



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item No.**  
**Date:** 11-06-2015

**Greenskeeper Landscaping (Mamana): CU2015-04**

Elsabett Tesfaye, Planner Coordinator, Area-3 [elsabett.tesfaye@montgomeryplanning.org](mailto:elsabett.tesfaye@montgomeryplanning.org) 301-495-1301  
 Fredrick Vernon Boyd, Master Planner, Area-3 [fred.boyd@montgomeryplanning.org](mailto:fred.boyd@montgomeryplanning.org) 301-495-4654  
 Kipling Reynolds, Division Chief, Area 3 [kipling.reynolds@montgomeryplanning.org](mailto:kipling.reynolds@montgomeryplanning.org) 301-495-4575

**Completed: 10-30-2015**

**Description**

**Greenskeeper Landscaping (Mamana)**

A. CU-2015-04: Greenskeeper Landscaping (Mamana): Request for a Conditional Use approval of a Landscaping Contractor Business, located at 3309 Damascus Road (MD 650), 31.58 acres, identified as Parcel 150 on Tax Map HV-53, on the north side of Damascus Road, approximately 700 feet east of its intersection with Sundown Road, AR Zone, *2005 Olney Master Plan Area*.

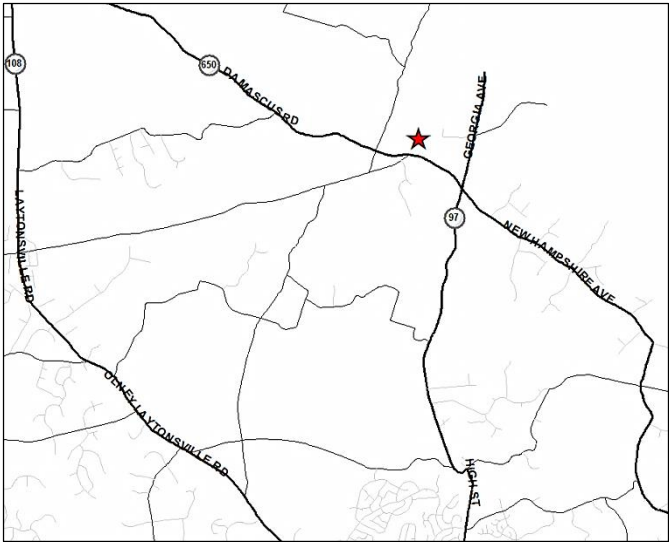
**Staff Recommendation:** Approval with conditions

**Application Filed:** February 6, 2015

**OZAH Public Hearing:** December 4, 2015

**Planning Board Hearing:** November 12, 2015

**Applicant:** David Mamana



**Summary**

- With the recommended conditions, the subject uses conform to all applicable requirements and regulations for approval of a landscape contractor business Conditional Use (**Section 59. 3.5.5**) of Montgomery County Zoning Ordinance and the applicable development standards under the Agricultural Reserve Zone (**Section 59. 4.2.1**)
- The subject uses are consistent with the recommendations of the *2005 Olney Master Plan* and compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not inflict discernable adverse impact on the immediate neighborhood.
- There are no notable traffic, circulation, noise or environmental issues associated with the Application provided that the recommended conditions are satisfied.
- This application is in compliance with the Montgomery County Environmental Guidelines and the Patuxent River Primary Management Area Guidelines. The plan proposes an overall impervious area of 10.6 percent for the net tract with an impervious level within the PMA transition area limited to 7.09 percent.

## **SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVALS**

Staff Recommends Approval of CU-15-04 subject to the following Conditions:

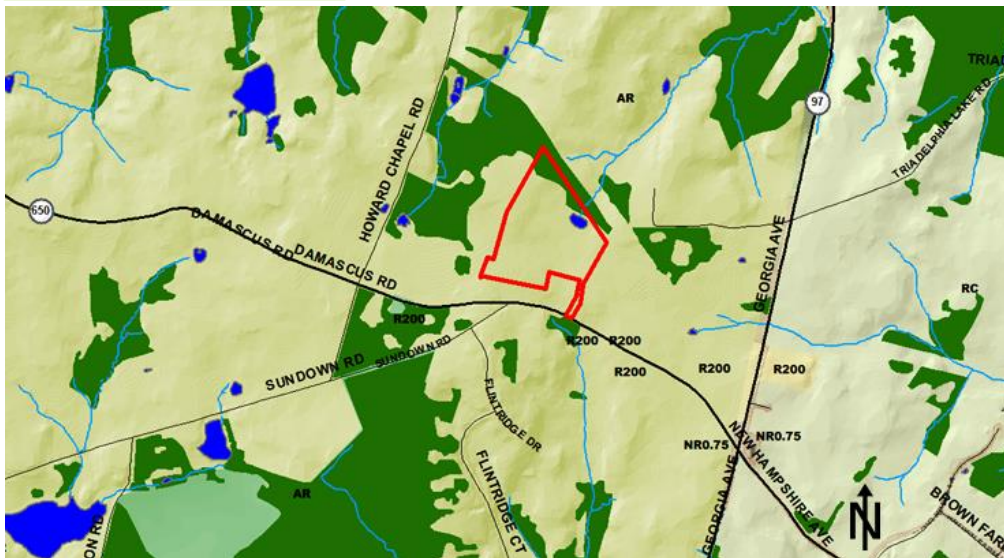
1. The maximum number of employees for the operations of the landscape contractor business must not exceed 53 of which not more than 26 can be on site at any one time.
2. The Applicant is bound by the statement of operations as depicted on the Conditional Use Site Plan submitted on September 30, 2015. The landscape contractor must not have more equipment and machinery than what is itemized in the Conditional Use Site Plan.
3. The Applicant must limit impervious surfaces to no more than 10.6 percent of the net tract area and no more than 7.1 percent within the transition area of the Primary Management Area.
4. The use must comply with the conditions of the Final Forest Conservation Plan.
5. At least one of the four handicap spaces must be a van-accessible space.
6. The existing dead-end gravel driveway extensions, located on the eastern side of the property (near Pole Barns C and D) must be eliminated.
7. Placement of the wheel stops must be limited to the 60 required minimum spaces and the remaining gravel areas must be reserved for use as storage or parking of equipment.
8. There must be no sign identifying the property as a landscape contractor.
9. No mulch/compost manufacturing operation shall be conducted on the property.
10. Landscaping must be planted in accordance with the Landscape & Lighting plans submitted to Maryland National Park and Planning Commission (M-NCPPC) on September 30, 2015.
11. Prior to the Hearing Examiner closing the record, MCDPS must approve a septic system for the proposed use.
12. Prior to issuance of a Use and Occupancy Permit, the Applicant must submit into the record of this Application a final Fire Access Plan approved by the Montgomery County Department of Fire and Rescue Services.

## SECTION II: PROJECT DESCRIPTION

### A. Background

The property is located at 3309 Damascus Road, on the north side of the road, approximately 700 feet east of its intersection with Sundown Road in the Olney Master Plan area (“Property” or “Subject Property”). The Property consists of approximately 31.58 acres of land identified as Parcel P150 on Tax Map HV-53. The Property is zoned Agricultural Reserve (AR).

Figure 1: Vicinity Map



The Applicant has been operating a landscape contractor business on the Property since 2003 without a Conditional Use approval. A violation notice was issued by the Montgomery County Department of Permitting Services in July 2014 and the Applicant was directed to file for a Special Exception to seek approval of a landscape contractor business on the Property. A Conditional Use application, CU-15-04 (“Application”), was filed on February 6, 2015.

Historical aerial photos show that the Subject Property was used as a tree farm and is improved with four pole barns of different sizes that were built on the Property at various times between 2003 and 2014. The Applicant intends to continue operating the landscape contractor business; retaining the existing improvements, including the four pole barns, gravel parking and outdoor storage areas, a farm pond and a network of gravel driveways. The Applicant is also in the process of upgrading the existing septic system to bring the Property and the proposed use into compliance with the Department of Permitting Services’ code requirements.

The Conditional Use proposes no new construction or expansion of buildings. However, because at least one of the existing structures that is to be used for the proposed commercial

use was built without a building permit as an agricultural structure (barn), the Montgomery County Department of Permitting Services (MCDPS) can require the Applicant to secure retroactive building permits. Should MCDPS require building permits for one or more of the existing structures, M-NCPPC will require that the Property be recorded by record plat prior to issuance of a building permit.

## B. Site Description

Figure-2: The Subject Property



The approximately 31.58-acre Property is improved with two, one-story metal pole structures (Pole Barn A: 5,800 SF and Pole Barn B: 2,880 SF), and two smaller buildings (Pole Barn C: 1,200 SF and Pole Barn D: 768 SF). The Applicant has indicated that Pole Barn A and B are used as a combination office for the business and equipment storage. Pole Barn A is served with water by an existing agricultural well and contains a bathroom facility that is served by a 1,250 gallon

sewage holding tank of unknown origin. The two smaller buildings are used as field offices. A 21,600 square-foot farm pond is located on the northeast portion of the Property.

The existing improvements also include a number of gravel parking areas and a network of gravel driveways. The Property slopes from southwest to northeast towards the existing farm pond dropping in elevation 40 feet from its highest elevation.

