

CASE NO. CU 18-08
APPLICATION OF PRIMROSE SCHOOL
FOR A DAYCARE (OVER 30 PERSONS)
7430 NEEDWOOD ROAD
ROCKVILLE, MD 20855

EXHIBIT LIST

1. Conditional Use Application
2. Transmittal from MNCPPC
3. Table of Contents for Application
4. Appearance of Jody Kline as attorney for Primrose
5. Authorization Letter
6. SDAT Search
7. Affidavit of Compliance
8. Adjoining/Confronting Property Owners
9. HOA/Civic Association
10. Statement of Justification
11. CU Checklist from MNCPPC
12. Aerial Exhibit
13. Cover Sheet for CU
14. Existing Conditions and Demolitions Plan
15. Conditional Use Plan
16. Grading and Utility Plan
17. ESD Stormwater Management Plan
18. Cover Sheet-NRI
 - (a) Full Sheet of NRI/FSD
19. Cover Sheet- Preliminary Forest Conservation Plan
20. Existing Conditions Plan-Preliminary Forest Conservation Plan
21. Preliminary Forest Conservation Plan
22. Preliminary Forest Conservation Plan-Notes and Details
23. Landscape Plan
 - a. Landscape Details
24. Site Photometric Plan
25. Lightpole and Lamp details.
26. Sight Signage Plan
27. Exterior Elevations.
28. Floor Plan
29. Traffic Impact Analysis
30. Land Use Plan
31. Certified Zoning Map
32. Forest Stand Delineation
33. CD of Exhibits 1-31.
34. 5/29/18- Posting of Signs
35. 6/1/8- Letter from Carol Kosary to OZAH about failure to post signs referencing Chapter 59.7.5.2.C.1.b

36. Letters of Opposition

- a. 6/3/18- Michael Huppman
- b. 6/6/18- Mary Anne Hays
- c. 6/11/18- Robert O'Malley
- d. 6/21/18- Karen and Stephen Pittleman
- e. 7/09/18- Drew Comley
- f. 9/14/18- Rita S. Fox
- g. 9/17/18- Dale Hall
- h. 9/17/18- Nancy J. Hall
- i. 9/17/18- Darlene Olson
- j. 9/18/18- Daniel Lieberman
- k. 9/18/18- Susan A. Spaulding
- l. 9/18/18- Wendy B. Bernstein
- m. 9/18/18- Norman H. Fox
- n. 9/18/18- Alvera & Joseph McMahon
- o. 9/18/18- Thomas Conroy
- p. 9/18/18- Mark A. Neely
- q. 9/19/18- Allison Schaefer
- r. 9/19/18- Tom Blankenship
- s. 9/19/18- James Leinbach
- t. 9/19/18- Michael Prakhya
- u. 9/19/18- Michael Planty
- v. 9/20/18- Rosemary T. Smith
- w. 9/20/18- -Robin Roark
- x. 9/20/18- Mahnaz Memarah
- y. 9/20/18- Ruth M. Tapscott
- z. 9/21/18- Charles R. Brown
- aa. 9/21/18- Victoria Duggan
- bb. 9/21/18- Daniel R. Duggan
- cc. 9/21/18- Georgana S. Finn
- dd. 9/21/18- Daniel Finn
- ee. 9/21/18- Betty J. Gill
- ff. 9/21/18- Grace Sagayadan
- gg. 9/24/18- Margaret E. Hartranft
- hh. 9/24/18- Mary Lou & Gordon Goehring
- ii. 9/25/18- Lynn A. Greenwalt
- jj. 9/25/18- Judith C. Greenwalt
- kk. 9/25/18- Dianna Holzinger
- ll. 9/25/18- Liza Peng
- mm. 9/25/18- Roman Drews
- nn. 9/25/18- William Labuda
- oo. 9/25/18- Patricia Labuda

- pp. 9/25/18- Carmen Luanglue
- qq. 9/25/18- George Luanglue
- rr. 9/26/18- Kwang Choi
- ss. 9/26/18- Pamela Little
- tt. 9/27/18- Theresa C. McKinney
- uu. 9/27/18- John J. Bayeri
- vv. 9/27/18- Vivien C. Horn
- ww. 10/1/18- Ronald Johnson
- xx. 10/1/18- Karen Kozopas
- yy. 10/1/18- Marie H. Williams
- zz. 10/2/18- Catherine R. Schmader
- aaa. 10/2/18- Eric A. Schmader
- bbb. 10/2/18- Dora M. Adorian
- ccc. 10/5/18- Toni L. Groven
- ddd. 10/10/18- Kennerly Chapman
- eee. 10/12/18- Paul Leeper
- fff. 10/23/18- Elizabeth and Sharon Pearce.
- ggg. 11/24/18- Li Ding
- hhh. 11/24/18- Shimian Zou
- iii. 11/26/18- Ramiro Batista
- jjj. 11/26/18- CT. Viswathan
- kkk. 11/26/18- Mary Lou Habib
- lll. 11/26/18- Edmund J. Habib
- mmm. 11/27/18- Sukhinder Sodhi
- nnn. 11/27/18- Brigitte Sodhi
- ooo. 11/27/18- Renee Hulem
- ppp. 11/27/18- Charles Hulem
- qqq. 11/29/18- Carla Ammerman
- rrr. 11/29/18- Charles Ammerman
- sss. 12/03/18- Judy Springer
- ttt. 12/03/18- Roxanne Lowe-Olanrewagu
- uuu. 12/03/18- Jeff Bleile
- vvv. 12/04/18- Ki Sung Um

