

McMillan Metro, P.C.

ATTORNEYS AT LAW

May 26, 2023

VIA ELECTRONIC SUBMISSION

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department
2425 Reedie Drive
14th Floor
Wheaton, Maryland 20902

Mr. Jeff Zyontz, Chair
Mr. Shawn Bartley
Mr. James Hedrick
Ms. Mitra Pedoeem
Mr. Roberto R. Piñero
Montgomery County Planning Board
2425 Reedie Drive
14th Floor
Wheaton, Maryland 20902

Peter E. Ciferri
Partner

Direct: 240-778-2307
pciferri@mcmillanmetro.com

Maryland Bar
District of Columbia Bar
Virginia Bar

Re: Amended Statement of Justification In Support of
Preliminary Plan No. 120230080;

Hamere Berhan Kedus Yohannes (HBKY) Metmiq
Ethiopian Orthodox Tewahedo Church (“HBKY
Church” or the “Applicant”);

4115 Muncaster Mill Road (Parcels P805, P867,
P868, P915).

To the Planning Department and Board:

Hamere Berhan Kedus Yohannes (HBKY) Metmiq Ethiopian Orthodox Tewahedo Church (“**HBKY Church**” or the “**Applicant**”), pursuant to Section 50.10.01.05 of the Administrative Procedures for Development Review, and to demonstrate compliance with Section 50.4.2. of the Subdivision Code, the applicable Sections of the Montgomery County Zoning Ordinance, Chapter 59, and conformance to the applicable Master Plans, submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval for the proposed Preliminary Plan of Subdivision Application No. 120230080 (the “**Application**”).

I. The Application and Proposal

The Applicant's request is to combine four parcels and a private driveway, all generally located at 4115 Muncaster Mill Road, Rockville, Maryland (the "**Property**"), into one record lot to accommodate the construction of a new primary building for Religious Assembly to serve the HBKY Church congregation. The proposed primary building is intended to seat 450 patrons, with 142 proposed associated surface parking spaces, with five (5) of those spaces being accessible and equally distributed around the Property.

HBKY Church owns and currently operates from the same Property by using a small 48-seat capacity sanctuary, which does not accommodate even a portion of the current Church membership, and certainly does not allow the Church to plan for the future. The Applicant proposes to retain three existing buildings on the Property: The existing parsonage along Muncaster Mill Road, and the existing church building and an existing accessory building, both near the rear of Parcel 867, all of which are currently being used and are proposed for continued use. An existing garage attached to the current parsonage structure is planned to be demolished in order to meet setback requirements. The existing and proposed use of the Property is Religious Assembly pursuant to Section 59-3.4.10 of the Zoning Ordinance. Religious Assembly is a permitted use in the RE-1 Zone.

II. The Subject Property and Surrounding Neighborhood

A. Property Description

The subject Property consists of four parcels and a private driveway, all generally bearing the street address 4115 Muncaster Mill Road, Rockville, MD 20853. The four parcels are more specifically identified as follows:

- Parcel P805, bearing Tax ID Number 08-00721245;
- Parcel P867, bearing Tax ID Number 08-00723357;

- Parcel P868, bearing Tax ID Number 08-02689613; and
- Parcel P915, bearing Tax ID Number 08-00710550.

Parcels P867, P868, and P915 are adjacent to each other and are aligned, confronting Muncaster Mill Road. Parcel P805 adjoins the three “front” parcels and the private driveway crossing those parcels.

B. Private Driveway

The private driveway is presently relied upon by the Applicant, and the Applicant’s proposal includes continued reliance upon the driveway for ingress to the Property’s parking lots, for underground utility easements, for continued ingress and egress by existing easement beneficiaries. The private driveway extends along the outer edge of Parcel P915 and then crosses the rear of Parcels P915, P868, and P867. The private driveway is not separately assigned a Tax ID Number and is identified in conflicting manners on Montgomery County Zoning Atlas maps and State Department of Assessments and Taxation Tax Maps; however, ownership vests in the Applicant as the present owner of Lot 10 (i.e., the present Parcel P805), per a deed dated May 13, 1886, and recorded among the Land Records of Montgomery County, Maryland, in Book JA 2 at Page 183.¹ The private driveway remains subject to the rights of private easement holders under subsequently recorded agreements. The Applicant does not intend to disturb any of the private easement holders’ respective rights as a result of this Application.

C. Surrounding Neighborhood

The surrounding neighborhood primarily consists of existing institutional uses, undeveloped properties mostly owned by institutional users or governmental agencies, and some RE-1 Zoned single-family residential dwellings. Apparently in furtherance of recommendations contained in the Olney Master Plan (2005), the surrounding neighborhood is mostly devoid of commercial uses. The immediate surrounding neighborhood consists of the Won Buddhism of Washington Temple to the west, as well as several undeveloped parcels owned by that religious body, and a single-family detached dwelling to the immediate adjacent west of the subject

¹Title research was conducted and provided to Planning Staff as part of the Applicant’s Concept Plan to verify the record ownership, use, and scope of users, for the private driveway.

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 4

Property. The Property is confronting to the St. Patrick's Parish Center and St. Patrick's School, located at the corner of Norbeck Road and Muncaster Mill Road, and which is the most prominent building and use in the surrounding neighborhood. To the east are properties owned by Montgomery County: The Norbeck Rosenwald Center, and its associated Norbeck-Muncaster Mill Neighborhood Park; Wintersweet Park, further east; and the Mt. Pleasant Church (*i.e.*, Waves of Glory Worship Center). To the north, northeast, and northwest, the subject Property backs existing forest canopy that serves as a buffer between the Property and an RE-1 Zoned subdivision accessed from Georgia Avenue.

