

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
FOR  
MONTGOMERY COUNTY, MARYLAND**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6660/fax (240) 777-6665  
<http://www.montgomerycountymd.gov/ozah/>**

**LMA Case No. H-140**

**Application of Park Montgomery, LP**

**NOTICE OF PUBLIC HEARING**

Please take notice that the Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH) will hold a public hearing on **Monday, April 12, 2021 at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on the above Local Map Amendment application. The Applicant, Park Montgomery, LP, requests rezoning of property from the R-H Zone to the CRTF Zone.

The subject property is located at 8860 Piney Branch Road, Silver Spring, Maryland, recorded in the land records of Montgomery County, Maryland in Plat Book 89, Plat Number 9626.

**PLEASE NOTE: Due to the COVID-19 pandemic, this hearing will be held remotely via Microsoft Teams. You do not need to sign up in advance to testify or view the hearing. You do not need a subscription to Microsoft Teams to join the hearing. Instructions to access the public hearing may be found under the link “Public Hearing Remote Access and Exhibits” and on the Hearing Calendar, both of which are on OZAH’s website, at least two days before the public hearing.**

**All exhibits filed in the case will be available to view via the link “Public Hearing Remote Access and Exhibits” on OZAH’s website at least two days before the public hearing. Exhibits are removed the day after the public hearing so that staff can prepare for the next hearing. If you wish to download any of the exhibits, you should do so no later than 5:00 p.m. of the day of the public hearing.**

*OZAH is now operating remotely to the extent possible.* You may review the application online at [www.montgomeryplanning.org/development](http://www.montgomeryplanning.org/development) under the application number H140. If you wish to review the full file (all submissions in the case) before it is published to the website or have other questions, please contact:

Sara Behanna  
240-777-6661  
[sara.behanna@montgomerycountymd.gov](mailto:sara.behanna@montgomerycountymd.gov)

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing

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statement containing the information required by Rules 3.4 and 3.5 of OZAH's Rules of Procedure (Rules). Filings must include an electronic copy of the statement and all attachments. These Rules may be found on OZAH's website at <http://www.montgomerycountymd.gov/ozah/>. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing. The statement must include the following information:

- a statement of the grounds for opposing the application;
- copies of all reports intended to be introduced at the hearing;
- the names of all experts expected to testify at the hearing, their resumes, and a summary of expert testimony which will be proffered at the hearing;
- identity of all other witnesses who will testify; and
- estimated time required for presentation.

**Submission Procedures During COVID Pandemic:** At present, OZAH is accepting written submissions by email *provided* that a paper copy of the entire submission, addressed to OZAH, is postmarked the same date as the email.

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

A public review of this application will be scheduled by the Montgomery County Planning Board, after Technical Staff of the Montgomery County Planning Department has reviewed the application. You may provide facts and opinions to Technical Staff during their review, and you may also testify briefly before the Planning Board. The Planning Board will then make a written recommendation to the Hearing Examiner assigned to this case by the Office of Zoning and Administrative Hearings (OZAH), and the Hearing Examiner will conduct the hearing at the date, time and place specified on the first page of this notice.

Following the OZAH hearing, the Hearing Examiner will submit a report and recommendation to the County Council, which will make the final decision on this application at a public Council session. The County Council is required to make its decision in a Local Map Amendment case based solely on the evidence in the record compiled by the Hearing Examiner, and on oral argument at a public Council session, if it elects to permit such argument. Neither the applicant nor a member of the community may communicate directly to individual Council members about a pending rezoning case. The law prohibits such direct, private communication because it would not give other parties a fair opportunity to dispute the information provided or to provide contrary information.

If you need services to participate in the public hearing, please contact us as far in advance as possible by emailing us at [ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov) or calling 240-777-6660 (TTY 240-777-7914). This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

+Notices forwarded this 3rd day of March, 2021 to:

Applicant and Counsel

Abutting and confronting property owners (or a condominium's council of unit owners, if applicable)

Any municipality within a half mile of the site

Registered Civic, Homeowners and Renters Associations within a half mile of the site

Gwen Wright, M-NCPPC Planning Director

Montgomery County Public Schools (MCPS)

Washington Area Transit Authority (Metro)

Washington Suburban Sanitary Commission (WSSC)

Montgomery County Department of Permitting Services

Livhu Ndou, Legislative Attorney, Montgomery County Council



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Derek J. Baumgardner  
Hearing Examiner