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Transcript of Hearing

Date: August 7, 2025

Case: Community Housing Initiatives, Inc. (CU 23-10)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Hearing
Conducted on August 7, 2025

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1	3
1 BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE	1 A P P E A R A N C E S
2 HEARINGS FOR MONTGOMERY COUNTY, MARYLAND	2
3 -----x	3 ON BEHALF OF MONTGOMERY COUNTY OFFICE OF ZONING AND
4 IN RE: :	4 ADMINISTRATIVE HEARINGS:
5 COMMUNITY HOUSING INITATIVES, : Case No.:	5 NANA YAA JOHNSON, ESQUIRE
6 INC. (CU 23-10), CONDITIONAL USE : CU 23-10	6 MONTGOMERY COUNTY OFFICE OF ZONING AND
7 APPLICATION FOR AN INDEPENDENT :	7 ADMINISTRATIVE HEARINGS
8 LIVING FACILITY FOR SENIORS, LOCATED :	8 100 Maryland Avenue, Room 200
9 AT 13741 AND 13751 TRAVILAH ROAD :	9 Rockville, Maryland 20850
10 -----x	10 240.777.6660
11	11
12	12 ON BEHALF OF THE APPLICANT:
13	13 SCOTT C. WALLACE, ESQUIRE
14 HEARING	14 DEVYN N. KING, ESQUIRE
15 BEFORE THE KATHLEEN BYRNE, HEARING EXAMINER	15 MILES & STOCKBRIDGE, P.C.
16 Rockville, Maryland	16 11 N. Washington Street, Suite 700
17 Thursday, August 7, 2025	17 Rockville, Maryland 20850
18 9:27 a.m.	18 301.762.1600
19	19
20	20 ALSO PRESENT:
21	21 ROBERT BYRNE - Applicant/Witness
22	22 JOSH SLOAN - Witness
23 Job No.: 593119	23 MARK G. MORELOCK - Witness
24 Pages: 1 - 92	24 NICK DRIBAN - Witness
25 Recorded By: Cody Handlir	25 JEFFREY KAHN - Video Technician

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13 Notary Public in and for the State of Maryland.	13 By the Court - Reserved
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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 (Whereupon the court reporter was duly</p> <p>3 sworn.)</p> <p>4 THE HEARING EXAMINER: And I'm the</p> <p>5 Hearing Examiner that's been assigned to this</p> <p>6 matter. We are here for CU 23-10, Community</p> <p>7 Housing Initiative, Inc., which is a conditional</p> <p>8 use application for an independent living facility</p> <p>9 for seniors, located at 13741 and 13751 Travilah</p> <p>10 Road. I probably pronounced that incorrectly, but</p> <p>11 --</p> <p>12 MR. WALLACE: Travilah.</p> <p>13 THE HEARING EXAMINER: Travilah. Okay.</p> <p>14 I butcher names all the time. In Rockville in an</p> <p>15 RE-2 zone, under a standard set forth in 59,</p> <p>16 Section -- article 59, Section 3.3.2(C). This</p> <p>17 hearing is being conducted in a hybrid format,</p> <p>18 which means that parties can participate either</p> <p>19 here in person or via Zoom.</p> <p>20 As the Hearing Examiner, I will listen to</p> <p>21 testimony, review evidence and render an opinion on</p> <p>22 an -- on the application on the criteria set forth</p> <p>23 for conditional uses in Article 59, Section 7.3.1.</p> <p>24 If anyone disagrees with my decision, you may</p> <p>25 appeal it to the Board of Appeals within 10 days</p>	<p>7</p> <p>1 a period of 10 business days that will allow time</p> <p>2 for the court reporter to generate the transcript.</p> <p>3 In addition, we'll -- that'll leave us some time</p> <p>4 for the affidavit of posting and I think that's all</p> <p>5 of our --</p> <p>6 Are there any other preliminary matters</p> <p>7 you need to -- we need to discuss?</p> <p>8 MR. WALLACE: None from me.</p> <p>9 THE HEARING EXAMINER: Okay. All right,</p> <p>10 then we'll go ahead and get started.</p> <p>11 MR. WALLACE: Great. Thank you. And</p> <p>12 for the record, my name is Scott Wallace with the</p> <p>13 law firm of Miles & Stockbridge. Also with us this</p> <p>14 morning is Devyn King, my colleague with Miles &</p> <p>15 Stockbridge, and she'll be also presenting some of</p> <p>16 the testimony later in the hearing. Happy to be</p> <p>17 here on behalf of CHI with this project. We are --</p> <p>18 we have the unanimous approval of the planning</p> <p>19 board for recommending approval and technical</p> <p>20 staff, as well with the hearing that occurred in</p> <p>21 July.</p> <p>22 We also, under the new procedures</p> <p>23 for concurrent review of preliminary plan and</p> <p>24 conditional uses, we received approval of the</p> <p>25 preliminary plan from the planning board in July as</p>
<p>6</p> <p>1 after the decision is issued.</p> <p>2 So it doesn't appear we have anybody on</p> <p>3 Zoom, so I don't need to necessarily do anything</p> <p>4 with the Zoom housekeeping, but every document that</p> <p>5 you have is on our website. So we have our Zoom</p> <p>6 operator here. He will be able to pull up anything</p> <p>7 that you wish to access and review. We can zoom</p> <p>8 in, we can go out. So whatever it is that you</p> <p>9 need, we have it available. Have you had an</p> <p>10 opportunity to take a look at the exhibit list?</p> <p>11 MR. WALLACE: Yes.</p> <p>12 THE HEARING EXAMINER: All right. So is</p> <p>13 it accurate to the best of your knowledge of</p> <p>14 everything that's been submitted?</p> <p>15 MR. WALLACE: Yes.</p> <p>16 THE HEARING EXAMINER: Okay. I'm going</p> <p>17 to ask, is there anybody here in opposition? Okay.</p> <p>18 Seeing none. No one on the -- on the Zoom, then</p> <p>19 we'll go ahead and accept all documents that have</p> <p>20 been submitted on this exhibit list into the record</p> <p>21 at this time. All right. So Mr. Wallace, you can</p> <p>22 have opening statements. We'll go ahead and -- and</p> <p>23 move forward with your case-in-chief. At the</p> <p>24 conclusion of the case, you again can submit a</p> <p>25 closing statement. The record will remain open for</p>	<p>8</p> <p>1 well. And the conditions of approval for --</p> <p>2 recommended conditions of approval from staff and</p> <p>3 -- on the preliminary plan and the conditions of</p> <p>4 approval for the preliminary plan are acceptable to</p> <p>5 the applicant and appreciative of the concurrent</p> <p>6 review. It saves significant time frame, the</p> <p>7 development approval process. And I -- we made</p> <p>8 that clear to the planning board as well. That</p> <p>9 that's a -- a good policy change and it's</p> <p>10 appreciated.</p> <p>11 The other interesting aspect about</p> <p>12 this particular project is it's under a relatively</p> <p>13 recent change to the conditional use standards for</p> <p>14 Independent Living for Seniors. Recognizing that a</p> <p>15 variety of housing types can be used for senior</p> <p>16 living. Previously, it was really just</p> <p>17 multifamily, but as time -- as we realized how the</p> <p>18 senior community's changing, and the needs of their</p> <p>19 and what they want for housing is changing, the</p> <p>20 Council added other types of units, like</p> <p>21 townhouses, for example. And this was one of the</p> <p>22 projects that spurred that -- that tax amendment.</p> <p>23 The CHI worked with Council staff</p> <p>24 and with Council to come up with something that</p> <p>25 made sense in terms of the development standards.</p>

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3 (9 to 12)

<p>9</p> <p>1 And again, allowing for more flexibility, more 2 options for senior living. So this is a typical 3 age restricted at least for the County's way of 4 doing age restriction at 62 and above, but it's in 5 -- it's in for sale townhouse units, with some -- 6 with common facilities, but a little bit different 7 maybe than your typical multi-family project. But 8 also, again, this is utilizing the recent changes, 9 relatively recent changes to the conditional use 10 standards. So happy to be, again, looking -- 11 appreciating the -- the Council's -- the County's 12 flexibility and understanding of the changing needs 13 of the independent -- of the seniors community. 14 THE COURT: Just -- 15 MR. WALLACE: Yeah? 16 THE HEARING EXAMINER: Just for my 17 education. This one obviously came around. It's 18 got, you know, a CU 23-10. I think at one point we 19 -- we didn't think it was happening anymore. 20 MR. WALLACE: Ah, yes. 21 THE HEARING EXAMINER: And that was 22 probably more of a lack of communication between 23 our office. 24 MR. WALLACE: Yes. 25 THE HEARING EXAMINER: And planning. So</p>	<p>11</p> <p>1 change first, but -- and then we were told we did. 2 So we went through -- 3 THE HEARING EXAMINER: Okay. 4 MR. WALLACE: Got -- got the Council to 5 approve a category change for water and sewer. 6 THE HEARING EXAMINER: Okay. 7 MR. WALLACE: And then -- then we began 8 the conditional use process again. 9 THE HEARING EXAMINER: Got you. Okay. 10 MR. WALLACE: And -- and as part of 11 that, there was some back and forth with staff at 12 -- at the planning board to what made sense for 13 this site. 14 THE HEARING EXAMINER: Uh-huh. Okay. 15 MR. WALLACE: So what you see today is 16 the result of that back and forth. 17 THE HEARING EXAMINER: Okay. 18 MR. WALLACE: But there was definitely 19 some back and forth because there was a different 20 concept initially for what this -- what this 21 project would look like. 22 THE HEARING EXAMINER: Okay. 23 MR. WALLACE: And so -- 24 THE HEARING EXAMINER: So it -- it's 25 evolved since the original app?</p>
<p>10</p> <p>1 was it more the time it took for -- to do the 2 concurrent review for preliminary planning 3 conditional use, or was it basically because it's a 4 townhouse development and they needed that -- that 5 change? 6 MR. WALLACE: Not a -- well -- 7 THE HEARING EXAMINER: Or -- 8 MR. WALLACE: No. The -- the -- 9 THE HEARING EXAMINER: The change 10 happened? 11 MR. WALLACE: Before the current -- the 12 concurrent review process, I think went very 13 smoothly. 14 THE HEARING EXAMINER: Okay. 15 MR. WALLACE: Once that got into stage. 16 One of the delays was the need for a category 17 change. 18 THE HEARING EXAMINER: Yeah. 19 MR. WALLACE: Water and sewage category 20 change. 21 THE HEARING EXAMINER: Okay. 22 MR. WALLACE: And I think we initially 23 submitted, and Josh can correct me if I'm getting 24 my procedural -- procedure wrong here, we initially 25 submitted not thinking we needed the category</p>	<p>12</p> <p>1 MR. WALLACE: Yes. 2 THE HEARING EXAMINER: Clearly since the 3 original application. 4 MR. WALLACE: It's -- it is -- it is 5 evolved and morphed through some process issues. 6 THE HEARING EXAMINER: Okay. All right. 7 I was just curious about that. 8 MR. WALLACE: Yeah. 9 THE HEARING EXAMINER: Because I know 10 that this was the first one with the preliminary 11 plan. 12 MR. WALLACE: Yes. 13 THE HEARING EXAMINER: So I didn't know 14 if it was growing pains as part of that or if it 15 was more project related. 16 MR. WALLACE: No. That part went 17 relatively smoothly again. 18 UNIDENTIFIED SPEAKER: You're right. 19 MR. WALLACE: Yes. 20 THE HEARING EXAMINER: Okay. 21 MR. WALLACE: It -- it was the other 22 stuff. 23 THE HEARING EXAMINER: Okay. All right. 24 Good. Just again, these are not necessarily 25 questions relevant to the -- but for -- for just my</p>

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4 (13 to 16)