III. Pre-Application Steps

In advance of submitting this Application, the Applicant submitted Concept Plan No. 520220320 for review on April 8, 2022, pursuant to Section 59.00.05.10 of the Administrative Procedures for Development Review. The Applicant's team participated in a Development Review Committee meeting on August 30, 2022. As a result of that meeting, the Applicant's proposal was substantially recrafted to address comments and advice obtained from agencies and staff. For example, the existing parsonage and the primary building proposed were brought into better alignment to create more consistent front building line, parking areas were reconfigured, and site access was revised.

The Applicant conducted a pre-application community meeting on January 10, 2023, at 7:00 P.M., at the Property, to present information about the proposed Preliminary Plan. Notices of the pre-application meeting were sent on December 19, 2022. The Applicant posted the Property as of December 20, 2022. Evidence of posting is provided with the Application materials. Copies of the meeting minutes, notice list, sign-in sheet, and notices, are included with the Application materials.

IV. Approval Criteria

For the reasons set forth herein below, the Application, and such further evidence and testimony presented to the Planning Board, the Applicant's request enables the Planning Board to approve the proposed preliminary plan by making the required findings as set forth in Section 50.4.2.D of the Montgomery County Subdivision Code.

1. 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

The proposed layout of the subdivision, the principal and accessory buildings proposed and associated parking, are appropriate for the location, and for a Religious Assembly, which is a permitted use in the RE-1 Zone, pursuant to Sections 3.1.6. and 3.4.10. RE-1 Standard Method Development Standards applicable to the lot, density, and placement of all structures for a Religious Assembly in the RE-1 Zone are satisfied as shown on the proposed plans and summarized as follows:

RE-1 Zone	Required by the Zone	Proposed (as Shown on Preliminary Plan Drawing)
Lot and Density		
Lot Area	40,000 square feet	228,790 square feet
Lot width at front building line	125 feet	258 feet Provided
Lot width at front lot line	25 feet	258 feet Provided
Road Access	Required	Provided
Density (units/acre)	1.09	22,600 square feet proposed plus existing parsonage (10,000 SF foot print for primary building)
Lot Coverage	15%	8.2% Proposed
Height	50 feet	Will not exceed
Placement – Principal Building Setbacks (min)		
Front setback	50 feet	Over 80 feet provided
Side setback	17 feet	17 feet minimum each side
Sum of Side Setbacks	35 feet	35 foot minimum sum

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 6

Rear Setback	35 feet	Satisfied, as shown on plans
Placement – Accessory Structure Setbacks (min)		
Front setback	80 feet	Over 80 feet provided
Side setback	15 feet	Satisfied, as shown on plans
Rear setback, if not otherwise addressed	10 feet	Satisfied, as shown on plans
Height	50 feet	Will not exceed

Pursuant to Section 6.2.4.B., one parking space is required for every four assembly seats. For the proposed 22,600 square foot church and parsonage, this equates to a minimum requirement of 113 spaces. The Applicant proposes 142 spaces of surface parking as shown on the preliminary plan drawing. The proposed “over park” of 29 spaces more than the Code requires is in response to congregation experiences, suggesting that at least 10 additional spaces beyond that which the Code requires could be valuable in the future to accommodate a growing congregation and special events.

2. The Preliminary Plan Substantially Conforms to the Master Plan

The Application substantially conforms to the applicable 2005 Olney Master Plan, and the 2018 Bicycle Master Plan, as amended (“Bicycle Master Plan”).

A. Olney Master Plan

The Property is situated along the southern edge of the “Southern Olney” plan neighborhood, as described within the 2005 Olney Master Plan. Muncaster Mill Road forms the boundary of the plan area. There are no property specific recommendations contained within the 2005 Olney Master Plan.

The Applicant’s proposal is consistent with the 2005 Olney Master Plan’s focus on retention of existing zoning and uses for developable properties located in the Southern Olney neighborhood. The Applicant’s proposal is to consolidate multiple parcels in furtherance of its goal to retain the existing institutional use of RE-1 Zoned property, which could be otherwise

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 7

redeveloped for a permitted commercial use. As such, the Application also promotes the Master Plan's land use plan of directing commercial growth toward the Town Center, while discouraging commercial growth outside of the Town Center. (*See, e.g.*, Pages 15-16.) The continuation of this existing institutional use also aligns with the Master Plan goal of "protecting existing communities ... achieved mainly by discouraging proliferation of commercial uses outside the Town Center." (*See* Page 41.) The Applicant's Property is predominantly surrounded by other institutional uses, as well as a Historic Site, and the continuation of this institutional use advances the land use pattern goals of maintaining the general existing character and nature of the community. Moreover, as noted by Planning Staff during Concept Plan review: The availability and retention of institutional uses is valuable, also, to maintaining the character of surrounding residential neighborhoods.

The Property is located outside of any special protection area. The Master Plan's general environmental goals for water resources are promoted by the Applicant's plans for stormwater management, and protection of existing forest, as described hereinbelow. The balance of the recommendations related to the Southern Olney plan neighborhood are focused entirely on the "Southeast" quadrant of the plan area, of which this Property is not a part, and are therefore inapplicable here.

B. Bicycle Master Plan

The Applicant intends to satisfy the recommendations of the Bicycle Master Plan by providing bikeable shoulders along the frontage of the Property on Muncaster Mill Road, as recommended by the Bicycle Master Plan. Page 292 of the Bicycle Master Plan describes the recommendations for the Olney Planning Area, which are further reflected on the adopted "Approved Bicycle Network" map. The future improvement of bikeable shoulders is shown on the Applicant's plan as part of the additional right of way proposed. There are no other pipeline projects within the vicinity of this site.

