

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for

MONTGOMERY COUNTY
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

<https://www.montgomerycountymd.gov/ozah/index.html>

Phone: (240) 777-6660; Fax (240) 777-6665

CASE NO. CU 25-02

APPLICATION OF CTC RETAIL, LC AND WEISS MARKETS, INC.

NOTICE OF PUBLIC HEARING AND NOTICE OF MOTION TO AMEND

Public Hearing Notice

Please take notice that the Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH), will hold a public hearing **virtually and in person (hybrid)** on the above application for a conditional use to operate an *Automobile Filling Station* under Section 59-3.5.13.C of the Zoning Ordinance. The hearing will be held on **Thursday, January 23, 2025** at 9:30 a.m., or as soon thereafter as the matter may be heard.

The subject property is located at 12825 Saint Clair Rd, Clarksburg, MD in the CRT-0.75, C-0.25, R-0.05, H-65T(Tax Account Number 02-03848170).

Those wishing to attend **in person** should go to the Stella B Werner Council Office Building, Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland 20850.

Those wishing to attend **virtually** may click on the link titled “Public Hearing Remote Access and Exhibits” on OZAH’s website. Remote participation will be via Zoom. The same link also includes OZAH’s procedures and instructions participating by Zoom. You do not need to sign up in advance to testify or view the hearing but should access the meeting link at least one-half hour in advance so the moderator may check you in. Pre-filed exhibits can be viewed by clicking on the case number.

The following procedures in addition to [OZAH’s Land Use Rules of Procedure](#) (on its website) govern hybrid hearings:

- Any party submitting documentary evidence for the record must file electronic copies of their submissions **by email (ozah@montgomerycountymd.gov), at least two business days prior to the public hearing.** County security policy **prohibits OZAH from accepting electronic documents via thumb drives or other external devices.** In addition to electronic copies, paper copies **must also be sent by U.S. mail,** postmarked the day of the email.

Exhibit 35

OZAH Case No: CU 25-02

Anyone that wishes to testify **must have a camera enabled on their device**. You may not be able to testify if you do not have a camera or are not in person.

- If you need accessibility or disability 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.

OZAH staff work a hybrid schedule of remote and in office days. You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202502. If you wish to review the full file (all submission in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or nana.johnson@montgomerycountymd.gov.

The Planning Board will hold a public meeting on the conditional use application prior to OZAH's public hearing. The date of the Planning Board's public meeting is listed on their agenda at <https://montgomeryplanningboard.org/agendas/>. You may check the agenda or contact Staff of the Planning Department at (301) 495-4610 to determine when the Board will conduct its meeting or to speak with Planning Staff.

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 statement containing the information required by Rules 3.4 and 3.5 of OZAH's Rules of OZAH's Amended Land Use Rules of Procedure. These Rules may be found on OZAH's website listed above. 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. Deadlines for submissions are close of business (5:00 p.m.) on the date due. If the County is not open on the date due, the deadline is 5:00 p.m. on the next business day.

Any party submitting documentary evidence for the record must file electronic copies of their submissions by email. Paper copies must also be sent by U.S. mail, postmarked the day of the email. This includes all amended filings.

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 association who 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. 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.

Motion to Amend

On December 2, 2024, the Applicant's Attorney, Robert Harris, Esquire, filed a request to amend the application:

The Applicant submitted the following revised documents:

1. Revised Application for Conditional Use
2. Revised Statement of the Case and Statement of Operations
3. Conditional Use Plan (Cover Sheet Only)
4. Fire Access Plan
5. Revised Statement of the Case and Operations
6. Need Analysis

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 **December 13, 2024**. Interested parties who object to the motion must do so, in writing, no later than **December 13, 2024**. 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.

Notices forwarded this 3rd day of December, 2024 to:

CTC Retail,LC, Applicant

Weiss Markets Inc., Applicant

Robert Harris, Esq.

Attorney for Applicants

Mark Beall, Planning Department

Patrick Butler, Planning Department

Department of Permitting Services Greg Nichols, Manager, SPES at DPS

James Babb, Division Chief, Treasury Division

Michael Coveyou, 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 and Any Municipality within a half mile of the site.

Office of Zoning and Administrative Hearings

A handwritten signature in blue ink, appearing to read "K. Sokoni", with a horizontal line underneath the signature.

Khandikile Mvunga Sokoni
Hearing Examiner