**Figure-3: Access Driveway**



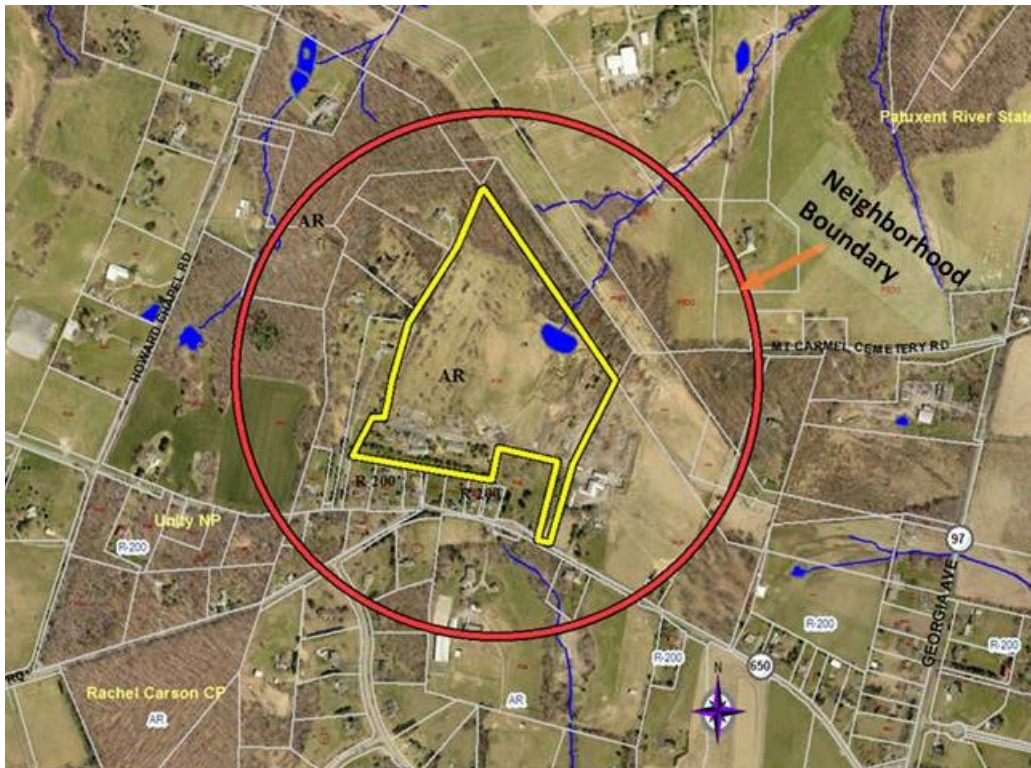
The Property is accessed from Damascus Road (MD 650) by a 46-foot wide gravel driveway apron that narrows into a 12-foot drive way, traversing a 75-foot wide, and approximately 460-foot long pipe stem. At the northern end of the pipe stem the driveway branches out into a network of gravel driveways connecting the various locations of activities and facilities on the Property.

### **C. Neighborhood Description**

For purposes of this Application, staff defines the surrounding neighborhood as farmland and residential uses located within a 1,500 feet radius of the Subject Property.

The neighborhood, which also includes the rural community of Unity is predominantly agricultural with single-family detached residential homes on large estate lots, farms and unimproved parcels, all in the AR and R-200 Zones. The Subject Property is surrounded by a small enclave of R-200 zoned residential properties to the south, a large farm property to the east in the AR Zone, a 350-foot wide PEPCO power line right-of-way to the north and northeast in the AR Zone and four agricultural properties to the west, also in the AR Zone. Farther south beyond the small R-200 zoned properties, across Damascus Road, are AR zoned properties. The Unity Neighborhood Park and the Rachel Carson Conservation Park are located approximately 850 feet and 1,000 feet respectively from the southwestern corner of the Property, immediately outside of the defined neighborhood.

**Figure 4: Neighborhood**



**D. Zoning and Land Use History**

The Property was placed in the R-R Zone when the zone was enacted and mapped in the 1954 Regional District Zoning. The 1958 County–Wide Comprehensive Zoning confirmed the R-R zoning of the Property (The R-R Zone was renamed R-200 in 1973). The 1980 Master Plan for Olney placed the Property in the Rural Density Transfer (RDT) Zone. The 2005 Olney Master Plan and the subsequent Sectional Map Amendment retained the Property’s RDT Zoning. With the adoption of the new Zoning Code of 2014, the RDT Zone was renamed Agricultural Reserve (AR) Zone.

**E. Proposed Use**

The Applicant, David Mamana seeks approval of a Conditional Use application to allow the continuation of an existing Landscape Contractor business that has been in operation on the Property for the past 12 years without an approved Conditional Use permit.

The subject Conditional Use has the following equipment and vehicles:

- 1 large loaders
- 4 skid steers
- 30 trucks
- 2 mini –excavators`
- 15 trailers (non-dumping)
- 1 tractor

The business has a seasonal maximum of 53 employees, consisting of the Applicant and 52 other laborers/truck drivers, office staff and yard workers. Employees work in four shifts. The business operates six days a week, 6:00 a.m. to 5:00 p.m., Monday to Friday and 8:00 a.m. to 4:00 p.m. on Saturdays. The Application proposes 85 onsite gravel parking spaces (including 4 handicapped spaces) of which 50 are dedicated for trucks and equipment and 35 are dedicated for employees and visitors. Twenty-five of the 30 trucks associated with the business are parked on the Property overnight.

The number of employees will vary, depending upon the season, with the largest number of employees needed during the spring, summer and fall. The Applicant's Statement of Justification states that many of the laborers carpool to work, and often will report directly to the job site without coming to the Property.

The Applicant indicated that of the four structures on the Property, the larger two metal pole structures (Pole Barn A and Pole Barn B) are used as a combination office and equipment storage. The remaining two smaller buildings are used as field offices. The existing septic holding tank was installed without proper permitting. It will be removed and replaced with a larger septic facility that meets current standards. The Conditional Use Site Plan shows a new 17,000-square foot septic field on the western portion of the Property. Permit approval is pending for this new septic system