C. Master Plan of Historic Designation is Inapplicable

The Property is not subject to the requirements and restrictions of the Master Plan for Historic Designation because the Property is neither proposed for designation, nor is it a designated site or within a designated neighborhood. However, it is noted by the Applicant that its Property

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 8

abuts the Norbeck Rosenwald Center (Site 23/113-02), and the Norbeck Rosenwald Center adjoins the Mount Pleasant United Methodist Church (Site 23/113-001A). The Norbeck Rosenwald Center and the Mount Pleasant United Methodist Church are each listed as individual sites on the Master Plan for Historic Designation.

3. Public Facilities will be Adequate to Support and Service the Area of the Subdivision

Water and Sewer: The Applicant's request provides for adequate public facilities in conformance with the Subdivision Code. The Property is categorized as W-1 and S-1; Water and sewer connections are provided to the subject Property line. As shown on the Preliminary Utility Plan provided herewith, water and sewer connections will be made to the subject Property in capacities sufficient to support the project.

Fire Access and Life Safety: The Application is supported by a Fire Access Plan in compliance with Montgomery County Code Section 22-32. The Fire Access Plan provides fire code compliant access from Muncaster Mill Road and a 20-foot wide fire lane with adequate space between the road and any buildings. An existing garage attached to the existing structure on the Property will be removed to accommodate fire access requirements, and setbacks. The interior parking areas and ingress and egress routes contained within the Property have been designed to meet all required turning radii, widths, and turnaround area requirements, as shown on the Fire Access Plan submitted with this Application. Fire safety is provided by a proposed private fire hydrant supported by an underground cistern, as shown on the plan, and in compliance with the Life Safety Code, and the recommendations of the 2005 Olney Master Plan for underground water tanks on individual properties in areas lacking public fire hydrants. (See Page 134).

Public Roads: The existing institutional land use generates one (1) AM and one (1) PM peak hour person trip. The Applicant's proposal, to continue the existing institutional land use through the consolidation of parcels and development of a larger building, results in the generation of a total of nine (9) AM and fourteen (14) PM weekday peak hour person trips. The net increase as a result of this development is well-below the thresholds of LATR Guidelines. Therefore, the Applicant submits with this application and incorporates by reference the findings and conclusions

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 9

of Lenhart Traffic Consulting, Inc., in its Traffic Statement dated January 19, 2023. The Property abuts Muncaster Mill Road (State Road, MD-115). The applicable portion of Muncaster Mill Road, beginning at Norbeck Road (MD-28), is an Area Connector road with a recommended two-lane road with an 80-foot ultimate right-of-way, as set forth in the Master Plan of Highways and Transitways (*see*, Classification Table, page 14), and which is consistent with the recommendations of the 2005 Olney Master Plan (Page 90; Page 107). The Applicant's right of way proposal conforms to Complete Streets Guidelines, the County Code, and State Highway design guidelines. Pursuant to comments received from applicable County agency staff during the Applicant's Concept Plan Development Review Committee meeting, and in order to better align this proposal with Montgomery County's Vision Zero Action Plan, the Applicant's proposal does not include deceleration lanes. The Applicant agrees with agency staff in this respect, both in order to promote County policy, and also because the Property has very limited road frontage and the site ingress and egress points are both near the property lines. As a result, acceleration or deceleration lanes are potentially disruptive to adjacent property owners and not desirable for the Applicant. In response to agency comments, a Montgomery County bus stop is planned to be relocated from the adjacent site to the frontage along the Applicant's Property.

Site Access: Access to the site is proposed by a 20-foot wide single point of paved access from Muncaster Mill Road, as ingress via the private driveway situated along the Property's southeastern corner. The 20-foot paved driveway then follows to, and through the parking area, and allows for a separate point of egress from the site along the western Property line. The private driveway also supports access of other users of landlocked parcels to the west. The Applicant's proposed site access as a single point of one-way ingress and a single point of one-way egress conforms to comments received from applicable agencies during Concept Plan review.

***4. All Forest Conservation Law,
Chapter 22A Requirements are Satisfied***

The proposed Final Forest Conservation Plan submitted with this Application demonstrates compliance with the applicable requirements of Chapter 22A. In accordance with the 20% forest conservation and 25% afforestation thresholds required by Section 22A-12(a) for a medium

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 10

density residentially zoned area: a one-acre forest conservation easement is proposed for this Property. There is an existing 0.29 acre forest stand located at the rear of the Property on Parcel 805, which is proposed to be retained. No forest clearing is proposed. Pursuant to the reforestation requirements of Chapter 22A-12, 0.79 acres of reforestation is proposed as shown on the Final Forest Conservation Plan submitted with this Application. The Natural Resources Inventory/Forest Stand Delineation (“NRI/FSD”) No. 420221700 was approved for the Property on March 25, 2022.

There is one potential County Champion Tree located on the Property, a 30” +/- Bigtooth Aspen, which is proposed to be retained. There exist on the Property 12 total trees in excess of 30” DBH or greater. As shown on the plans, eight of those trees are proposed to be protected by tree save measures (and tree protection measures during construction). Four trees in excess of 30” DBH are proposed to be removed. The Applicant will pursue appropriate tree variances, consistent with Sections 22A-12(b)(3) and 22A-21.

5. All Stormwater Management, Water Quality Plan, and Floodplain Requirements of Chapter 19 are Satisfied

Stormwater management facilities are proposed via the addition of five bio-retention facilities and associated storm drainages designed to push stormwater toward the northern, undeveloped end of the Property, all as shown on the Stormwater Concept Plan prepared as part of the plan set. The Applicant’s proposed plan is consistent with County law and the Stormwater Design Manual. The Property is not located within a special protection area. There are no 100-year floodplains or highly erodible soils. The Property includes a small area (0.02 acres) designated as wetlands, toward the northernmost portion of the site, located furthest away from the developed portion of the Property. Wetlands protection is proposed as shown on the plan. An area of existing forest located at the rear of the Property, furthest from the active development areas proposed, contains a small stream which will be buffered by a proposed stream buffer averaging 150’ width, and primarily located within the proposed Category I Forest Conservation area. Steep slopes are also located among the northernmost area of the Property and will not be disturbed or affected by the Applicant’s proposal.

