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May 2, 2022 (Revised 03-13-2023)

Mr. Patrick Butler, Chief
Upcounty Planning Division
Montgomery County Planning Department
2425 Reddie Drive
Wheaton, MD 20902

Re: Statement of Justification for Bucklodge - MNCPPC #11989032A

Dear Mr. Butler,

This statement accompanies an application to amend the previously approved Preliminary Plan for the subject property. The property is located within the IM (moderate industrial) zone and Rural zone and consists of 22 acres of land comprised of 2 plat recorded building lots and 3 plat recorded outlots. The properties were all included on plat number 18460 as recorded in the Montgomery County Land Records on April 9, 1992.

In addition to the recording of the lots and outlots shown on plat 18460, street dedication was also provided. A new public street, Buck Ridge Court, was subsequently built along with related features which include a public sidewalk, streetlights, storm drains, and a stormwater management facility. Except for these public improvements, the subject property remains vacant and unimproved.

The original plan was limited by the availability of septic systems on the lot for on-site sewage disposal. A consent agreement recorded at Liber 10050 folio 105 limited the development of the site to two buildings of 7,760 square feet each (15,520 square feet of gross floor area total) on the two approved lots. With a floor area ratio (FAR) of 1.5 allotted to the site (1,176,120 square feet on 18 acres), the 15,520 square feet of GFA amounted to only 1.3% of the potential GFA on the site.

The applicants wish to make better use of the property than what is possible from the original approval. Accordingly, the septic limitations have been overcome by the use of sand mound septic systems which were not available for use when the original Preliminary Plan was approved. Testing for sand mound septic systems was successfully completed on each of the lots and outlots and updated plans proposing an increase in the number of buildings and buildings size were presented to the Well & Septic office of the Department of Permitting Services for review. After several reviews by the Well & Septic office, we have determined that the currently available options for

on-site sewage disposal will permit up to 4 buildings with a total GFA of 66,667 square feet (an increase of 51,147 square feet from the original approval). This is still less than 6% of the permissible GFA according to the master plan and zoning.

Given the above, the amended Preliminary Plan proposes the following updates which include previously approved square footages:

- Outlot B is to become Lot 1 with a total GFA of 15,000 square feet
- The lot line between new Lot 1 and existing Lot 2 is to be modified to allow for a better placement of the building on Lot 1.
- Existing Lot 2 (as modified per above) is to be combined with Outlot C into one new lot with a new total GFA of 20,000 square feet
- Existing Lot 4 is to remain as-is with a new total GFA of 16,667 square feet
- Outlot D is to become new Lot 5 with a total GFA of 15,000 square feet

Regarding the required findings of Chapter 50.4.2.D for approval of a Preliminary Plan, please note the following:

the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;

Much of the layout of the site was determined earlier at the time of the original Preliminary Plan approval. The new plan proposes the consolidation of a lot and outlot which results in one less lot overall and a total of 4 new buildings. Each of the lots (existing or new) are of a size and shape which can accommodate the necessary features which include new industrial buildings, driveways and parking area, on-site wells for water supply, on-site sewage disposal systems, and stormwater management measures. Each of the lots and the overall development in total meet all of the development standards applicable to property in the IM zone.

the preliminary plan substantially conforms to the master plan;

The property is located within the limits of the Boyds Master Plan as approved and adopted in 1985 and is currently zoned IM (moderate industrial) and Rural. Page 9 of the 1985 master plan identifies “22 acres of light industrial (I-1) zoning at the northwest intersection of Bucklodge Road and the B&O Railroad”. The area of the property zoned for industrial uses was reduced later to about 18 acres by zoning map amendment which occurred subsequent to the 1985 master plan. Also, the I-1 zone became the “IM” zone on October 30, 2014 by District Map Amendment G-956.

The 1985 master plan states “low intensity uses, such as warehousing, are envisioned” for this industrial site. Furthermore, the Zoning Ordinance states the IM zone “is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal.” The Preliminary Plan substantially conforms to the Master Plan and the Zoning Ordinance by proposing a modest amount of industrial-type development on a 22-acre site with uses as permitted in the current IM zone such as warehousing or other similar uses.

The Master Plan confirms that the subject property is not located within an area which is served by public water or public sewer. The Preliminary Plan conforms to the Master Plan by providing for the use of private wells and private septic systems.

public facilities will be adequate to support and service the area of the subdivision;

The property is located approximately 1/3 of a mile west of Barnesville Road, Maryland Route 117, and adjacent to Bucklodge Road, a County maintained roadway. The site is accessed from Buck Ridge Court, a commercial-business district public street built expressly to provide access to the industrial uses planned for the site. Utility services are available in the nearby public streets. As the property is not in an area which is served by public water or sewer, on-site wells and septic systems will be provided in accordance with the standards of the Department of Permitting Services.

The development will provide new on-site water supply cisterns (30,000 gallon) within a public safety water supply easement to allow the fire department to provide fire protection services to the proposed new buildings and to the nearby community at-large.

all Forest Conservation Law, Chapter 22A requirements are satisfied;

While the original Preliminary Plan approval in 1989 was not subject to the Forest Conservation Law, the Law now applies since new development is planned. Accordingly, a Natural Resources Inventory / Forest Stand Delineation Plan (NRI/FSD) was prepared and submitted and was ultimately approved for the property (420211540). The NRI/FSD documents that 4.12 acres of forest exists on the site along with areas of stream valley buffer.

In accordance with Chapter 22A, a Preliminary / Final Forest Conservation Plan (FCP) is being submitted for concurrent review with the amended Preliminary Plan. The FCP identifies areas of forest clearing, forest retention, and new forest planting on and off the site. The approved NRI/FSD and the proposed FCP demonstrate that the requirements of Chapter 22A are shown to be met.

all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied;

Stormwater management for the project is to be addressed by utilizing Environmental Site Design (ESD) practices. A stormwater management concept plan has been approved by the Department of Permitting Services (SM #287192).

any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M;

There is no evidence of any burial site on the subject property. To the best of the applicant's knowledge and belief, no burial site has ever existed on the property.

CONCLUSION

The Preliminary Plan application as presented is consistent with the requirements and recommendations of the Master Plan and is in compliance with all zoning and subdivision standards for development within the IM zone. Based upon the information provided, we respectfully request approval of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', with a stylized, cursive style.

David W. McKee