<p>13</p> <p>1 education on how that process has changed over 2 there. And, you know, obviously we have a lot more 3 information in the staff report because it's 4 already gone through that preliminary plan, and 5 then you know, you should be able to hit the ground 6 running as soon as we're done with this last piece. 7 MR. WALLACE: Right. 8 THE HEARING EXAMINER: Okay. 9 MR. WALLACE: And -- and again, my first 10 experience with it has been good. 11 THE HEARING EXAMINER: Okay. Awesome. 12 So yeah. All right. Thank you. 13 MR. WALLACE: Okay. So with that, my 14 first -- our first witness is Rob Byrne with CHI. 15 So if you could state your name and business 16 address for the record. 17 MR. BYRNE: My name is Robert Byrne. 18 Our business address is 1123 Ormond Court, McLean, 19 Virginia 2211. 20 THE HEARING EXAMINER: And I will state 21 on the record, we have the same last name, but we 22 are not related. 23 MR. BYRNE: Correct. 24 Whereupon, 25 ROBERT BYRNE,</p>	<p>15</p> <p>1 The community will also include a -- a center of 2 green space that is open to the public and allow 3 the -- the owners to -- to utilize. The back 4 portion of the site will have a scenic overlook for 5 say, for over the Serpentine Barrens with the patio 6 space and stuff like that, which allows any of the 7 owners there, and open to the public to access kind 8 of that area, green space environment. There's a 9 road system within so any deliveries that, you 10 know, need to be made are, you know, we will have 11 access. Any, you know, anybody assisting with 12 health for the residents, the aging residents, 13 they'll be able to have access and park there. So 14 it's an open community. 15 Q Okay. And we'll have additional 16 information and detail from our land planning 17 expert as to the layout and the -- and those types 18 of features. We just want to give a general sense 19 of the operation. It'll function much like a -- an 20 a non-age restricted community in many ways. 21 A Correct. 22 Q Yep. Okay. And as part of -- of the 23 development of the property, and will there be 24 remediation, environmental remediation of -- of 25 aspects of the existing operations on the site?</p>
<p>14</p> <p>1 being first duly sworn or affirmed to testify to 2 the truth, the whole truth, and nothing but the 3 truth, was examined and testified as follows: 4 EXAMINATION BY COUNSEL FOR THE APPLICANT 5 BY MR. WALLACE: 6 Q And your role with Community Housing 7 Initiative, Inc.? 8 A I'm a vice president of development. 9 Q Okay. And how many years have you been 10 with CHI? 11 A I've been with CHI for about three 12 years. The company's been around a lot longer than 13 that. Collectively we've got about 30 years of -- 14 of senior housing. 15 Q Just generally your experience with 16 senior housing with CHI's communities in the County? 17 A Correct, yeah, Montgomery County, and 18 Maryland as well. 19 Q Okay. So with this particular project, 20 do you want to just give us a general overview of 21 -- of the -- the types of units, the you know, the 22 amenity spaces, common spaces and kind of how it'll 23 function operationally? 24 A Absolutely. So the project will consist 25 of 60 age-restricted independent living town homes.</p>	<p>16</p> <p>1 A Yeah. So part of the site now is a 2 landscaping yard. And so, to get ahead of any 3 environmental issues we went through -- are going 4 through the Maryland Department of Environment 5 Volunteer Cleanup Program. So that's consisted of 6 a phase one environmental report, phase two, some 7 additional testing, a site visit with an MDE 8 representative. We put together a -- a work plan 9 with the help of MDE to determine what exactly 10 needs to be tested, and from there, we use those 11 test results to put together a environmental 12 remediation plan that is in -- with MDE now for 13 approval. And once we get approval of that, which 14 we expect towards the end of the month, then we'll 15 start working on remediation site. 16 So the existing site is a landscaping 17 yard. And so, we feel that all the environmental 18 work that we'll do will have a great positive 19 impact on the community and surrounding areas. 20 Q And as part of the application process 21 in developing this project, have you had any 22 community meetings? 23 A Yeah, we've had a couple. Most 24 recently, I believe was February 14th at the 25 recreation center right up the road. Very well</p>

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5 (17 to 20)

<p>17</p> <p>1 attended with the community metaverse neighbors, no 2 opposition. Most of the, you know, comments and 3 questions were just, you know, knowledge of what 4 the project that their neighbor will be. The 5 immediate neighbor of the -- moose Lodge was 6 excited to have some additional neighbors nearby. 7 And I even gave out a business card to a potential 8 buyer. So we thought it was a very successful 9 meeting, and people left happy and with their 10 questions answered.</p> <p>11 Q Okay. And are you in agreement with the 12 proposed conditions, the recommended conditions of 13 approval from technical planning board staff?</p> <p>14 A Yes.</p> <p>15 Q Okay. Is there anything else you'd like 16 to add?</p> <p>17 A Yeah. We -- you know, we think this 18 type of development is very important in the 19 County. You know, the County with Thrive 2050 is 20 -- needs more units coming online, and a 21 age-restricted independent living, allows seniors 22 to age within their community, sell their larger 23 single family homes, move into a -- a town home. 24 And that kind of creates a cycle, which opens more 25 families up to -- to purchase homes.</p>	<p>19</p> <p>1 president at VIKA. I'm a landscape architect and 2 land use planner. Address is 20251 Century 3 Boulevard, Suite 200, Germantown, Maryland 20875.</p> <p>4 THE HEARING EXAMINER: Okay. And Mr. 5 Sloan, could you raise your right hand for me? Do 6 you promise to tell the truth, the whole truth and 7 nothing but the truth?</p> <p>8 MR. SLOAN: Yes.</p> <p>9 THE HEARING EXAMINER: Thank you.</p> <p>10 BY MR. WALLACE:</p> <p>11 Q And if -- have you previously testified 12 before the Hearing Examiner in Montgomery County as 13 an expert?</p> <p>14 A I have several times.</p> <p>15 Q And what were your areas of expertise 16 accepted by the Hearing Examiner?</p> <p>17 A Yes.</p> <p>18 Q And which -- which areas? I'm sorry.</p> <p>19 A Oh, land use planning and landscape 20 architecture.</p> <p>21 Q Okay. We have Mr. Sloan's resume.</p> <p>22 A I didn't see it on the exhibit list.</p> <p>23 MR. WALLACE: That is not in the exhibit 24 list. We're happy to submit it.</p> <p>25 THE HEARING EXAMINER: Okay.</p>
<p>18</p> <p>1 So it's a kind of a -- a beneficial 2 life cycle within the County that provides benefits 3 to the seniors that get to live in a, you know, a 4 more condensed easier to manage place, but also 5 opens their former houses up to purchases for our 6 families and other individuals where that might not 7 happen otherwise, if these types of projects don't 8 happen.</p> <p>9 MR. WALLACE: Okay. And I have nothing 10 else for Mr. Byrne.</p> <p>11 THE HEARING EXAMINER: Okay.</p> <p>12 MR. WALLACE: You have any questions?</p> <p>13 THE HEARING EXAMINER: No. I think -- I 14 -- I think any question that I have would probably 15 be answered a little bit.</p> <p>16 MR. WALLACE: Certainly. And he can 17 come back if anything --</p> <p>18 THE HEARING EXAMINER: Right. If 19 something pops up, I'll reach out.</p> <p>20 MR. WALLACE: Okay. Our second witness 21 is Josh Sloan with VIKA.</p> <p>22 And Mr. Sloan, can you state your 23 name, occupation and business address for the 24 record?</p> <p>25 MR. SLOAN: I'm Josh Sloan, vice</p>	<p>20</p> <p>1 MR. WALLACE: But we would move him to 2 be admitted as an expert.</p> <p>3 THE HEARING EXAMINER: All right. I 4 believe I've actually had Mr. Sloan admitted as an 5 expert in my cases before. And we'll go ahead and 6 admit him. Is the pre-hearing statement in here?</p> <p>7 MR. WALLACE: I'm sorry?</p> <p>8 THE HEARING EXAMINER: Did you submit a 9 pre-hearing statement?</p> <p>10 MR. WALLACE: Yes, we did.</p> <p>11 THE HEARING EXAMINER: Okay. Is that in 12 here?</p> <p>13 MR. WALLACE: I think it was --</p> <p>14 THE HEARING EXAMINER: Exhibit -- I 15 don't see it on the list.</p> <p>16 MR. WALLACE: I think it was. I just 17 assumed it was part of -- it was broken up into 18 exhibits.</p> <p>19 THE HEARING EXAMINER: Okay.</p> <p>20 MR. WALLACE: But maybe I shouldn't 21 assume that.</p> <p>22 THE HEARING EXAMINER: Let's see. All 23 right. No worries. So what we'll do is I -- I'm 24 going to do an Exhibit 31, and we'll just add that 25 as the pre-hearing statement.</p>

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6 (21 to 24)

<p>21</p> <p>1 (EXHIBIT 31 MARKED)</p> <p>2 THE HEARING EXAMINER: And I should have</p> <p>3 looked at this earlier, I'm sorry. And did you</p> <p>4 have the resumes attached to the pre-hearing</p> <p>5 statement, or were they separate?</p> <p>6 MR. WALLACE: They're -- they're</p> <p>7 separate.</p> <p>8 THE HEARING EXAMINER: Okay.</p> <p>9 MR. WALLACE: So I can submit them now --</p> <p>10 THE HEARING EXAMINER: Certainly.</p> <p>11 MR. WALLACE: -- if you'd like.</p> <p>12 THE HEARING EXAMINER: Let's do that.</p> <p>13 So I'm going to do pre-hearing statement as 31, and</p> <p>14 then 32, I'll just do group resumes.</p> <p>15 MR. WALLACE: And we would've submitted</p> <p>16 our pre-hearing statement on or about July --</p> <p>17 THE HEARING EXAMINER: That's what I</p> <p>18 thought. But that's okay.</p> <p>19 MR. WALLACE: Again, I thought the</p> <p>20 exhibit list simply broke it up into</p> <p>21 (indiscernible).</p> <p>22 THE HEARING EXAMINER: Right. Nope. No</p> <p>23 worries. I'm sure -- I'm sure Nana has it in there</p> <p>24 and I'm -- I might just be -- I might just be</p> <p>25 missing it. So if we have it in here twice, we</p>	<p>23</p> <p>1 THE HEARING EXAMINER: Uh-huh.</p> <p>2 MR. WALLACE: He'll also cover the</p> <p>3 lighting for the project and Forest Conservation,</p> <p>4 compliance with the County Forest Conservation.</p> <p>5 And then just generally how the -- how the</p> <p>6 community's design and layout is meant to be</p> <p>7 compatible with surrounding mainly residential</p> <p>8 community. So if that's okay with you, it's an</p> <p>9 easier -- well, it's a --</p> <p>10 THE HEARING EXAMINER: Yeah.</p> <p>11 MR. WALLACE: -- more efficient way of</p> <p>12 proceeding.</p> <p>13 THE HEARING EXAMINER: Absolutely.</p> <p>14 Yeah. Okay. It comes under -- under the umbrella</p> <p>15 of both -- both --</p> <p>16 MR. WALLACE: His areas.</p> <p>17 THE HEARING EXAMINER: Yeah, absolutely.</p> <p>18 BY MR. WALLACE:</p> <p>19 Q Okay. So with that, I'll turn it over</p> <p>20 to Josh.</p> <p>21 A Okay.</p> <p>22 Q And I'm sorry -- before -- did you want</p> <p>23 to bring up a particular exhibit?</p> <p>24 A Yeah.</p> <p>25 Q Okay.</p>
<p>22</p> <p>1 have it in here twice.</p> <p>2 MR. WALLACE: Sure. That's fine.</p> <p>3 THE HEARING EXAMINER: Right?</p> <p>4 MR. WALLACE: Yes.</p> <p>5 THE HEARING EXAMINER: Okay. All right.</p> <p>6 So we will just -- I'll add that as Exhibit 32.</p> <p>7 (EXHIBIT 32 MARKED)</p> <p>8 THE HEARING EXAMINER: I'm just going to</p> <p>9 do resumes, and then 32A will be Mr. Sloan,</p> <p>10 okay? And we will look -- and so Mr. Sloan, are you</p> <p>11 -- you're an expert for you're doing both land use</p> <p>12 planning and architecture?</p> <p>13 MR. BYRNE: Landscape architecture.</p> <p>14 THE HEARING EXAMINER: Landscape --</p> <p>15 landscape. Thank you. What you said. All right.</p> <p>16 So we'll accept you as an expert in both.</p> <p>17 MR. WALLACE: Okay. And if -- if it</p> <p>18 would be okay with -- with the Hearing Examiner, we</p> <p>19 -- we would maybe suggest just more of a narrative</p> <p>20 testimony where Mr. Sloan is in -- his testimony is</p> <p>21 intended to cover compliance with Montgomery County</p> <p>22 Zoning standards.</p> <p>23 THE HEARING EXAMINER: Uh-huh.</p> <p>24 MR. WALLACE: The master plan,</p> <p>25 compliance with the master plan.</p>	<p>24</p> <p>1 A Yeah, I think we'll -- we'll start</p> <p>2 larger context, and then work our way in.</p> <p>3 THE HEARING EXAMINER: Okay.</p> <p>4 MR. BYRNE: So if we could start with</p> <p>5 the Exhibit 17, the surrounding neighborhood plan.</p> <p>6 THE HEARING EXAMINER: Okay.</p> <p>7 MR. BYRNE: Okay. So you can -- what</p> <p>8 you see on the screen now is the surrounding</p> <p>9 neighborhood plan. We developed this based on</p> <p>10 proximity of -- of neighborhoods to the site,</p> <p>11 previous experience and some back and forth with</p> <p>12 M-NCPPC staff. Our site is in the center of this</p> <p>13 area to the east -- to the west of the site. Our</p> <p>14 larger RE-2 standard residential lots with detached</p> <p>15 homes. To the north of the site is our 200 zoned</p> <p>16 single family houses, both detached homes on</p> <p>17 smaller lots and townhouses. And this was</p> <p>18 developed with a TDR optional methods. So they</p> <p>19 have a little bit increased -- more increased</p> <p>20 density than you typically would see in -- in an</p> <p>21 R-200 zone.</p> <p>22 To the east of us, a little past our</p> <p>23 site, are some additional R-200 zoned detached</p> <p>24 homes. Directly abutting our site. R-2 conditional</p> <p>25 uses, Moose Lodge and another landscape contractor.</p>