6. 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

The land within the Subdivision boundary does not include any burial site included on the Montgomery County Cemetery Inventory; therefore, the requirements of Section 50-4.3.M. do not apply. It is noted that the Historic Preservation Commission staff identified to the Applicant, at Concept Plan, the location of the Mt. Pleasant Burying Ground, as situated on Parcel 914, which is adjacent to the Subdivision to the east. The portions of the subject Property nearest to the burial ground parcel are not proposed to be improved with any new structures, and instead will continue as existing tree canopy and the associated private driveway. The new primary structure will be constructed far nearer to Muncaster Mill Road (adjacent to the Montgomery County property), and parking will be situated on the west side of the Property.

References to the burial ground are contained in the Maryland Historic Trust records for the designation of the Norbeck Rosenwald Center and for the Mount Pleasant United Methodist Church. The references contained in those materials indicate that the actual physical location of the cemetery is to the rear of the Mount Pleasant United Methodist Church building, as well as further to the north and east of that building. This is noteworthy because the Applicant's Property is located to the west of the Norbeck Rosenwald Center. The Norbeck Rosenwald Center, itself, is located to the west of the Mount Pleasant United Methodist Church. It is understood, however, that some scattered grave sites exist nearer to the Applicant's property line.

In consideration of comments received at the Development Review Committee, the Applicant met with Historic Preservation Commission staff to solicit the best known historical research for the adjacent property and to discuss further guidance with Staff, as per the Montgomery County Planning Board Guidelines for Burial Sites (May 16, 2019), Appendix A "*Guidelines for Cemetery Investigations in Montgomery County*". On May 11, 2023, the Applicant's consultant, Hillis-Carnes Engineering Associates, Inc., performed ground penetrating

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 12

radar along the property line nearest to the adjacent property's cemetery, in conformance with Appendix A to the Guidelines for Burial Sites, the results of which were reported to the Applicant by letter dated May 25, 2023, a copy of the report being submitted together with this Application. Consistent with Historic Preservation Commission staff instructions, Hillis-Carnes performed testing in two areas, both measuring 128-feet long by 50-feet deep along the relevant property line, with an effective depth of testing of approximately 8 +/- feet. The conclusion is that, although various scattered anomalies exist within the scanned area between 1.5 and 3.5 feet of depth, "due to the random anomaly sizes and locations and the varying depths of the anomalies observed, it is not anticipated that the illustrated anomalies are historic burial sites."

Per Appendix A to the Guidelines for Burial Sites, further testing would be appropriate only in cases where potential grave shafts are identified through ground penetrating radar. The Applicant proposes that in this case no further testing is necessary as a factual matter because the initial ground penetrating radar did not result in a conclusion that historical burial sites are located on this Property, and as a legal matter because the cemetery that is identified on the Montgomery County Cemetery Inventory is situated outside of the subdivision boundary.

***7. Any other Applicable Provision Specific to the Property
and Necessary for Approval of the Subdivision is
Satisfied***

There are no other applicable specific provisions necessary to address at this time. The Applicant will supplement its application and this Statement of Justification as, and when, necessary.

V. Conclusion

As outlined hereinabove, and as further demonstrated by the Application materials, and the evidence and testimony to be presented at the Planning Board hearing, the proposed Preliminary Plan complies with the applicable provisions of the Subdivision Code, Chapter 50 of the Montgomery County Code, as amended. The layout of the proposed subdivision, including the size, width, shape, and orientation of the proposed structures and parking, are appropriate, and consistent with the applicable requirements of the Zoning Ordinance for a Religious Assembly use

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

Montgomery County Planning Board
May 26, 2023
Page 13

in the RE-1 Zone. The Application provides for a form of development consistent with the applicable Master Plans. For those reasons, the undersigned requests approval on behalf of the Applicant and certifies that the information set forth in this Statement of Justification is true, complete, and correct, to the best of the undersigned's knowledge, information, and belief.

Respectfully submitted,

McMillan Metro, P.C.



Peter E. Ciferri, Esq.

Counsel for the Applicant

Ph: (301) 251-1180

Email: pciferri@mcmillanmetro.com

PEC/hcp

~~February 17~~ May, 2023

VIA ELECTRONIC SUBMISSION

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department
2425 Reedie Drive
14th Floor
Wheaton, Maryland 20902

Mr. Jeff Zyontz, Chair
~~Ms. Amy L. Presley, Vice Chair~~ [Mr. Shawn Bartley](#)
~~Ms. Cherri Branson~~ [Mr. James Hedrick](#)
~~Mr. David Hill~~ [Ms. Mitra Pedoeem](#)
Mr. Roberto R. Piñero
Montgomery County Planning Board
2425 Reedie Drive
14th Floor
Wheaton, Maryland 20902

Re: [Amended](#) Statement of Justification In Support of
Preliminary Plan No. 120230080;

Hamere Berhan Kedes Yohannes (HBKY) Metmiq
Ethiopian Orthodox Tewahedo Church (“HBKY
Church” or the “Applicant”);

4115 Muncaster Mill Road (Parcels P805, P867,
P868, P915).

To the Planning Department and Board:

Hamere Berhan Kedes Yohannes (HBKY) Metmiq Ethiopian Orthodox Tewahedo Church (“**HBKY Church**” or the “**Applicant**”), pursuant to Section 50.10.01.05 of the Administrative Procedures for Development Review, and to demonstrate compliance with Section 50.4.2. of the Subdivision Code, the applicable Sections of the Montgomery County Zoning Ordinance, Chapter 59, and conformance to the applicable Master Plans, submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval for the proposed Preliminary Plan of Subdivision Application No. 120230080 (the “**Application**”).

