage Area Map (CSWM-2)
 - c. Micro Bio-Retention Specifications and Details (CSWM-3)
13. Preliminary Forest Conservation Plan
 - a. Cover (PFCP-100)
 - b. Composite Preliminary FCP (PFCP-200)
14. Landscape and Lighting Plans
 - a. Composite Plan (L000)
 - b. Layout, Materials and Paving Plan (L100)
 - c. Layout, Materials and Paving Plan (L101)
 - d. Layout, Materials and Paving Plan (L102)
 - e. Layout, Materials and Paving Plan (L103)
 - f. Landscape Plan (L110)
 - g. Landscape Plan (L111)
 - h. Landscape Plan (L112)
 - i. Landscape Plan (L114)
 - j. Planting, Notes, Schedules and Details (L500)
 - k. Site Details (L501)
 - l. Courtyard Details (L502)
 - m. Lighting Details (L503)
15. Revised Land Use Report
16. Fire Access Plan
17. Tax Map
18. Sight Distance Plan
19. Updated Photometrics Plan
20. Updated Architectural Elevations

A motion to amend an application requests permission only to revise portions of the application. Granting the motion merely allows the Applicant to make the requested changes to the application, but does not, in any way, approve the application itself. The Hearing Examiner will take the motion to amend the application under consideration for a period of until **Monday, December 28, 2020**. Interested parties who object to the motion must do so, in writing, no later than **December 28, 2020**. If no objection is received by that time, the motion will be considered granted. Additional notification regarding the amendment will be provided only if an objection is received.

PLEASE NOTE: Due to the COVID-19 pandemic, this hearing will be held remotely via Microsoft Teams. You do not need to sign up in advance to testify or view the hearing. You do not need a subscription to Microsoft Teams to join the hearing. Instructions to access the public hearing may be found under the link “Public Hearing Remote Access and Exhibits” and the Hearing Calendar on OZAH’s website (above) at least two days before the public hearing.

All exhibits filed in the case will be available to view via the link “Public Hearing Remote Access and Exhibits” on OZAH’s website at least two days before the public hearing. Exhibits are removed the day after the public hearing so that staff can prepare for the next hearing. If you wish to download any of the exhibits, you should do so no later than 5:00 p.m. of the day of the public hearing.

OZAH is now operating remotely to the extent possible. You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202005. If you wish to review the full file (all submission in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or nana.johnson@montgomerycountymd.gov.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH’s Rules of Procedure (Rules). Filings must include an electronic copy of the statement and all attachments. These Rules may be found on OZAH’s website at <http://www.montgomerycountymd.gov/ozah/>. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

OZAH requires that all documents be submitted in electronic form as well as by paper copy. Electronic copies *should be submitted by email* whenever possible, provided that hard copies are postmarked the day of email submission. If parties cannot forward electronic submissions by email, OZAH will accept electronic versions by CD Rom or a thumb drive.

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. You may submit a signed letter to OZAH, which will be considered

by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Applicants and members of the public who testify at an OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See* OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact us as far in advance as possible by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. This document is available in alternative format such as large print upon request, via the same phone numbers and email address. The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

Notices forwarded this 15th day of December, 2020 to:

Michael E. Longfellow, Applicant
Steven A. Robins, Esquire, Applicant's Attorney
Elizabeth Rogers, Esquire, Applicant's Attorney
David Brown, Esquire
Elsabett Tesfaye, MNCPPC
Charles Frederick, Esquire, Associate County Attorney
Greg Nichols, Manager, SPES at DPS
Michael Coveyou, Director, Finance Department
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Civic, Renters' and Homeowners' Associations within a half mile of the site
(or a condominium's council of unit owners or renters, if applicable)
Any Municipality within a half mile of the site

Office of Zoning and Administrative Hearings



Lynn Robeson Hannan
Hearing Examiner