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<p>25</p> <p>1 And then on the road itself, there is a detached 2 house. To the south of our site is more of the 3 landscape -- landscape companies, storage areas and 4 things and the stream valley buffer. And then to 5 the south of that, as part of a -- a large park 6 system that protects what Mr. Wallace mentioned, 7 the Serpentine Barrens, a very unique rock 8 formation in this area. So that's -- that's the 9 general context.</p> <p>10 A little bit broader context, not shown 11 on this exhibit. We do have several public parks 12 nearby. We do have a recreation center where we 13 held our community meeting. A fantastic facility 14 that's always very busy. Does everything from -- 15 from senior club meetings to -- to pickleball, 16 basketball and all sorts of things. And then a 17 little beyond that, we've got some medical office 18 buildings and the shopping center at the corner of 19 Travilah and Darnestown. So all that is within 20 about a five-minute car ride, 15 minute bus ride. 21 So that's the general context.</p> <p>22 If we could look at the -- actually, 23 let's look at the NRI, I think it's the best. 24 That's Exhibit 16, right before this. Yeah, 25 so that's -- that's a good exhibit showing the</p>	<p>27</p> <p>1 It's -- it's quite a mess. And as -- as noted, 2 they're going through an environmental cleanup of 3 that area and some remediation.</p> <p>4 The eastern portion of the site is 5 occupied by two detached homes and several 6 outbuildings, large lawn area. Most of the stream 7 valley buffer on that side is not forested, right 8 now it's mowed lawn. There's one driveway on the 9 far east that serves the two houses. And then 10 there's a larger driveway. Oh, sorry. There's, on 11 the west -- the driveway serving the house is on 12 the west. The driveway serving the landscape 13 companies facilities is on the east, so two 14 driveways.</p> <p>15 There are trees, larger trees scattered 16 throughout. Most of those, as I'll note, will be 17 removed because of the requirements for 18 implementing this development. The ones to the 19 south and the stream valley buffer are going to be 20 protected. There are no really large trees right 21 off site that we're going to be impacting requiring 22 a removal. So we are -- we're protecting anything 23 offsite as much as we can and not taking any 24 specimen trees down that are not on our site. So 25 that goes over the general conditions of context</p>
<p>26</p> <p>1 existing conditions of the property. Okay. So 2 this site is three parcels together. They're about 3 10 and a half acres. There'll be a little bit 4 larger area of disturbance because we're improving 5 part of Travilah Road beyond our property. So 6 these three parcels will be consolidated, and then 7 re-subdivided per the approval of the preliminary 8 plan that we received.</p> <p>9 The site gently slopes up from Travilah 10 Road to about a third of the way to the south. 11 And then there's a ridge and it slopes down gently, 12 and then more steeply towards a stream and a 13 wetland area. And that is all within an area for 14 a stream valley buffer that -- that needs to be 15 protected. There are some forest stands in the 16 south -- southeast section of the of the stream 17 valley buffer that will be conserved and 18 incorporated into the large Forest Conservation 19 area that I'll talk about.</p> <p>20 The as -- as Mr. Byrne noted, there 21 are -- there's a landscape contractor that occupies 22 most of the east side of the site. And that is -- 23 there's a large office building. There are several 24 warehouses. There are storage containers. There 25 are brush piles. Most of it is gravel parking.</p>	<p>28</p> <p>1 and the site itself, I think.</p> <p>2 BY MR. WALLACE:</p> <p>3 Q Option to just describe the project.</p> <p>4 A Yeah. So let's go to -- we'll -- we'll 5 do the composite site plan, which is 12B. And then 6 I'll go back to the development standards on 12A. 7 So Exhibit 12B is the composite use -- the 8 conditional use site plan. Kind of hard to see at 9 this scale, but I'll try to -- try to describe it 10 as best as possible. Thank you for zooming in.</p> <p>11 So we've consolidated the entrances 12 to one location on -- on Travilah Road closer to 13 the east property boundary. This was established 14 because of site distance restrictions and offsets 15 from -- from driveways to, and roads to, to the 16 north of the site. And so, we meet site distance 17 requirements, and we have all the necessary size we 18 need for turning movements. If we could pan a 19 little bit up to the top, I'll start with -- with 20 the with a road frontage along Travilah Road.</p> <p>21 So Travilah Road is -- has a recommended 22 widening and we're dedicating the necessary, right 23 of way to meet the full master plan of highways, 24 road right of way. Within that right of way. 25 We're going to be creating a -- a planting panel</p>

<p>29</p> <p>1 for trees, a -- a six-foot sidewalk, and then 2 additional space for trees and grading. So a large 3 right of way green space area. We don't need 4 anything like a shared use path or bike lanes 5 because there is a shared use path to the -- on the 6 north side of Travilah as recommended in the 7 bicycle master plan. 8 One thing that came up in back and 9 forth actually after the staff report was -- was 10 submitted. We originally had a little extension of 11 the sidewalk to a existing bus stop to our east of 12 a property. That bus stop is actually located 13 where there is not dedicated right of way. And so, 14 we couldn't do anything like a -- a nice pad and a 15 bench or anything there, because it's private 16 property. The right of way is really restricted 17 almost up to the paving. 18 So we're going to relocate that -- 19 that bus stop to our frontage, put a pad, put a 20 bench there. So it's easier to get to, it's more 21 accessible to us and -- and to the neighbors. So 22 we've started that conversation with DOT and 23 that'll be finalized with our right of way permit. 24 So that's a little tweak to -- to the plan in the 25 top right.</p>	<p>31</p> <p>1 parking spaces around the site on the street, as 2 well as each unit having up to -- the ability to 3 park up to four cars in the garage and on the 4 driveway. No parking is allowed on Travilah Road. 5 So we wanted to make sure that we had adequate 6 parking within -- within the site. 7 THE HEARING EXAMINER: So each unit has 8 up to up to -- 9 MR. BYRNE: Four. 10 THE HEARING EXAMINER: Four? 11 MR. BYRNE: And then we've got the 12 streets parking, including one accessible space 13 near the open space. So if we could pan a little 14 bit down, we have the central open space. We have 15 a -- that -- that is going to be lawn, some storm 16 water facilities because of the way the -- the site 17 slopes, but mostly just for passive recreation and 18 enjoyment. 19 To the south of all the units, we've got 20 a -- a small circular path that will allow people 21 to walk from the sidewalk down a slope, but all ADA 22 compliance slope to the area that's right abutting 23 the conservation area, what Mr. Byrne noted as a -- 24 as our overlook. It's -- it's actually one of the 25 prettier areas on site. And we're trying to</p>
<p>30</p> <p>1 So working in from the -- the right 2 of way frontage improvements, we've got a -- a 3 deeper setback and you can -- you can see in the 4 plan, it kind of aligns with -- with a unit to our 5 -- to our west. And so, we're trying to keep much 6 more residential and pastoral, I'll say, feeling 7 along the road with a -- a sloping lawn that come 8 -- that'll be planted up to the -- to the unit 9 frontage fronts that face Travilah Road. 10 From there on in we've got our units 11 arranged around basically a backwards six, or 12 a upside down P. The road comes in along the east 13 with units facing onto it, and then it wraps around 14 in a circle with an interior block, and then units 15 are along the perimeter. 16 Our unit types are of two kinds. We 17 have front loaded units and those have full 18 driveways, a little front yard, and then a -- a 19 generous backyard. And then we have rear load 20 units, which back onto an alley and they have a 21 full driveway, the alley space. And then they have 22 smaller front yards because they typically face 23 right onto either open space, or onto the street. 24 So sidewalk and -- and sometimes parking. 25 We've got, I think, about 19 visitor</p>	<p>32</p> <p>1 conserve that view. As you look down the slope, 2 it's about a 40-foot drop down to a wetland area. 3 The stream comes through there. 4 So -- so that area -- that area is 5 our secondary open space to encourage walking 6 through the community. All of that -- all of that 7 and the sidewalks along the street are lit. The 8 street lights are on 16-foot poles with a recessed 9 fixture. And we -- we've established those in the 10 types of lights so that we would be less than zero 11 foot candles, the measurement of illumination on 12 the ground, well before the property line that 13 abuts the residential neighbors. So exceeding the 14 -- the requirement in the code for that. 15 And the lighting that's along the 16 walkway that isn't on the sidewalk, street scape, 17 that, actually, we switched to bollard lights, 18 which have a lower profile. They're only a few 19 feet off the ground, and so, therefore, reduce any 20 glare to the side in the more natural area. 21 The natural area itself is -- is 22 protected by the stream valley buffer. We're 23 conserving any forest that exists within that 24 stream valley buffer. And we are increasing our 25 plant -- the planting of the stream valley buffer.</p>

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<p>33</p> <p>1 So all of that area will be forested from the 2 buffer, which is just to the south of where you can 3 see this open space. And then these little odd 4 shapes that are kind of stippled in, those are all 5 storm water facilities. 6 So all those storm water facilities 7 are taking the water primarily from the streets, 8 which is what we want to clean the most, filtering 9 that through vegetation and a -- a soil system for 10 those, and then out falling upstream of the -- the 11 wetland and -- and the stream so that it's -- it's 12 cooled, it's cleaned and it's slowed down. Those 13 are the primary things that I look to when I'm -- 14 when we're looking at storm water management. So 15 that protects the water runoff that's going to the 16 stream that -- between that and the remediation, I 17 think the water quality will be significantly 18 improved. And then you've got the forest. So -- 19 so the forest will do a -- a another layer of 20 protection environmentally. 21 We're exceeding our requirement for 22 -- for -- for reforestation on site. We're 23 actually providing more forest than we need to and 24 carrying it beyond the stream valley buffer all the 25 way to the point in the forest southwest of the</p>	<p>35</p> <p>1 on -- on most of these lots. 2 The sidewalk path to and around the 3 overlook. As I noted, we'll have the bollards to 4 light it and make sure it's safe. But those will 5 also be shaded with -- with trees all along the 6 entire way. Some of these trees are mitigation 7 plantings. We're taking down several specimen 8 trees on site. And that is generally because we 9 have to -- to meet our infrastructure requirements 10 and get the site to sewer properly, drain properly, 11 and make sure all of our sidewalks are accessible. 12 And even more than accessible for the senior living 13 community. We have to lower a significant portion 14 of the site and regrade it and move that dirt 15 around. 16 So in removing those -- those specimen 17 trees with 30 inch diameter of rest height or 18 bigger, we have to provide mitigation and we're 19 providing that mitigation and exceeding it in our 20 plantings around primarily the sidewalks and the 21 open spaces. And -- and along our screening. 22 The west side of the site does not 23 require any specific screening because we're up 24 against non-residential uses, but we're providing 25 it for our benefit, and we're providing significant</p>
<p>34</p> <p>1 site. 2 The other piece of -- of the puzzle 3 here is that I guess we'll go to the landscape plan 4 and talk through some of the planting and design 5 elements. So if we could go to, I guess we'll 6 start at the top with Exhibit 13B, the detailed 7 landscape and lighting plan. Oh, I'll come back to 8 the development standards. Sorry. 9 So this is the south side of the -- 10 the detail of the 30 scale landscape plan. The 11 first sheet on the landscape set establishes the 12 specific requirement for screening that's necessary 13 for a conditional use with townhouses abutting 14 residential detached homes. 15 And you can see a lot of little -- 16 a lot of little circles and a lot of little leader 17 lines with labels on the west side of our site. 18 That is all of our screening material that we'll 19 have in addition to the six-foot fence. And then 20 we have a -- a generous setback to the actual lots 21 and we're running utilities through there. So we 22 need a little space to run our dry utilities, 23 electric, telecommunications and gas lines for 24 those units. So we've got the screening and the 25 setback, and then we'll have individual lot trees</p>	<p>36</p> <p>1 plantings and -- and fencing along that -- that 2 area. 3 All of the street scapes will have shade 4 trees along them, and we'll have the lighting 5 noted, and sidewalks and parallel parking where -- 6 where we could. At the terminus of both of the 7 roads that in this drawing, you can see is sort of 8 form an H, the southern end of those roads, we've 9 got two seating areas that provide shade beyond the 10 -- the shade of the trees. And so, those -- those 11 are initial places. So the idea is that you can 12 come through this community. You can stop a couple 13 times, or you can keep walking to provide some -- 14 some respite if -- if necessary. 15 If we could look at -- is this D? This 16 is 13B. 13C, please. Oh, shoot, is 13B -- that 17 was what we just looked at. It looks like 13B 18 and 13C are the same. We want to make sure that 19 13B is the north side of the detailed plan. 20 THE HEARING EXAMINER: Let's see. Pop 21 back out and see if -- and click -- look at A just 22 because. 23 MR. BYRNE: Okay. So that is the 24 screening exhibit. And that -- that is the table 25 with the requirements --</p>