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)

Montgomery County Planning Board
~~February 17~~ [May](#) ____, 2023
Page 2

I. The Application and Proposal

The Applicant's request is to combine four parcels and a private driveway, all generally located at 4115 Muncaster Mill Road, Rockville, Maryland (the "**Property**"), into one record lot to accommodate the construction of a new primary building for Religious Assembly to serve the HBKY Church congregation. The proposed primary building is intended to seat 450 patrons, with ~~124~~ [141](#) proposed associated surface parking spaces, with five (5) of those spaces being accessible and equally distributed around the Property.

HBKY Church owns and currently operates from the same Property by using a small 48-seat capacity sanctuary, which does not accommodate even a portion of the current Church membership, and certainly does not allow the Church to plan for the future. The Applicant proposes to retain three existing buildings on the Property: The existing parsonage along Muncaster Mill Road, and the existing church building and an existing accessory building, both near the rear of Parcel 867, all of which are currently being used and are proposed for continued use. ~~A small portion of the~~ [An](#) existing [garage attached to the current](#) parsonage [structure](#) is planned to be demolished in order to meet setback requirements. The existing and proposed use of the Property is Religious Assembly pursuant to Section 59-3.4.10 of the Zoning Ordinance. Religious Assembly is a permitted use in the RE-1 Zone.

II. The Subject Property and Surrounding Neighborhood

A. Property Description

The subject Property consists of four parcels and a private driveway, all generally bearing the street address 4115 Muncaster Mill Road, Rockville, MD 20853. The four parcels are more specifically identified as follows:

- Parcel P805, bearing Tax ID Number 08-00721245;
- Parcel P867, bearing Tax ID Number 08-00723357;

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
~~February 17~~ [May](#), 2023
Page 3

- Parcel P868, bearing Tax ID Number 08-02689613; and
- Parcel P915, bearing Tax ID Number 08-00710550.

Parcels P867, P868, and P915 are adjacent to each other and are aligned, confronting Muncaster Mill Road. Parcel P805 adjoins the three “front” parcels and the private driveway crossing those parcels.

B. Private Driveway

The private driveway is presently relied upon by the Applicant, and the Applicant’s proposal includes continued reliance upon the driveway for ingress to the Property’s parking lots, for underground utility easements, for continued ingress and egress by existing easement beneficiaries. The private driveway extends along the outer edge of Parcel P915 and then crosses the rear of Parcels P915, P868, and P867. The private driveway is not separately assigned a Tax ID Number and is identified in conflicting manners on Montgomery County Zoning Atlas maps and State Department of Assessments and Taxation Tax Maps; however, ownership vests in the Applicant as the present owner of Lot 10 (i.e., the present Parcel P805), per a deed dated May 13, 1886, and recorded among the Land Records of Montgomery County, Maryland, in Book JA 2 at Page 183.¹ The private driveway remains subject to the rights of private easement holders under subsequently recorded agreements. The Applicant does not intend to disturb any of the private easement holders’ respective rights as a result of this Application.

C. Surrounding Neighborhood

The surrounding neighborhood primarily consists of existing institutional uses, undeveloped properties mostly owned by institutional users or governmental agencies, and some RE-1 Zoned single-family residential dwellings. Apparently in furtherance of recommendations contained in the Olney Master Plan (2005), the surrounding neighborhood is mostly devoid of

¹Title research was conducted and provided to Planning Staff as part of the Applicant’s Concept Plan to verify the record ownership, use, and scope of users, for the private driveway.

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
[February 17](#)[May](#), 2023
Page 4

commercial uses. The immediate surrounding neighborhood consists of the Won Buddhism of Washington Temple to the west, as well as several undeveloped parcels owned by that religious body, and a single-family detached dwelling to the immediate adjacent west of the subject Property. The Property ~~mostly confronts~~ [confronting to](#) the St. Patrick's Parish Center and St. Patrick's School, located at the corner of Norbeck Road and Muncaster Mill Road, and which is the most prominent building and use in the surrounding neighborhood. To the east are properties owned by Montgomery County: The Norbeck Rosenwald Center, and its associated Norbeck-Muncaster Mill Neighborhood Park; Wintersweet Park, further east; and the Mt. Pleasant Church (*i.e.*, Waves of Glory Worship Center). To the north, northeast, and northwest, the subject Property backs existing forest canopy that serves as a buffer between the Property and an RE-1 Zoned subdivision accessed from Georgia Avenue.

III. Pre-Application Steps

In advance of submitting this Application, the Applicant submitted Concept Plan No. 520220320 for review on April 8, 2022, pursuant to Section 59.00.05.10 of the Administrative Procedures for Development Review. The Applicant's team participated in a Development Review Committee meeting on August 30, 2022. As a result of that meeting, the Applicant's proposal was substantially recrafted to address comments and advice obtained from agencies and staff. For example, the existing parsonage and the primary building proposed were brought into better alignment to create more consistent front building line, parking areas were reconfigured, and site access was revised.

The Applicant conducted a pre-application community meeting on January 10, 2023, at 7:00 P.M., at the Property, to present information about the proposed Preliminary Plan. Notices of the pre-application meeting were sent on December 19, 2022. The Applicant posted the Property as of December 20, 2022. Evidence of posting is provided with the Application materials. Copies

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
[February 17](#)/[May](#) ____, 2023
Page 5

of the meeting minutes, notice list, sign-in sheet, and notices, are included with the Application materials.