**Figure 5: Pole Barn A**



**Figure 6: Pole Barn B**

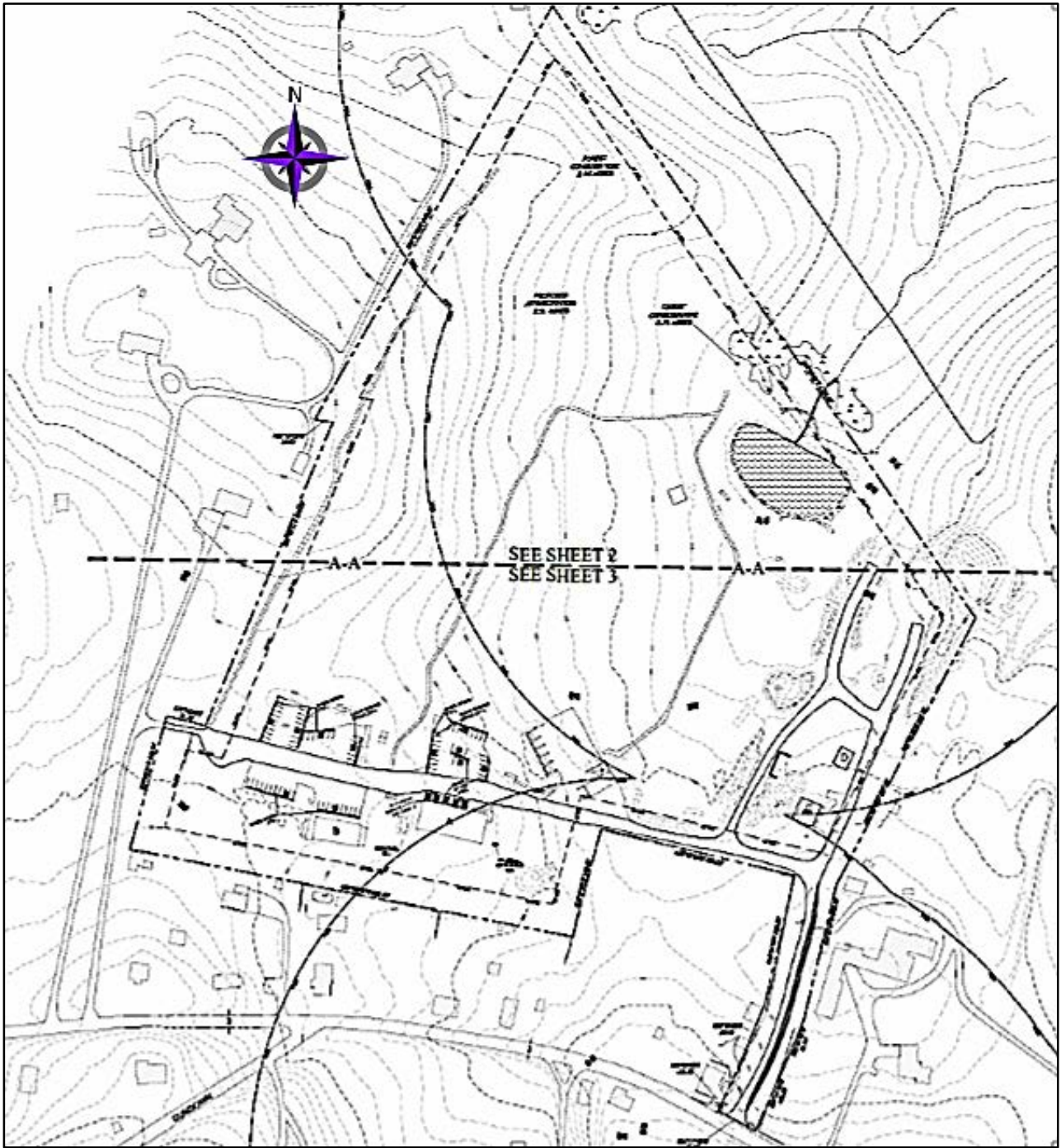


**Figure 7: Pole Barns C and D**





Figure 8: CU Site Plan



SECTION III: ANALYSIS AND FINDINGS

A. Master Plan

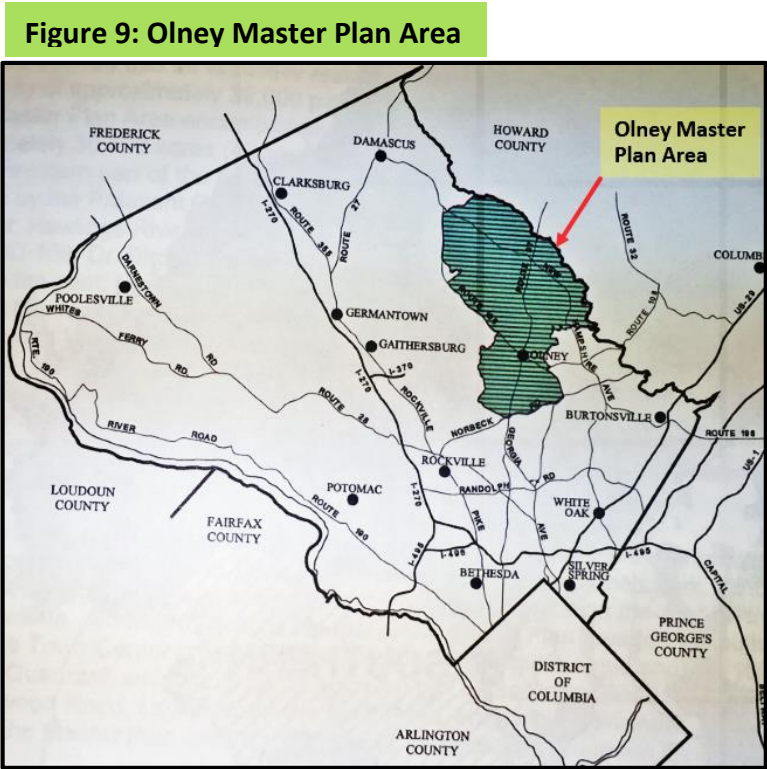


Figure 9: Olney Master Plan Area

The Property is located within the 2005 Olney Master Plan area. It is west of the Sunshine area, within the area known as Unity Village. This area falls within the part of the Olney Master Plan designated as "Northern Olney" and "Rural Communities". The Master Plan identifies the Villages of Sunshine and Unity along with the Mount Zion Community as an integral part of the Rural Heritage of Northern Olney. On pages 18-19 of the Master Plan, the Land Use Recommendation calls for discouraging residential development by maintaining rural zoning designations and protection of forested areas and

wetlands. The land use recommendation for rural communities (p 20) is to: "Maintain the character and existing scale of development in the rural communities in Northern Olney. Prohibit additional zoning for commercial uses or expansion of commercially zoned areas in these communities." The Applicant does not propose any new construction or expansion of existing improvements on the Subject Property, and therefore, with the continuation of the subject Conditional Use, the character and existing scale of development in the rural communities will remain unaffected. The subject Conditional Use is compatible with the existing rural character of the surrounding area. The existing character and scale of development in the rural communities of the Villages of Sunshine and Unity would not be negatively impacted by the proposed use.

The Subject Property is in the Upper Patuxent River watershed and subject to the Patuxent Primary Management Area (PMA) guidelines to protect water quality. The PMA guidelines seek to restrict uses with high impervious levels in close proximity to all tributaries of the Patuxent. As a Property within the PMA and subject to a Conditional Use review, the existing impervious surfaces meet the PMA requirements.

**B. Development Standards**

**Table 1**

<b>Development Standards AR Zone</b>			
<b>AR-Zone</b>	<b>Required</b>		<b>Proposed/Existing</b>
	<b>59-4.2.F</b>	<b>59-3.5.5 Landscape Contractor</b>	
<b>Minimum Site Area</b>	25 ac	2 ac	31.58 ac
<b>Minimum Lot Area</b>	40,000 SF		
<b>Minimum Lot width:</b>			
▪ at street line	25ft		75 ft
▪ at building line	125 ft		960 ft±
<b>Maximum Building Coverage</b>	10percent		1.28 percent total
<b>Minimum Building Setback</b>			
<b>Principal Building:</b>			
• front	50 ft		800±ft
• side street	50 ft		----
• side	20 ft		200±
• rear yard	35 ft		1,040±
<b>Maximum Building Height</b>	50 ft		25± ft
<b>Minimum Building Setback</b>			
<b>Accessory structure:</b>			
• front	50 ft		80.35
• side street	50 ft		
• side	15ft		95±
• rear yard	15 ft		81.93±
<b>Minimum Setback for parking and loading</b>		50 ft	>50 ft
<b>Parking</b>			
<b>Min Vehicle Parking spaces</b>	60 sp.	60 sp	85 sp
<b>59-6.2.4</b>			
<i>(See Table 2 below under</i>			
<b>Maximum Building Height</b>	50 ft		25± ft
<b>Minimum Parking Setbacks</b>			
• <b>Front</b>		50 ft	230± ft
• <b>Side 6.2.5.k.2</b>		100	>200 ft
• <b>Sum of sides (6.2.5.k.2)</b>		200	>200 ft
• <b>Rear (4.4.9.B.2)</b>			

### C. Transportation

The driveway access for the Subject Property is located approximately 750 feet to the east of the intersection of Sundown Road and Damascus Road. It is the only vehicular access for the Property, which backs up against an easement to power lines owned and operated by PEPCO. Vehicle parking is to be provided on-site. There are no sidewalks on Damascus Road from Georgia Avenue (MD 97) to Woodfield Road (MD 124) in Damascus, a distance of nearly ten miles. Additionally, there are no sidewalks on Georgia Avenue until the town of Brookeville.

The closest transit service is Ride-On Route 53, which operates about 4.5 miles south of the Subject Property. A vehicle (or bicycle) is required to get to the bus stop from the Property, which is located on Gold Mine Road and Georgia Avenue. The bus provides service between the Glenmont and Shady Grove Metrorail stations, Monday through Friday, approximately every 30 minutes during the morning and afternoon peak periods.

Based on the absence of a sidewalk network and the distance and modes required to reach a bus stop, all access to the Property is expected to occur via automobile, either driving alone or carpooling.

The 2005 Approved and Adopted Olney Master Plan contains the following recommendations for nearby roadway facilities:

- Damascus Road (MD 650): A country arterial (CA-13) with two travel lanes (one lane in each direction) with a right-of-way of 80 feet.

The 2005 Approved and Adopted Countywide Bikeways Functional Master Plan contains the following recommendations for nearby roadway facilities:

- Damascus Road (MD 650): A shared roadway (SR-44) from Georgia Avenue to Main Street in Damascus.

Should the Property be required to record a plat, right-of-way dedications in accordance with the Olney Master Plan, will need to be made.

The proposed Landscaping Contractor with 53 employees does not trigger LATR as confirmed with actual driveway counts in the AM and PM peak periods. The Property is located in the Rural East Policy Area, which is exempt from the transit and roadway test and, therefore a Transportation Policy Area Review (TPAR) impact tax payment is not required.

### D. Parking

In general, the Application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of .50 spaces per employee plus 1 space per each vehicle operated in connection with the Landscape Contractor use located within the Agricultural Zone:

**Table 2**

<b>Section 59.6.2.4 Parking</b>	<b>Required</b>	<b>Provided</b>
<ul style="list-style-type: none"> <li>• Employee .50 sp/employee</li> <li>• 1sp/each Vehicles associated with use</li> <li>• Office 2.8 sp/1000 SF office</li> </ul>	<p>53 X .50=26.5=27</p> <p>1x30=30</p> <p>2.8 sp/1000=2.8 =3</p>	<p>32</p> <p>50</p> <p>3</p>
<b>Total</b>	60 spaces including 3 handicapped spaces	85 including 4 Handicapped spaces

The Applicant’s revised plan indicates the proposed use sufficiently meets the parking requirement. The parking areas are located in the interior of the Property, a substantial distance from adjoining residential properties. The Applicant miscalculated the number of employee parking spaces required by **Sec. 59. 6.2.4**. The Applicant used 1 per employee rather than .50 baseline minimum when calculating a portion of the requirement resulting with 53 spaces (1 space X 53 employees=53) instead of 26 (.50 space X53 employees=26.5=27). The Conditional Use Site Plan shows 25 spaces in excess of the required 59 spaces. Staff realizes that although the delineation of the parking spaces with assigned wheel stops serves to demonstrate that parking requirements are met, the parking areas (gravel lots A, B, and C) have always been used for parking purposes. Staff recommends that placement of the wheel stops be limited to the required 60 minimum spaces and the remaining gravel areas to remain without wheel stops and used for equipment parking or, storage.

The handicapped parking spaces (4) are appropriately located in close proximity to Pole Barn A (largest structure, assumed main office) and are generally in compliance with **Section 6.2.3.b**. Staff recommends that at least one of the four handicapped spaces be modified as a van-accessible space.

**E. Landscaping**

Division 6.5.3.C.7 (page 6-32) requires that landscape screening be provided for a Conditional Use in the Agricultural Zone. In response to Staff comments, under the Revised Landscape and Lighting Plan (date received September 30, 2015), substantially increased the amount of proposed plant materials by adding 44 plants (including additional understory plantings). The combination of the 6-foot high board on board fence, proposed plant material, and existing plant material provides adequate screening between the Subject Property and the existing residential uses along the southern Property boundary. The existing hedgerow along the western and eastern Property boundaries mainly consists of evergreen trees and will also provide adequate screening along those edges of the Property.

In response to staff’s initial comments, the existing pole barns (4), surface parking spaces and light fixtures are identified on the Revised Landscape and Lighting Plans. As noted earlier, staff

recommends a reduction in the total number of surface parking spaces, as only 59 spaces are required.

### **Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces**

#### **1. Landscaped Area**

- a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- b. A maximum of 20 parking spaces may be located between islands.
- c. A landscaped area may be used for a stormwater management ESD facility.

