

Allen, Christopher

From: Thornton, TyNeisha
Sent: Friday, November 15, 2024 1:36 PM
To: Barr, Stuart R.; Lucas, Gail; Cortes, Raul; Allen, Christopher; Salazar, Victor; Motazed, Ehsan; Ballard, Anjanette; Currie, Adam; Stewart, Maurice; Welch, Kenneth; Smedley, Ellen; Sabbakhan, Rabbiah; Nichols, Greg; Robison, Elana
Cc: Peter Ciferri; director@obgc.com; Kevin McLaren
Subject: RE: Special Event Permit #406595 --- Olney Boys & Girls Club -- Winter City Lights fundraising event

Follow Up Flag: Flag for follow up
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November 15, 2024

Olney Boys & Girls Club, Winter City Lights
4501 Olney Laytonsville Rd.
Olney MD 20832

RE: Denial of Special Event Permit #406595

Dear Mr. Stuart R. Barr,

I hope this letter finds you well.

The Division of Zoning has not received a written opinion from the Montgomery County Board of Appeals that Winter City Lights is an approved activity within OBGC's scope of operations. The approval would need to contain companion exhibits that include an approved site-plan, traffic control management plan, and approved hours of operation.

Consequently, I regret to inform you that your special event application #406595 for the Olney Boys & Girls Club, Winter City Lights, scheduled for November 23, 2024- December 29, 2024, has been denied.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Thank you for your attention to this matter.

Regards, E

TyNeisha Thornton-Smith, MPA E
Customer Support and Outreach, Manager III
2425 Reedic Dr, 7th Floor
Wheaton, MD 20902
240-777-6388
Tyneisha.thornton@montgomerycountymd.gov

From: Barr, Stuart R. <srbarr@lerchearly.com>

Sent: Thursday, November 14, 2024 4:19 PM

To: Thornton, TyNeisha <TyNeisha.Thornton@montgomerycountymd.gov>; Lucas, Gail <Gail.Lucas@montgomerycountymd.gov>; Cortes, Raul <Raul.Cortes@montgomerycountymd.gov>; Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Motazedi, Ehsan <Ehsan.Motazedi@montgomerycountymd.gov>; Ballard, Anjanette <Anjanette.Ballard@montgomerycountymd.gov>; Currie, Adam <Adam.Currie@montgomerycountymd.gov>; Stewart, Maurice <Maurice.Stewart@montgomerycountymd.gov>; Welch, Kenneth <Kenneth.Welch@montgomerycountymd.gov>; Smedley, Ellen <Ellen.Smedley@montgomerycountymd.gov>; Sabbakhan, Rabbiah <Rabbiah.Sabbakhan@montgomerycountymd.gov>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; Robison, Elana <Elana.Robison@montgomerycountymd.gov>
Cc: Peter Ciferri <PCiferri@mcmillanmetro.com>; director@obgc.com; Kevin McLaren <kmclaren@greeneearthinc.com>; Barr, Stuart R. <srbarr@lerchearly.com>

Subject: RE: Special Event Permit #406595 --- Olney Boys & Girls Club -- Winter City Lights fundraising event

[EXTERNAL EMAIL]

I am following up on the issuance of Special Event Permit #406595 for the upcoming Olney Boys and Girls Club Winter City Lights fundraising event. The Winter City Lights fundraising event begins on November 23rd. Thank you.

Stuart R. Barr, Attorney

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From: Barr, Stuart R. <srbarr@lerchearly.com>

Sent: Thursday, November 7, 2024 2:31 PM

To: Thornton, TyNeisha <TyNeisha.Thornton@montgomerycountymd.gov>; Lucas, Gail <Gail.Lucas@montgomerycountymd.gov>; Cortes, Raul <Raul.Cortes@montgomerycountymd.gov>; Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Motazedi, Ehsan <Ehsan.Motazedi@montgomerycountymd.gov>; Ballard, Anjanette <Anjanette.Ballard@montgomerycountymd.gov>; Currie, Adam <Adam.Currie@montgomerycountymd.gov>; Stewart, Maurice <Maurice.Stewart@montgomerycountymd.gov>; Welch, Kenneth <Kenneth.Welch@montgomerycountymd.gov>; Smedley, Ellen <Ellen.Smedley@montgomerycountymd.gov>; Sabbakhan, Rabbiah <Rabbiah.Sabbakhan@montgomerycountymd.gov>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; Robison, Elana <Elana.Robison@montgomerycountymd.gov>
Cc: Peter Ciferri <PCiferri@mcmillanmetro.com>; director@obgc.com; Kevin McLaren <kmclaren@greeneearthinc.com>; Barr, Stuart R. <srbarr@lerchearly.com>

Subject: Special Event Permit #406595 --- Olney Boys & Girls Club -- Winter City Lights fundraising event

TyNeisha and DPS officials:

Thank you for meeting with us on Monday, November 4th regarding the Special Event Permit for the upcoming Olney Boys and Girls Club Winter City Lights fundraising event (Permit #406595). We are following up on the general discussion and in particular, the question raised about zoning approval for the event.

DPS should issue the Special Event Permit for the Winter City Lights fundraising event (WCL) for the following reasons:

1/ First -- for background information -- WCL is a family oriented event that brings the local community together to celebrate the holiday season. The event serves primarily families and children who are looking for a safe, local, and affordable family holiday experience of beautiful lights, holiday cheer, and fellowship. Like the Field of Screams (FOS) event, WCL is very well organized, successful, and an important fundraiser for OBGC. Unlike the FOS event, WCL typically starts and ends earlier than FOS each evening because it gets darker earlier in the winter and because of the types of guests and the nature of the event. When compared with FOS, WCL generates less attendance and overall impact. Event tickets are sold by an on-demand ticketing system that helps to balance attendance across the available nights. WCL has operated successfully the past two years, and there is no reason for the County to deny this family-friendly holiday event from moving forward again this year.

2/ We are unclear as to why DPS is requiring a Special Event Permit for WCL. DPS did not require such a permit for the Field of Screams event. Additionally, WCL operated smoothly the past two years, including with alcohol permits, without a County Special Event Permit. WCL will obtain all applicable State approvals for WCL.

3/ If a Special Event Permit is required, it is unclear whether a Special Event Permit requires a special exception modification. For example, a Benefit Performance (Zoning Ordinance Section 3.1.4) --- which WCL is, effectively --- specifically does not require a conditional use modification.

4/ This past season, DPS determined that the FOS event did not have zoning approval for the trail structures. OBGC disagreed with that decision, but respected it. Accordingly, the trail structures were closed for the FOS event. The WCL fundraising event also will not use the trail structures. But otherwise, the WCL fundraising event uses the same basic layout as the FOS event. It is inconsistent for the County to deny approval for the WCL fundraising event when the WCL event uses the same basic layout as the FOS event and when the WCL event will comply with the DPS decision to close the trail structures.

5/ Regardless of all of the above, the Board of Appeals has specifically approved fundraising events at OBGC. The trail through the woods was created in the 2001 timeframe and has all applicable forest conservation easement plan approvals. Both in 2011 and 2019, OBGC requested special exception modification for its seasonal fundraising events. Those Board of Appeals resolutions and the associated plans are attached to this email with relevant highlighting. The 2019 resolution specifically calls out the trail. These documents provide more than adequate basis for zoning sign-off of the Special Event permit.

Thank you for your time, and thank you for issuing the Special Event Permit for WCL --- Stuart Barr

Stuart R. Barr, Attorney

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