

REMEMBRANCE PARK, PRELIMINARY PLAN NO. 120210150 REGULATORY EXTENSION REQUEST NO. 4

Description

Request to extend the regulatory review period from March 10, 2022 to October 6, 2022: An Application to create one lot for a Cemetery as a Conditional Use (pending application CU-21-06 Reflection Park). Staff recommends approval of the extension request.

NO. 120210150

COMPLETED: 2-18-2022

MCPB

Consent Item

3-3-2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

JPC

Jonathan Casey, Planner II, Upcounty Planning, Jonathan.Casey@montgomeryplanning.org, 301-495-2167

SP

Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, 301-495-2186

PB

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

LOCATION

16621 New Hampshire Avenue (MD 650), on the east side of MD 650, approximately 2,800 feet north of Spencerville Road (MD 198) and approximately 2,600 feet south of Ednor Road

MASTER PLAN/ ZONE

1997 Cloverly Master Plan

RC Zone

PROPERTY SIZE

40.39 acres

APPLICANT

Remembrance Life, LLC

ACCEPTANCE DATE

March 17, 2021

REVIEW BASIS

Chapter 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. 120210150 was accepted on March 17, 2021, which established a Planning Board date no later than July 15, 2021. The Director granted a 30-day extension which established a Planning Board date no later than August 15, 2021. The Applicant was previously granted two extensions until March 10, 2022.
- The Applicant is requesting an additional 7-month extension to complete the Conditional Use process and revise the Preliminary Plan application following approval of the Conditional Use. Granting the extension establishes a Planning Board date no later than October 6, 2022.
- Staff supports the Applicant’s request to extend the review period through October 6, 2022.



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REGULATORY REVIEW EXTENSION REQUEST

Request #1 Request #2 Request #4

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

Plan Name: Reflection Park (formerly Remembrance Park) **Plan No.** 120210150

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: 03/10/2022

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.)

<u>Jody S. Kline, Esq.</u>		<u>Miller, Miller & Canby (Attorneys for Applicant)</u>	
<small>Name</small>		<small>Affiliation/Organization</small>	
<u>200- B Monroe Street</u>			
<small>Street Address</small>			
<u>Rockville</u>		<u>MD</u>	<u>20850</u>
<small>City</small>		<small>State</small>	<small>Zip Code</small>
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<small>Telephone Number</small>	<small>Fax Number</small>	<small>E-mail</small>	

We are requesting an extension for 7 months until 10/06/2022

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

See Attached Statement

Signature of Person Requesting the Extension

JODY KLINE
Signature
ATTORNEY FOR APPLICANT

31 JANUARY 2022
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 _____.

APPLICANT'S STATEMENT

Reflection Park Preliminary Plan No. 120210150

This extraordinary request for a fourth extension for the date when Preliminary Plan No. 120210150 may be presented to the Planning Board is due to the delays in the processing of the companion Conditional Use Application No. CU 21-06.

Preliminary Plan Application No. 120210150 was accepted on March 17, 2021 which established a Planning Board date no later than July 15, 2021. The Director granted a 30-day extension which established a Planning Board hearing date no later than August 15, 2021. Due to delays in the processing of companion Condition Use Application No. CU 21-06, the Applicant was granted a second extension extending a Planning Board hearing until December 15, 2021 and then a third extension establishing a Planning Board hearing date not later than March 10, 2022.

On October 11, 2021, the Office of Zoning and Administrative Hearings published a Report and Decision granting approval of Conditional Use Application 21-06 filed by Reflection Life, Inc. seeking approval to construct and operate a cemetery to be located at 16621 New Hampshire Avenue, Silver Spring.

Subsequent to that date, a neighbor petitioned the County Board of Appeals requesting that the Board grant to the neighbor the right to conduct oral argument on the Hearing Examiner's Decision and requested that the matter be remanded to the Hearing Examiner to conduct additional hearing(s) to receive testimony. On December 30, 2021 the Board of Appeals remanded Case No. CU 21-06 to OZAH to conduct such hearings in accordance with the Board's Order reading:

“BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case No. CU 21-06 and associated Case No. A-6693 are remanded to the hearing examiner for the taking of additional evidence, to be presented by the Patuxent Watershed Protective Association or the applicant, that is relevant to the potential impact of nicroleachate on groundwater, the Rocky Gorge Reservoir and the Patuxent Watershed, including testimony and cross-examination of experts deemed qualified to offer opinion evidence on those issues, and such additional evidence from other parties as the Hearing Examiner deems relevant to the water quality issues raised in this case.”

Reflection Life is currently coordinating with OZAH and the appellant to schedule dates when public hearings can occur. The time that it will take to complete the review of Conditional Use 21-06 is anticipated to be quite lengthy including: a) notice time (at least 30 days) before the conduct of the public hearings; b) preparation and publication of the Hearing Examiner’s Second Report and Decision; and c) final review by the Board of Appeals, likely including the request for oral argument; and d) publication of a final decision by the County Board of Appeals.

Because of the unknown duration of the procedural steps described above, the Applicant is unable to accurately predict when its conditional use application will be finally approved and when the Preliminary Plan of Subdivision for the Remembrance Life property would then be appropriate for consideration by the Planning Board. For that reason, Reflection Life, Inc. requests that the Planning Board extend the date for review of Preliminary Plan No. 120210150 until October 6, 2022 with the understanding that if the procedural steps related to the

confirmation of the conditional use approval take less time, the staff will present their report recommendation on the pending preliminary plan to the Planning Board when they are able to do so.