Continued

www. 12/04/18- Anthony A. Cuzzo Jr.
 xxx. 12/06/18- Paul Schruben
 yyy. 12/06/18- Darice G. Rivello
 zzz. 12/07/18- Joseph Dudley
 aaaa. 12/07/18- Kathleen M. Cuzzo
 bbbb.12/10/18- Mary M. Casco
 cccc. 12/10/18- Daniel O. Casco
 dddd. 12/10/18- Adriana Franks

Johnson

eeee. 12/11/18- Valerie Exar
 ffff. 12/11/18- Amitara H. Roy
 gggg. 12/13/18- William P. Yeatman
 hhhh. 12/13/18- Joo W Kang
 iiii. 12/14/18- Mike Bahniuk
 jjjj. 12/14/18- Patricia Bahniuk
 kkkk. 12/14/18- Jason Levine
 llll. 12/18/18- Lenette Goodman
 mmmm. 12/18/18- Edward Goodman
 nnnn. 3/20/19- Douglas W. Fodge
 oooo. 5/28/19- Christine Junod
 pppp. 5/28/19- L John Junod
 qqqq. 5/28/19- Suzanne Junod

rrrr. 9/12/19- Mary Anne Hays
 ssss. 9/23/19- Vaughn Stewart
 tttt. 11/5/19- Jennifer Piorko Mitchell
 uuuu. 2/20/20- Paul Alexander
 vvvv. 2/20/20-Stephen Zuppas
 www. 2/24/20- Xiao lan
 xxxx-2/26/20- Scott Simmons
 yyyy. 2/26/20- James Van Riper
 zzzz. James and Darcy Seigneur
 aaaaa. Jennifer & Erick Mitchell
 bbbbb. Valerij Zhigalin
 ccccc. Lidia Zhigalina
 ddddd. James Dempsey
 eeeee. Amanda Lindsell
 fffff. Alexandra Dempsey
 ggggg. Olga & Joshua Sabran
 hhhhh. Alana Chamoun
 iiiii. Anthony Caponitt
 jjjjjStephen Zuppas.
 Kkkkk. Paul Muyakishev
 Lllll. Lori Floyd

37. 6/5/18- Email from Nana Johnson to Carol Kosary acknowledging letter on failure to post signs, saying email has been forwarded to Applicant’s counsel, referencing Zoning Ordinance 59.1.4.1.B. How to Compute Periods Measured in Days.
38. 6/5/18- Email from Ms. Kosary to Nana saying as of 1:30 PM signs still had not been posted.
39. 6/5/18- Email from Ms. Kosary to Nana Johnson saying signs have been posted, asking when applicant’s affidavit of posting is submitted and whether email exchange will be included in record of this case.
40. 6/6/18- Email from Nana Johnson to Ms. Kosary in response to her inquiry in (38) saying email exchange is part of the record, asking her to cc applicant’s attorney in future correspondence, and affidavit is usually submitted at the hearing as an exhibit.
41. 6/6/18- Letter from Jody Kline dated 6/5/18 acknowledging misunderstanding with third party regarding putting up signs and stating signs had been put up as of 6/5/18; 2:30 PM.
42. 8/3/18- Letter from Bil Chen to Jody Kline stating he is representing Carol Kosary, Paul Posei and Cecelia English in this proceeding.
43. 9/18/18- Email from Michael and Elena Prakhye detailing reasons they are vehemently opposed to CU 18-08.

44. 9/20/18- Email from Charles Brown detailing reasons he is opposed to CU 18-08.
45. **Not an Exhibit**
46. 9/24/18- Letter of Entry of Appearance from William Chen, Esq. to Martin Grossman (representing Carol Kosary, Paul Posey and Cecelia English).