#### **2. Tree Canopy**

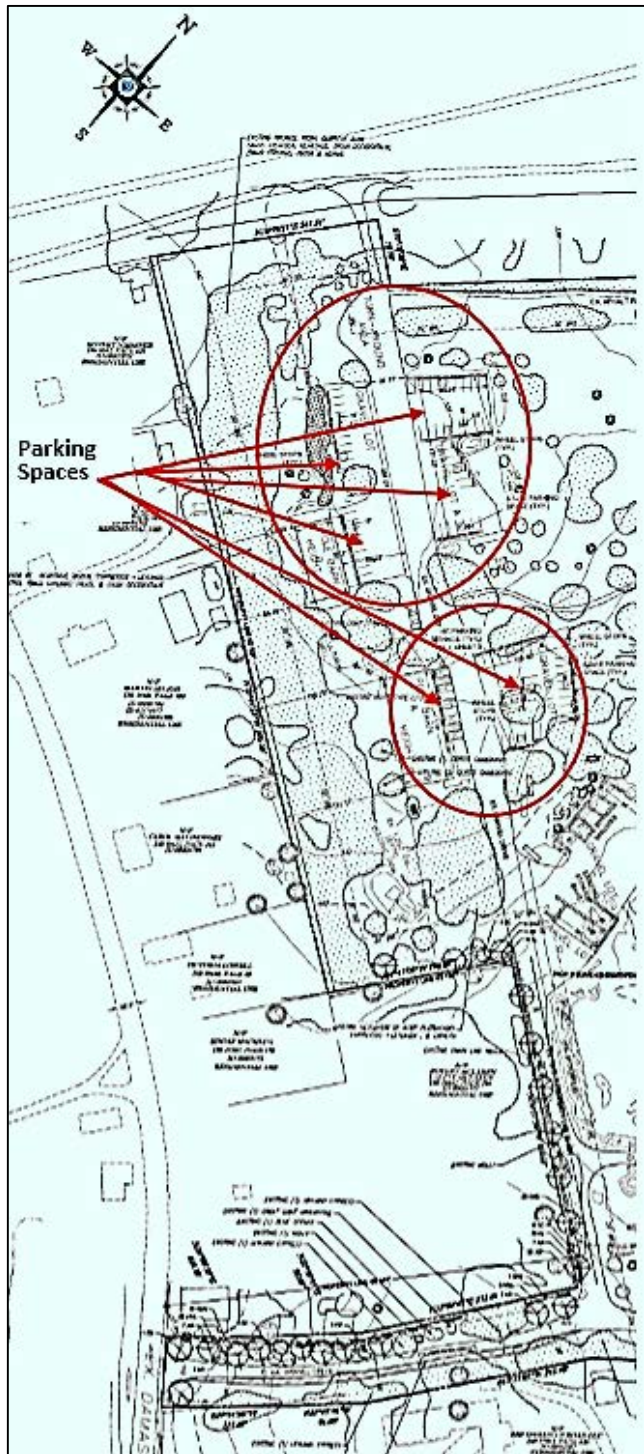
Each parking lot must maintain a minimum tree canopy of 25 percent coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.

#### **3. Perimeter Planting**

- a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:
  - i. Be a minimum of 10 feet wide;
  - ii. Contain a hedge, fence, or wall a minimum of 6 feet high;
  - iii. Have a canopy tree planted every 30 feet on center; and
  - iv. Have a minimum of 2 understory trees planted for every canopy tree.
- b. The perimeter planting area for a property that abuts any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential detached-zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:
  - i. Be a minimum of 6 feet wide;
  - ii. Contain a hedge or low wall a minimum of 3 feet high; and
  - iii. Have a canopy tree planted every 30 feet on center; unless
  - v. The property abuts another parking lot, in which case a perimeter planting area is not required

The revised landscape plan satisfies the requirements of **Section 6.2.9.C.1 through 3: Parking Lot Requirements for 10 or more Spaces**. The Applicant is proposing to designate a maximum of 85 parking spaces. Wheel stops are provided in each parking space and along the perimeter of the parking lot shade trees have been planted. Staff is recommending that the wheel stops be limited to the 60 spaces, the required minimum number of parking spaces.

Gravel Lot A, and Gravel Lot B, each contain a maximum number 10 spaces in a single row. The remaining 10 rows contained in the four parking areas consist of



3 to 9 spaces per each row. Both Gravel Lot A, and Gravel Lot B, each contain a maximum number 10 spaces in a single row. The remaining 10 rows contained in the four parking areas consist of 3 to 9 spaces per each row. Both Gravel Lot B and Gravel Lot C, contain one large matured tree in the center of each lot. Given the existing conditions of the parking lots, the vegetation within and at the perimeter of the lots, a creation of landscaped islands would not be practical.

**Figure 11: Gravel Lot C**



The Applicant will exceed the 5 percent requirement for landscaped surface parking areas (proposing 30 percent) and the tree canopy requirement consists of 12 existing shade trees plus 11 additional trees. Most of the existing (mature) trees are older than 20-years; therefore, have a canopy coverage of 250 square feet. The proposed tree plantings (11) will have a canopy at 250 square feet or greater at 20-years of growth. (See findings under Item **E. Landscaping** below for additional information on proposed landscaping) Staff also believes that the Applicant will substantially meet the tree canopy coverage requirement as well.

**Section 59. 3.5.5.B: Landscape Contractor**

The specific Conditional Use requirement of **Section 59. 3.5.5.B.3** contains the following requirements under which adequacy of parking and impacts on adjoining neighbors will be addressed.





## **F. Lighting**

Pursuant to Division 6.4.4.E, outdoor lighting for a conditional use must be directed, shielded or screened to ensure that the illumination is 0.1 foot-candles or less at any lot line that abuts a lot with a detached house building type, not located in a commercial/residential or employment zone.

There will be no light spillage to the adjacent properties. Outdoor lighting is limited to four (4) building mounted security lights: three (3) existing motion sensor lights are mounted on the north side of Building 'A' and one (1) proposed light mounted on the north side of Building 'B'. The wall mounted light fixtures (types A and C) as shown on the Revised Landscape and Lighting Plan will provide adequate illumination directly adjacent to the existing Pole Barns. The wall mounted light fixtures have a minimum distance of 80-feet from the property boundary. Given the placement and type of light fixtures, Staff is able to conclude that the photometrics at the Property line are less than 0.1 foot-candles. No new light fixtures are proposed.

## **G. Signage**

The Applicant indicated that no identification sign would be placed on the property. Staff recommends that there will be no sign identifying the proposed use on the property.

## **H. Environment**

### Consistency with Environmental Guidelines

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this 31.58-acre Property on September 24, 2015. The Property currently has 2.81 acres of forest which is located along the northeastern Property boundary (see attached Forest Conservation report).

The northern portion of the Property drains to the Patuxent River Watershed, which is classified by the State of Maryland as Use Class III-P waters and the southern portion drains to the Hawlings River Watershed, which is classified by the State of Maryland as Use Class IV waters. The majority of the Property is located within the Patuxent River Primary Management Area (PMA). There is an existing farm pond near the north-central Property line. The pond discharges into a perennial stream channel that flows offsite at the northeastern corner of the Property. The associated stream buffer and nontidal wetland are partially located on the Property. The land surrounding the pond is maintained as open field, with a few scattered trees. There is also an offsite perennial stream to the south that originates on the south side of Damascus Road. The stream buffer for this stream does not encroach on the Property. There is no mapped 100-year floodplain on the Property.

### Impervious Area Limits and Stream Buffer Impacts

Because of its proximity to tributary streams, the majority of the Property is located within the Patuxent River PMA. The PMA on the Property is the land area within  $\frac{1}{8}$  mile (660 feet) of the streams on and near the Property. The 660 foot wide PMA consists of the stream valley buffer and the transition area. There are specific requirements outlined in the *Environmental*

*Guidelines* for properties located within the PMA. The stream valley buffer is delineated based on the stream buffer calculations outlined in the *Environmental Guidelines*. For this Property which drains to both the Hawlings and the Patuxent River, the buffer is a minimum of 125 feet for streams that drain to the Hawlings River and 150 feet for streams that drain to the Patuxent River. The stream valley buffer can be expanded to include environmentally sensitive features such as wetlands, steep slopes, and highly erodible soils. The remaining area within the 660 foot wide PMA is the transition area. To protect the water quality within the Patuxent watershed, the *Environmental Guidelines* establish impervious limits for development. The stream buffer must be left undisturbed and in its natural state and any disturbance of the stream buffer requires M-NCPPC Staff review. The *Environmental Guidelines* further require that imperviousness within the transition area should not exceed ten percent.

The Property is currently developed and no additional construction is proposed to accommodate the proposed use. The Property contains approximately 146,568 square feet of existing impervious surfaces which equates to 10.6 percent of the entire Property. Of that, 64,649 square feet of impervious area is located within the PMA transition area and includes structures, gravel parking area, a path, and the gravel driveway<sup>1</sup>. This equates to 7.09 percent imperviousness within the 912,438 square foot transition area, which is below the ten percent threshold recommended by the *Environmental Guidelines*. The remaining impervious area is located outside of the PMA, and is not subject to the 10 percent impervious surface restriction.

#### Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Final Forest Conservation Plan has been submitted for review and is recommended for approval by the Planning Board as a separate action with this Conditional Use Application.

**Note:** *For a complete analysis of conformance with Chapter 22A, please refer to the Final Forest Conservation Plan Staff report being considered concurrently with this Conditional Use review.*

#### **H. Community Concerns**

At the time of this writing, no communication has been received from the community either in support or in opposition of the proposed Conditional Use since the Application was filed on February 6, 2015. By e-mail communication in April of 2015, the Applicant had indicated that on several occasions, he has met with most, if not all, of his neighbors many of whom, he has a friendly relationship. Some of his neighbors have used the Property periodically for various activities including walking their dogs, using the trails, practice driving golf balls, hunting and similar activities. The Applicant further stated that since purchasing the Property 12 years ago, no neighbor has ever voiced a complaint or expressed any opposition to the landscape contractor business operation.

