



January 27, 2025

Kathleen Byrne, Hearing Examiner
Office Of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Applicant's Pre-Hearing Submission
Conditional Use Application for Potomac MMA, LLC
8400 Postoak Rd – Potomac, MD 20854 ("Property")
Lot 1 – Block D – Section 2 – Regency Estates – Plat #8405

Dear Hearing Examiner Byrne:

Please accept the Applicant's Pre-hearing Submission in the record of the above-captioned case. All exhibits referenced herein have been previously filed with the Planning Department, and either have been previously filed or are being filed concurrently with this pre-hearing submission with your office.

Although this submission is filed less than 30 days prior to the hearing, we ask that you accept it into the record and hold the hearing as scheduled. We note that this hearing has been noticed twice, once for a November 14, 2024 hearing and again for the upcoming February 13, 2025 hearing, offering ample notice of these proceedings.

Please be advised that the Applicant would not object to holding the record open for nine (9) days following the hearing to allow for any responses to the pre-hearing statement, if warranted. This should not delay a decision in the case.

I. Statement of Grounds for Approving the Application

The applicant, Potomac MMA, LLC ("Applicant") seeks approval to operate a mixed-martial arts training academy in a standalone training studio ("MMA Studio") on the same property as his primary residence, where he lives with his wife and children, under the conditional use classification of Home Impact with Major Impact. The Application seeks approval for existing operations at the current level of operations, which had expanded beyond the scope of a Home Occupation Permit issued for the Property. The Conditional Use application mirrors the level of use operating on the site for the past several years and does not seek to increase class participation beyond existing levels.

The use will be limited to a maximum of 12 users/students per hour within the MMA Studio. There MMA Studio will continue to operate in an existing structure on the Property. There are no improvements associated with this application except for parking-related striping and landscape planting. See generally Exhibits 5, 5A (Statements of Justification); Exhibits 16, 16A (Statements of Operations)

The Applicant's statement of grounds for approval are set forth fully in the Statement of Justification and Statement of Operations originally filed with this Application and subsequently amended. See enclosed **Exhibits 5A** (amending Exhibit 5); and **Exhibit 16A** (amending Exhibit 16). The Applicant's statement of grounds for approval are further set forth in the expert zoning and traffic materials detailed in Section II, herein, and attached hereto.

The applicant also seeks parking-related waivers, generally to waive seven of 14 on-site parking spaces based on ample on-street parking availability and, a waiver to allow one parking space in a side yard. These waivers are discussed fully in the December 9, 2024 Zoning Evaluation and Expert Report at pp. 16 – 18.

As evidenced by these Exhibits, together with additional supporting materials filed in this case, the MMA Studio meets the standards governing a major home occupation.

II. Copies of All Reports Intended To Be Introduced At The Hearing (Exhibit Numbers Provided Consistent With Exhibit OZAH No. CU 24-18 Exhibit List)

1. **Exhibit 10A:**
September 20, 2025 Traffic Statement (amending and replacing Exhibit 10).
2. **Exhibit 11A:**
December 10, 2024 Updated Existing Conditions Plan (amending and replacing Exhibit 11).
3. **Exhibit 18A:**
December 10, 2024 Conditional Use Zoning Site Plan and Parking Layout Plan; (amending and replacing Exhibit 18).
4. **Exhibit 21A:**
December 9, 2024 Zoning Evaluation & Expert Report (amending and replacing Exhibit 21).
5. **Exhibit 19A:**
December 10, 2024 Turning Motions Diagrams (amending and replacing Exhibit 19).
6. **Exhibit 26:**
December 9, 2024 Fire Access Plan.

Exhibit 26a:
Fire Access Plan approval.