Continued

47. 11/5/18- Email from Carol Kosary with attached photos of the Conditional Use signs saying signs have been on the ground for several weeks.
 - a. Photos of Signs.
48. 11/5/18- Email exchange between Nana Johnson and Jody Kline in response to Carol Kosary's Email; Jody Kline says situation will be promptly addressed.
49. 11/8/18- Email from Jody Kline saying he has fixed the signs.
50. 12/13/18- Letter from William P. Yeatman as to reasons why he opposes the Conditional Use.
51. 1/16/19- Email from Carol Kosary about signs not properly in place, with pictures attached showing signs covered in snow.
 - a. Photos of area where signs are supposed to be in place.
52. 1/17/19- Email from Jody Kline saying he will take care of Ms. Kosary's request.
53. 1/23/19- Email from Carol Kosary with photos attached saying signs are still not being maintained.
 - a. Photos of signs not in place.
54. 1/23/19- Email from Nana Johnson to Carol Kosary saying she has advised the applicant's attorney about signs.
 - a. Email from Jody Kline saying signs have been posted on property (1/28/19)
 - i. Posting of Signs form (1/24/19)
55. 2/25/19- Letter from Jody Kline saying his client has hired a company to install wooden stakes to ensure that the signs are properly in place.
 - a. Picture of sign installed with wooden stakes.
56. 5/22/19- Email from Nana Johnson to Jody Kline inquiring about the status of this Conditional Use Application.
57. 6/7/19- Email exchange between Nana Johnson and Jody Kline; Re: new hearing date set for November 1, 2019.
58. 6/17/19- Email from Nana Johnson to Jody Kline, Elsabet Tefaye and Bil Chen; Re: Planning Board Hearing date.
59. 6/18/19- Letter from Donald Marlowe with reasons why he is opposed to CU 18-08.
60. 6/19/19- Email Exchange between Nana Johnson, Jody Kline, Elsabet Tefaye and Bil Chen; Re: Planning board hearing date tentatively set for 11/7/19 and OZAH hearing date set for 11/22/19.
61. 6/27/19- Letter from Jody Kline to Martin Grossman about Applicant's desire to amend this CU Application with amended filings enclosed.
62. 6/27/19- Applicant's Amended Statement of Justification.
 - a. CD
63. 6/27/19- Revised Traffic Impact Analysis
 - a. CD
64. 6/27/19- Conditional Use Plan; Cover Sheet
65. 6/27/19- Existing Conditions and Demolition Plan (CUP-2)
66. 6/27/19- Existing Conditions and Demolition Plan (CUP-3)
67. 6/27/19- Revised Conditional Use Plan (CUP-4)
68. 6/27/19- Conditional Use Plan showing a proposed storm drain extension to the south beyond the limits of the subject property (CUP-5).
69. 6/27/19- Grading and Utility Plan (CUP-6)

70. 6/27/19- Grading and Utility Plan (CUP-7)
71. 6/27/19- ESD Storm Water Management Plan (CUP-8)
72. 6/27/19- Landscape Plan (rendered site plan showing proposed vegetation and surrounding improvements) (CUP-9)
73. 6/27/19- Landscape Plan (CUP-9)
74. 6/27/19- Landscape Details (CUP-10)
75. 6/27/19- Site Photometric Plan (Sheet PM1-A)
76. 6/27/19- Site Photometric Plan (Sheet PM1-B)
77. 6/27/19- Lightpole and Lamp Details (Sheet PM2)
78. 6/27/19- Exterior Elevations (Sheet A4.0)
79. 6/27/19- Floor Plan (Sheet A1.0)
80. 6/27/19- Cover Sheet, Preliminary Forest Conservation Plan (Sheet PFCP-1)
81. 6/27/19- PFCP, Existing Conditions Plan (Sheet PFCP-2)
82. 6/27/19- PFCP, Existing Conditions Plan (Sheet PFCP-3)
83. 6/27/19- PFCP (Sheet PFCP-4)
84. 6/27/19- PFCP (Sheet PFCP-5)
85. 6/27/19- PFCP, Notes and Details (Sheet PFCP-6)
86. 6/27/19- CD of Amended Materials Submitted.
87. 6/27/19- Email from Jody Kline with signed copy of exhibit 61 attached.
88. 6/28/19- Email from Jody Kline with a signed copy of Applicant's Statement of Justification (exhibit 62) attached.
89. 6/28/19- Email from Nana Johnson to Bil Chen with updated exhibit list and copy of signed Statement of Justification attached.
90. 10/15/19- Email from Nana Johnson to Jody Kline asking him to resubmit electronic and hard copies of amended plans that are signed, sealed and dated by the professional who prepared them by 10/16/19.
91. 10/16/19- Applicant's Pre-Hearing Submission.
92. 10/16/19- Letter from Jody Kline; Re: Amendment of Application, plans enclosed (date 10/15/19).
93. 10/16/19- Conditional Use Plan
 - a. Cover Sheet (page CUP-1)
 - b. Existing Conditions and Demolition Plan (page CUP-2)
 - c. Existing and Conditions and Demolition Plan (page CUP-3)
 - d. Conditional Use Plan (page CUP-4)
 - e. Conditional Use Plan (page CUP-5)
 - f. Grading and Utility Plan (page CUP-6)
 - g. Grading and Utility Plan (page CUP-7)
 - h. ESD Stormwater Management Plan (page CUP-8)
 - i. Landscape Plan (page CUP-9)
 - j. Landscape Details (CUP-10)
94. 10/16/19- Lighting
 - a. Site Photometric Plan (PM1-A)
 - b. Site Photometric Plan (PM1-B)
 - c. Lightpole & Lamp Details (PM2)