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<sup>1</sup>*Approximately 334 square feet of impervious area is within the stream buffer due to an existing path. Staff analyzed the impact of this extremely small encroachment into the buffer and determined that it would be more environmentally damaging to remove it than to let it remain.*

**SECTION IV COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SPECIFIC CONDITIONAL USE REQUIREMENTS IN SECTION 59-3**

**Section 59.7.1.E. Necessary Findings**

Section 59.7.3.1.E.1 states that, to approve a conditional use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.

- a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

There is no previous Conditional Use approval associated with the Subject Property.

- b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

With staff's recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section 59.3.5.5-Landscape Contractor. As shown on the use standard Table in Section III of this report the Application meets the requirements of the AR Zone development standards per Section 59.4.2.F and the applicable parking requirements of Article 6.

***Section 59. 3.5.5. Landscape Contractor-Specific Conditional Use Requirements:***

***A. Defined***

***Landscape Contractor means the business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal. Landscape Contractor does not include Lawn Maintenance Service (see Section 3.5.14.G, Lawn Maintenance Service).***

The proposed Landscape Contractor business meets the definition of the Use as described by this Section. The proposed use does not include a Lawn Maintenance Service or any other use.

***B. Use Standard***

***Where a Landscape Contractor is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:***

- 1. In the Agricultural, Rural Residential, and Residential Detached zones the minimum lot area is 2 acres. The Hearing Examiner may require a larger area if warranted by the size and characteristics of the inventory or operation.**

The proposal satisfies this requirement. The Subject Property comprises 31.58 acres of land.

- 2. Building and parking setbacks, including loading areas and other site operations, are a minimum of 50 feet from any lot line.**

Areas for parking and loading of trucks and equipment as well as other on-site operations are located a minimum of 50 feet from any Property line. Adequate buffering and screening is provided in the form of a landscape strip, substantial distances from residential buildings, existing mature trees and wooded areas, fencing, forest conservation easement and staff recommended additional planting.

- 3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the contracting business or parked on-site must be limited by the Hearing Examiner to avoid an adverse impact on abutting uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.**

Adequate parking is provided for the proposed landscape contractor business. The parking areas are located in the interior of the Property substantially distanced from the adjoining residential properties with the closest residential property located 120 feet from the parking area. The parking areas are situated at two locations: Gravel Lot A and Gravel Lot B (separated by a driveway) with a total of 50 spaces and Gravel lot C with 28 spaces. Seven spaces, four of which are handicapped spaces are located adjacent to Pole Barn A. In addition, Gravel lot D, consisting of seven existing storage bays is located east of the Gravel Parking Lot C.

The business has 53 total staff that including the Applicant, eight office staff, three yard workers, and 42 laborers and truck drivers. Ten of the, 53 employees remain on-site during the day. The Applicant also indicated that of the 42 laborers/truck drivers, approximately 18 drive their own personal vehicles; most of the rest share rides and carpool. The Applicant further stated that many of the laborers carpool to work or often will report directly to the work site without coming to the Property. The number of employees varies seasonally, with the largest number of employees being present during the spring, fall and summer seasons.

The Applicant's parking table contains a miscalculation in the number of spaces required, resulting in parking spaces in excess of the minimum requirements.

Since the gravel areas where parking is provided are existing and are being used for parking purposes, Staff recommends that the placement of the wheel stops identifying each space be limited to the minimum number required by the code (60). The remaining gravel surface areas could be used for additional storage of business vehicles but the wheel stops should be removed.

The four handicap accessible parking spaces are appropriately located in close proximity of Pole Barn A. The ample gravel areas provide for adequate vehicular circulation and operation of equipment. Staff recommends the elimination of the existing dead-end gravel driveway extensions, located on the eastern side of the Property (near Pole Barns C and D).

**4 *Sale of plant materials, garden supplies, or equipment is prohibited unless the contracting business is associated with a Nursery (Retail) or Nursery (Wholesale).***

There will be no sale of plant materials or garden supplies on the Property. There is no Nursery (Retail) or Nursery (Wholesale) business operating on the Property.

**5 *The Hearing Examiner may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.***

The hours of operation for the subject landscaping contractor business are from 6:00 am to 5:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on Saturdays. Snowplow operations may occur during winter for up to 24 hours as needed or requested.

**Table 3**

<b>Shifts</b>	<b>Employees</b>	<b>Total</b>
<b>Shift 1</b> <b>6:00 a.m. - 5:00 p.m.</b>	6 managers	<b>6</b>
<b>Shift 2</b> <b>6:30 a.m. - 3:00 p.m.</b>	23 laborers/truck drivers 1 yard staff	<b>24</b>
<b>Shift 3</b> <b>7:00 a.m. – 3:30 p.m.</b>	19 laborers/truck drivers 1 yard staff	<b>20</b>
<b>Shift 4</b> <b>9:00 a.m. to 5:00 p.m.</b>	1 yard staff 2 office	<b>3</b>

The Applicant has noted that the hours of operation and the number of employees will vary depending upon the season of the year. The Saturday work hours are mainly for peak season (spring) which runs from April thru May. Employees arrive in the morning to pick-up company vehicles, materials and equipment, and return in the evening to retrieve their private automobiles.

These operating hours are not likely to be disruptive to the adjacent properties or the general neighborhood.

**c. Substantially conforms to the recommendations of the applicable Master Plan.**

The Property is located within the 2005 Olney Master Plan area. It is west of the Sunshine Village, within the area known as Unity Village. This Property is within the area identified in the Master Plan as "Northern Olney". The Master Plan describes Northern Olney as an area that includes a portion of the Patuxent River mainstem watershed and the entirety of the Hawlings River watershed, a major tributary of the Patuxent River. The Master Plan (page 17) further states that zoning in these watersheds is specifically designed to maintain rural character by transferring the development from the area west of Georgia Avenue and concentrating it around the Olney Town Center. The Master Plan recommendation for the Northern Olney area, relative to the Application includes:

- Retaining RDT zoning (Now renamed AR) Zone on the west side of Georgia Avenue;
- Protecting forested areas and wetlands that contribute to the health of the drinking water supply through the development process and applicable conservation.

As noted earlier (Section III), the Subject Property is also part of Unity, one of the three small communities within the larger Northern Olney area that the Master Plan identifies as Rural Communities. The Master Plan Recommends the prohibition of additional zoning for commercial uses, or expansion of commercially zoned areas in these communities. The Master Plan does not offer a specific recommendation for Conditional Uses for Landscape Contractors

The Property is located within the Patuxent River and Hawlings River watersheds. The Master Plan makes reference to the *Patuxent River Watershed Functional Master Plan*, which delineates the Patuxent PMA limiting uses and restricting impervious area in low-density zones (see detailed discussion on the watershed and impervious areas in Section III (D) of this report under the heading "Environment").

The PMA guidelines seek to restrict uses with high impervious levels in close proximity to all tributaries of the Patuxent River. As a Property within the PMA and subject to a Conditional Use review, the Application meets the PMA requirements and is within the appropriate threshold of the impervious surface limitations for those portions of the Property within the PMA. The existing Landscape Contractor use on the Subject Property is not in conflict with the land use goals of the Master Plan.

The Applicant has applied to upgrade the septic system to meet current standards and will be required to remove the septic holding tank. A permit for the new system is

pending approval by the MCDPS Well and Septic Section. The Applicant has also submitted a Forest Conservation Plan that staff reviewed and recommended for approval with conditions (See Section III (D) for details).

**d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.**

With the recommended conditions, the proposed use will be in harmony with the general character of the neighborhood. The Conditional Use Site and Landscape Plans provide for extensive landscaping in excess of code requirements, adequate setbacks meeting code requirements, substantial green space that will remain partially in open space and partially forested and sufficient building setbacks. There is extensive buffering, in the form of landscaping, afforestation, fencing and preservation of wooded areas, between the nearest residential properties and the proposed use.

Due to the nature of the use, the restricted hours of operation, and the location of the Property that is greatly removed from the neighborhood, it is unlikely that the proposed use will generate a level of traffic or noise that will adversely affect the residential neighborhood.

**e. Will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a conditional use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.**

The Subject Property abuts a PEPCO electric line right-of-way located to the northeast. The 350-foot wide right-of-way which is also zoned AR was approved in 1972 as a Conditional Use (S-214). The power line by its nature, does not generate any type of activity that would be impacted by the introduction of the Landscape Contractor business into the area. Another Conditional Use (S-1713) approved in 1983 for a landscape contractor use is located outside of the staff-defined neighborhood boundaries about one mile east of the Subject Property at 22610 Georgia Avenue, in Brookeville. Given the location and orientation of the two properties—the subject property, fronting Damascus Road and not visible from this roadway, and S-1713, fronting Georgia Avenue—it is not likely that the approval of the Subject Conditional Use would adversely affect the predominantly rural/agricultural nature of the area.

**f. Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:**

- i. **If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or**

Technically, the subject Conditional Uses is not subject to approval of a Preliminary Plan of Subdivision because the Application does not propose construction of a new building. However, Staff is aware that the violation notice issued by MCDPS identifies failure to obtain a building permit as one of the pending violations. The Applicant has indicated that a permit application is currently under review by MCDPS, although staff has been unable to verify this assertion. Staff notes that if MCDPS forwards any pending permit request to MNCPPC, recordation of a plat will be required pursuant to Section 50-20 of the Subdivision Regulations prior to issuance of that permit. Given the uncertain nature of the building permit, Staff determined that making the Adequate Public Facilities findings as part of this Application would be a practical course of action to take.

