



MCPB

Item No. Consent

Date: 10-7-2021

Liberty Mill Road, Preliminary Plan No. 12017021C – Regulatory Extension Request No. 2

- Jonathan Casey, Senior Planner, Upcounty Planning, Jonathan.Casey@montgomeryplanning.org, (301) 495-2162
- Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, (301) 495-2186
- Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, (301) 495-4561

Completed: 9-24-2021

Description

Request to extend the regulatory review period until November 18, 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*

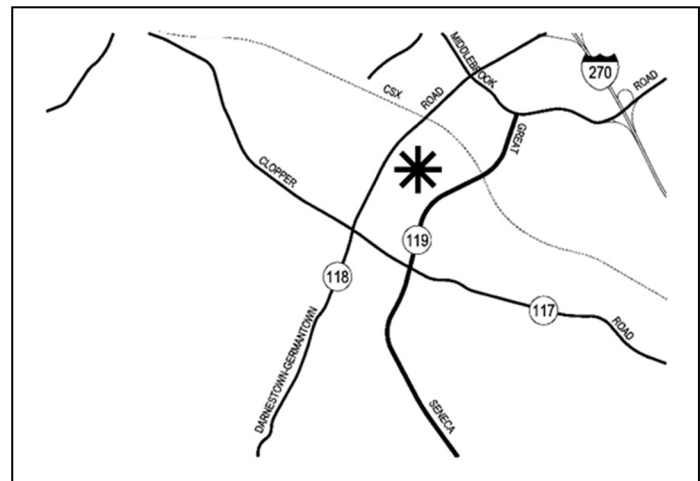
Zone: R-200

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 Planning Board granted an approximately 3-month extension, until October 7, 2021, so the Applicant could file an administrative modification to approved Conditional Use 20-09 with the Hearing Examiner. On August 23, 2021, the Hearing Examiner approved the modification. The Applicant is requesting a 6-week extension to coordinate and finalize the proposed off-site improvements. The Application will be scheduled to the Planning Board as soon as all necessary approval letters are obtained including Montgomery County Department of Transportation and the Department of Permitting Services – Fire Access and Water Supply Section. Granting the extension establishes a Planning Board date no later than November 18, 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

Effective: January 29, 2021

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REGULATORY REVIEW EXTENSION REQUEST

Request #1 Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

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: 10/07/21

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.	
<i>Name</i>		<i>Affiliation/Organization</i>	
11 N. Washington Street, Suite 700			
<i>Street Address</i>			
Rockville		MD	<input type="checkbox"/> 20850
<i>City</i>		<i>State</i>	<i>Zip Code</i>
(301) 642-3450	(301) 517-4817	ccirner@milesstockbridge.com	
<i>Telephone Number</i>	<i>Fax Number</i>	<i>E-mail</i>	

We are requesting an extension for less than 2 months until 11/18/2021

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

09/23/21

 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

September 23, 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 #2
Preliminary Plan 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 October 7, 2021 public hearing date until November 18, 2021, for an extension totaling 43 days.

The Application proposes to establish the Property as one record lot to implement Conditional Use CU 20-09, which was approved for a 125-bed residential care facility. During the pendency of this Application, and subsequent to the Planning Board’s grant of the initial regulatory extension request, FDG was forced to reevaluate the project’s economic viability due to the escalating construction costs and market demands prompted by the COVID-19 global pandemic. Thus, on August 23, 2021, the Office of Zoning and Administrative Hearings granted a minor modification to Conditional Use CU 20-09 to amend the site design, interior operational features, floor plans, landscaping, architectural design and resident amenities for the approved residential care facility. In turn, the Conditional Use minor modification approval, triggered revisions to the Application plans, which were submitted on July 21, 2021, but consequently extended the application review cycles. In addition, FDG is still working through the off-site improvement requests with Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and Montgomery County Department of Transportation staff.

As such, this regulatory extension is requested to afford M-NCPPC and other agency staff more time to complete their review of the revised Application plans submitted on July 21, 2021.

We appreciate your consideration of this request and will be available to answer any questions.

Very truly yours,

A handwritten signature in blue ink that reads 'Casey L. Cirner'.

Casey L. Cirner

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