

From: [Andrea LeWinter](#)
To: jskline@mmcanby.com; [Johnson, Nana](#)
Cc: [Byrne, Kathleen E.](#); [steven bloyd](#); [Andrew Bradshaw](#); [Meg DeSchrivier](#)
Subject: RE: CU 24-19
Date: Wednesday, December 4, 2024 4:45:19 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL]

Thank you for the heads up.

Andrea LeWinter

Andrea LeWinter, Esq.
Of Counsel



Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 443-420-4075
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com
www.taylorlegal.com

The information contained in this electronic message and any attached documents may contain confidential and privileged information that is for the sole use of the intended recipient(s). If you are not the intended recipient, note that any unauthorized review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify Katherine L. Taylor, P.A. immediately. The IRS restricts written federal tax advice from lawyers and accountants. This statement is included in all outbound emails because even inadvertent violations may be penalized by the IRS. Nothing in this message is intended to be used, or may be used, to avoid any penalty under federal tax laws. This message was not written to support the promotion or marketing of any transaction. Katherine L. Taylor, P.A. does not provide formal written federal tax advice.

From: Jody Kline <jskline@mmcanby.com>
Sent: Wednesday, December 4, 2024 4:44 PM
To: Andrea LeWinter <alewinter@taylorlegal.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>
Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; steven bloyd <stevenwbloyd@aol.com>; Andrew Bradshaw <abradshaw@jba-inc.com>; Meg DeSchrivier

<Meg.cedarcreek@gmail.com>

Subject: RE: CU 24-19

Ms. LeWinter. I just completed an extended phone call with the project's civil engineer and, by reviewing your questions, we realized that we had at least one error on the site plan that needed to be corrected. Our civil engineer is revising the site plan and is preparing some additional drawings and photos that we will submit to you as soon as possible so that you can see before the hearing what revisions to the proposal have been made and what options are available to address a couple of the issues listed in your earliest email. I hope to have our supplemental submission to you at least by Friday and maybe even by tomorrow. We want to give Ms. Johnson the maximum amount of time to "load" our supplemental materials into the record of the case so that they can be available for display and review at Tuesday's hearing.

Jody Kline

Attorney

Miller, Miller & Canby



200-B Monroe Street Rockville, MD 20850

T: 301.762.5212 F: 301.424.9673

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Andrea LeWinter <alewinter@taylorlegal.com>

Sent: Wednesday, December 4, 2024 4:23 PM

To: Jody Kline <jskline@mmcanby.com>; Johnson, Nana
<Nana.Johnson@montgomerycountymd.gov>

Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; steven bloyd
<stevenwbloyd@aol.com>; Andrew Bradshaw <abradshaw@jba-inc.com>

Subject: RE: CU 24-19

Mr. Kline –

Thank you for the prompt and detailed response.

I did not realize Planning Staff had not asked you for lighting or landscaping plans. As such, I certainly appreciate that it would be very difficult to produce these by our hearing date. Thus, if your expert is prepared to testify that no new lighting is proposed and that the current level of foot candles at the property line does not exceed what's required by code, that should be sufficient and/or I can leave the record open to provide you sufficient time to submit a plan. Similarly for landscaping and any other information that Staff did not advise you to provide in advance.

Thank you,
Andrea LeWinter

Andrea LeWinter, Esq.
Of Counsel

Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 443-420-4075
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com
www.taylorlegal.com

The information contained in this electronic message and any attached documents may contain confidential and privileged information that is for the sole use of the intended recipient(s). If you are not the intended recipient, note that any unauthorized review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify Katherine L. Taylor, P.A. immediately. The IRS restricts written federal tax advice from lawyers and accountants. This statement is included in all outbound emails because even inadvertent violations may be penalized by the IRS. Nothing in this message is intended to be used, or may be used, to avoid any penalty under federal tax laws. This message was not written to support the promotion or marketing of any transaction. Katherine L. Taylor, P.A. does not provide formal written federal tax advice.