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<p>37</p> <p>1 THE HEARING EXAMINER: Yeah.</p> <p>2 MR. BYRNE: -- but we can look at that.</p> <p>3 THE HEARING EXAMINER: Let -- yeah. I</p> <p>4 think that -- and I'll double check. Let me -- I'm</p> <p>5 going to look at our paper file too really quickly</p> <p>6 just to make sure we have --</p> <p>7 MR. BYRNE: Yeah, I think -- so 13B</p> <p>8 should be sheet L-101.</p> <p>9 THE HEARING EXAMINER: Okay.</p> <p>10 MR. BYRNE: Oh, sorry. L-100.</p> <p>11 THE HEARING EXAMINER: L-100. Yeah. So</p> <p>12 I have 13A correctly in here. Oh, let me see.</p> <p>13 There's 13A then 13B is the lower half?</p> <p>14 MR. BYRNE: Okay. It should be the</p> <p>15 northern half.</p> <p>16 THE HEARING EXAMINER: And 13C is also</p> <p>17 the lower half.</p> <p>18 MR. BYRNE: Okay.</p> <p>19 THE HEARING EXAMINER: All right. So --</p> <p>20 MR. BYRNE: While the record is open,</p> <p>21 can we resubmit that?</p> <p>22 THE HEARING EXAMINER: Yep. We'll just</p> <p>23 need to resubmit that.</p> <p>24 MR. BYRNE: Okay.</p> <p>25 THE HEARING EXAMINER: So would you want</p>	<p>39</p> <p>1 that goes through generally, the --</p> <p>2 MR. WALLACE: Let me -- if -- if I may</p> <p>3 just let me ask. We had mentioned that I think the</p> <p>4 -- after the plans that had -- were submitted both</p> <p>5 to planning board and -- and -- and to the Hearing</p> <p>6 Examiner, there was working with DOT had changed to</p> <p>7 where the bus stop would be located.</p> <p>8 THE HEARING EXAMINER: Uh-huh.</p> <p>9 MR. WALLACE: Should -- when we</p> <p>10 resubmit, should our plans catch up with that</p> <p>11 change, or are we not quite there yet?</p> <p>12 MR. BYRNE: I don't think we have the</p> <p>13 specific design, so I don't think so.</p> <p>14 MR. WALLACE: So if -- if it --</p> <p>15 THE COURT: Okay.</p> <p>16 MR. WALLACE: If it's just noted that</p> <p>17 that's going to be a change, that's all.</p> <p>18 THE HEARING EXAMINER: Uh-huh. Right.</p> <p>19 MR. WALLACE: And then you know?</p> <p>20 THE HEARING EXAMINER: Because it -- it</p> <p>21 doesn't impact the conditional use itself. It</p> <p>22 doesn't necessarily do anything other than it's</p> <p>23 going to make a change to the final site plan. And</p> <p>24 I can put that in as a condition.</p> <p>25 MR. BYRNE: Okay.</p>
<p>38</p> <p>1 to do B as the upper?</p> <p>2 MR. BYRNE: Yes.</p> <p>3 THE HEARING EXAMINER: Okay.</p> <p>4 MR. BYRNE: Yeah. And I can use 13 A.</p> <p>5 There's not a lot of -- a lot to go through on the</p> <p>6 -- the north side.</p> <p>7 THE HEARING EXAMINER: Okay. All Right.</p> <p>8 So we'll have it amended.</p> <p>9 MR. BYRNE: That will work.</p> <p>10 MR. WALLACE: Do you need to flip it</p> <p>11 down a little bit or --</p> <p>12 MR. BYRNE: Yeah. If we could pan down</p> <p>13 a little bit -- or, sorry -- pan up.</p> <p>14 THE HEARING EXAMINER: Up, the other</p> <p>15 way. Yeah. I know I don't know what the right --</p> <p>16 what the direction is.</p> <p>17 MR. BYRNE: There's actually -- there --</p> <p>18 there's not a -- a lot to go through on -- on the</p> <p>19 northern side. The only thing that's a little bit</p> <p>20 different is some of the units in the northeast</p> <p>21 corner, they will have a small retaining wall.</p> <p>22 They're built into the hill and we're using a</p> <p>23 terracing retaining wall along that side. But</p> <p>24 we're, amazingly, able to grade this site without</p> <p>25 significant retaining walls anywhere. So that --</p>	<p>40</p> <p>1 THE HEARING EXAMINER: So we can address</p> <p>2 that at a later time.</p> <p>3 MR. WALLACE: Okay.</p> <p>4 THE HEARING EXAMINER: That you can --</p> <p>5 you can resubmit it. It won't be an amendment at</p> <p>6 all, because we're talking about it. All we need</p> <p>7 is the picture.</p> <p>8 MR. WALLACE: Just to follow up on.</p> <p>9 THE HEARING EXAMINER: Uh-huh.</p> <p>10 MR. WALLACE: Because we've worked out</p> <p>11 the details with Mr. Miller. I think it's Wayne</p> <p>12 Miller.</p> <p>13 THE HEARING EXAMINER: Yeah.</p> <p>14 MR. WALLACE: Okay. Okay. Did I derail</p> <p>15 anything?</p> <p>16 THE HEARING EXAMINER: Keep going. I'm</p> <p>17 just going to make myself a note.</p> <p>18 MR. BYRNE: If we could look at Exhibit</p> <p>19 12A, which is the cover sheet for the conditional</p> <p>20 use plan. Let's run through some development</p> <p>21 standards quickly. If we could zoom in on the</p> <p>22 table on the left. So we've -- we've set this --</p> <p>23 other way. Yeah. That corner.</p> <p>24 We've set this up so that we run through</p> <p>25 each of the specific conditional use standards for</p>

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<p>41</p> <p>1 the project, and I won't run through these. We 2 submitted these, staff agreed with us, we agreed 3 with staff, and the planning board agreed with 4 staff that we meet all of the conditional use 5 standards for this specific use. And then the 6 development standards for the RE-2 zone are 7 modified by that section. And so, there are 8 references to not only the RE-2 zone, but the R-30 9 zone standards. We meet all of those standards our 10 -- our lot width is -- is much greater than -- than 11 is required at the front building line at the lot 12 line. As noted, we're providing 60 townhouses. 13 THE COURT: Right. Just so -- I just 14 want to make sure I have this confirmed correctly. 15 So we're in the RE-2 zone, but the -- is it a 16 standard method of development under R-30? 17 MR. WALLACE: No, I -- so when the text 18 amendment was developed to allow for independent 19 living, conditional use to include things like 20 townhouses. 21 THE HEARING EXAMINER: Uh-huh. 22 MR. WALLACE: The idea was to create 23 similar bulk standards and regulations as what you 24 could achieve with a multifamily building 25 conditional use.</p>	<p>43</p> <p>1 THE HEARING EXAMINER: Right. 2 MR. WALLACE: So yeah. 3 THE HEARING EXAMINER: Okay. 4 MR. WALLACE: So it's not, you know, 5 it's not a -- 6 THE HEARING EXAMINER: Yeah. 7 MR. WALLACE: Yeah. 8 MR. BYRNE: The RE-2 zone standards 9 govern, except as under the conditional use 10 standard nine, which is on the screen, Principle 11 Building Setbacks, not modified above. And there 12 are some specific requirements. 13 THE HEARING EXAMINER: Okay. 14 MR. BYRNE: Meet the minimum 15 requirements for the subject building type in the 16 R-30 zone. So those setbacks are what -- refer to 17 the R-30 and we adopt those and meet those or 18 exceed them. 19 THE HEARING EXAMINER: Okay. All right. 20 Okay. 21 MR. BYRNE: So we've got the -- the 60 22 townhouses. There are no -- there's no unit 23 maximum or minimum on -- in this zone. It's -- 24 it's developed based on standards coverage in green 25 area. Our lot coverage requirement can go up to 25</p>
<p>42</p> <p>1 THE HEARING EXAMINER: Okay. 2 MR. WALLACE: And so, they adopted some 3 of the standards from the R-30 zone to do that. 4 THE HEARING EXAMINER: Okay. 5 MR. WALLACE: So I think that's the best 6 way to describe what they did. 7 THE HEARING EXAMINER: So it's not -- 8 it's not really -- we're not jumping to R-30 per se. 9 MR. BYRNE: No. 10 MR. WALLACE: I don't consider a -- 11 THE HEARING EXAMINER: It's any 12 corporation of R-30 in the RE-2? 13 MR. WALLACE: Right. No, they simply 14 use that -- that referencing as a way as to -- 15 THE HEARING EXAMINER: As a way to 16 describe it. 17 MR. WALLACE: Yes -- 18 THE HEARING EXAMINER: Okay. 19 MR. WALLACE: -- to get that same bulk 20 that they would want to -- that -- that they would 21 want to achieve. Or not -- to make sure that the 22 bulk was the same, basically -- 23 THE HEARING EXAMINER: Okay. 24 MR. WALLACE: -- as multifamily, which 25 is R-30.</p>	<p>44</p> <p>1 percent. We're only at 20 percent for our -- for 2 our buildings. If you could push the -- or go down. 3 Our green area requirement is another 4 significant one. We're required to have 50 percent 5 green area. We have at least 60 percent actually 6 exceeding that, but rounding off and being well 7 above our requirement. The height allowed in the 8 RE-2 zone is 50 feet, where we're requesting and -- 9 and the planning board agreed that 50 feet was 10 appropriate. Our buildings aren't quite there, but, 11 you know, we don't have final architecture yet. So 12 we -- we would like that flexibility. 13 And I'll note here talking about height. 14 We are -- our height is governed more by access by 15 fire code. And so, per our fire -- fire access 16 approval we're limited to four stories, not -- not 17 height, but four stories with habitable attics. 18 And we've gotten that approval. So it's 50 feet or 19 four stories really, this is going to be our 20 maximum. 21 We meet all the requirements for parking. 22 We exceed them. We only took credit for two spaces 23 just in case people don't use their garage, but 24 they do have the ability to park up to four per 25 unit. We do have the handicap space in our -- in</p>

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<p>45</p> <p>1 the public realm along the street. We're providing 2 the -- the fence as required in the -- the 3 screening and to the maximum height allowed. 4 Our foot candles, as noted we can beat a 5 0.1 foot candle the illumination level at the -- at 6 the property line. But we're at zero. We really 7 designed these carefully to minimize -- minimize 8 light spillover. Providing the screening as 9 required and more detailed on -- on the on Sheet 10 L -- 11 THE HEARING EXAMINER: Which exhibit are 12 we on? I'm sorry. 13 MR. BYRNE: We're on 12 A. 14 THE HEARING EXAMINER: 12 A 15 MR. WALLACE: 12A. 16 THE HEARING EXAMINER: Okay. 17 MR. BYRNE: The cover sheet, just going 18 through the development standards. 19 THE HEARING EXAMINER: Got it. Perfect. 20 MR. BYRNE: So that, unless there are 21 any questions, you know, we -- we agree with staff 22 and staff agrees with us that we meet all the 23 standards for the zoning ordinance, and the use 24 standards, development standards, general 25 requirements for the -- for the use.</p>	<p>47</p> <p>1 mind? 2 MR. WALLACE: In the 10 days. 3 THE HEARING EXAMINER: Yeah. Uh-huh. 4 MR. WALLACE: Check -- would think that 5 they would be available. If they -- because again, 6 they -- they were -- 7 THE HEARING EXAMINER: Right. 8 MR. WALLACE: Good enough to adopt the 9 resolutions the same day. 10 THE HEARING EXAMINER: Yeah. Hopefully 11 you'll get them this week and -- and you know -- 12 MR. WALLACE: Yes. 13 THE HEARING EXAMINER: Or early next 14 week. And if you could submit those, that would be 15 great for the record. And then the -- the Forest 16 Conservation easement itself, is that documented 17 like the -- the location, is it documented on the 18 site plan? 19 MR. BYRNE: The location is documented. 20 MR. WALLACE: Yes. 21 MR. BYRNE: Both -- both on the -- on 22 the -- on the site plan, but also on the -- on the 23 PFCP. 24 THE HEARING EXAMINER: Okay. 25 MR. BYRNE: And it will be after we get</p>
<p>46</p> <p>1 BY MR. WALLACE: 2 Q And you've touched on forest 3 conservation, but do we also meet the requirements 4 under 22A for Forest Conservation? 5 A We meet the requirements. And as part 6 of the preliminary plan, our Forest Conservation 7 Plan and our variance request was approved by the 8 planning board. 9 THE HEARING EXAMINER: Okay. And so, do 10 we have those documents in here? 11 MR. WALLACE: You should. 12 MR. BYRNE: The Forest Conservation 13 Plans are Exhibit 26. 14 THE HEARING EXAMINER: Okay. And do we 15 -- did we get the -- the final approval from -- 16 MR. WALLACE: They -- so they approved 17 the resolutions at our hearing on -- 18 THE HEARING EXAMINER: Okay. 19 MR. WALLACE: But they have not on -- 20 THE HEARING EXAMINER: On the 24th, okay. 21 MR. WALLACE: If they had been issued, I 22 haven't gotten it in the mail yet. 23 THE HEARING EXAMINER: Okay. 24 MR. WALLACE: But I can provide them. 25 THE HEARING EXAMINER: If you wouldn't</p>	<p>48</p> <p>1 the plan certified by staff -- 2 THE HEARING EXAMINER: Uh-huh. 3 MR. BYRNE: -- we'll provide a 4 conservation deed of -- deed of easement. 5 THE HEARING EXAMINER: Okay. 6 MR. BYRNE: And that will run with title 7 on the land. 8 MR. WALLACE: And it's the typical type 9 one easement 10 MR. BYRNE: We're -- we're not 11 requesting any modifications to the easement. 12 THE HEARING EXAMINER: Okay. All right. 13 BY MR. WALLACE: 14 Q I know you again also touched on it. 15 The Thrive 2050 plan, there was also the Potomac 16 master plan. 17 A Yep. 18 Q Do you just want to briefly cover what 19 the master plan, to the extent that 2002 has 20 anything to say, but also how 2050 supports this 21 type of development. 22 A Sure. So the -- this subject -- this 23 property is subject to the 2002 Potomac subregion 24 master plan. There's not very specific guidance on 25 -- on this plan. It is part of the what then</p>

