

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
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 **Monday, September 21, 2020**, either at the Broome School (First Floor), 751 Twinbrook Parkway, Rockville, Maryland 20851 or remotely via Microsoft Teams, at 9:30 a.m., or as soon thereafter as this matter can be heard.

Please take notice that on July 7, 2020, the Applicant's Attorneys, Steven A. Robins, Esquire and Elizabeth C. Rogers, Esquire, filed a request to amend the application.

According to the Applicant, it is "electing to remove the independent living component in the Application and instead, revert to the Petitioner's initial plans for this site (which included only assisted living and memory care)." Exhibit 54. In support of its Motion to Amend the application, the Applicant submitted the following documents: (Exhibits 55-60):

1. Revised Statement of Justification
2. Land Use Report
3. Statement of Operations
4. Revised Conditional Use Plans with Descriptions of the changes provided by the Applicant:
 - i. Conditional Use Cover Sheet (C-1)
 - ii. Conditional Use Site Plan (C-3)
 - iii. Green Area Exhibit (C-6)
 - iv. Preliminary Forest Conservation Plan Cover (PFCP 100)
 - v. Preliminary Forest Conservation Plan Composite (PFCP 200)
 - vi. Stormwater Management Concept Plan Cover Sheet (CSWM-1)
 - vii. Stormwater Management Concept Plan Drainage Area Map (CSWM-2)

- viii. Landscape Infiltration Specifications and Details (Deleted)
(previously CSWM-3)
- ix. Micro Bio-Retention Specifications and Details (CSWM-3)
(previously CSWM-4)
- x. Landscape and Lighting Composite Plan (L000)
- xi. Layout, Materials and Paving Plan (L100)
- xii. Layout, Materials and Paving Plan (L101)
- xiii. Layout, Materials and Paving Plan (L102)
- xiv. Layout, Materials and Paving Plan (L103)
- xv. Landscape Plan (L110)
- xvi. Landscape Plan (L111)
- xvii. Landscape Plan (L112)
- xviii. Landscape Plan (L113)
- xix. Planting Notes, Schedules and Details (L500)
- xx. Site Details (L501)
- xxi. Courtyard and Lighting Details (L502)
- xxii. Utility Plan (UTIL-1)
- xxiii. Rough Grading Exhibit.

5. Architectural Plans

- i. Schematic Elevations (2 sheets)
- ii. Floor Plans & Renderings (2 sheets)

6. Traffic Statement

7. Fire Access Plan

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 ten days from the date of this notice, until **July 24, 2020**. Interested parties who object to the motion must do so, in writing, no later than **July 24, 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 may be held remotely via Microsoft Teams. Whether the hearing will be held remotely or in person will be announced on OZAH's website (above) at least two days before the public hearing. Instructions to access and participate in the public hearing by phone or via the internet may be found on OZAH's website under the link "Public Hearing Remote Access and Exhibits". This link will include all exhibits filed in the case. You do not need a subscription to Microsoft Teams to participate.

Those who wish to review the file before the exhibits are posted on OZAH's website, should contact Ms. Nana Johnson of our office at (240) 777-6663 to make an appointment to review the file. Those wishing to review the file in person *must* wear masks when reviewing the file.

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. OZAH Staff are currently working as remotely as possible. 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 14th day of July, 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

A handwritten signature in black ink, appearing to read 'L. Hannan', with a long horizontal stroke extending to the right.

Lynn Robeson Hannan
Hearing Examiner