**(i) Water and Sewer Service**

*The Property is currently served by a non-permitted septic system. The Applicant is proposing to replace the current septic system with a larger system to accommodate the proposed Conditional Use. The application for the new system has passed the required perc tests and is currently under review for approval by MCDPS Well and Septic Section. Recommendation for approval of the Conditional Use Application is subject to MCDPS approval of the proposed Septic System.*

**(ii) Transportation**

Local Area Transportation Review (LATR)

*The subject Conditional Use Plan for the proposed use of a landscaping contractor with 53 employees does not trigger LATR as confirmed with actual driveway counts in the AM and PM peak periods. The threshold for an LATR review, according to the LATR and TPAR Guidelines, is 30 net new additional trips in either the AM or PM peak hour. As shown in the Applicant's traffic statement, attached to this report as Attachment C, traffic statement the most trips would occur during the 6:30 AM-7:30 AM peak hour, for 26 total trips. During the PM peak hour, which is from 4:00 PM-5:00pm, 19 trips would occur. Since these are actual driveway counts, which are indicators of how this business actually operates, and no expansions has been indicated, these counts are considered to be the best data available to determine the impacts of this business.*

Transportation Policy Area Review (TPAR)



*The Property is located in the Rural East Policy Area, which is exempt from the under the transit and roadway test and, therefore a TPAR impact tax payment is not required.*

*Staff finds the proposed access to the Subject Property to be adequate to serve the traffic generated by the development.*

**(iii) Other facilities**

*There is adequate electric and telephone service. The Sandy Spring Volunteer Fire Station is located at 16911 Georgia Avenue, approximately seven miles south of the Subject Property. The closest police station, Montgomery County Police substation is located at 17811 Georgia Avenue approximately six miles south of the Property. Due to the nature of the Conditional Use, it does not generate any school aged children and a school facilities review is not necessary. With approval of pending applications for septic and building permit, the Conditional Use will continue to be served by adequate facilities.*

*Following Staff's advice, the Applicant has been consulting with the Montgomery County Department of Fire and Rescue Services (MCFRS) regarding adequacy of fire access given the requirement for commercial use and occupancy permits for the subject Conditional Use. The Applicant has indicated that his team is discussing with MCFRS officials issues related to the following:*

- 1. Providing a twenty (20) foot wide access onto the Property for emergency access, and*
- 2. Providing a water supply for emergency purposes.*

*Final design and approval by the MCFRS will occur prior to issuance of a Certificate of Occupancy.*

- ii. If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;**

In the event that a filing of preliminary plan of subdivision becomes necessary, staff does not anticipate a notable change in the finding of adequate public facility that is made as part of this Application.

- g. Will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:**
- i. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
  - ii. Traffic, noise, odors, dust, illumination or lack of parking; or**
  - iii. The health, safety or welfare of neighboring residents, visitors or employees.**

The inherent, generic physical and operational characteristics associated with landscape contractor business are (1) buildings, structures, outdoor areas for the storage of plants and gardening-related equipment; (2) outdoor storage of plant stock, mulch, soil and landscaping materials in bulk and in containers; (3) on-site storage of business vehicles and equipment including small trucks and landscaping trailers; (4) traffic associated with the trips to the site by employees, suppliers and customers; trips to and from the site by employees engaged in off-site landscaping activities; (5) adequate parking areas to accommodate customers and Staff; (6) dust and noise associated with the movement of landscaping products and the loading and unloading of equipment associated with landscaping businesses; and (7) hours of operation.

The scale of existing buildings, the number of access points, the internal vehicular circulation system, onsite parking areas, large and medium size storage buildings, material storage areas, loading and unloading of supplies and equipment for off-site operations are operational characteristics typically associated with landscape contractor operation. Staff, however, considers the fact that part of the Property is located within the Patuxent PMA and subject to the 10 percent impervious surface is a non-inherent characteristic, but one of a nature that does not rise to a level to warrant a denial. The impervious areas necessary to accommodate the proposed use meet the recommended impervious limits for the Patuxent PMA. The landscape contractor use is consistent with all applicable standards of the AR Zone and satisfies all applicable requirements for such uses provided that recommended conditions are met.

Based on the traffic statements and staff's analysis, the vehicular movements on the road will not cause undue harm to the neighborhood. The Property is surrounded by active agricultural uses. The closest residential homes south of the Property are sufficiently buffered from the activities by ample landscaping, including existing mature evergreen trees, shrubs, a board-on board fence and adequate setbacks. No improvements or activities associated with the use on the Property are visible from the adjoining road.

At full capacity of 53, employees will work in shifts using a four-shift system designed so that majority of trips associated with the business will occur at different times during the peak hours and some trips will occur outside of the peak hours. With the recommended conditions, the Conditional Use will not create undue traffic and will not

adversely impact the environment. Adequate on-site parking is provided to satisfy the needs of the Conditional Use.

The Applicant intends to use existing structures (pole barns) to operate the landscape contractor business. There will be no new construction on the Property. However, the Applicant will need to address any building permit requirements as required by MCDPS. As previously noted the Applicant has submitted a new septic plan for review and approval by the MCDPS Well and Septic Section. Final approval of this Application should be conditioned upon the Applicant obtaining appropriate septic permits for the proposed use.

The lighting concept as depicted on the landscape plan is appropriate for the proposed use at the subject location. The Conditional Use Application will not cause objectionable noise. The operational activities of the landscape contractor business are well secluded. They cannot be seen from the road and are well buffered from the adjacent residential properties. Moreover, the majority of the business is conducted off-site; there will be no customer visitation to the site. The site is strictly used for storage of equipment, mulch, and vehicles associated with the business.

With the recommended conditions of approval, the inherent and non-inherent impacts associated with the proposed uses do not rise to a level sufficient to warrant a denial of the Application.

## **SECTION V. CONCLUSION**

The proposed Conditional Use satisfies all applicable requirements for approval of a Conditional Use as specified in the 2014 Montgomery County Zoning Ordinance. The proposed use is consistent with the recommendations of the 2005 Olney Master Plan. There is no unacceptable traffic, circulation, noise or environmental impacts associated with the Application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, Staff recommends **Approval** of Conditional Use CU-15-4, subject to the conditions found on Page 2 of this report.

## **ATTACHMENTS**

- A. Plans and drawings
- B. Final Forest Conservation Plan Recommendation
- C. Supplemental information

# PLANS AND DRAWINGS

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**Attachment-A**



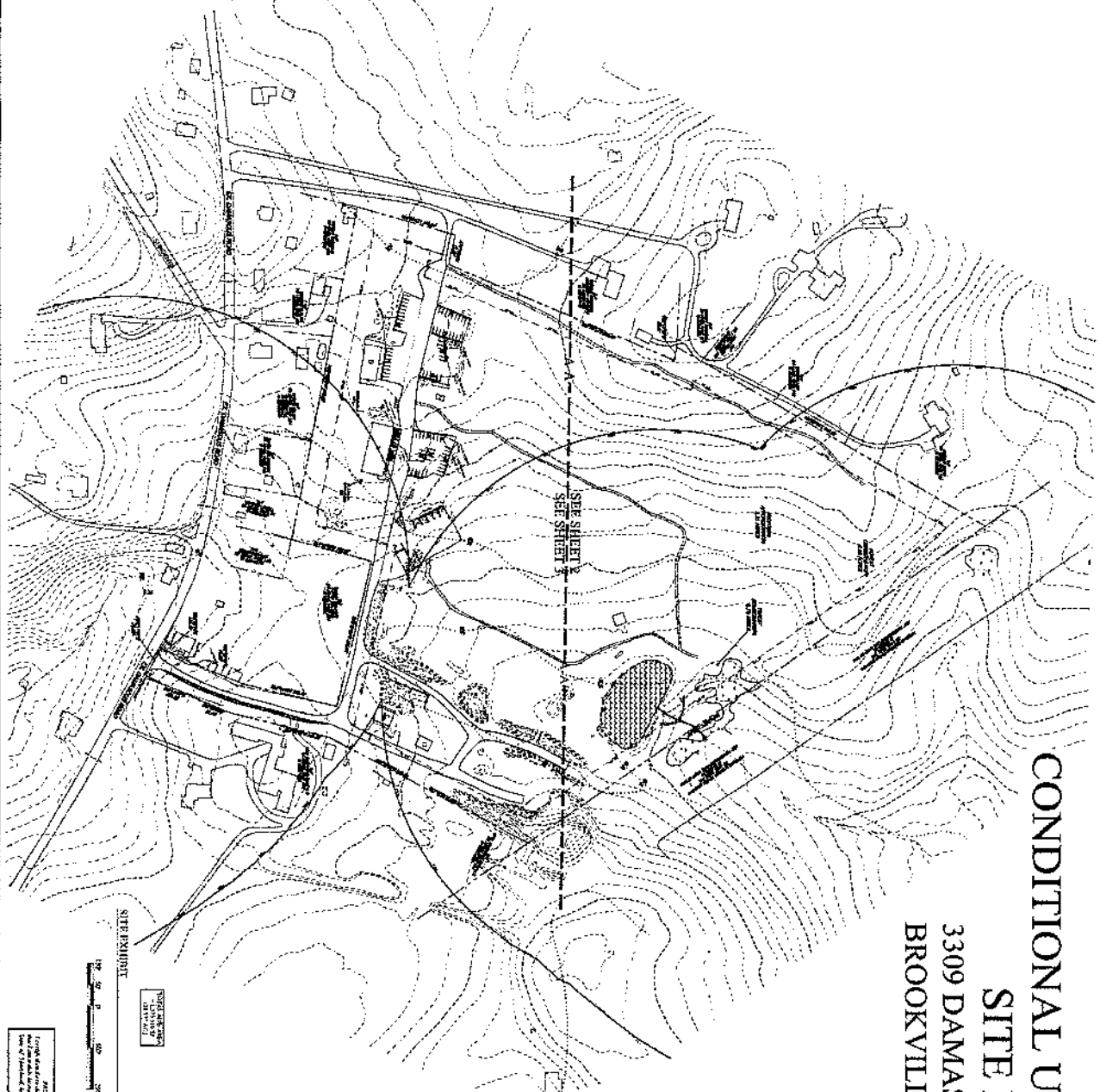


CI-2015-04 Greenskeeper Landscaping

# CONDITIONAL USE APPLICATION

## SITE PLAN

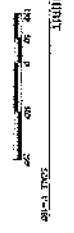
3309 DAMASCUS ROAD,  
BROOKVILLE, MD 20833