IV. Approval Criteria

For the reasons set forth herein below, the Application, and such further evidence and testimony presented to the Planning Board, the Applicant's request enables the Planning Board to approve the proposed preliminary plan by making the required findings as set forth in Section 50.4.2.D of the Montgomery County Subdivision Code.

1. 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

The proposed layout of the subdivision, the principal and accessory buildings proposed and associated parking, are appropriate for the location, and for a Religious Assembly, which is a permitted use in the RE-1 Zone, pursuant to Sections 3.1.6. and 3.4.10. RE-1 Standard Method Development Standards applicable to the lot, density, and placement of all structures for a Religious Assembly in the RE-1 Zone are satisfied as shown on the proposed plans and summarized as follows:

RE-1 Zone	Required by the Zone	Proposed (as Shown on Preliminary Plan Drawing)
Lot and Density		
Lot Area	40,000 square feet	421,096 <u>228,790</u> square feet
Lot width at front building line	125 feet	258 feet Provided
Lot width at front lot line	25 feet	258 feet Provided
Road Access	Required	Provided

Mr. Patrick Butler, Upcounty Planning Chief
 Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)

Montgomery County Planning Board
[February 17](#) [May](#), 2023
 Page 6

Density (units/acre)	1.09	22,600 square feet proposed plus existing parsonage (10,000 SF foot print for primary building)
Lot Coverage	15%	8.2% Proposed
Height	50 feet	Will not exceed
Placement – Principal Building Setbacks (min)		
Front setback	50 feet	Over 80 feet provided
Side setback	17 feet	17 feet minimum each side
Sum of Side Setbacks	35 feet	35 foot minimum sum
Rear Setback	35 feet	Satisfied, as shown on plans
Placement – Accessory Structure Setbacks (min)		
Front setback	80 feet	Over 80 feet provided
Side setback	15 feet	Minimum provided is 17 feet Satisfied, as shown on plans
Rear setback, if not otherwise addressed	10 feet	Satisfied, as shown on plans
Height	50 feet	Will not exceed

Pursuant to Section 6.2.4.B., one parking space is required for every four assembly seats. For the proposed 22,600 square foot church and parsonage, this equates to a minimum requirement of 113 spaces. The Applicant proposes ~~124~~141 spaces of surface parking as shown on the preliminary plan drawing. The ~~modest~~ proposed “over park” of ~~11~~28 spaces more than the Code requires is in response to congregation experiences, suggesting that at least 10 additional spaces

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)

Montgomery County Planning Board
~~February 17~~ May, 2023
Page 7

[beyond that which the Code requires](#) could be valuable in the future to accommodate a growing congregation and special events.

2. The Preliminary Plan Substantially Conforms to the Master Plan

The Application substantially conforms to the applicable 2005 Olney Master Plan, and the 2018 Bicycle Master Plan, as amended (“Bicycle Master Plan”).

A. Olney Master Plan

The Property is situated along the southern edge of the “Southern Olney” plan neighborhood, as described within the 2005 Olney Master Plan. Muncaster Mill Road forms the boundary of the plan area. There are no property specific recommendations contained within the 2005 Olney Master Plan.

The Applicant’s proposal is consistent with the 2005 Olney Master Plan’s focus on retention of existing zoning and uses for developable properties located in the Southern Olney neighborhood. The Applicant’s proposal is to consolidate multiple parcels in furtherance of its goal to retain the existing institutional use of RE-1 Zoned property, which could be otherwise redeveloped for a permitted commercial use. As such, the Application also promotes the Master Plan’s land use plan of directing commercial growth toward the Town Center, while discouraging commercial growth outside of the Town Center. (*See, e.g.*, Pages 15-16.) The continuation of this existing institutional use also aligns with the Master Plan goal of “protecting existing communities ... achieved mainly by discouraging proliferation of commercial uses outside the Town Center.” (*See* Page 41.) The Applicant’s Property is predominantly surrounded by other institutional uses, as well as a Historic Site, and the continuation of this institutional use advances the land use pattern goals of maintaining the general existing character and nature of the community. Moreover, as noted by Planning Staff during Concept Plan review: The availability and retention of institutional uses is valuable, also, to maintaining the character of surrounding residential neighborhoods.

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
[February 17-May 1, 2023](#)
Page 8

The Property is located outside of any special protection area. The Master Plan's general environmental goals for water resources are promoted by the Applicant's plans for stormwater management, and protection of existing forest, as described hereinbelow. The balance of the recommendations related to the Southern Olney plan neighborhood are focused entirely on the "Southeast" quadrant of the plan area, of which this Property is not a part, and are therefore inapplicable here.

B. Bicycle Master Plan

The Applicant intends to satisfy the recommendations of the Bicycle Master Plan by providing bikeable shoulders along the frontage of the Property on Muncaster Mill Road, as recommended by the Bicycle Master Plan. Page 292 of the Bicycle Master Plan describes the recommendations for the Olney Planning Area, which are further reflected on the adopted "Approved Bicycle Network" map. The future improvement of bikeable shoulders is shown on the Applicant's plan as part of the additional right of way proposed. There are no other pipeline projects within the vicinity of this site.

C. Master Plan of Historic Designation is Inapplicable

The Property is not subject to the requirements and restrictions of the Master Plan for Historic Designation because the Property is neither proposed for designation, nor is it a designated site or within a designated neighborhood. However, it is noted by the Applicant that its Property abuts the Norbeck Rosenwald Center (Site 23/113-02), and the Norbeck Rosenwald Center adjoins the Mount Pleasant United Methodist Church (Site 23/113-001A). The Norbeck Rosenwald Center and the Mount Pleasant United Methodist Church are each listed as individual sites on the Master Plan for Historic Designation.

