

Law Offices of
WEAVER & FITZPATRICK
131 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-5408

DAVID C. WEAVER
PETER D. FITZPATRICK

www.weaverfitzlaw.net

PHONE: (301)694-4949
FAX: (301)948-5320
pete@weaverfitzlaw.com

WILLIAM J. HOLTZINGER, *of counsel*

July 2, 2014

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DEPARTMENT OF
PERMITS & INSPECTIONS

Frederick County Development Division
Office of the Zoning Administrator
Board of Zoning Appeals
30 North Market Street
Frederick, MD 21701

Re: Special Exception Application – Old Line Arsenal, LLC

Dear Sir/Madam:

This firm represents Old Line Arsenal, LLC (“Old Line”), a Maryland limited liability company. Old Line has entered into a commercial lease agreement with Elm Tree Properties, LLC, the current owner in title of the property in question, for certain real property identified by the attached SDAT form (“Property”). Per the County application requirements, a copy of each SDAT is attached hereto as **Appendix I**. The Property is located on Thurston Road in southern Frederick County and is known as Lot 1A, in the subdivision known as “Combined Preliminary/Final and Resubdivision Plat, John C. Warfield Farm Lot, Resubdivision of Farm Lot #1 as Recorded in P.B. 57, Pg. 171 into Farm Lot 1A and 2A.”

Old Line’s proposed use will be for the construction and operation of a firearms training facility and range, as more specifically described in the following materials. Also per the County application requirements, twenty copies, folded 8-½ by 11, of the Concept Plan prepared by Diversified Project Planning Services are attached hereto as **Appendix II**. As shown on the Concept Plan, it is proposed that two outdoor, and one indoor, shooting ranges be constructed. The Plan also includes a provision for the construction of a building that will house classrooms on the ground and second floors, and a pistol shooting range underground in the basement. The classroom use is not a subject of this Application as it is allowed in agricultural zone as a PS, that is permitted subject to site plan approval. The underground pistol shooting range is part of this Application. The two outdoor ranges will consist of one range for use with long guns, and one range for use with handguns, in the dimensions as shown on the Concept Plan.

The Property is currently zoned RC, **§1-19-7.200**. The proposed use under the Zoning Ordinance is found under **§1-19-8.355** of the Frederick County Ordinance, Shooting Range/Club. The proposed use is more accurately described as a firearms training facility that will include a shooting

range component for the purpose of expert instruction in firearms use and safety, including safe shooting practices. Many of the instructors will be retired military or law enforcement personnel. Per **§1-19-5.220** and **§1-19-5.310** a Shooting Range/Club is an allowable use subject to and requiring a special exception and approval of the site development plan.

Specific Criteria – Per Maryland Code of Ordinances, Frederick County, §1-19-8.355

- A. As shown on the Concept Plan included as part of the Application as **Appendix II** the proposed location of the indoor range in the basement of the classroom building and training facility is located at least 250 feet from the property line and at least 450 feet from the nearest neighboring structure.
- B. The proposed classroom and training building exceeds the minimum building setback requirement because it is at least 250 feet from the property line.
- C. As shown on the Concept Plan, the total public road frontage on Thurston Road is at least 1,600 feet, far in excess of the minimum required frontage of 20 feet.
- D. The planned capacity of the shooting ranges will be less than 100 persons, and therefore no specific road requirements apply pursuant to **§1-19-8.355(D)**.
- E. The Applicant will submit a site development plan to the Planning Commission upon the receipt of approval of the Board of Zoning Appeals and grant of the special exception requested.
- F. The Property is zoned RC and the Applicant will be in compliance with all requirements set forth in **§1-19-7.200** for sensitive area protection, minimization of tree cutting, and grading permits for driveways. No new subdivision streets will be needed. Earth disturbance will be limited to the minimum necessary and the maximum amount of existing landscape will No additional residential use is contemplated as part of the Concept Plan.
- G. The outdoor shooting ranges are located at least 900 feet from any property line.
- H. The proposed ranges will be constructed according to sound industry standards for shooting ranges as established by the National Rifle Association. The elevation differential on the site, along with some limited grading, and an industry standard backstop, will create a natural barrier to eliminate any danger to persons or property from flying projectiles by blocking or containing all projectiles, thereby restricting them to the shooting corridor and the containment system.
- I. Lead containment will be accomplished at all of the ranges through the use of either a dry or wet trap with either a conveyor belt or bucket collection. Such designs are state of the art and meet

or exceed current industry standards for lead collection. The designs for lead collection that will be used are also set forth in *The Range Source Book*.

