

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for**

**MONTGOMERY COUNTY  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850**

**<https://www.montgomerycountymd.gov/ozah/index.html>**

**Phone: (240) 777-6660; Fax (240) 777-6665**

**CASE NO. CU 21-01**

**APPLICATION OF AJ OF OLNEY, LLC**

**NOTICE OF MOTION TO AMEND**

On November 15, 2021, the Applicant's Attorney, Heather Dhlopolsky, Esquire, submitted a letter with supporting documents, considered herein a Motion to Amend, requesting to amend the underlying application. The proposed changes to the original application are described by the Applicant as follows:

- *Reduced the proposed seating from 30 full-service restaurant seats, to deli/convenience only, with no seating provided. Of the existing 3,537 square-foot structure, approximately 1,150 square feet would be deli/convenience store, with approximately 2,052 square feet of storage area for the uses at the site, and the remaining approximately 335 square feet would be utilized for the cashier and check-out for the filling station use. A note has also been added to the Conditional Use Site Plan indicating that the existing full service restaurant with associated commercial kitchen will be removed, with the intent to limit food service to pre-packaged foods only.*
- *Updated site tabulations to reflect the above revisions.*
- *Clarified the location of the shared use path on Olney Laytonsville Road.*
- *Proposed a combination of regulatory and warning signage and pavement marking upgrades in advance of the intersection of Olney Laytonsville Road and Brookeville Road.*

In support of changes suggested by MNCPPC and other agencies, the Applicant submitted the following documents with comments amending the previously submitted plans:

1. Revised Transportation Impact Study, prepared by Kimley-Horn, dated December 21, 2020 – replaces Exhibit 6
2. Updated Need Analysis, prepared by Valbridge Property Advisors, dated August 16, 2021 – replaces Exhibit 8
3. Landscape and Lighting Plans (Sheets L2.01-L2.03) – replaces Exhibits 21(a)-(c)
4. Conditional Use Plan Cover Sheet – replaces Exhibit 35(a)
5. Conditional Use Site Plan – replaces Exhibit 35(b)
6. October 2021 Statement in Support of Conditional Use Application – replaces Exhibit 36
7. Landscape Details (Sheet L2.04) – new exhibit
8. Landscape Plan Rendering – new exhibit

9. Concept Floor Plan – new exhibit
10. Impervious Reduction Justification Statement, prepared by MHG, dated September 16, 2020 – new exhibit
11. October 7, 2020 Memorandum from Kimley-Horn to SHA addressing SHA comments – new exhibit
12. Email from the Applicant to the Billians dated October 14, 2020, offering to meet in regard to their concerns – new exhibit
13. Email from the Applicant to Ms. Vicki Anderson dated November 4, 2020, offering to meet in regard to her concerns – new exhibit
14. Email from the Applicant to Mr. Sam Milligan dated November 4, 2020, offering to meet in regard to his concerns – new exhibit
15. Email from Heather Dlhopsky, Esq. to Ms. Nancy Vader dated November 9, 2020, offering to meet in regard to her concerns – new exhibit 4840-2236-0824, v. 1
16. Department of Permitting Services Fire Department Access and Water Supply approval dated December 8, 2020 – new exhibit
17. December 21, 2020 Memorandum from Kimley-Horn to the SHA regarding recommended traffic mitigation – new exhibit
18. December 21, 2020 Memorandum from Kimley-Horn to SHA addressing SHA comments – new exhibit
19. Transportation Impact Study – Revised Development Program prepared by Kimley-Horn, dated February 1, 2021 – new exhibit

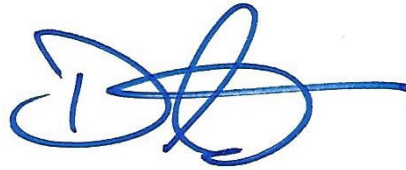
A motion to amend an application requests permission only to revise portions of the application. Granting the motion merely allows the Applicant to make the requested changes to the application, but does not, in any way, approve the application itself.

The Hearing Examiner will take the motion to amend the application under consideration for a period of **ten (10)** days from the date of this notice, or until **December 9, 2021**. Interested parties who object to the motion must do so, in writing, no later than **December 9, 2021**. 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.

Notices forwarded this 30<sup>th</sup> day of November 2021, to:

Ali Kazemzadeh, Applicant  
Heather Dlhopsky, Esq, Applicant's Attorney  
Brian J. Donnelly, PLA  
Patrick Butler, Planning  
Charles Frederick, Esquire, Associate County Attorney  
Department of Permitting Services Greg Nichols, Manager, SPES at DPS  
Michael Coveyou, Director, Finance Department  
Washington Suburban Sanitary Commission Montgomery County Public Schools  
Abutting and Confronting Property Owners  
(or a condominium's council of unit owners or renters, if applicable) Civic, Renters' and Homeowners' Associations within a half mile of the site and Any Municipality within a half mile of the site.

Office of Zoning and Administrative Hearings

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a series of loops and a horizontal line extending to the right.

Derek Baumgardner  
Hearing Examiner