

MCPB
Item No. Consent
Date: 7-8-21

Liberty Mill Road, Preliminary Plan No. 12017021C – Regulatory Extension Request No.1



Jonathan Casey, Senior Planner, Upcounty Planning, Jonathan.Casey@montgomeryplanning.org, (301) 495-2162



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Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, (301) 495-4561

Completed: 6-25-21

Description

Request to extend the regulatory review period by three months until October 7, 2021; an Application to create one lot for a Residential Care Facility with up to 130 beds (associated with Conditional Use 20-09).

Location: 19115 Liberty Mill Road, southeast quadrant of the intersection of Liberty Mill Road and Dawson Farm Road

Master Plan: 1989 *Germantown Master Plan*

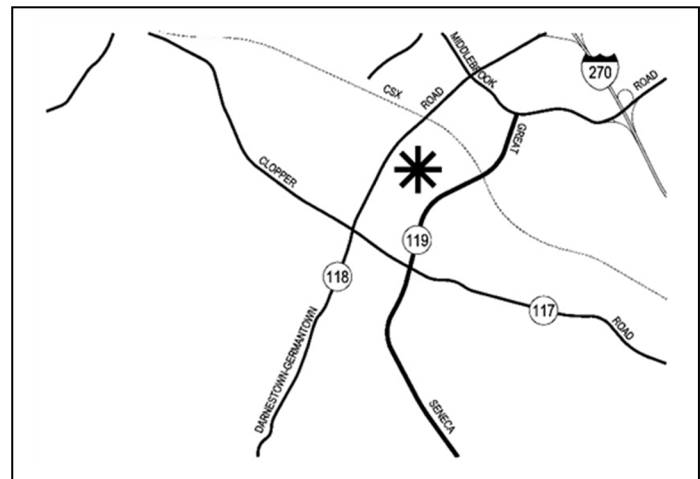
Zone: R-200

Property Size: 3.59 acres

Applicant: Flournoy Development Group, LLC

Acceptance date: March 12, 2021

Review Basis: Chapters 50 and 59



Summary

Section 50.4.1.E of the Subdivision Regulations generally states that Preliminary Plans must be scheduled for a public hearing within 120 days after the date an application is accepted.

Preliminary Plan No. 12017021C was accepted on March 12, 2021, which established a Planning Board date no later than July 8, 2021. The Applicant is requesting an extension, for approximately 3 months in order to file an administrative modification to approved Conditional Use 20-09 with the Hearing Examiner (see attachment). This extension will also give the Applicant additional time to address comments from Montgomery County Division of Transportation related to frontage improvements. The Application will be scheduled to the Planning Board as soon as all the necessary approvals are obtained from the Hearing Examiner. Granting the extension establishes a Planning Board date no later than October 7, 2021.

Staff recommends **approval** of the extension request.

Attachment: Applicant's Extension Request Form



Montgomery County Planning Department
Maryland-National Capital Park and Planning Commission

Page 1 of 2

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Wheaton, Maryland 20902

www.montgomeryplanning.org

Effective: January 29, 2021

Phone 301.495.4550
Fax 301.495.1306

REGULATORY REVIEW EXTENSION REQUEST

☒ Request #1

☐ Request #2

M-NCPPC Staff Use Only

| | | | |
|------------------------------|----------|-------------------|------|
| File Number Date Received | | MCPB Hearing Date | |
|------------------------------|----------|-------------------|------|

Plan Name: Liberty Mill

Plan No. 12017021C

This is a request for extension of:

☐

Project Plan

☐

Sketch Plan

☒

Preliminary Plan

☐

Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 07/08/2021

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

☐ Owner, ☒ Owner's Representative, ☐ Staff (check applicable.)

Casey L. Cirner, Esquire

Applicant's Attorney/Miles & Stockbridge P.C.

Name

Affiliation/Organization

11 N. Washington Street, Suite 700

Street Address

Rockville

MD



20850

City

State

Zip Code

(301) 642-3450

(301) 517-4817

ccirner@milesstockbridge.com

Telephone Number

Fax Number

E-mail

We are requesting an extension for 3 months until 10/07/2021

Describe the nature of the extension request. Provide a separate sheet if necessary.

See the attached request letter.

Signature of Person Requesting the Extension

Signature

05/03/2021

Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from _____ until _____.

Signature

Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.



Casey L. Cirner
301.517.4817
ccirner@milesstockbridge.com

May 3, 2021

Chair Casey Anderson, Esq.
Members of the Montgomery County Planning Board
c/o Jonathan Casey, Senior Planner, Upcounty Division
Maryland-National Capital Park and Planning Commission
2425 Reddie Drive, 13th Floor
Wheaton, MD 20902

Re: Regulatory Extension Request
Preliminary Plan of Subdivision (Major Amendment) 12017021C – Liberty Mill Road
(the “Application”)
19115 Liberty Mill Road, Germantown, MD (the “Property”)

Dear Chairman Anderson and Members of the Montgomery County Planning Board:

The applicant/contract purchaser of the Property, Flournoy Development Group, LLC (“FDG”), submits this regulatory extension request to continue the July 8, 2021 Planning Board public hearing for 91 days¹ or until October 7, 2021.

The Application proposes to subdivide the Property into one lot to implement Conditional Use CU 20-09, which was approved for a 125-bed residential care facility at the Property. CU 20-09 was reviewed by the Planning Board on October 8, 2020.

Upon filing the Application, Maryland-National Capital Park and Planning (“M-NCPPC”) Staff and the Montgomery County Department of Transportation (“DOT”) requested additional frontage improvements at the Property beyond the frontage improvements imposed as conditions of CU 20-09 approval. While FDG and M-NCPPC Staff have discussed the additional frontage improvements on numerous occasions, additional comments received by MCDOT have delayed the resolution the issue. In fact, agency comments relative to the frontage improvements were not finalized until April 28, 2021, five (5) days prior to the regulatory deadline requiring FDG to submit all Application revisions sixty-five (65) days in advance of the scheduled Planning Board hearing.

In addition, due to the increasing project costs, FDG requires additional time to reconfigure the project parking facility. FDG desires to engage in some community outreach regarding this project revision and may also be required to obtain an administrative modification to CU 20-09 prior to the Planning Board taking action on the Application.

Accordingly, FDG requests that the Planning Board’s public hearing be continued in order to provide additional time to respond to the Application comments received from the regulatory agencies and to obtain an administrative modification to CU 20-09, if necessary, prior to the Planning Board’s public hearing.

¹ The requested extension includes the Planning Board’s August 2021 recess.

We appreciate your consideration of this request.

Very truly yours,



Casey L. Cirner

cc: Charlie Sabin, Director of Senior Housing, Flourney Development Group, LLC
Kenneth D. Jones, MHG