From: Jody Kline <jskline@mmcanby.com>
Sent: Wednesday, December 4, 2024 2:36 PM
To: Andrea LeWinter <alewinter@taylorlegal.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>
Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; steven bloyd <stevenwbloyd@aol.com>; Andrew Bradshaw <abradshaw@jba-inc.com>
Subject: RE: CU 24-19

Dear Ms. LeWinter. Thank you for the communication guidance set forth below. In the future, we will ensure that any correspondence that we submit to OZAH will be transmitted to your taylorlegal email

address.

With regard to your comments below (numbered 1 through 5), I can provide these preliminary comments:

1. I will revise the bicycle waiver request and should be able to file it by tomorrow.
2. Since no new lighting was being proposed, Intake staff at MNCPPC did not think that a photometric study was required to be submitted. I don't believe that a photometric study could be completed before next Tuesday's public hearing but I have a call in to the client's civil engineer to see what we can provide to address this issue.
3. I had anticipated having the facility manager testify at the public hearing about the nature and the timing of deliveries. I will contact the facility manager and will try to get that information to share with you in advance of the hearing.
4. a. We were going to rely on the Development Standards table on page 10 (Table 1) of the staff report. I will see if we can have the Site Plan revised in advance of the hearing so all that information is on the face of the site plan.
 - b. I will check to see if the engineer can make a site visit before next Tuesday's hearing to obtain dimensional information about the driveways and any directional signage that is in place or proposed.
 - c. I will check with the civil engineer to see if the yard and parking setback information can be added to the site plan before the 12/10 hearing along with showing the location and orientation of the parking spaces.
 - d. Again, the Intake staff at MNCPPC advised that no landscape/lighting plan needed to be prepared since no

conditions were being changed. I will speak with the civil engineer to see what can be done to address the landscape/lighting subject..

We will respond as soon as we can to your requests in items 1-5 above.

Jody Kline

Attorney

Miller, Miller & Canby



200-B Monroe Street Rockville, MD 20850

T: 301.762.5212 F: 301.424.9673

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Andrea LeWinter <alewinter@taylorlegal.com>

Sent: Wednesday, December 4, 2024 1:38 PM

To: Jody Kline <jskline@mmcanby.com>

Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>

Subject: CU 24-19

Dear Mr. Kline:

As you are aware, I am the Hearing Examiner assigned to this case. I appreciate that you have been using the Montgomery County government email address assigned to me, which is logical, but for reasons too complicated to explain, I have been primarily communicating with OZAH through this email. So, for my ease, it would be very helpful if you can direct any issues/questions regarding this case to this email.

I have begun my review of the exhibits and information submitted ahead of this case and have a few questions just to make sure that we have everything available on the hearing date.

1. Thank you for submitting the bicycle parking waiver. However, it references 4 employees, not the 5 maximum listed in the staff report. Can you please clarify and provide an updated waiver request if necessary?
2. I do not see a photometric plan. Will one be supplied?
3. Will you be providing any exhibits related to delivery (including trash removal) times/frequency?
4. The site plan does not appear to include the list below. Will this information be provided in advance of the hearing or do you plan to address these during the hearing?

- a. Development Standards Table for the R-60 Zone
- b. Dimensions for entrances/exits on Southwick Street, including curb cuts (related: what directional signage is/will be in place)
- c. Dimensions for all required yard and parking setbacks; parking space configuration
- d. Location of existing and proposed landscaping and lighting

Thank you,
Andrea LeWinter

Andrea LeWinter, Esq.
Of Counsel

Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 443-420-4075
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com
www.taylorlegal.com

The information contained in this electronic message and any attached documents may contain confidential and privileged information that is for the sole use of the intended recipient(s). If you are not the intended recipient, note that any unauthorized review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify Katherine L. Taylor, P.A. immediately.

The IRS restricts written federal tax advice from lawyers and accountants. This statement is included in all outbound emails because even inadvertent violations may be penalized by the IRS. Nothing in this message is intended to be used, or may be used, to avoid any penalty under federal tax laws. This message was not written to support the promotion or marketing of any transaction. Katherine L. Taylor, P.A. does not provide formal written federal tax advice.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.