Continued

95. 10/16/19- Preliminary Forest Conservation Plan
 - a. Cover Sheet (PFCP-1)
 - b. Existing Conditions Plan (PFCP-2)
 - c. Existing Conditions Plan (PFCP-3)
 - d. Preliminary Forest Conservation Plan (PFCP-4)
 - e. Preliminary Forest Conservation Plan (PFCP-5)
 - f. Notes & Details (PFCP-6).
96. 10/16/19- CD containing all amended materials.
97. 10/16/19- Email from Elsabett Tesfaye also asking that plans submitted reflect the latest revision date.
98. 10/16/19- Email from Sean Hughes to Nana Johnson clarifying why the plans still have the 5/3/19 date on them.
99. 10/16/19- Email from Elsabett Tesfaye saying even though new plans submitted are sealed and signed, she would like to see plans with their actual date of revisions.
100. 10/17/19- Notice of Hearing set for November 22, 2019 and Motion to Amend Application.
101. 10/17/19- Email from Eduardo Intriago (PE) to Elsabett Tesfaye saying normally they don't change the date; they go by the time the plans are signed and sealed.
102. 10/17/19- Email from Nana Johnson asking that the revision blocks be updated as soon as possible so OZAH's records have copies of the plans.
103. 10/22/19- Letter from Sean Hughes to Nana Johnson attaching plans with revision dates included for Exhibits 93(a-j) and Exhibits 95(a-e) and updated minor amendments to Landscape Exhibits 93(i) and 93(j). The modified Exhibits are labelled:
 - a. Revised Landscape Plan 103(a)-CUP 9
 - b. Revised Landscape Details 103(b)-CUP 10
 - c. CD of updated Landscaping plan to reflect 93(i) and 93(j).
104. 10/22/19- Letter from Eduardo Intiago to Doug Johnson, Planning responding to comments made by staff for their review and approval.
105. 10/24/19- Email from Nana Johnson to Sean Hughes asking that they send out notice of the newly proposed amendments themselves since they missed the deadline for getting this amendment into the hearing notice.
106. 10/28/19- Technical Staff Report of 10/25/19 recommending approval with conditions.
 - a. Attachments to Staff Report.
107. 10/28/19- Email from Elsabett Tesfaye to parties with exhibits 106 and 106(a) attached.
108. 10/29/19- Letter from Bil Chen to Martin Grossman and Jody Kline (dated 10/28/19) asking for clarity on submissions and resubmissions from Applicant.
109. 10/29/19- Copy of Notice Applicant's Attorney sent per Nana Johnson's request in October 24th email (exhibit 105)
110. 10/29/19- Letter from Jody Kline to Martin Grossman and Bil Chen saying applicant's resumes will be provided immediately and clarifies that the plans submitted recently will be presented at the November 22nd hearing (received 10/31/19).
111. 10/29/19- Letter from Jody Kline to Nana Johnson with the resumes of witnesses enclosed asking that it be incorporated into the record.
 - a. Scott R. Wolford
 - b. Eduardo J. Intriago
 - c. James M. Alt