- J. The lot size is in excess of 262 acres and therefore meets the 10 acre minimum requirement.
- K. The outdoor ranges are located toward the interior portion of the 262 acre parcel and are oriented toward the northern section of Sugarloaf Mountain which provides yet another natural terrain feature for the enhancement of safety and the minimization of noise.
- L. The proposed hours of operation are Monday through Saturday from 9:00 A.M. to 5:00 P.M.
- M. Applicant will utilize a sign that is within the size restrictions set forth in §1-19-8.355 and subject to the normal setback requirement for natural resources uses.

General Criteria - Per Maryland Code of Ordinances, Frederick County, §1-19-3.210

- A. Old Line Arsenal, LLC, Applicant, is a commercial lessee of the Property for which the special exception is being sought and therefore the Applicant has both a contractual and financial interest in the Property. A copy of the lease is attached hereto as **Appendix III**.
- B. The proposed use involves the establishment of a training facility for the use of law enforcement and military personnel, as well as for the education of the general public in the best practices for the legal and safe ownership and use of firearms. The training facility will utilize as part of its core mission both indoor underground shooting ranges as well as outdoor ranges for use in firearms shooting instruction, training and practice. As more specifically set forth herein, the ranges will accommodate less than 100 persons at any given time and therefore the proposed use will be low intensity. Furthermore, the proposed development itself will involve the construction of only one classroom building, including an underground range, and two outdoor ranges, both of which are situated at least 900 feet from Thurston Road and will be screened by existing trees, shrubs and foliage.
 - 1. The proposed use is consistent with the Frederick County 2010 Comprehensive Plan because it supports a diversified economy and creates new jobs, it helps preserve the agricultural nature of the land, and it incorporates environmentally friendly initiatives.
 - a. The project serves the County's economic development goals and policies, specifically Section 08, ED-G-01 and ED-G-05, and ED-P-02, ED-P-03, ED-P-04, ED-P-05, ED-P-08, ED-P-09 and ED-P-10, by creating diverse employment opportunities in a mixed-use growth environment while preserving the majority of the land for agricultural use. It is anticipated that the proposed use will employ

approximately 3 to 4 full-time professional positions and 1 to 3 part-time positions in its first year of operation. The projected growth of the business, if realized, would create additional employment opportunities in the form of professional, clerical, trade and janitorial positions. The ratio of the number of jobs created relative to the total acreage utilized for the operation will be very high, thereby creating jobs while simultaneously preserving the majority of the property for farming operations. The facility will create both recreational opportunities and promote tourism. The training simulators that the facility will be operating in the classroom building are not widely available due to cost limitations. Initial interest in the use of the planned facility is very high and therefore it is expected that customers will travel to the area in order to use the facility.