<p style="text-align: right;">49</p> <p>1 referred to the Old General Plan, the corridors and</p> <p>2 the Wedges and Corridors plan, and this area was</p> <p>3 part of that green wedge.</p> <p>4 And so, we've worked quite hard to make</p> <p>5 sure that this is a very green development in terms</p> <p>6 of, you know, visual, not -- and also environmental</p> <p>7 sustainability. But we have only 20 percent</p> <p>8 building coverage. We've got over 60 percent green</p> <p>9 area, and we've laid out the site so that Travilah</p> <p>10 Road remains quite rustic and rural in its feel by</p> <p>11 setting the buildings far back, a little bit</p> <p>12 elevated, as you typically see in a kind of estate</p> <p>13 planning design.</p> <p>14 It does -- the plan does however</p> <p>15 recognize even 23 years ago that there was a need</p> <p>16 for senior housing, and it should be allowed</p> <p>17 throughout the master plan area, either where it's</p> <p>18 permitted or as a special exception, and which are</p> <p>19 now conditional uses. But that is subject to three</p> <p>20 guidelines for any special exception in the Potomac</p> <p>21 subregion. And those are it needs to be</p> <p>22 architecturally compatible. It needs to minimize</p> <p>23 any commercial -- commercial appearance of parking.</p> <p>24 And it needs to enhance the screening and buffering.</p> <p>25 So as discussed about the zoning text</p>	<p style="text-align: right;">51</p> <p>1 still around the neighborhood, and not need them on</p> <p>2 site.</p> <p>3 In the screening and buffering, this is</p> <p>4 before there were actually screening and buffering</p> <p>5 standards put into the code, which was done in</p> <p>6 2014. So we're providing all of those things and</p> <p>7 -- and meet the guidelines for conditional uses.</p> <p>8 And the general idea of low density, low lot</p> <p>9 coverage. When you do calculate out the density</p> <p>10 we're less than six units per acre. So it's --</p> <p>11 it's not -- it's not a significant density. The</p> <p>12 townhouse zones and things like that are usually 8,</p> <p>13 10 or 12 and a half units per acre. We're -- we're</p> <p>14 below that standard.</p> <p>15 I guess the only other piece on that is</p> <p>16 we've also minimized our -- the length of what are</p> <p>17 called sticks. So when you group a bunch of</p> <p>18 townhouses together, you call that a stick of</p> <p>19 townhouses. Usually, those are done, in most</p> <p>20 projects that we work on, in eight to 10. In very</p> <p>21 urban spaces more. We've limited them to mostly</p> <p>22 sticks of three or four units. So you have smaller</p> <p>23 front facades to seven max, and that's facing the</p> <p>24 Travilah Road or on the east side, away from the</p> <p>25 detached units.</p>
<p style="text-align: right;">50</p> <p>1 amendment, this was really thinking of when senior</p> <p>2 housing would come in as multi-unit buildings,</p> <p>3 larger apartments and -- and things like that.</p> <p>4 Apartment buildings with surface parking and -- and</p> <p>5 those kind of things. And this was really -- these</p> <p>6 guidelines were meant to minimize that visual</p> <p>7 impact of those large buildings, parking fields and</p> <p>8 the lighting and things that come along with them.</p> <p>9 These are townhouses and it looks and it</p> <p>10 functions just like a residential neighborhood,</p> <p>11 which is all around it. So architectural</p> <p>12 compatibility will be established through the unit</p> <p>13 types themselves. They're townhouses. They'll</p> <p>14 have gabled roofs. They'll have standard</p> <p>15 residential windows. They'll have a nice, you</p> <p>16 know, the front door and portico, the driveway, the</p> <p>17 front lawn and all of that, quite -- quite</p> <p>18 compatible architecturally. There's no real</p> <p>19 commercial -- commercial appearance. There's no</p> <p>20 parking lot. There's no -- no commercial building.</p> <p>21 There are no ancillary facilities like</p> <p>22 you typically have in a senior living building.</p> <p>23 These are, you know, 50 -- 62 and over and I hope</p> <p>24 seven years from now when I'm 62 and over and 62,</p> <p>25 those -- those facilities, I'll able to get to</p>	<p style="text-align: right;">52</p> <p>1 So several -- several different design</p> <p>2 approaches to making sure this is residential in</p> <p>3 feel and compatible with our -- with our neighbors.</p> <p>4 THE HEARING EXAMINER: Question on the</p> <p>5 setbacks.</p> <p>6 MR. BYRNE: Yes.</p> <p>7 THE HEARING EXAMINER: I think in the</p> <p>8 staff report, they had minimum rear setback as 20</p> <p>9 feet, proposed as 20 feet. But I think 12C had 18</p> <p>10 feet. Is that -- I just want to, make sure I've</p> <p>11 got the right --</p> <p>12 MR. BYRNE: 12C has --</p> <p>13 THE HEARING EXAMINER: That -- that --</p> <p>14 that we have the right one.</p> <p>15 MR. BYRNE: 12C, Exhibit 12C?</p> <p>16 THE HEARING EXAMINER: No. Yeah. Well,</p> <p>17 like you have -- you have your setbacks here -- I'm</p> <p>18 sorry -- on -- on -- on this screen, right.</p> <p>19 MR. BYRNE: Yep.</p> <p>20 MR. WALLACE: Our development --</p> <p>21 THE HEARING EXAMINER: Your development</p> <p>22 have.</p> <p>23 MR. BYRNE: Yeah. If you go up on the</p> <p>24 page.</p> <p>25 THE HEARING EXAMINER: Yeah, there we</p>

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<p>53</p> <p>1 go. A little further down. Nope. Hold phone in 2 the middle. Right. There we go. All right. 3 Let's see. I could be wrong. 4 MR. WALLACE: Are you -- are you -- are 5 you asking about -- 6 THE HEARING EXAMINER: Talking about the 7 rear side. 8 MR. BYRNE: So the rear setback is 20 9 feet. 10 THE HEARING EXAMINER: 20. Okay. Where 11 I got the 18 from? All right. Just wanted to make 12 sure that that was right. I had a note for 18 13 somewhere. 14 MR. BYRNE: We could look at the plan 15 and make sure there's not a -- a label misprint. 16 THE HEARING EXAMINER: Okay. No 17 worries. As long as, like, this is what matches -- 18 what the staff have in their table, you have that 19 on your main sheet. That's all I need. 20 MR. WALLACE: It looks like we're 21 matching. 22 THE HEARING EXAMINER: Okay. 23 MR. WALLACE: Tables. 24 THE HEARING EXAMINER: All right. 25 Perfect.</p>	<p>55</p> <p>1 the standards? 2 MR. BYRNE: Yes. This -- this use in 3 the specific design that this uses, implementing 4 this design is compatible and harmonious with the 5 neighborhood. 6 MR. WALLACE: And any inherent, or -- or 7 not inherent impacts that should be taken into 8 consideration? 9 MR. BYRNE: No, we -- we agree with 10 staff, there are no non-inherent impacts that 11 adversely impact this site. Or -- or this 12 neighborhood. 13 MR. WALLACE: So with that, we would 14 conclude our testimony with Mr. Sloan. But 15 obviously if there's any questions or if there's 16 any aspect that you want cover in more detail, 17 we're happy to do that. 18 THE HEARING EXAMINER: All right. So to 19 the west, you said you have the Moose Lodge and the 20 -- or is that to the east? 21 MR. BYRNE: To the east. 22 THE HEARING EXAMINER: To the east is 23 the Moose Lodge. 24 MR. BYRNE: Is Moose Lodge. There's a 25 landscape --</p>
<p>54</p> <p>1 MR. BYRNE: And just to note, if someone 2 does actually scale out the drawings we typically 3 have more than is noted in the label. 4 THE HEARING EXAMINER: Right. 5 MR. BYRNE: Because we wanted to set the 6 minimum because we're going through building 7 permits. We add a bay or something. And DPS is -- 8 we -- we want to make sure it's very -- very clean 9 and clear going through permitting. 10 THE HEARING EXAMINER: All right. 11 MR. WALLACE: So again, Mr. Sloan went 12 through in kind of a more of a narrative form. 13 He's also author of a land planning report, which 14 is in the record and -- and again covers the 15 required findings. Staff report also did that as 16 well and showed we were in -- meeting all the 17 required findings for general findings for 18 condition use and specific for this particular use. 19 Mr. Sloan of -- for the -- for the 20 findings related to your field of expertise, land 21 planning, landscape architecture, is this 22 conditional use application meeting, the 23 requirements, for example, in harmony with 24 surrounding neighborhood compatibility with the 25 residential neighborhood? Just generally meeting</p>	<p>56</p> <p>1 THE HEARING EXAMINER: Landscape. 2 MR. BYRNE: -- contractor kind of 3 operation behind that. 4 THE HEARING EXAMINER: Okay. All right. 5 MR. BYRNE: And then there's a detached 6 home right up on the Travilah Road. 7 THE HEARING EXAMINER: Okay. 8 MR. BYRNE: Those are the three 9 properties. 10 THE HEARING EXAMINER: All right. So, 11 essentially, as far as being harmonious and 12 compatible with it's -- it's primarily residential. 13 Everything fits right in there. The only kind of 14 two odd balls are the ones immediately to your east? 15 MR. BYRNE: Correct. And so, that's why 16 we've provided our -- the setbacks and the 17 buffering and screening that you typically provide 18 against residential uses against those commercial 19 uses for our benefit. 20 THE HEARING EXAMINER: Right. 21 MR. BYRNE: To make sure that it's good 22 for our -- our residents. 23 THE HEARING EXAMINER: And we stated 24 there was a landscape contractor business, which is 25 currently on the property now. What -- did they</p>

