

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/ozah/index.html>
Phone: (240) 777-6660; Fax (240) 777-6665

CASE NO. CU 18-06

APPLICATION OF GOSHEN ENTERPRISE, INC.

NOTICE OF MOTION TO AMEND

The subject application seeks a Conditional Use, pursuant to Section 59.3.5.5 of the Zoning Ordinance, to permit a *Landscape Contractor* use at 21201 Zion Rd, Brookville, Maryland, in the AR Zone (Tax Account Number 08-01925313). The subject property is Parcel P490, "Addition to Brooke Grove."

This matter is scheduled for public hearing before the Hearing Examiner on **Friday, August 3, 2018**, in the 2nd Floor Hearing Room, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, at 9:30 a.m. or as soon thereafter as this matter can be heard.

Please take notice that on July 24, 2018, the Applicant filed a motion to amend this pending application to comply with comments made by the Montgomery County Planning Department. The amended plans include:

1. Conditional Use Plans cover sheet
2. Existing Conditions Plan (Sheet L-O.1A)
3. Conditional Use Plan (Sheet L-1.1)
4. Detailed Area Conditional Use Plan (Sheet L-1.2)
5. Commercial Vehicle Site Circulation Plan (Sheet L-1.3)
6. Landscape Plans
 - a. Overall Landscape Plan (Sheet L-3.1)
 - b. Landscape Plan (Sheet L-3.2) c. LandscapePlan (Sheet L-3.3)
7. Lighting Plans
 - a. Lighting Plan (Sheet L-4.1)
 - b. Lighting Plan - Photometries (Sheet L-4.2)
8. Preliminary Forest Conservation Plans
 - a. Preliminary Forest Conservation Plan (Sheet L-5.1)
 - b. Notes & Details (Sheet L-5.2)
9. Stormwater Management Plans
 - a. SWM Concept Plan (Sheet L-2.1)
 - b. SWM Concept Plan, Phase 1 (Sheet L-2.2A)
 - c. SWM Concept Plan, Phase 2 (Sheet L-2.2B)

Continued

The amendments to the above-listed plans include the following changes:

- a. The entrance driveway was adjusted to add a curve so that lines of sight from Zion Road would not be able to view the landscape contractor activities within the conditional use area. This change was in response to a request from the Rustic Roads Advisory Committee.
- b. A water holding tank (cistern) to provide fire control water supply has been added to the plan, at the request of the Fire Marshall's office.
- c. The frontage of the conditional use area along Zion Road has been reduced to 135 feet.
- d. The entrance has been updated to meet current fire standards.
- e. Drive lanes have been reduced from 22 feet to 20 feet in width in order to reduce imperviousness and land disturbance.
- f. 88 spaces have been added.
- g. More trees and shrubs have been added along Zion Road in order to screen views from the public right of way of the landscape contracting operation.
- h. Similarly, additional landscaping has been added around the perimeter of the conditional use area
- i. Additional information about utility services (not previously available) has been added to the plans.

A motion to amend an application requests permission only to revise portions of the application. Granting the motion merely allows the Applicant to make the requested changes to the application, but does not, in any way, approve the application itself. The Hearing Examiner will take the motion to amend the application under consideration for a period of ten days from the date of this notice, until the hearing on August 3, 2018. Interested parties who object to the motion must do so, in writing, no later than August 3, 2018. If no objection is received by that time, the motion will be considered granted. Additional notification regarding the amendment will be provided only if an objection is received.

The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or associations who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

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In addition to all other requirements, any party submitting documentary evidence for the record must file electronic copies of their submissions. Amended electronic copies must also be submitted of any amended documents.

Electronic copies must be submitted on external storage media, including Compact Discs or DVDs, in Microsoft WORD format for text documents, and in PDF format for plans, photos and other non-text documents.


Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record, but doing so will not automatically make you a party of record. Applicants and members of the public who testify at an OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. See OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 24th day of July, 2018 to:

Goshen Enterprises, Inc., Applicant
Jody Kline, Esquire
Charles Frederick, Esquire, Associate County Attorney
Diane Schwartz-Jones, Director, Department of Permitting Services
Greg Nichols, Manager, SPES at DPS
Elsabett Tesfaye, Planning Department
Alexandre Espinosa, Director, Finance Department
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owners
(or a condominium's council of unit owners or renters, if applicable)
Civic, Renters' and Homeowners' Associations within a half mile of the site
Any Municipality within a half mile of the site

Office of Zoning and Administrative Hearings

by: 
Martin L. Grossman, Director
Hearing Examiner