Continued

- d. Glen E. Cook
112. 10/29/19- Email from Sandra Atkins to Nana Johnson with exhibits 110 (a-d) attached.
113. 10/30/19- Email from Martin Grossman to parties asking Applicant's counsel (Jody Kline), whether the only substantive changes made to the last set of plans submitted were to the Landscape Plan and Landscape Plan details. He also asks that he submits a disc with electronic copies of the final plans to Mr. Chen if that has not been done yet.
114. 11/4/19- Letter from Bil Chen; Re: Pre-Hearing Submission of Abutting and Confronting Property Owners.
115. 11/4/19- Pre-Hearing Submission of Abutting and Confronting Property Owners; Re: Table of Contents.
- a. Resume of Joseph R. Davis
 - b. Summary Statement of Joseph R. Davis
 - c. Resume of Vincent H. Berg, P.E.
 - d. Vincent H. Berg, P.E., List of Authorities and References
 - e. Resume of Russell E. Reese, L.S.
 - f. Report of McPherson & Associates, Inc.
 - g. Distance from Western Edge of Carnegie Ave to Redland/Needwood Intersection Westbound Needwood Road Approaching Redland Road.
 - h. Distance from Eastern Edge of Carnegie Ave to Redland/Needwood Intersection Westbound Needwood Road Approaching Redland Road.
 - i. Available Queue Storage Length Left Hand Turn Lane Westbound Needwood Road Approaching Redland Road.
 - j. ITE Trip General Manual 10th Edition, Volume 2: Data Land Use 565: Day Care Center.
 - k. ITE Trip Generation Manual, 3rd Edition, Chapter 4, Pages 27-31
 - l. ITE TripGen Results, Day Care Center Weekday Trip Generation
 - m. Highway Capacity Manual 2010, Table 1. Level Service Criteria
 - n. OZAH Exhibit 12 (cropped) Site Before Tree Removal
 - o. OZAH Exhibit 12 (modified) Site After Tree Removal
 - p. OZAH Exhibit 72(modified) with Additions from Exhibit 93i Showing Immature Trees and Shrubs.
 - q. Google Maps 3-D Views of Existing Boundary Tree Buffer Between 7430 Needwood (Proposed Site of CU 201808 (Primrose Daycare and Abutting Kosary/Posey Residence at 74'6 Needwood as well as Residence at 7420 Needwood).
 - r. Eleven Photographs of Trees on Eastern Boundary of 7430 Needwood Road; Orange Cones at Approximate Property Line between 7416 and 7430 Needwood.
 - i. Facing North, View of SP-9, Taken from Corner of 7416, 7420, and 7430 Needwood
 - ii. Facing North, at Boundary of 7416 and 7430 Needwood, Approximately at Corner 7416, 7420, and 7430 Needwood.
 - iii. Facing South, at Boundary of 7416 and 7430 Needwood, Approximately at Corner 7416, 7420, and 7430 Needwood.
 - iv. Facing South, at Boundary of 7416 and 7430 Needwood, Parallel to Residence at 7416 Needwood.
 - v. Facing South, at Boundary of 7416 and 7430 Needwood, Parallel to Residence at 7416 Needwood.

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- vi. Facing East, 7416 in Background
- vii. Facing East, 7416 in Background
- viii. Facing East, 7416 in Background
- ix. Facing South, Large Tree (Norway Spruce) Very Near Boundary to be Removed, Parallel to Southeastern Corner of Resident at 7416.
- x. Facing North, Other Side of Large Tree very near boundary to be removed parallel to southeastern corner of resident at 7416, All trees from this point Northward to Needwood to be removed.
- s. DPS Denials of Stormwater Management Concept Plan
 - i. May 31, 2019
 - ii. May 2, 2018
 - iii. June 6, 2017(screen shot)
- t. MASER Storm Drain Analysis
 - i. PROW-1
 - ii. PROW-2
 - iii. PROW-3
 - iv. PROW-4
 - v. PROW-5
- u. Two MC-StormNET Map- South Riding Storm Drain Network
 - i. Pipe Length
 - ii. Pipe Size
- v. Eleven Photographs of South Riding Storm Drain Network
 - i. South Riding Storm Drain Network, Culvert Located Behind 7424 Ottenbrook Terrace, Easement Located in Crabbs Branch Stream Valley Park (M-NCPPC), Use Class IV Stream
 - ii. South Riding Storm Drain Network, Culvert located in Crabbs Branch Stream Valley Park(M-NCPPC), use class IV Stream.
 - iii. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, View over top of drop structure at end of RipRap facing east to southeast.
 - iv. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook terrace, view from front of drop structure showing significant evidence of erosion and undercutting of structure.
 - v. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, View from front of drop structure showing significant evidence of erosion and undercutting of structure.
 - vi. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, past drop structure, significant evidence of erosion from Culvert Outfall into Park.
 - vii. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, past drop structure, significant evidence of erosion from Culvert outfall into park.