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<p>57</p> <p>1 have a -- an old -- I didn't see a special 2 exception anywhere for that. Was it like one of 3 those old grandfather home occupation things or -- 4 because I just want to make sure. Is there 5 anything I -- anything we need to vacate on the 6 property in order for this conditional use to issue? 7 MR. BYRNE: I think there is. I think 8 there's -- 9 MR. WALLACE: I thought so too. 10 MR. BYRNE: I think there's a board of 11 appeals case on that site. 12 THE HEARING EXAMINER: Okay. 13 MR. BYRNE: That would be vacated. 14 THE HEARING EXAMINER: Okay. All right. 15 MR. WALLACE: Did we cover that? Yeah. 16 THE HEARING EXAMINER: Is that -- that 17 going to come later? 18 MR. BYRNE: Yes. Yeah. So yeah, 19 there's -- 20 MR. WALLACE: Yes, we see. Yeah. 21 THE HEARING EXAMINER: Okay. 22 MR. WALLACE: So we show -- 23 MR. BYRNE: (Indiscernible). 24 MR. WALLACE: Are you looking at Page 6, 25 or which page are you looking at?</p>	<p>59</p> <p>1 MR. WALLACE: So just make sure we're -- 2 have the same notes that we're both -- the -- our 3 team -- 4 MS. KING: I think it's the same, that 5 note. 6 MR. WALLACE: Okay. So -- 7 MR. BYRNE: So it -- it went through 8 several iterations, so I don't know if they became 9 separate ones or they -- 10 MR. WALLACE: Yeah, we -- 11 THE HEARING EXAMINER: So I'll take 12 every number you have, because -- 13 MR. WALLACE: Okay. And say all of them 14 go? 15 THE HEARING EXAMINER: All of them go. 16 MR. WALLACE: Yeah. 17 THE HEARING EXAMINER: Because what will 18 happen is if I do this generic statement and I copy 19 it to the board, they're going to be like, file it, 20 right? 21 MR. WALLACE: Right. 22 THE HEARING EXAMINER: So -- so I want 23 to make sure that it, you know, we go all the way 24 through and I can cross-reference -- 25 MR. WALLACE: Right. So we're showing</p>
<p>58</p> <p>1 MR. BYRNE: 14. 2 MR. WALLACE: Okay. It's sixth on the 3 line, but MC was 256. 4 MR. BYRNE: Yeah, I think there -- there 5 is an existing special exception that'll be vacated. 6 THE HEARING EXAMINER: Okay. 7 MR. BYRNE: And it was part of staff's 8 findings that by vacating one and replacing it with 9 another that was residential in character -- 10 THE HEARING EXAMINER: Right. 11 MR. BYRNE: -- it's not -- 12 THE HEARING EXAMINER: All right. 13 MR. BYRNE: Therefore increasing the 14 intensity or anything of special exceptions in the 15 neighborhood. 16 THE HEARING EXAMINER: And all previous 17 special exceptions must be abandoned. So I just 18 want to -- 19 MR. BYRNE: Yes. 20 THE COURT: I'm going to specifically 21 identify it. I think it's -- when I -- when I do 22 that, rather than just generically do it so that it 23 is -- I just want to confirm, it's only the one for 24 the landscape contractor business. Or are there 25 more -- is there more --</p>	<p>60</p> <p>1 the following S-256 for a private club. 2 THE HEARING EXAMINER: Okay. Okay. 3 MR. WALLACE: S-791 for the -- a 4 nursery, a greenhouse. 5 THE HEARING EXAMINER: Okay. 6 MR. WALLACE: S-409, which is for a 7 school. 8 THE HEARING EXAMINER: Okay. 9 MR. WALLACE: Private school. And then 10 another one for a private club, CBA 2927. 11 THE HEARING EXAMINER: Okay. I mean, 12 it's possible that some of these have already been 13 abandoned. 14 MR. WALLACE: Yeah. 15 THE HEARING EXAMINER: But -- 16 MR. WALLACE: And -- 17 THE HEARING EXAMINER: I'll -- I'll make 18 sure that, you know -- 19 MR. WALLACE: Yeah. 20 THE HEARING EXAMINER: Any and all which 21 may include -- 22 MR. WALLACE: Apply -- 23 THE HEARING EXAMINER: Blah, blah, blah. 24 MR. WALLACE: Which I was going to say -- 25 THE HEARING EXAMINER: I will put that</p>

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16 (61 to 64)

<p>61</p> <p>1 there.</p> <p>2 MR. WALLACE: This is also based on MC</p> <p>3 Atlas review, and I would hate to abandon someone</p> <p>4 else's special exception.</p> <p>5 THE HEARING EXAMINER: Right. Agreed.</p> <p>6 Agreed. So I will, you know, that are specific to</p> <p>7 this property description, these (indiscernible),</p> <p>8 which could be these.</p> <p>9 MR. WALLACE: Because I wondering -- I'm</p> <p>10 sort of wondering if the Moose Lodge bled into --</p> <p>11 MR. BYRNE: Yes.</p> <p>12 MR. WALLACE: Just to, yeah. That's a</p> <p>13 guess.</p> <p>14 THE HEARING EXAMINER: Yeah. So we</p> <p>15 don't want to -- we don't want to mess with the</p> <p>16 Moose Lodge.</p> <p>17 MR. WALLACE: Yeah. I'm not going to</p> <p>18 mess with the Moose.</p> <p>19 THE HEARING EXAMINER: All right. So</p> <p>20 we'll -- I'll -- I'll -- I'll confirm with Board of</p> <p>21 Appeals.</p> <p>22 MR. WALLACE: Yeah.</p> <p>23 THE HEARING EXAMINER: What they have,</p> <p>24 because like --</p> <p>25 MR. WALLACE: If you tell me what to</p>	<p>63</p> <p>1 that -- is that this witness or next witness?</p> <p>2 MR. WALLACE: Mr. Sloan can cover that.</p> <p>3 THE HEARING EXAMINER: Okay. So is --</p> <p>4 is there bicycle parking required, and if so, I</p> <p>5 didn't see any on the plan. So are we seeking a</p> <p>6 waiver?</p> <p>7 MR. BYRNE: In -- in our review, because</p> <p>8 of the building typology, bicycle parking is not</p> <p>9 required.</p> <p>10 THE HEARING EXAMINER: Because they're</p> <p>11 townhouses.</p> <p>12 MR. BYRNE: Because they're townhouses.</p> <p>13 THE HEARING EXAMINER: It's not a</p> <p>14 regular multifamily.</p> <p>15 MR. BYRNE: Right.</p> <p>16 THE HEARING EXAMINER: Okay.</p> <p>17 MR. BYRNE: And so, they can store in</p> <p>18 the garage or a shed or something, if they --</p> <p>19 THE HEARING EXAMINER: Okay. And I see</p> <p>20 in staff's report that no sign is anticipated. Is</p> <p>21 there going to be like a neighborhood sign at some</p> <p>22 point, or are we not there yet? I mean, because</p> <p>23 obviously --</p> <p>24 MR. BYRNE: We're -- we're not there.</p> <p>25 We assumed any sign. If there wanted to be a</p>
<p>62</p> <p>1 abandon, we'll abandon.</p> <p>2 THE HEARING EXAMINER: All right. That</p> <p>3 -- so we'll -- we'll do a little more digging on</p> <p>4 our end as well, okay?</p> <p>5 MR. WALLACE: Okay.</p> <p>6 THE HEARING EXAMINER: All right. Let</p> <p>7 me see. I don't think I have anything else. Yep.</p> <p>8 Got that. I think the non-inherent, were that</p> <p>9 staff identify were traffic noise, odor,</p> <p>10 illumination. All right. Yeah. I think -- I</p> <p>11 think we're good. I think we're good. I think you</p> <p>12 covered everything that I needed to look at. Okay.</p> <p>13 MR. WALLACE: We -- well, we show the --</p> <p>14 the inherent ones, the trash recycling, deliveries,</p> <p>15 parking, lighting. We do not -- just -- and we're</p> <p>16 -- we're agreeing with staff as saying --</p> <p>17 THE HEARING EXAMINER: Staff's finding</p> <p>18 on that. There are no non-inherent.</p> <p>19 MR. BYRNE: Right.</p> <p>20 THE HEARING EXAMINER: All right. Okay.</p> <p>21 I think that -- that might be it. I'll just double</p> <p>22 check.</p> <p>23 MR. WALLACE: You can obviously call</p> <p>24 back if something else comes in.</p> <p>25 MS. KING: Right. Bicycle parking, is</p>	<p>64</p> <p>1 monument sign for the --</p> <p>2 THE HEARING EXAMINER: Right.</p> <p>3 MR. BYRNE: -- neighborhood or something</p> <p>4 would go through the typical sign --</p> <p>5 THE HEARING EXAMINER: Okay.</p> <p>6 MR. BYRNE: Review process.</p> <p>7 MR. WALLACE: I don't think we're ready</p> <p>8 to locate one on the site plan, if -- if that's</p> <p>9 what the question is.</p> <p>10 THE HEARING EXAMINER: Okay. Right.</p> <p>11 Just because if it was, then it'd have to be</p> <p>12 located. It'd have to be the proper size. And</p> <p>13 it'd have to have all the lights.</p> <p>14 MR. WALLACE: We're not quite there yet.</p> <p>15 THE HEARING EXAMINER: Right. Okay. So</p> <p>16 just checking that.</p> <p>17 MR. BYRNE: If we put one on per DPS</p> <p>18 approval and standards, would that be an amendment</p> <p>19 that would need to come in or?</p> <p>20 THE HEARING EXAMINER: Uh-uh. No. It</p> <p>21 would just -- there would be a condition that if</p> <p>22 you do have to have a sign, you would have to go</p> <p>23 through DPS and do all of that.</p> <p>24 MR. BYRNE: Perfect.</p> <p>25 THE HEARING EXAMINER: But sometimes</p>

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<p>65</p> <p>1 signs are anticipated at the outset, other times, 2 no. And then some communities don't have signs at 3 all. 4 MR. BYRNE: Yep. 5 THE HEARING EXAMINER: I guess I did 6 have a -- one other question I think that you might 7 be able to help me with. In the staff report they 8 just say that the density is what is permitted. So 9 I just want to verify that we are within the scope 10 of what's permitted for density on the site. 11 MR. BYRNE: Yeah. Density is not -- is 12 not established by gross floor area or units per 13 acre in this zone for this use. 14 THE HEARING EXAMINER: Uh-huh. 15 MR. BYRNE: It's established by building 16 coverage and green area restrictions and setbacks. 17 THE HEARING EXAMINER: Okay. 18 MR. BYRNE: So there is no specific 19 density requirement. 20 THE HEARING EXAMINER: Right. 21 MR. BYRNE: And we meet all the other 22 standards. 23 THE HEARING EXAMINER: Okay. And that 24 -- this is where it gets a little squishy in the 25 code because it gives the Hearing Examiner</p>	<p>67</p> <p>1 MR. WALLACE: Thank you. The next 2 witness will be Mark Morelock for civil 3 engineering. Thank you, Josh. 4 Mr. Morelock, can you state your 5 name and business address for the record? 6 MR. MORELOCK: Sure. Mark Morelock. 7 I'm located at 20251 Century Boulevard, Suite 400. 8 And that might be a correction on the last 9 testimony. He said Suite 200. We're all in the 10 same suite. 11 THE HEARING EXAMINER: Okay. 12 MR. MORELOCK: But Germantown, Maryland 13 20874. I'm employed by VIKA, Maryland as well. 14 THE HEARING EXAMINER: Okay. 15 Whereupon, 16 MARK MORELOCK, 17 being first duly sworn or affirmed to testify to 18 the truth, the whole truth, and nothing but the 19 truth, was examined and testified as follows: 20 EXAMINATION BY COUNSEL FOR THE APPLICANT 21 BY MR. WALLACE: 22 Q And Mr. Morelock, can you briefly 23 explain your -- your position at VIKA, your 24 professional designation and your expertise. And 25 have you ever previously qualified as a hearing --</p>
<p>66</p> <p>1 discretion in order to set the density. 2 MR. BYRNE: Yes. 3 THE HEARING EXAMINER: So that's what I 4 wanted to hear from you is that you're meeting all 5 of the other minimum requirements under the zone. 6 So the density naturally would follow. 7 MR. BYRNE: Correct. Meeting or 8 exceeding. 9 MR. WALLACE: And then the height 10 limitation as well. 11 THE HEARING EXAMINER: And the high 12 limitation. Right. So you're meeting all of the 13 outside confining factors, meaning that your 14 density is appropriate. 15 MR. WALLACE: Correct. 16 MR. BYRNE: That's what I would say. 17 That envelope is -- is established by the standards 18 and we're within it. 19 THE HEARING EXAMINER: Okay. Because 20 sometimes staff says meets and I need more than 21 just meets. 22 MR. BYRNE: Yeah. 23 MR. WALLACE: Appropriate. 24 THE HEARING EXAMINER: Yeah. Okay. All 25 right. Okay. I think that's it. Thank you.</p>	<p>68</p> <p>1 for the Hearing Examiner as an expert in civil 2 engineering? 3 A Sure. I'm a professional civil engineer 4 with over 42 years experience in the field of civil 5 engineering. And I've worked in the DMV area since 6 1994. I previously qualified as an expert for the 7 Hearing Examiner having recently testified for even 8 Case H-155 hearing, before this Hearing Examiner. 9 MR. WALLACE: And I have a resume for 10 Mr. Morelock and I have a -- the --and 11 (indiscernible) expert (indiscernible). 12 THE HEARING EXAMINER: All right, so 13 admitted, and he will be 32B. 14 MR. WALLACE: Mr. Morelock's testimony 15 is generally going to be limited to storm water 16 management. Mr. Sloan touched on that briefly, but 17 for storm water management, Mr. Morelock's 18 expertise as a civil engineer, that's why he's 19 testifying as to that. 20 Q So if you are familiar with the 21 standards for Montgomery County for stormwater 22 management? 23 A I am. 24 Q And that's Chapter 19 of the County code? 25 A Correct.</p>