**SHEET INDEX**

1	COVER SHEET
2	CONDITIONAL USE APPLICATION SITE PLAN
3	ENVIRONMENTAL USE APPLICATION SITE PLAN

- GENERAL NOTES**
1. SEE COVER SHEET FOR SHEET NO. AND DATE.
  2. SEE PLAN FOR DIMENSIONS AND NOTES.
  3. SEE PLAN FOR DIMENSIONS AND NOTES.
  4. SEE PLAN FOR DIMENSIONS AND NOTES.
  5. SEE PLAN FOR DIMENSIONS AND NOTES.
  6. SEE PLAN FOR DIMENSIONS AND NOTES.
  7. SEE PLAN FOR DIMENSIONS AND NOTES.
  8. SEE PLAN FOR DIMENSIONS AND NOTES.
  9. SEE PLAN FOR DIMENSIONS AND NOTES.
  10. SEE PLAN FOR DIMENSIONS AND NOTES.
  11. SEE PLAN FOR DIMENSIONS AND NOTES.
  12. SEE PLAN FOR DIMENSIONS AND NOTES.



PROFESSIONAL CERTIFICATION  
I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that I am the author of the foregoing and that I am a duly licensed Professional Engineer in the State of Maryland, No. 11111 - Expiration Date: 04/01/2014.

**REV#**

REV#	DATE

**OWNER**  
DAVID MANANA  
3309 DAMASCUS ROAD  
UNITY, MD 20833  
PHONE: (301) 622-3831

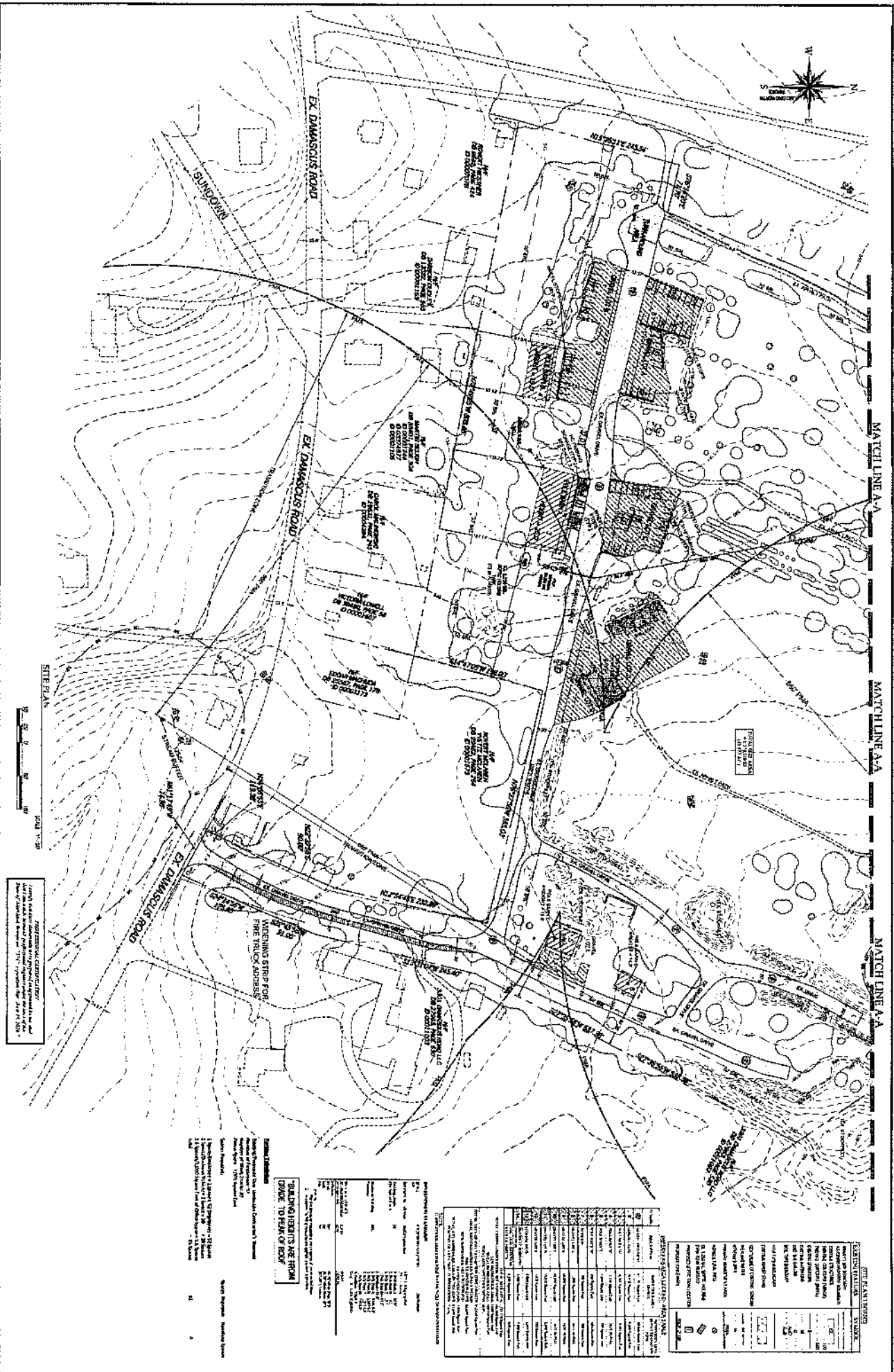
**COVER SHEET**  
3309 DAMASCUS RD  
BROOKVILLE, MD 20833  
PREPARED BY: RAZTEC ASSOCIATES, INC.  
DESIGNED BY: RAZTEC ASSOCIATES, INC.  
DRAWN BY: RAZTEC ASSOCIATES, INC.

**RAZTEC ASSOCIATES, INC.**  
civil engineers & land planners  
10017 27th Avenue, Suite 200  
Brookville, Maryland 21034  
Tel: (301) 778-4334  
Fax: (301) 778-4334  
www.raztec.com



**SCALE:**  
1" = 100'  
CHECKED BY: NR  
DRAWN BY: SL

**DATE:**  
SEPTEMBER, 2015  
**SHEET NUMBER:**  
1 of 3



PROFESSIONAL CERTIFICATE NO. 10000  
 STATE OF MARYLAND  
 CIVIL ENGINEER  
 JOHN A. BROWN  
 10000  
 10000

DATE: SEPTEMBER, 2015  
 SHEET NUMBER: 2 OF 3

SCALE: 1" = 50'

CHECKED BY: AS  
 DRAWN BY: SL



**RAZTEC ASSOCIATES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 3369 DAMASCUS RD.  
 BROOKVILLE, MD 20833  
 TEL: (301) 775-4334  
 FAX: (301) 775-4335  
 WWW.RAZTEC.COM

CONDITIONAL USE APPLICATION  
 SITE PLAN  
 3369 DAMASCUS RD.  
 BROOKVILLE, MD 20833  
 INTERJURIS STATE OF MARYLAND  
 PROFESSIONAL ENGINEER JOHN A. BROWN  
 LICENSE NO. 10000

OWNER  
 DAVID MAMARA  
 3369 DAMASCUS ROAD  
 UNITY, MD 20893  
 PHONE: (301) 622-3831

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY DESIGN	08/15/15	AS
2	FINAL DESIGN	09/01/15	AS
3	CONSTRUCTION		

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY DESIGN	08/15/15	AS
2	FINAL DESIGN	09/01/15	AS
3	CONSTRUCTION		

