



MONTGOMERY COUNTY, MARYLAND

December 2, 2016

TO: Parties to OZAH Case No. CU 16-11, *Application of Garrett Gateway Partners, LLC*

FROM: Montgomery County Office of Zoning and Administrative Hearings

SUBJECT: Notification of Decision and Applicable Procedures

On December 2, 2016, the Hearing Examiner issued a Report and Decision in **OZAH Case No. CU 16-11, Application of Garrett Gateway Partners, LLC** for a conditional use under Section 59.3.3.1.D.2.b. of the Zoning Ordinance to construct a "Design for Life" Townhouse Living Community, at 7009 Garrett Road, in Derwood, Maryland. The decision approves the application, subject to the following conditions:

1. The Applicant shall be bound by the testimony of its witnesses and the representations of its counsel identified in this Report and Decision.
2. This conditional use is limited to a maximum of 19 townhouse living units.
3. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code. At the time of Preliminary Plan, the Applicant must address the comments provided by the M-NCPPC Department of Parks in its email dated August 26, 2016, and directed to the Applicant and Planning Staff (Exhibit 56).
4. No property owner of the conditional use project may seek a tax credit under Montgomery County Code Section 52-18U or 52-93(e), except for tax credits for additional accessibility features installed post occupancy, as described in Montgomery County Code, Section 59.3.3.1.D.2.b.
5. As prescribed in Zoning Ordinance §59.3.3.1.D.2.b.i., all buildings and structures must be designed and constructed to meet or exceed the "Level II Accessibility Standards" established by Section 52-18T and detailed in Section 52-18U.¹
6. The post-construction site must have a slope of less than 5%, and no fence constructed on the lots with frontage on Redland Road and Garrett Road may exceed four feet in height.
7. The common open space area must include a pergola, six raised planted beds, and 3 log benches as shown on the Conditional Use Plan (Exhibits 41(a) (b) and (c)).
8. The amount of parking provided must be consistent with that described in the Conditional Use Plan (Exhibits 41(a) (b) and (c)).
9. The Applicant must obtain a sign permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction for any proposed sign, and must file a copy of any

¹ Those sections do not appear to exist in the current codification of the Montgomery County Code, but the Council did enact Bill No. 5-13, as amended in Expedited Bill No. 24-14, both effective July 1, 2014, adding Sections 52-18T and 52-18U to the County Code. The accessibility standards are also set forth in County Code

such sign permit with OZAH. The final design of the proposed sign must be in compliance with the Zoning Ordinance restrictions for signs displayed in a residential zone, or the Applicant must first obtain a sign variance from the Sign Review Board.

10. The Applicant must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements

The full text of the Hearing Examiner's report is available at the following website address: http://www.montgomerycountymd.gov/OZAH/spec_excep.html. Any person receiving this notice who does not have access to the internet or to a printer may request a paper copy of the report by stating in writing that he or she lacks internet or printer access. Any interested person may also make a paper copy of the report, at a cost of ten cents per page, by visiting our office in the County Council Office Building, 100 Maryland Avenue, Suite 200, Rockville, Maryland 20850. For further information on obtaining a paper copy, please call the Office of Zoning and Administrative Hearings at 240-777-6660.

Any party of record or aggrieved party may file a written request to present oral argument before the Board of Appeals, in writing, within 10 days after the Office of Zoning and Administrative Hearings issues the Hearing Examiner's Report and Decision. Any party of record or aggrieved party may, no later than 5 days after a request for oral argument is filed, file a written opposition or request to participate in oral argument.

Contact information for the Board of Appeals is listed below, and additional procedures are specified in Zoning Ordinance §59.7.3.1.F.1.c.

Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850
(240) 777-6600

You will be notified by the Board of Appeals if your request for oral argument is granted and at what time and place it will occur. If the request is granted, the oral argument must be confined to the evidence of record before the Hearing Examiner. No new or additional evidence or witnesses will be considered. Prior to oral argument do not attempt to discuss this case with individual Board members because such *ex parte* communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: <http://www.montgomerycountymd.gov/boa/>

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