<p>69</p> <p>1 Q And have you worked and helped --</p> <p>2 assisted in developing the stormwater management</p> <p>3 concept of plans for the site?</p> <p>4 A I have.</p> <p>5 Q Okay. And if you can review what those</p> <p>6 plans are, and if they can meet the code --</p> <p>7 applicable code requirements?</p> <p>8 A Sure. We provide a combination concept</p> <p>9 site development storm water management plan that</p> <p>10 was prepared to comply with a 2009 MDE Stormwater</p> <p>11 Manual, and it meets the current Montgomery County</p> <p>12 requirements. If we can look at Exhibit 15, we can</p> <p>13 start to go through the storm water plan.</p> <p>14 Q And is it Exhibit 15, is this a</p> <p>15 stormwater management concept --</p> <p>16 A Correct.</p> <p>17 Q And that -- has that been approved by?</p> <p>18 A It has. And I'll -- I can walk through</p> <p>19 that if you want.</p> <p>20 Q Okay.</p> <p>21 A The property currently is underutilized</p> <p>22 and -- with dilapidated commercial buildings have</p> <p>23 you heard previously operated as a contractor's</p> <p>24 yard for hydro seeding company on the east side.</p> <p>25 The site slopes, both to the northwest and to the</p>	<p>71</p> <p>1 possible, sloping both to the northeast and to the</p> <p>2 south. All proposed grading will stay outside of</p> <p>3 the stream valley buffer. And the outfall storm</p> <p>4 drain study was approved by MCDOT on June 3rd,</p> <p>5 2025. And this allows for adequate outfall in both</p> <p>6 locations.</p> <p>7 The proposed development will provide</p> <p>8 significant improvements to the treatment of the</p> <p>9 storm water management on site. Environmental site</p> <p>10 design, or ESD techniques, will be used to treat</p> <p>11 rain water with microbio retention facilities.</p> <p>12 Microbio retention facilities retain and treat</p> <p>13 storm water runoff by filtering the runoff through</p> <p>14 a sand soil and organic matter media before</p> <p>15 releasing it back into the adjacent storm drain</p> <p>16 systems via a perforated under drain pipe.</p> <p>17 Per chapter five of the MDE stormwater</p> <p>18 design manual, each facility shall have no more</p> <p>19 than 20,000 square feet of drainage going to it,</p> <p>20 and it must treat the first inch of runoff as a</p> <p>21 minimum. Furthermore, larger storm events will</p> <p>22 bypass the storm drain system via risers located</p> <p>23 in each of these landscape facilities within the</p> <p>24 footprint.</p> <p>25 These facilities will be located</p>
<p>70</p> <p>1 south, approximately a third of the way in the</p> <p>2 site, you heard earlier that there was a ridge, and</p> <p>3 then it would slope to the northeast, which is on</p> <p>4 this exhibit down to the right bottom of the page.</p> <p>5 At the top center, third of this site, we'll have a</p> <p>6 high elevation of 374 with a low elevation of 350</p> <p>7 at the street. This grades and slopes into the</p> <p>8 street as sheet flow to the existing storm drain</p> <p>9 system that's located in Travilah Road, which will</p> <p>10 ultimately feed into the Sandy Branch stream.</p> <p>11 The remainder of the site to the right</p> <p>12 side of the page, as you heard earlier, sloped</p> <p>13 significantly from the same ridge to the south</p> <p>14 with a low elevation all the way down at 320. So</p> <p>15 we went from 374 to 320. It drains that grade</p> <p>16 into an unnamed stream tributary that exists the</p> <p>17 southern portion -- southernmost portion of the</p> <p>18 site. This unnamed stream eventually feeds back</p> <p>19 into the Sandy branch stream.</p> <p>20 You heard earlier there's a natural</p> <p>21 vegetative buffer that -- that exists around the</p> <p>22 perimeter of the site that largely screens the</p> <p>23 property from view of the neighboring homes as it</p> <p>24 sits today. The proposed development will maintain</p> <p>25 the existing drainage patterns in areas as much as</p>	<p>72</p> <p>1 shaped and planted as garden features within the</p> <p>2 landscaping to provide a park-like field around</p> <p>3 each of the homes. Again, it's shown in Exhibit</p> <p>4 15, there's 11 microbio facilities. They're each</p> <p>5 labeled and they're kind of hatched in.</p> <p>6 THE HEARING EXAMINER: Are those the</p> <p>7 blue triangles?</p> <p>8 MR. MORELOCK: Those are the kind of</p> <p>9 more rectangular areas.</p> <p>10 THE HEARING EXAMINER: Rectangular?</p> <p>11 MR. MORELOCK: Yeah, they'll call it --</p> <p>12 they're called MBF and they have a number</p> <p>13 associated with them.</p> <p>14 THE HEARING EXAMINER: Okay.</p> <p>15 MR. MORELOCK: One through 11.</p> <p>16 THE HEARING EXAMINER: Okay. Oh, I see</p> <p>17 it. Uh-huh.</p> <p>18 MR. MORELOCK: We also did some soil</p> <p>19 borings and infiltration tests on the site. Three</p> <p>20 of those microbio facilities will have an enhanced</p> <p>21 infiltration, which will be used to help recharge</p> <p>22 the groundwater table. Those are called -- those</p> <p>23 are labeled MBF 2, 7 and 10 on the exhibit.</p> <p>24 And again, they -- even though we had</p> <p>25 some ability to do infiltration at one or two</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 others, they were too close to the home, so we 2 weren't able to provide it there. But we have 3 provided this enhanced infiltration at those three 4 facilities. 5 The concept stormwater management plan 6 was approved on June 13th, 2025. This approval 7 also granted a partial waiver along the right of 8 way of Travilah Road. We initially worked with 9 the DOT to try to provide stormwater management 10 along the road, and could not find adequate ways 11 that they wanted to have it treated and in the 12 room, and then -- and instead they also wanted to 13 move the bike. I mean, the bus stop to that 14 location. So they granted us the waiver. 15 MR. WALLACE: And I believe that the 16 DPS's approval letter is -- was attached to this 17 planning board staff report. 18 THE HEARING EXAMINER: Uh-huh. Thank 19 you. 20 BY MR. WALLACE: 21 Q In Attachment D. It should have been at 22 least. So that should be in the record. 23 A Also done utilities and -- 24 Q Yeah. And so, again, the stormwater 25 management concept plan is in compliance with the</p>	<p style="text-align: right;">75</p> <p>1 see the colors. So there's an eight-inch sewer. 2 So it will extend the eight-inch sewer shown in red 3 into the proposed development. And we could blow 4 that up a little bit up along Travilah Road she'll 5 -- she -- the Hearing Examiner will be able to see. 6 THE HEARING EXAMINER: Uh-huh. 7 MR. MORELOCK: So you'll see we extend it 8 in from Travilah Road near, and Natia Manor Drive. 9 It will then network through the site along the 10 roads and alleys to serve each unit. Water will be 11 tapped from a 16-inch main in Travilah Road near 12 the proposed entrance -- and that's shown in a cyan 13 color; it's a very light blue color -- 14 THE HEARING EXAMINER: Uh-huh. 15 MR. MORELOCK: -- into the proposed 16 developments also along the roads and alleys. 17 As for dry utilities, telephone 18 that's shown in purple and marked with a T. And 19 yellow -- and electric, which is shown in yellow 20 and marked with E. And you'll see, again, as Mr. 21 Sloan had testified earlier, it will come in along 22 the eastern property boundary between the screening 23 and the units, and run along that edge. And then 24 it serves the property in -- through the interior 25 units.</p>
<p style="text-align: right;">74</p> <p>1 requirements of the County code for stormwater 2 management? 3 A Correct. 4 Q And just generally, if you can touch on 5 -- we've -- or a little bit about the storm -- 6 about the water and sewer, but just touch on 7 briefly wet and dry utilities for insight. 8 A Sure. The profit -- the property is now 9 classified as water category W1 and S1, which is 10 what obviously took the time for us to come back 11 before you to get to those categories, which are -- 12 which are defined as areas served by community 13 public systems that are either existing or under 14 construction. In this case, they're both existing, 15 both water and sewer. 16 There's an existing 16-inch water main 17 fronting the site, along Travilah Road. There's 18 also an eight-inch sewer main along the frontage 19 on -- in Travilah Road. The proposed development 20 would extend this eight-inch sewer, and it's shown 21 in red. Again, if we would go to -- I'm sorry. We 22 should jump to a new exhibit. 23 Q The utility plan? Number 10, maybe? 24 A Yeah. Exhibit 10. Thank you. I'm 25 sorry. I apologize, not -- yes. So now you can</p>	<p style="text-align: right;">76</p> <p>1 Units will be served along the rear 2 units for telephone and electric along the rear 3 yards of the units located on the east and west 4 side of the sites. Interior units of the site will 5 be serviced from lines in the alleys. These 6 interior three units at the south will also be 7 served by the main roadway that it fronts. 8 BY MR. WALLACE: 9 Q And is there a fire access plan approved 10 for the property? 11 A There is. 12 Q And do you want to briefly touch on that 13 and that's -- 14 A Exhibit 18. 15 Q Correct, yes. 16 A Okay. So we'll go to Exhibit 18. And 17 there should be an exhibit associated with that as 18 well. So that plan has been approved. But the 19 emergency and fire access will be provided to all 20 units as shown on this fire access plan. The 21 minimum width for fire access lanes provided is 20 22 feet, and it provides access through two different 23 scenarios. 24 The first scenario will provide access to 25 all units. And you'll see that they're highlighted</p>

<p>77</p> <p>1 in a tan or very light color except for nine units 2 that are shown in blue highlighted in the -- the 3 blue color. In this scenario, the first scenario, 4 the 41, or the 51 units, I think in this scenario, 5 the front doors are located within 50 feet of a 6 fire access lane. So all front doors are located 7 within 50 feet.</p> <p>8 For the remaining nine townhouses -- 9 units, rear access is provided to -- to the units 10 for fire trucks and the townhouse door. The front 11 townhouse door has to be within 150 feet and we 12 meet all of those requirements. This plan has been 13 approved by MCDPS on June 13th, 2025.</p> <p>14 Q Okay. Thank you. And again, this is -- 15 that fire access plan was approved by the County 16 Fire?</p> <p>17 A Correct.</p> <p>18 Q Yes.</p> <p>19 A Fire service through DPS.</p> <p>20 Q Fire service. Right. And then did VIKA 21 prepare a slight distance evaluation for the access 22 permits on Travilah Road?</p> <p>23 A Yes, we did.</p> <p>24 Q And can you just review that?</p> <p>25 A That would be Exhibit 24.</p>	<p>79</p> <p>1 and at least 335 feet has been provided. The 2 required site distance to the right is 319 feet 3 for both horizontal vertical, and we've provided 4 400 feet. This site distance was analyzed and 5 submitted to Montgomery County DOT, and it was 6 approved on November the eighth, 2023.</p> <p>7 MR. WALLACE: No, that's the conclusion 8 of the testimony for Mr. Morelock. So questions 9 from the Hearing Examiner?</p> <p>10 THE HEARING EXAMINER: I think that's -- 11 no, let's see. Is this a -- is there -- I think 12 visitor parking was one of my other issues. Is 13 that located --</p> <p>14 MR. MORELOCK: They're located along the 15 -- the street frontages.</p> <p>16 THE HEARING EXAMINER: Okay.</p> <p>17 MR. MORELOCK: And throughout the site, 18 and I think it was 19 spaces approximately that 19 we've provided.</p> <p>20 THE HEARING EXAMINER: Okay.</p> <p>21 BY MR. WALLACE:</p> <p>22 Q And Mr. Sloan's previous testimony, was 23 that in addition to a two car -- car garage, you 24 can fit two -- two --</p> <p>25 A Two in the driveway.</p>
<p>78</p> <p>1 Q Okay.</p> <p>2 A Thank you. So in its existing 3 condition, vehicular access to the property, as was 4 previous described, is partially hidden with two 5 narrow access points directly into the parking 6 office of Travilah Road. Our project will 7 significantly improve these existing conditions by 8 controlling vehicle access through a single 9 well-defined access point. It's graded and cleared 10 for adequate site distance. The access point has 11 been strategically located to maximize the 12 intersection spacing into ensure adequate site 13 distance. As you can see in this exhibit, the 14 proposed site will be accessed by the single two 15 lane street.</p> <p>16 It will be located approximately equal 17 distance between Natia Manor Drive to the west or 18 to the right in this exhibit, and to Royal Manor 19 Way to the east to give the maximum separation. 20 The speed along this section of Travilah Road is 21 posted at 30 miles per hour. Adequate site 22 distance from our site entrance to both the right 23 and left along Travilah Road is provided. The 24 required site distance to the left is 330 feet 25 both, and the horizontal and vertical dimension,</p>	<p>80</p> <p>1 THE HEARING EXAMINER: Right. Yeah.</p> <p>2 MR. MORELOCK: Plus, we've provided 188 3 compatible space along those 19 -- in those 19 4 spaces along the street. Correct.</p> <p>5 THE HEARING EXAMINER: Okay. Good.</p> <p>6 Thank you. All right. And I think that was it.</p> <p>7 MR. WALLACE: Okay. Our last witness 8 will be Mr. Driban, and Ms. King will be doing his 9 testimony.</p> <p>10 MS. KING: It doesn't like the laptop.</p> <p>11 MR. WALLACE: Oh. Do you --</p> <p>12 MS. KING: Maybe turn his mic -- turn 13 your two mics off and try to turn yours on.</p> <p>14 UNIDENTIFIED SPEAKER: Can probably work 15 from just --</p> <p>16 MR. WALLACE: I was about to say, if 17 it's just a traffic statement, we'll be able to 18 (indiscernible). I'll just -- we'll put this far 19 away.</p> <p>20 MS. KING: I don't know why just get it 21 out of here, but that's --</p> <p>22 MR. WALLACE: Okay.</p> <p>23 MS. KING: Still doesn't like you.</p> <p>24 UNIDENTIFIED SPEAKER: It's the two 25 microphones.</p>