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- viii. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, past drop structure, significant evidence of erosion from Culvert outfall into park.
 - ix. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, past drop structure, significant evidence of erosion from Culvert outfall into park.
 - x. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, past drop structure, significant evidence of erosion from Culvert outfall into park.
 - xi. South Riding Storm Drain Network, Culvert located behind 7424 Ottenbrook Terrace, past drop structure, significant evidence of erosion from Culvert outfall into park.
 - w. Plat No. 1713, Derwood Heights Subdivision, April 8, 1946
 - x. Plat Nos. 9 and 10, Needwood Estates, M-NCPPC approved September 10, 1987,
 - y. Development Review Committee Minutes of January 30, 2018.
 - z. Ordinance No. 14-11, Zoning Text Amendment No, 99004
 - aa. M-NCPPC Technical Update to the Master Plan of Highways & Transitways, December 2018.
 - bb. M-NCPPC Trees, Approved Technical Manual, September 1992
 - cc. Tree Canopy Spread & Coverage in Urban Landscapes, Virginia Tech Urban Forestry Website, last updated November 3, 2010.
 - dd. Primrose School hand out
 - ee. 2017 Primrose Schools Franchise Disclosure Document (excerpts)
 - ff. 2018 Primrose Schools Franchise Disclosure Document (excerpts)
 - gg. 2019 Primrose Schools Franchise Disclosure Document (excerpts)
 - hh. Flashdrive of documents submitted
116. 11/8/19- Letter from Rosemary Tapscott Smith; Re: correcting the record regarding her statements on the proposed Primrose Day Care Center.
117. 11/8/19- Email Exchange between Sara Behanna and Bil Chen; Re: Text Searchable PDFs required by 11/12/19.
118. 11/8/19- Email from Mychele Lehman; Re: Text Searchable PDFs attached (exhibits 115a-hh).
119. 11/14/19- Planning Board Letter dated 11/13/19 unanimously recommending approval (3-0) of the conditional use.
- a. PPT Slide of Correction
120. 11/14/19- Email from Elsabett Tesfaye to parties with 119 attached.
121. 11/14/19- Email from Elsabett Tesfaye to Martin Grossman to say the resolution for the Preliminary Forest Conservation Plan has not yet been adopted by the Planning Board.
122. 11/14/19- Technical Staff Power Point Presentation.
123. 11/14/19- Email from Martin Grossman to Elsabett Tesfaye asking her to clarify why there are two photometric plans and where the lighting fixtures are depicted and identified on the Applicant's photometric plans.
124. 11/14/19-Email from Martin Grossman to Elsabett Tesfaye asking why she applied the Agricultural-Rural Residential Zone standards regarding signage (page 22 of report).
125. 11/14/19- Letter from Jody Kline to Martin Grossman; Re: Request for Amendment to Pre-Hearing Submission and Request for Second Public Hearing Date.

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126. 11/14/19- Email Exchange between Martin Grossman and Sandra Atkins; Re: (In response to exhibit 125) Asking that documents submitted to OZAH should be TEXT Searchable format or Microsoft Word and will also wait on Mr. Chen's response before acting on request in exhibit 125.
127. 11/14/19- Email exchange between Martin Grossman and Bil Chen; Re: will respond to Mr. Kline's letter (exhibit 125), after conferring with his clients, no later than noon on 11/18/19.
128. 11/14/19- Email from Sandra Atkins with exhibit 125 attached in WORD.
129. 11/15/19- Letter from Donald Marlowe addressing issues from Planning Board Hearing on November 7, 2019 regarding this Conditional Use Application.
130. 11/18/19- Applicant's Supplemental Pre-Hearing Submission
 - a. Email from Jody Kline with Exhibit 130 attached.
131. 11/18/19- Letter from Bil Chen to Martin Grossman in response to his email, exhibit 127 requesting that he responds to Jody Kline's letter (exhibit 125), by Monday, November 18th.
 - a. Email from Bil Chen with Exhibit 131 attached.
132. 11/18/19- Email from Martin Grossman to Jody Kline and Bil Chen explaining to them that he will be retiring at the end of January 2020, if both sides agree to have a different hearing examiner decide this case, he will conduct the hearing on November 22nd. He also addresses issues raised by Mr. Chen in his letter; Re: Final Plans and Timeliness of Applicant's proposed additions.
133. 11/18/19- Email from Bil Chen to Martin Grossman saying his clients want to go ahead with the hearing scheduled on November 22, 2019 as this has been on OZAH's docket for a while.
134. 11/18/19- Letter from Jody Kline to Martin Grossman; Re: Response to Bil Chen's letter (exhibit 131)
 - a. Email from Brittany Harmon with exhibit 133 attached.
135. 11/18/19- Email from Jody Kline to Martin Grossman saying he had not seen his email (exhibit 132) before sending the letter (exhibit 134), he asks for a minute to digest the issue before he responds.
136. 11/18/19- Email from Jody Kline to Martin Grossman saying he feels that not having the same hearing examiner hear the testimony of all of the witnesses does not do justice to the Applicant's integrated presentation, therefore 11/22/2019 should be a status conference hearing (he mentions he has already explained this to Bil Chen in a phone call).
137. 11/18/19- Email from Bil Chen to Martin Grossman saying his clients do not agree with Mr. Kline saying there are no disputes that require pre-hearing resolution or exhibit agreements that are needed for a status conference. He says the Application has been pending for an inordinate amount of time and it is time for a Hearing.
138. 11/18/19- Email from Jody Kline to Martin Grossman saying he suggested having a status conference to try to get some good results out of meeting on November 22, that would benefit the long-term processing of the application.
139. 11/19/19- Email from Bil Chen to Martin Grossman saying up until yesterday afternoon the Applicant was stating they would start its case on Friday, requesting for a second hearing date, no good reason has been given for not going forward, therefore the hearing should proceed as scheduled on Friday.
140. 11/19/19- Email from Jody Kline to Martin Grossman saying that even though Applicant was prepared to begin hearing on Friday, in their opinion there is a material change in circumstances which justifies their request to defer the first day of hearings.