- b. The growth-management and environmental aspects of the project fulfill the County's goals as expressed in Section 10, MG-G-05, MG-P-32, and Section 03, NR-G-01 – 04, NR-P-15, of the Comprehensive Plan. Parking areas will be constructed of porous material to reduce or eliminate runoff, and the landscaping will utilize natural terrain features for storm-water management. The landscaping will be comprised of native species that are non-invasive and drought-tolerant. The site design will be highly energy efficient due to the use of energy-conserving building technologies and will incorporate solar power generation that will reduce the carbon impact/footprint of the facility.
 - c. The project will only utilize approximately 15 acres +/- of the total acreage and therefore preserves the use of the vast majority of the 262 acre parcel for continued agricultural industries and agricultural production by the owner. Elm Tree Properties, LLC will operate a farm on the portions of the parcel not used by the Applicant. This will preserve The farm will initially raise Red Angus grass-fed beef cattle, wild turkeys, and chickens, and will grow grain for animal feed, and corn. The project therefore serves the goals expressed in Section 5, AG-G-01 and AG-G-02, and the policies expressed in Section 5, AG-P-02 and AG-P-04.
2. The nature and intensity of the proposed operations relative to the size of the site, and taking into consideration the incorporation of natural terrain screening features and landscaping that incorporates native tree and shrub species as screening, will be very minimal. Due to the small size of the operation, both in terms of the limited physical area required and the limited number of persons anticipated to use the facility, and the fact that the majority of the parcel would be utilized for farming, the proposed use would clearly not disturb the orderly development of the neighborhood. The majority of the neighboring properties are very low density residential with large areas of undeveloped land insulating them from neighboring uses.

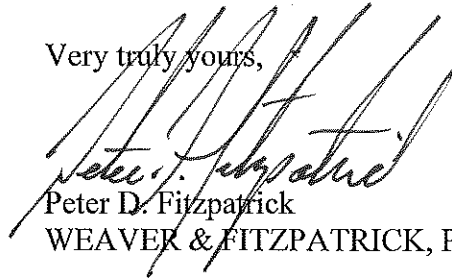
3. The proposed operations on the site will have a nominal, if any, effect on neighboring properties. The training facility itself will be a modern structure containing classrooms and an underground pistol range. As such, activities in the training facility will be restricted to the interior of the training facility and will therefore emit zero noise, fumes, vibration or other characteristics outside of the structure. The activities will involve classes and instruction utilizing computer-generated graphic simulations in the classroom portions of the building, and a standard pistol range in the basement, underground, portion of the structure. The nature of the training and educational activity, and the location of the pistol range underground, will ensure that the activities will not in any way cause any noticeable effect on the exterior of the training facility. The outdoor rifle and pistol ranges are located more than 1,300 feet from the nearest neighboring property. As described previously, they will be screened by landscaping that utilizes native species of trees and shrubs, as well as earthen berms, and therefore will not be visible from anywhere outside the parcel or Thurston Road. Noise from the outdoor ranges will be controlled by the placement of the ranges a great distance away from the public road and neighboring properties, as well as the use of landscaping to absorb and deflect sound.
4. As is shown on the Concept Plan, the parking for the outdoor ranges is already screened by existing foliage and trees. The Applicant intends to plant native tree species, plants and shrubs near and around the proposed training facility in order to screen the facility from the road and nearby residences. The entrance and exit are laid out at a location on Thurston Road that is clearly visible for several hundred feet or more in both directions. 144 parking spaces will be provided. The parking will comply with the off-street parking ordinance **§1-19-6.220** because a total of 144 which satisfies both the shooting range and the educational program portions of the specified ordinance.
5. The road serving the proposed site, Thurston Road, is a 20 foot wide County Collector Road and is therefore sufficient to serve the anticipated traffic load. The training facility will anticipate approximately forty to fifty persons at peak hours and the outdoor ranges will accommodate thirty to forty persons at peak capacity. Peak capacity is expected only during Saturday hours, and therefore the total usage at any given point during the week will be below that.

The information provided in the Application clearly demonstrates that the proposed plan fulfills the General and Specific Criteria for the grant of a Special Exception for the establishment of a shooting range on the subject Property that is zoned RC. Furthermore the narrative portion of the Application demonstrates that the proposed project is consistent with the purpose and intent of the Comprehensive Development Plan.

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The Applicant therefore respectfully requests that the Board of Zoning Appeals grant the requested Special Exception for the purposes delineated in the Application.

Very truly yours,



Peter D. Fitzpatrick
WEAVER & FITZPATRICK, P.A.

Attorneys for the Applicant
Old Line Arsenal, LLC