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21 (81 to 84)

<p>81</p> <p>1 MS. KING: It's the two microphones -- 2 really? 3 UNIDENTIFIED SPEAKER: Yeah. 4 MS. KING: Oh, it's her microphone. But 5 those two worked really well together. 6 MR. WALLACE: Those were on. Okay. 7 MS. KING: All right. Let's see. Can 8 you -- 9 MR. WALLACE: Can you hear me? 10 MR. DRIBAN: Yes. 11 MS. KING: All right. Is there anybody 12 on the Zoom? One person? 13 MR. WALLACE: I think they're just de 14 observing. 15 MS. KING: They're just deserving? 16 Okay. So person on the Zoom, can you hear us? 17 MR. WALLACE: Test. 18 MR. DRIBAN: Yes. 19 THE HEARING EXAMINER: Thank you. Okay. 20 MS. KING: Okay. All right. Please 21 state your name and business address for the record. 22 MR. DRIBAN: Good morning. Nick Driban, 23 with Lenhart Traffic. 231 Najoles Road, Suite 250, 24 Millersville, Maryland 21108. 25 MS. KING: All right.</p>	<p>83</p> <p>1 MR. DRIBAN: Yes, I believe so. And 2 I've testified here -- 3 THE HEARING EXAMINER: Multiple times. 4 MR. DRIBAN: Many times. Yeah. 5 THE HEARING EXAMINER: Okay. All right. 6 Thank you. 7 BY MS. KING: 8 Q Okay. Are you familiar with the subject 9 conditional use application? 10 A Yes, I am. 11 Q And have you analyzed the suitability -- 12 suitability of the property for the proposed 13 conditional use from a transportation standpoint? 14 A Yes, I have. 15 Q Okay. Did you prepare a traffic impact 16 statement for the project? 17 A I did. 18 Q And can you talk about what it showed? 19 A Absolutely. Can we pull up I believe 20 it's Exhibit 8? 21 Q Yes. 22 A Thank you. And if you could scroll to 23 Exhibit 2 in here, Page 4. There you go. Thank 24 you. And if you could just zoom in kind of to the 25 middle of this. Yeah, perfect. So this is -- this</p>
<p>82</p> <p>1 Whereupon, 2 NICK DRIBAN, 3 being first duly sworn or affirmed to testify to 4 the truth, the whole truth, and nothing but the 5 truth, was examined and testified as follows: 6 EXAMINATION BY COUNSEL FOR THE APPLICANT 7 BY MS. KING: 8 Q All right, have you previously testified 9 before the Hearing Examiner in Montgomery County as 10 an expert in traffic engineering and transportation 11 planning? 12 A Yes, I have. 13 MS. KING: Okay. And I have a resume 14 for Mr. Driban, and I move that he be admitted as 15 an expert in transportation planning and traffic 16 engineer. 17 THE HEARING EXAMINER: Okay. So we will 18 admit him and his resume will be number three, or 19 will be 30 -- 32C. I think I'm going to turn mine 20 off; is that okay? 21 MR. DRIBAN: I can hear you. 22 THE HEARING EXAMINER: Can still hear me 23 okay? Can you hear me okay? All right. Okay. 24 Yeah. I think -- I think Mr. Driban, I have 25 admitted you as an expert before in another hearing.</p>	<p>84</p> <p>1 is really the meat of the traffic statement that I 2 prepared. This is the trip generation totals for 3 the site. When we look at traffic into and out of 4 a site, we look at the busiest hour in the morning, 5 which is the a.m. peak hour, and the busiest hour 6 in the evening, which is the p.m. peak hour. 7 The County's threshold for requiring 8 a full traffic impact study or in Montgomery 9 County's case it's called a local area 10 transportation review study, LATR, is 30 vehicle 11 trips or -- or more requires a full LATR study. 12 And that study is based on, you know, again, having 13 more than 30 trips indicates that there's some 14 potential impact of traffic to the surrounding 15 areas as well as to peds bikes, transit, et cetera. 16 If you're below the 30 trip threshold in terms of 17 the number of vehicles during each of the peak 18 hours, that impact is considered di minimis under 19 the County's adequate public facilities ordinance 20 and local area transportation review guidelines. 21 And so, in this case, when we reviewed 22 the traffic trip generation totals in accordance 23 with the County standards, you can see just above 24 the bold line where it says, total person trips is 25 a line that reads, Total LATR. Adjusted vehicular</p>


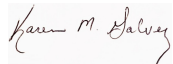
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22 (85 to 88)

<p>85</p> <p>1 trips per ITE Trip Generation Manual, 11th Edition</p> <p>2 Auto Driver at 64 percent, which is the County's</p> <p>3 way of adjusting the sort of standard national</p> <p>4 manual, the ITE Trip Generation Manual for</p> <p>5 Montgomery County specific factors.</p> <p>6 And you can see under the a.m. peak</p> <p>7 hour total that there are 12 vehicular trips listed</p> <p>8 in that row. And under the p.m. peak hour, there</p> <p>9 are 15 total trips listed. So it's well below that</p> <p>10 30 trip threshold. It's a really a negligible</p> <p>11 volume of traffic for this site. And so, this</p> <p>12 would be -- this is considered by Montgomery County</p> <p>13 standards to be a de minimis impact and really, you</p> <p>14 know, no significant volume of traffic for the site.</p> <p>15 Q Great. Will it be safe to drive into</p> <p>16 and out of the project?</p> <p>17 A Yes, it will. Okay. As Mr. Morelock</p> <p>18 testified, the site distance is met at the</p> <p>19 driveway, the proposed driveway will be an upgrade</p> <p>20 over what's out there today and it will be safe,</p> <p>21 yes.</p> <p>22 Q Okay. And in your opinion, will the</p> <p>23 proposed conditional use be served by adequate</p> <p>24 public facilities from a public roads and traffic</p> <p>25 perspective?</p>	<p>87</p> <p>1 questions you might have?</p> <p>2 THE HEARING EXAMINER: I think that is</p> <p>3 everything. I'm just going to reiterate my notes.</p> <p>4 So the -- this concludes the -- the hearing and the</p> <p>5 testimony. And I have noted that you are going to</p> <p>6 submit to us the affidavit of posting notarized.</p> <p>7 MR. WALLACE: Yes.</p> <p>8 THE HEARING EXAMINER: We are also going</p> <p>9 to get a new 12B, right? Which will show the top</p> <p>10 half of the detailed landscape and lighting.</p> <p>11 MS. KING: 13.</p> <p>12 MR. WALLACE: I was going to say --</p> <p>13 THE HEARING EXAMINER: Oh, dang it.</p> <p>14 You're right. 100 percent, 13. Yep. 13B, which</p> <p>15 is the top half of the detailed landscape and</p> <p>16 lighting.</p> <p>17 MR. WALLACE: 13C stays the same.</p> <p>18 THE HEARING EXAMINER: 13C, yep. 13C</p> <p>19 stays. The same, B would be replaced. You -- when</p> <p>20 you receive them, you're going to give me the final</p> <p>21 approval for the Forest Conservation plan from the</p> <p>22 planning board?</p> <p>23 MR. WALLACE: Correct. And we'll throw</p> <p>24 the preliminary plan approval as well.</p> <p>25 THE HEARING EXAMINER: And preliminary</p>
<p>86</p> <p>1 A Yes, it will. Our the finding of our</p> <p>2 traffic statement as well as staff's review and as</p> <p>3 shown in the staff report and review by the</p> <p>4 planning board, is that this will -- this will be</p> <p>5 safe and -- and efficient.</p> <p>6 Q Okay. And in your opinion, will the</p> <p>7 proposed access private road accommodate safe and</p> <p>8 efficient turning movements to and from Travilah</p> <p>9 Road?</p> <p>10 A Yes, it will, as I -- as I just</p> <p>11 testified.</p> <p>12 Q Okay. And finally, in your opinion,</p> <p>13 will the proposed conditional use have any</p> <p>14 detrimental effect on vehicular and pedestrian</p> <p>15 traffic or safety?</p> <p>16 A No, I don't believe it will.</p> <p>17 MS. KING: Okay. Thank you. That's all</p> <p>18 we have for Mr. Driban. If you have any questions?</p> <p>19 THE HEARING EXAMINER: No I think</p> <p>20 that'll do it. Thank you.</p> <p>21 MR. DRIBAN: Thank you.</p> <p>22 MS. KING: Thank you.</p> <p>23 MR. WALLACE: So that concludes our</p> <p>24 case-in-chief. Happy to -- anything we didn't</p> <p>25 cover, happy to bring someone back or answer any</p>	<p>88</p> <p>1 plan approval as well. And then if you could</p> <p>2 resubmit your pre-hearing statement, and that'll be</p> <p>3 Exhibit 31.</p> <p>4 MR. WALLACE: Okay.</p> <p>5 THE HEARING EXAMINER: And then Exhibit</p> <p>6 32, I have the three resumes. So I have the 32A</p> <p>7 Mr. Sloan; 32B, Mr. Morelock; and 32C Mr. Driban.</p> <p>8 MR. WALLACE: Correct.</p> <p>9 THE HEARING EXAMINER: All right. Okay.</p> <p>10 And so, the record will be held open for a period</p> <p>11 of 10 business days in order for us to receive the</p> <p>12 written transcript. And do you think you'll be</p> <p>13 able to get all that information to us in that</p> <p>14 time, except for probably preliminary plan approval?</p> <p>15 MR. WALLACE: I was about to say that's</p> <p>16 the only one I don't control.</p> <p>17 THE HEARING EXAMINER: Yeah. That's the</p> <p>18 only one.</p> <p>19 MR. WALLACE: Anything I control will --</p> <p>20 we will get -- gather -- team controls we'll get</p> <p>21 you.</p> <p>22 THE HEARING EXAMINER: Right. Okay.</p> <p>23 That -- and I don't -- I don't think you'll be able</p> <p>24 to get that to me probably in the 10 days, the --</p> <p>25 the preliminary plan approval?</p>

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Conducted on August 7, 2025

23 (89 to 92)

<p>89</p> <p>1 MR. WALLACE: Again, I -- the -- well, 2 not a certified. 3 THE HEARING EXAMINER: Not a certified. 4 MR. WALLACE: The resolution. 5 THE HEARING EXAMINER: Right. Yeah. 6 The resolution. 7 MR. WALLACE: If they adopted it last 8 Thursday and mailed it out, you know, which I think 9 that they did. 10 THE HEARING EXAMINER: Okay. 11 MR. WALLACE: But I'll -- again we'll do 12 the best we can. 13 THE HEARING EXAMINER: No worries. 14 MR. WALLACE: Yeah. 15 THE HEARING EXAMINER: So I'll -- we're 16 -- I'm going to leave it open for a period of 10 17 business days. And in the event that any of these 18 documents need to come in after we can always 19 extend that. 20 MR. WALLACE: Okay. 21 THE HEARING EXAMINER: Okay. All right. 22 And I will do some research with the Board of 23 Appeals on the exact, which special exceptions are 24 actually still on the property, so we don't abandon 25 the wrong ones, but I give them the proper</p>	<p>91</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Cody Handlir, the officer before 3 whom the foregoing proceedings were taken, do hereby 4 certify that any witness(es) in the foregoing 5 proceedings were fully sworn; that the proceedings 6 were recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings 9 are a true and accurate record to the best of my 10 knowledge, skills, and ability; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14 15  16 _____ 17 CODY HANDLIR, NOTARY PUBLIC 18 FOR THE STATE OF MARYLAND 19 August 18, 2025 20 21 22 23 24 25</p>
<p>90</p> <p>1 direction that they need. 2 MR. WALLACE: Okay. 3 THE HEARING EXAMINER: Okay. All right. 4 So at this point, the hearing is concluded, and my 5 decision will be rendered within 30 days of the 6 date when the record is closed. All right, thank 7 you all very much. 8 MR. WALLACE: Thank you. 9 (Off the record at 10:53 a.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>92</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Karen M. Galvez, do hereby certify 3 that this transcript was prepared from the digital 4 audio recording of the foregoing proceeding; that 5 said proceedings were reduced to typewriting under 6 my supervision; that said transcript is a true and 7 accurate record of the proceedings to the best of 8 my knowledge, skills, and ability; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to the case and have no 11 interest, financial or otherwise, in its outcome. 12 13  14 _____ 15 KAREN M. GALVEZ 16 PLANET DEPOS, LLC 17 August 18, 2025 18 19 20 21 22 23 24 25</p>

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