3. Public Facilities will be Adequate to Support and Service the Area of the Subdivision

Water and Sewer: The Applicant's request provides for adequate public facilities in conformance with the Subdivision Code. The Property is categorized as W-1 and S-1; Water and

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
[February 17/May _____, 2023](#)
Page 9

sewer connections are provided to the subject Property line. As shown on the Preliminary Utility Plan provided herewith, water and sewer connections will be made to the subject Property in capacities sufficient to support the project.

Fire Access and Life Safety: The Application is supported by a Fire Access Plan in compliance with Montgomery County Code Section 22-32. The Fire Access Plan provides fire code compliant access from Muncaster Mill Road and a 20-foot wide fire lane with adequate space between the road and any buildings. [An existing garage attached to the existing structure on the Property will be removed to accommodate fire access requirements, and setbacks.](#) The interior parking areas and ingress and egress routes contained within the Property have been designed to meet all required turning radii, widths, and turnaround area requirements, as shown on the Fire Access Plan submitted with this Application. Fire safety is provided by a proposed private fire hydrant supported by an underground cistern, as shown on the plan, and in compliance with the Life Safety Code, and the recommendations of the 2005 Olney Master Plan for underground water tanks on individual properties in areas lacking public fire hydrants. (See Page 134).

Public Roads: The existing institutional land use generates one (1) AM and one (1) PM peak hour person trip. The Applicant's proposal, to continue the existing institutional land use through the consolidation of parcels and development of a larger building, results in the generation of a total of nine (9) AM and fourteen (14) PM weekday peak hour person trips. The net increase as a result of this development is well-below the thresholds of LATR Guidelines. Therefore, the Applicant submits with this application and incorporates by reference the findings and conclusions of Lenhart Traffic Consulting, Inc., in its [Transportation Exemption-Traffic Statement dated January 19, 2023](#). The Property abuts Muncaster Mill Road (State Road, MD-115). The applicable portion of Muncaster Mill Road, beginning at Norbeck Road (MD-28), is an Area Connector road with a recommended two-lane road with an 80-foot ultimate right-of-way, as set forth in the Master Plan of Highways and Transitways (see, Classification Table, page 14), and which is consistent with the recommendations of the 2005 Olney Master Plan (Page 90; Page 107). The Applicant's

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
~~February 17~~ May, 2023
Page 10

right of way proposal conforms to Complete Streets Guidelines, the County Code, and State Highway design guidelines. Pursuant to comments received from applicable County agency staff during the Applicant's Concept Plan Development Review Committee meeting, and in order to better align this proposal with Montgomery County's Vision Zero Action Plan, the Applicant's proposal does not include deceleration lanes. The Applicant agrees with agency staff in this respect, both in order to promote County policy, and also because the Property has very limited road frontage and the site ingress and egress points are both near the property lines. As a result, acceleration or deceleration lanes are potentially disruptive to adjacent property owners and not desirable for the Applicant. [In response to agency comments, a Montgomery County bus stop is planned to be relocated from the adjacent site to the frontage along the Applicant's Property.](#)

Site Access: Access to the site is proposed by a 20-foot wide single point of paved access from Muncaster Mill Road, as ingress via the private driveway situated along the Property's southeastern corner. The 20-foot paved driveway then follows to, and through the parking area, and allows for a separate point of egress from the site along the western Property line. The private driveway also supports access of other users of landlocked parcels to the west. The Applicant's proposed site access as a single point of one-way ingress and a single point of one-way egress conforms to comments received from applicable agencies during Concept Plan review.

***4. All Forest Conservation Law,
Chapter 22A Requirements are Satisfied***

The proposed Final Forest Conservation Plan submitted with this Application demonstrates compliance with the applicable requirements of Chapter 22A. In accordance with the ~~25~~20% forest conservation and ~~20~~25% afforestation thresholds required by Section 22A-12(a) for a medium density residentially zoned area: a one-acre forest conservation easement is proposed for this Property. There is an existing ~~0.36~~0.29 acre forest stand located at the rear of the Property on Parcel 805. ~~Of that 0.36 acres of existing forest, 0.34 is, which is~~ proposed to be retained, ~~while 0.02 acres of forest is proposed to be cleared.~~ [No forest clearing is proposed.](#) Pursuant to the

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
[February 17](#)/[May](#) __, 2023
Page 11

reforestation requirements of Chapter 22A-12, [0.680.79](#) acres of reforestation is proposed as shown on the Final Forest Conservation Plan submitted with this Application. The Natural Resources Inventory/Forest Stand Delineation (“NRI/FSD”) No. 420221700 was approved for the Property on March 25, 2022.

There is one potential County Champion Tree located on the Property, a 30” +/- Bigtooth Aspen, which is proposed to be retained. There exist on the Property 12 total trees in excess of 30” DBH or greater. As shown on the plans, eight of those trees are proposed to be protected by tree save measures (and tree protection measures during construction). Four trees in excess of 30” DBH are proposed to be removed. The Applicant will pursue appropriate tree variances, consistent with Sections 22A-12(b)(3) and 22A-21.

5. All Stormwater Management, Water Quality Plan, and Floodplain Requirements of Chapter 19 are Satisfied

Stormwater management facilities are proposed via the addition of five bio-retention facilities and associated storm drainages designed to push stormwater toward the northern, undeveloped end of the Property, all as shown on the Stormwater Concept Plan prepared as part of the plan set. The Applicant’s proposed plan is consistent with County law and the Stormwater Design Manual. The Property is not located within a special protection area. There are no 100-year floodplains or highly erodible soils. The Property includes a small area (0.02 acres) designated as wetlands, toward the northernmost portion of the site, located furthest away from the developed portion of the Property. Wetlands protection is proposed as shown on the plan. An area of existing forest located at the rear of the Property, furthest from the active development areas proposed, contains a small stream which will be buffered by a proposed stream buffer averaging [425’-150’](#) width, and primarily located within the proposed Category I Forest

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)
Montgomery County Planning Board
[February 17/May](#), 2023
Page 12

Conservation area. Steep slopes are also located among the northernmost area of the Property and will not be disturbed or affected by the Applicant's proposal.