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141. 11/19/19- Email from Martin Grossman to Jody Kline and Bil Chen; Re: Lynn Robeson Hannan is now the Hearing Examiner assigned to this Conditional Use Application.
142. 11/19/19- Email from Jody Kline to Martin Grossman saying the Applicant will be prepared to begin presentation of its case on Friday, asking if a second hearing date will occur as a preliminary or concluding matter.
143. 11/19/19- Email Exchange between Martin Grossman and Jody Kline; Re: Lynn Robeson will decide all remaining issues in the case.
144. 11/19/19- Email from Lynn Robeson saying a second hearing date will be set after the Hearing on November 22nd.
145. 11/19/19-Email from Jody Kline saying the Applicant concurs to setting a hearing date at the end of the first hearing.
146. 11/21/19- Letter from Lauren Rathmann in support of the Conditional Use Application.
147. Received at hearing 11/22/19: Affidavit of Posting.
148. Received at hearing 11/22/19: Rendered Version of Landscaping Plan.
149. Received at hearing 11/22/19: Aerial View of Surrounding Area
150. Received at hearing 11/22/19: Authorization for Park Overlook HOA.
151. 11/26/19- Email Exchange between Jody Kline and Lynn Robeson Hannan; Re: Possible Second Hearing date, Appraiser is available after January 16, 2020.
152. 12/2/19- Email from Bil Chen to Lynn Robeson saying his clients' appraiser has certain commitments, i.e. trial court/vacation and may be available on January 17 and January 21.
153. 12/5/19- Email from Bil Chen saying clients' appraiser cannot review Mr. Kline's appraiser's report and testify on January 21st.
154. 12/5/19- Email Exchange between Jody Kline and Nana Johnson; Re: Jody Kline proposes new hearing dates in February, OZAH hearing dates are not available week of February 10th.
155. 12/6/19- Email from Bil Chen to Jody Kline asking if he is available for a telephone conference to discuss new hearing dates.
156. 12/6/19- Email from Bil Chen with Petition for Judicial Review filed in Circuit Court attached.
157. 12/6/19- Copy of "Petition for Judicial Review" filed in Circuit Court.
158. 12/9/19- Email Exchange between Bil Chen, Jody Kline and Lynn Robeson; Re: Possible new hearing dates first week of March.
159. 12/9/19- Email Exchange between Bil Chen, Jody Kline to Lynn Robeson; Re: will confirm with their clients to see if March 9, 10 12 and 13 works.
160. 12/10/19- Email Exchange between Jody Kline and Lynn Robeson; Will put 3/5/19 as tentative hearing date on OZAH's calendar.
161. 12/23/19- Letter from Jody Kline to Nana Johnson with letters from Glenn Cook of "The Traffic Group" enclosed.
 - a. Queuing Study
 - b. Gap Study
162. 12/23/19- Email from Sandra Atkins with exhibit 161-161 b attached.
163. 1/16/20- Letter from Jody Kline to Lynn Robeson; Re: Appraisal Review Report.
 - a. Appraisal Review Report.
 - b. Email from Sandra Atkins to Nana Johnson with exhibits 163-163(a) attached.
 - c. CD of Appraisal Review Report

Continued

164. 1/17/20- Letter from Robin Rice to Lynn Robeson; Re: Information useful in making decision in this Conditional Use Application.
165. 1/28/20- Email Exchange between Lynn Robeson Hannan and Jody Kline; Re: March 5th is acceptable first day of the balance of the hearings.
166. 1/28/20- Email from Bil Chen to Lynn Robeson; Confirming with his client to see if March 5th is acceptable.
167. 1/29/20- Letter from Bil Chen to Lynn Robeson; Re: Request that Applicant fully disclose the amendment mentioned in dkt. 163.
168. 1/29/20- Email Exchange between Bil Chen and Jody Kline; Re: clarification of the petitioner's submission.
169. 1/29/20- Email from Lynn Robeson saying once she receives confirmation from Bil Chen on March 5th date OZAH will send out a combined hearing and amendment notice.
170. 1/29/30- Email Exchange between Bil Chen and Jody Kline; Re: They will call each other to work out expert witness scheduling conflict.
171. 1/31/20- Letter from Bil Chen to Lynn Robeson; Re: March 5th is acceptable start hearing date.
172. 2/3/20- Notice of Hearing and Motion to Amend Application.
173. 2/10/20-Letter from Bil Chen; Re: Opposing the Motion to Amend Application for submission of the Appraisal Report.
174. 2/11/20- Email Exchange between Jody Kline, Bil Chen and Lynn Robeson; Re: Clarification on why Motion to Amend Application is being opposed, Lynn Robeson says she will rule on the motion.
175. 2/12/20- Order Denying Objection to Motion to Amend the Application.
176. 2/14/20- Supplemental Pre-Hearing Submission of Abutting and Confronting Property Owners.
 - a. Email from Bil Chen with exhibit 176 attached.
177. 2/25/20- Motion In Limine to Restrict Argument regarding Preliminary Forest Conservation Plan.
 - a. Email from Sandra Atkins.
178. 2/27/20- Letter from Bil Chen; Re: Response to Motion in Limine.
179. 2/28/20- Email from Lynn Robeson to parties; Re: Will Rule on the Motion as a Preliminary Matter prior to the beginning of the hearing, also asks them to forward motions to parties of record who testified at hearing.
180. 3/2/20- Emails from parties in response to Lynn Robeson's email asking that parties forward motions.
 - a. Bil Chen
 - b. Robin Ackad
 - c. Sandra Atkins on behalf of Jody Kline
181. 3/3/20- Email from Lynn Robeson saying she would like to take up the motion as a preliminary matter at the hearing with 10 minutes for each side.
182. 3/3/20- Email from Robin Ackad; Re: Comments on Conditional Use Child Care Applications.

