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VIA ELECTRONIC MAIL
AND REGULAR MAIL
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October 1, 2020

Hearing Examiner Lynn Robeson Hannan, Director
Hearing Examiner Derek Baumgardner
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Re: Conditional Use Application CU 20-09
Application of Flournoy Development Group, LLC ("Petitioner")
Residential Care Facility
19115 Liberty Mill Road, Germantown ("Property")

Dear Hearing Examiner Hannan and Hearing Examiner Baumgardner:

In accordance with § 22.0 of the Office of Zoning and Administrative Hearings ("OZAH") Amended Land Use Rules of Procedure ("OZAH Rules of Procedure"), Petitioner files this Motion to Amend CU 20-09 to submit the following additional documents and revised plans in accordance with comments received from various reviewing agencies, all as more fully described below:

	Plan/Document	Plan #	OZAH Exhibit #
1.	Conditional Use Site Plan	CU2.01	11(e)
2.	Utility Plan	CU2.03	11(g)
3.	Landscape & Lighting Plans	L2.01 – L2.05	14(a) – (e)
4.	Final Forest Conservation Plan	L8.01 & L8.02	15(a) & 15(b)
5.	Approved SWM Concept Plan	CU4.01	13(a)
6.	Approved Fire Apparatus Access Plan	CU2.02	11(f)
7.	E-mail exchange dated July 31, 2020 with the Maryland- National Capital Park and Planning Commission		
8.	SWM Concept Plan Approval Letter		
9.	Fire Apparatus Access Plan Approval Memo		

Ex. 27
OZAH Case No: CU 20-09

Global Plan Revision

Items 1-5 above are revised to reflect: (a) the stormwater management easement in the front yard of the Property along Dawson Farm Road; and (b) the changes to the stormwater management system per the Department of Permitting Services' ("DPS'") stormwater management concept plan approval, including, without limitation, changes at the southeast corner of the proposed building and the addition of an off-site stormwater management facility outfall at the southeast corner of the Property.

Conditional Use Plan Revision

In addition, the Conditional Use Plan (Item 1 above) development standards table was revised to reflect the bicycle parking requirements for residential care facilities set forth in Zoning Text Amendment ("ZTA") 19-08/Ordinance 19-11 (effective on August 10, 2020), which amends Section 59.6.2.4(C) of the Montgomery County Zoning Ordinance. A copy of ZTA 19-08 is attached for your convenient reference. Accordingly, the Conditional Use Plan now reflects that 1 short term and 4 long term bicycle parking spaces are required for the proposed use based on 35 employees on site at any one time.

Landscape & Lighting Plan Revisions

Further, the Landscape & Lighting Plan (Item 3/L2.01) was revised to reconfigure the landscaping around the stormwater management facilities in Screening Segment 'B' located at the rear of the building in response to Maryland-National Capital Park and Planning Commission ("M-NCPPC") technical staff comments. In addition, Landscape & Lighting Plan L2.03, the photometric plan, was updated in response to the request from M-NCPPC technical staff to include all low wattage building mounted and landscape lighting fixtures. While these fixtures are below the lumen threshold that qualifies them for their inclusion in the photometric plan, M-NCPPC technical staff requested their inclusion because the fixture locations need to be shown on the plan. Finally, per comments from M-NCPPC technical staff Landscape & Lighting Plan L2.04 was updated to include a luminaire classification system to confirm the CXF4 fixture was a full cutoff fixture. Sheets L2.05 and L2.02 were not revised, but are included for the convenience of receiving, and docketing on your exhibit list, a full set of Landscape & Lighting Plans.

Fire Apparatus Access Plan

Item 6 is the approved Fire Apparatus Access Plan, which is revised to show the hammerhead turnaround for the fire access on the other side of the main entrance per the request of the Montgomery County Fire and Rescue Services ("MCFRS").

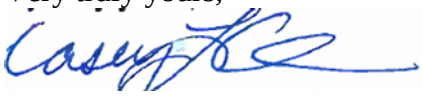
Miscellaneous

Item 7 above is an e-mail exchange with M-NCPPC technical staff approving the disturbance to the stream valley buffer for the off-site outfall with compensatory additional stream valley buffer, as reflected on Item 4, the revised Final Forest Conservation Plan.

Item 8 is the DPS stormwater management concept plan approval letter dated September 3, 2020 and Item 9 is the MCFRS memorandum dated September 1, 2020 approving the Fire Apparatus Access Plan.

We appreciate your consideration of this motion and should you need any additional information or have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



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cc: **via e-mail**
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