6. 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

The land within the Subdivision boundary does not include any burial site included on the Montgomery County Cemetery Inventory; therefore, the requirements of Section 50-4.3.M. do not apply. It is noted that the Historic Preservation Commission staff identified to the Applicant, at Concept Plan, the location of the Mt. Pleasant Burying Ground, as situated on Parcel 914, which is adjacent to the Subdivision to the east. The portions of the subject Property nearest to the burial ground parcel are not proposed to be improved with any new structures, and instead will continue as existing tree canopy and the associated private driveway. The new primary structure will be constructed far nearer to Muncaster Mill Road (adjacent to the Montgomery County property), and parking will be situated on the west side of the Property.

References to the burial ground are contained in the Maryland Historic Trust records for the designation of the Norbeck Rosenwald Center and for the Mount Pleasant United Methodist Church. The references contained in those materials indicate that the actual physical location of the cemetery is to the rear of the Mount Pleasant United Methodist Church building, as well as further to the north and east of that building. This is noteworthy because the Applicant's Property is located to the west of the Norbeck Rosenwald Center. The Norbeck Rosenwald Center, itself, is located to the west of the Mount Pleasant United Methodist Church. [It is understood, however, that some scattered grave sites exist nearer to the Applicant's property line.](#)

[Because the location of the cemetery is outside of the Subdivision and the best research available to the Applicant indicates that any further cemetery coverage not presently visible on the ground would extend in the opposite direction of the Property, the Applicant sets forth that further](#)

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

~~Mr. Jeff Zyontz, Chair
Ms. Amy L. Presley, Vice Chair
Ms. Cherri Branson
Mr. David Hill
Mr. Roberto R. Piñero~~
Montgomery County Planning Board
~~February 17~~May ____, 2023
Page 13

~~research to establish additional potential cemetery inventory is not warranted in this case; however, the Applicant is amenable to considering appropriate temporary construction measures to protect the adjacent property from active development, if it is deemed necessary and appropriate by the applicable governing agencies during permitting.~~In consideration of comments received at the Development Review Committee, the Applicant met with Historic Preservation Commission staff to solicit the best known historical research for the adjacent property and to discuss further guidance with Staff, as per the Montgomery County Planning Board Guidelines for Burial Sites (May 16, 2019), Appendix A “*Guidelines for Cemetery Investigations in Montgomery County*”. On May 11, 2023, the Applicant’s consultant, Hillis-Carnes Engineering Associates, Inc., performed ground penetrating radar along the property line nearest to the adjacent property’s cemetery, in conformance with Appendix A to the Guidelines for Burial Sites, the results of which were reported to the Applicant by letter dated May 25, 2023, a copy of the report being submitted together with this Application. Consistent with Historic Preservation Commission staff instructions, Hillis-Carnes performed testing in two areas, both measuring 128-feet long by 50-foot deep along the relevant property line, with an effective depth of testing of approximately 8 +/- feet. The conclusion is that, although various scattered anomalies exist within the scanned area between 1.5 and 3.5 feet of depth, “due to the random anomaly sizes and locations and the varying depths of the anomalies observed, it is not anticipated that the illustrated anomalies are historic burial sites.”

Per Appendix A to the Guidelines for Burial Sites, further testing would be appropriate only in cases where potential grave shafts are identified through ground penetrating radar. The Applicant proposes that in this case no further testing is necessary as a factual matter because the initial ground penetrating radar did not result in a conclusion that historical burial sites are located on this Property, and as a legal matter because the cemetery that is identified on the Montgomery County Cemetery Inventory is situated outside of the subdivision boundary.

Formatted: Font: Italic

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

[Mr. Jeff Zyontz, Chair](#)
[Ms. Amy L. Presley, Vice Chair](#)
[Ms. Cherri Branson](#)
[Mr. David Hill](#)
[Mr. Roberto R. Piñero](#)

Montgomery County Planning Board
[February 17/May](#), 2023
Page 14

***7. Any other Applicable Provision Specific to the Property
and Necessary for Approval of the Subdivision is
Satisfied***

There are no other applicable specific provisions necessary to address at this time. The Applicant will supplement its application and this Statement of Justification as, and when, necessary.

V. Conclusion

As outlined hereinabove, and as further demonstrated by the Application materials, and the evidence and testimony to be presented at the Planning Board hearing, the proposed Preliminary Plan complies with the applicable provisions of the Subdivision Code, Chapter 50 of the Montgomery County Code, as amended. The layout of the proposed subdivision, including the size, width, shape, and orientation of the proposed structures and parking, are appropriate, and consistent with the applicable requirements of the Zoning Ordinance for a Religious Assembly use in the RE-1 Zone. The Application provides for a form of development consistent with the applicable Master Plans. For those reasons, the undersigned requests approval on behalf of the Applicant and certifies that the information set forth in this Statement of Justification is true, complete, and correct, to the best of the undersigned's knowledge, information, and belief.

Respectfully submitted,

McMillan Metro, P.C.

Peter E. Ciferri, Esq.
Counsel for the Applicant
Ph: (301) 251-1180
Email: pciferri@mcmillanmetro.com

PEC/hcp

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department

~~Mr. Jeff Zyontz, Chair~~
~~Ms. Amy L. Presley, Vice Chair~~
~~Ms. Cherri Branson~~
~~Mr. David Hill~~
~~Mr. Roberto R. Piñero~~

Montgomery County Planning Board
~~February 17~~ May ____, 2023
Page 15