Introduced at public hearing (3/5/20)

183. 3/5/20- DOT Recommendation of Concept Plan Review for Primrose School
184. 3/5/20- PFCP-4 marked to show approximate location of Tree SP 10
185. 3/5/20- Planning Board Resolution approving PFCP.

Introduced at public hearing (3/6/20)

186. 3/6/20- Survey showing location of tree SP 10

187. 3/6/20- (a) Plat of Subject Property
(b) SDAT Record for Subject Property
(c) ALTA Survey of Subject Property
188. 3/6/20- Depiction of Site Constraints
189. 3/6/20- Alternative Design Study – Not Yet Admitted
190. 3/6/20- DPS Stating SWM Concept Plan is acceptable
191. 3/6/20 -- Storm Drain Network Extension
192. 3/6/20- Excerpts from Merritt Appraisal Report
193. 3/6/20- AS2.0 Site Details
194. 3/6/20- Technical Specifications for Privacy Fence
195. 3/9/20- Email from Robin Ackad (Robin Rice); Re: Comments on Child Care Conditional Uses.

Introduced at 3/9/20 Public Hearing

196. Off-Site Stormwater Drainage Conveyance Plan
 - a. PROW-1 Existing Drainage
 - b. PROW-2: Site Existing Drainage
 - c. PROW-3: Proposed Drainage
 - d. PROW-4: Site Proposed Drainage
 - e. PROW-5: Existing Storm Drain Profile
 - f. PROW-6: Proposed Storm Drainage
 - g. PROW-7: Proposed Storm Drain Profile
 - h. PROW-8: Proposed Storm Drain Profile
 - i. PROW-9: Conveyance
197. E-mail dated 10/15/19 from Sam Farhadi (MCDOT) to Mr. Intriago
198. Large Version of Exhibit 176(HH)
199. Conditional Use Plan
 - a. CUP-1 Cover Sheet
 - b. CUP-2 Existing Conditions and Demolition Plan
 - c. CUP-3 Existing Conditions and Demolition Plan
 - d. CUP-4 Conditional Use Plan
 - e. CUP-5 Conditional Use Plan
 - f. CUP 6 Grading and Utility Plan
 - g. CUP-7 Grading and Utility Plan
 - h. CUP-8: ESD Stormwater Management Plan
 - i. CUP-9-Landscape plan
 - j. CUP-10 Landscape Details
200. Needwood Schools LLC SDAT Record
201. Needwood Development LLC SDAT Record
202. Received at March 10th hearing: Impervious Area BRL Impact
203. Received at March 10th hearing: DOT Standard Default for 60-foot Residential Secondary Street
204. Received at March 10th hearing: Color Print out of Montgomery County Priority Funding
205. Received at March 10th hearing: Enlargement of Priority Funding Area showing immediate vicinity of subject property
206. Received at March 10th hearing: Photo Depicting traffic taken WB on Needwood at approximate location of the church
207. Received at March 10th hearing: SDAT Record for Subject Property

208. 3/11/20- Email from Michael Prakhye sent in opposition of case. Photographs and descriptions included.
209. 3/13/20-Letter from Jody Kline re: Boundary and Topographic Survey
 - a. Boundary and Topographic Survey Sheet 1
 - b. Boundary and Topographic Survey Sheet 2
210. 3/17/20- Letter of Opposition from Betty Gill.
211. 3/19/20- Email from Robin Ackad (Robin Rice); Re: Comments on Child Care Centers.
212. 3/20/20- Email from Lynn Robeson Hannan to parties; Re: Covid-19 guidelines, postponing hearing.
213. 3/20/20- Email from Bil Chen; Re: In agreement with Hearing Examiner postponing hearing due to COVID-19.
214. 3/23/20- Email Exchange between Jody Kline and Lynn Robeson; Virtual Hearings and COVID-19 guidelines.
215. 3/23/20- Order Postponing Hearing Indefinitely.
216. 3/27/20 – Email from Alana Chamoun re: corrected address.