III. The Names and Resumes Of Expert Witnesses And Summary of Testimony

- A. **Mr. Douglas G. Tilley. P.E., R.L.P.S.** will testify as an expert witness regarding the Application's compliance with Zoning Code standards governing the subjection Application. His testimony, including his analysis and conclusions, are set forth generally in a May 16, 2024 Zoning Evaluation and Expert Report (Exhibit 21) and further as modified by a December 9, 2024 Zoning Evaluation and Expert Report (Exhibit 21A). His analysis and conclusions are further set forth in the Zoning Site Plan and Parking Layout originally filed at Exhibit 18 and updated in Exhibit 18 A (filed concurrently herewith). Mr. Tilley also will testify in connection with the nature and scope of the fire access plan (Exhibit 26) and confirm the Fire Marshal's approval of the same (Exhibit 26A) and in support of the parking and other waivers discussed in his Expert Report.

Mr. Tilley's resume is **Exhibit 7a** in the OZAH record and attached hereto.

Mr. Tilley's Expert Reports and Exhibits:

Exhibit 11A:

December 10, 2024 Updated Existing Conditions Plan (amending and replacing Exhibit 11).

Exhibit 18A:

December 10, 2024 Conditional Use Zoning Site Plan and Parking Layout Plan; (amending and replacing Exhibit 11).

Exhibit 21A:

December 9, 2024 Zoning Evaluation & Expert Report (amending and replacing Exhibit 21).

Exhibit 26:

December 9, 2024 Fire Access Plan.

26a:

Fire Access Plan approval.

Mr. Tilley may also refer to any other exhibit in the record for clarification or to elaborate on his testimony.

- B. **Christopher L. Kabatt, Sr. Transportation engineering project manager**

Mr. Christopher L. Kabatt will testify as an expert witness regarding the Application's compliance with governing Adequate Public Facilities Ordinance standards. He also will testify that the proposed use will present no adverse impact on traffic patterns generally, to the adequacy of circulation and parking, that the parking variance requested will not adversely impact traffic, circulation or parking, and that approval will not result in on-street queues. His testimony is set forth more fully in the September 20, 2024 Traffic Statement (Exhibit 10A) and consistent with the analysis and conclusions detailed in the Transportation Study and supporting exhibits.

Exhibit 10A: September 20, 2025 Traffic Statement (amending and replacing Exhibit 10).

Exhibit 19A: December 10, 2025 Turning Motions Diagrams (amending and replacing Exhibit 19).

Mr. Kabatt's resume is **Exhibit 7b** in the OZAH record and attached hereto.

Mr. Kabatt may also refer to any other exhibit in the record for clarification or to elaborate on his testimony.

IV. Other Witnesses

Mr. Todd Margolis, owner
Potomac MMA LLC
8400 Postoak Road
Potomac MD 20854

Mr. Margolis will testify generally in connection with the Applicant's operations, site conditions, parking availability and lack of adverse impact on the surrounding neighborhood.

Mr. Margolis may also refer to any exhibit in the record for clarification or to elaborate on his testimony.

Mr. Margolis' resume is **Exhibit 7c** in the record and attached hereto.

V. Estimated Time Required for Presentation

The Applicant estimates it will need 2 hours for its presentation.

Respectfully submitted,

/s/ Michele McDaniel Rosenfeld
Michele McDaniel Rosenfeld

Enclosed Exhibits:

Exhibit 5A: Amended Statement of Justification

Exhibits 7a, 7b and 7c: Resumes for Douglas Tilley, Christopher Kabatt, Todd Margolis.

Exhibit 11A: December 10, 2024 Updated Existing Conditions Plan (amending and replacing Exhibit 11).

Exhibit 16A: Amended Statement of Operations.

Exhibit 18A: December 10, 2024 Conditional Use Zoning Site Plan and Parking Layout Plan; (amending and replacing Exhibit 11)

Exhibit 21A: December 9, 2024 Zoning Evaluation & Expert Report (amending and replacing Exhibit 21)

Exhibit 19A: December 10, 2024 Turning Motions Diagrams (amending and replacing Exhibit 19)

Exhibit 26: December 9, 2024 Fire Access Plan and approval.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this 27th day of January, 2025:

1. An electronic copy was emailed to the Office of Zoning and Administrative Hearings and to Mark Beall, Montgomery County Planning Department; and
2. On the 28th day of January, 2025, two hard copies will be hand-delivered to the Office of Zoning and Administrative Hearings.

/s/ Michele McDaniel Rosenfeld