**BUILDING STRIP AND FORM  
 STRIP TO BEAK OF ROAD**

1. Building Strip: 12' wide  
 2. Form Strip: 12' wide  
 3. Total Width: 24' wide

DATE: 09/01/15





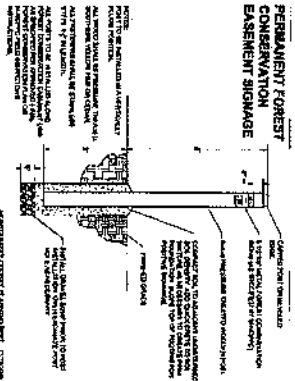
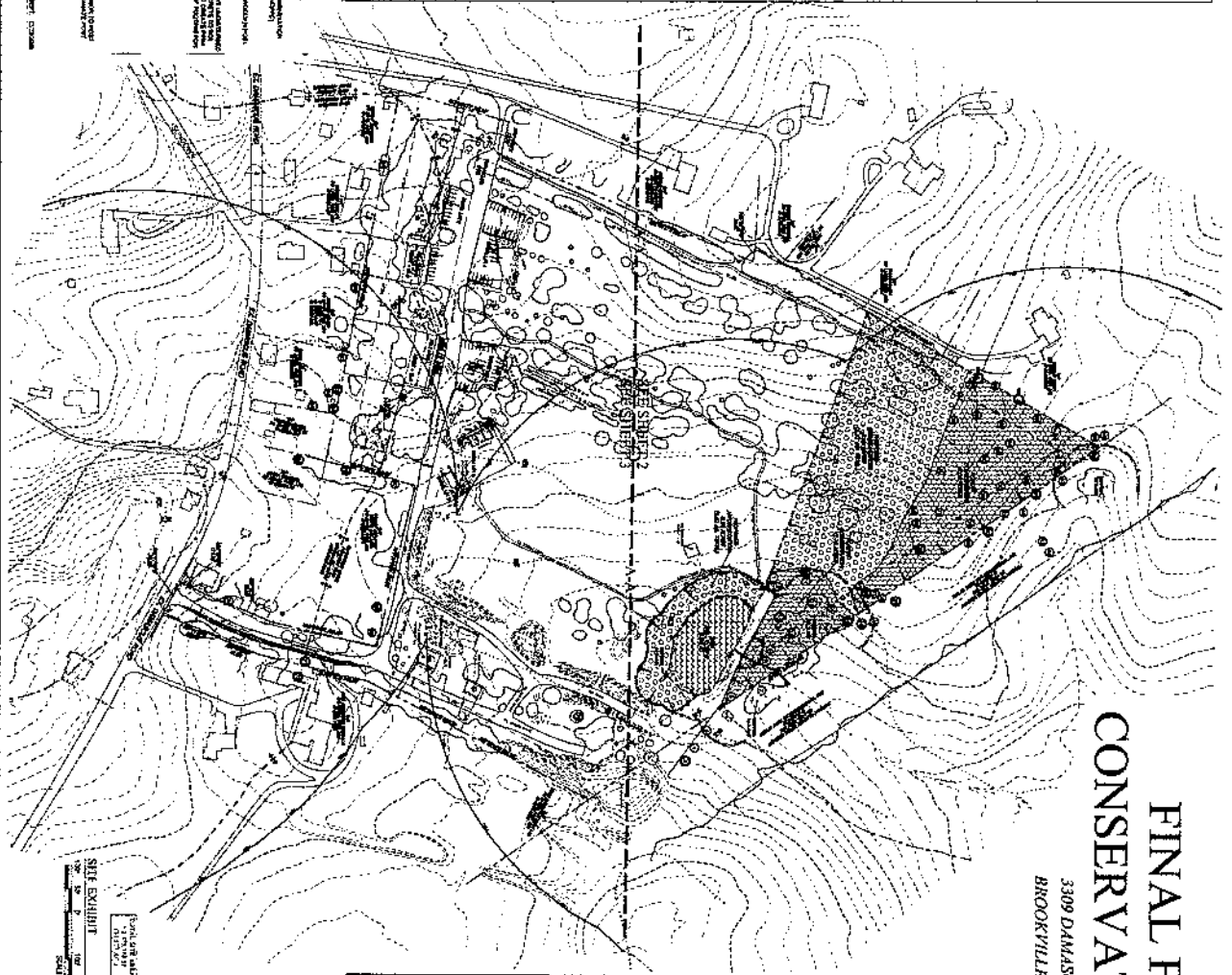
Statement of Work for Permanent Forest Conservation Easement Signage

Project: Conservation Easement Signage, 3309 Damascus Road, Brookville, MD 20833

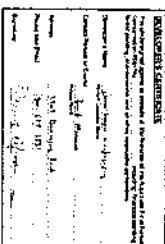
1. The contractor shall provide and install the following signage:
  - a. A 4' x 6' sign at the entrance to the property.
  - b. A 4' x 6' sign at the entrance to the property.
  - c. A 4' x 6' sign at the entrance to the property.
2. The contractor shall provide and install the following signage:
  - a. A 4' x 6' sign at the entrance to the property.
  - b. A 4' x 6' sign at the entrance to the property.
  - c. A 4' x 6' sign at the entrance to the property.
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  - a. A 4' x 6' sign at the entrance to the property.
  - b. A 4' x 6' sign at the entrance to the property.
  - c. A 4' x 6' sign at the entrance to the property.
4. The contractor shall provide and install the following signage:
  - a. A 4' x 6' sign at the entrance to the property.
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  - c. A 4' x 6' sign at the entrance to the property.

# FINAL FOREST CONSERVATION PLAN

3309 DAMASCUS ROAD,  
BROOKVILLE, MD 20833



1. The contractor shall provide and install the following signage:
  - a. A 4' x 6' sign at the entrance to the property.
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  - b. A 4' x 6' sign at the entrance to the property.
  - c. A 4' x 6' sign at the entrance to the property.



Prepared by:  
Joseph A. Wolf,  
Geological Engineer  
Professional No. 10000

Vegetation Type	Area (Acres)	Percentage of Total Area
1. Forest	100.00	100.00%
2. Open Field	0.00	0.00%
3. Pasture	0.00	0.00%
4. Wetland	0.00	0.00%
5. Water	0.00	0.00%
6. Bare Ground	0.00	0.00%
7. Developed	0.00	0.00%
8. Other	0.00	0.00%
<b>Total</b>	<b>100.00</b>	<b>100.00%</b>

Vegetation Type	Area (Acres)	Percentage of Total Area
1. Forest	100.00	100.00%
2. Open Field	0.00	0.00%
3. Pasture	0.00	0.00%
4. Wetland	0.00	0.00%
5. Water	0.00	0.00%
6. Bare Ground	0.00	0.00%
7. Developed	0.00	0.00%
8. Other	0.00	0.00%
<b>Total</b>	<b>100.00</b>	<b>100.00%</b>

**PERMANENT FOREST CONSERVATION PLAN NOTES:**

1. This plan is based on the information provided by the owner and the contractor.
2. The contractor shall provide and install the following signage:
  - a. A 4' x 6' sign at the entrance to the property.
  - b. A 4' x 6' sign at the entrance to the property.
  - c. A 4' x 6' sign at the entrance to the property.
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**VEGETATION MAP**

1. The contractor shall provide and install the following signage:
 

- a. A 4' x 6' sign at the entrance to the property.
- b. A 4' x 6' sign at the entrance to the property.
- c. A 4' x 6' sign at the entrance to the property.

REV#	DATE

**OWNER**  
DAVID MAMANA  
3309 DAMASCUS ROAD  
UNITY, MD 20833  
PHONE: (301) 622-3931

**COVER SHEET**  
3309 DAMASCUS RD  
BROOKVILLE, MD 20833  
AT PEZMAN PARTNER  
ARCHITECTS  
1801 P STREET, N.W.  
WASHINGTON, DC 20036

**RAZTEC ASSOCIATES, INC.**  
CIVIL ENGINEERS & LANDSCAPE ARCHITECTS  
1381 Urban Park  
Baltimore, Maryland 21284  
Tel: (410) 774-1494  
Fax: (410) 833-3939  
Email: raztec@raztec.com

**SCALE**  
1" = 100'

CHECKED BY: KJV  
DRAWN BY: SL

**DATE**  
SEPTEMBER, 2015  
**SHEET NUMBER**  
1 OF 3

CU-15-04 Greenskeeper Landscaping-Index Map



CU-15-04 Greenskeeper Landscaping



1



2



3

CU-15-04 Greenskeeper Landscaping



4



5



6

CU-15-04 Greenskeeper Landscaping



7



8



9

CU-15-04 Greenskeeper Landscaping



10



11



12

CU-15-04 Greenskeeper Landscaping



10



11



12

CU-15-04 Greenskeeper Landscaping



13



14



15



**Final Forest Conservation Plan Recommendation**

**Attachment-B**





**\*Greenskeeper Landscaping (Mamana): Final Forest Conservation Plan No. CU2015-04**

Mary Jo Kishter, Senior Planner, Area 3, [maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org), (301) 495-4701  
 Joshua Penn, Planner Coordinator, Area 3, [joshua.penn@montgomeryplanning.org](mailto:joshua.penn@montgomeryplanning.org), (301) 495-4546  
 Richard A. Weaver, Supervisor, Area 3, [richard.weaver@montgomeryplanning.org](mailto:richard.weaver@montgomeryplanning.org), (301) 495-4544  
 Kipling Reynolds, Chief, Area 3

**Staff Report Date: October 30, 2015**

**Description**

**Greenskeeper Landscaping (Mamana) CU2015-04**

**\*B. Final Forest Conservation Plan CU2015-04**

Request for approval of a Final Forest Conservation Plan as part of a Conditional Use application to operate a landscape contractor business; located at 3309 Damascus Road (MD 650); 31.58 acres; identified as Parcel 150 on Tax Map HV-53, on the north side of Damascus Road (MD 650), approximately 700 feet east of its intersection with Sundown Road; AR Zone; 2005 Olney Master Plan; Patuxent River Watershed Primary Management Area



**Staff Recommendation: Approval with conditions**

**Applicant:** David Mamana  
**Application Filed:** September 25, 2015  
**Review Basis:** Chapter 22A, Forest Conservation Law

**Summary**

- The Application does not propose any new construction.
- The Application proposes to retain 2.81 acres of existing forest and plant 3.51 acres of additional forest.

**STAFF RECOMMENDATION:** Approval of the Final Forest Conservation Plan No. CU2015-04, subject to the following conditions:

1. Within ninety days of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
  - a. Submit a revised Final Forest Conservation Plan CU2015-04 to M-NCPPC Staff for review and approval. The revised Final FCP (FFCP) must correct the Afforestation Plant List to specify a minimum size class of ¾-1" caliper trees with a minimum planting rate of 200 trees per acre.
  - b. Record a Category I conservation easement over all areas of forest retention, forest planting, and stream valley buffer as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
  - c. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
2. Within seven months of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
  - a. Plant 3.51 acres of forest as specified on the approved Final Forest Conservation Plan.
  - b. Submit financial surety for planting 3.51 acres of forest.
  - c. Obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting areas.

## **SITE DESCRIPTION**

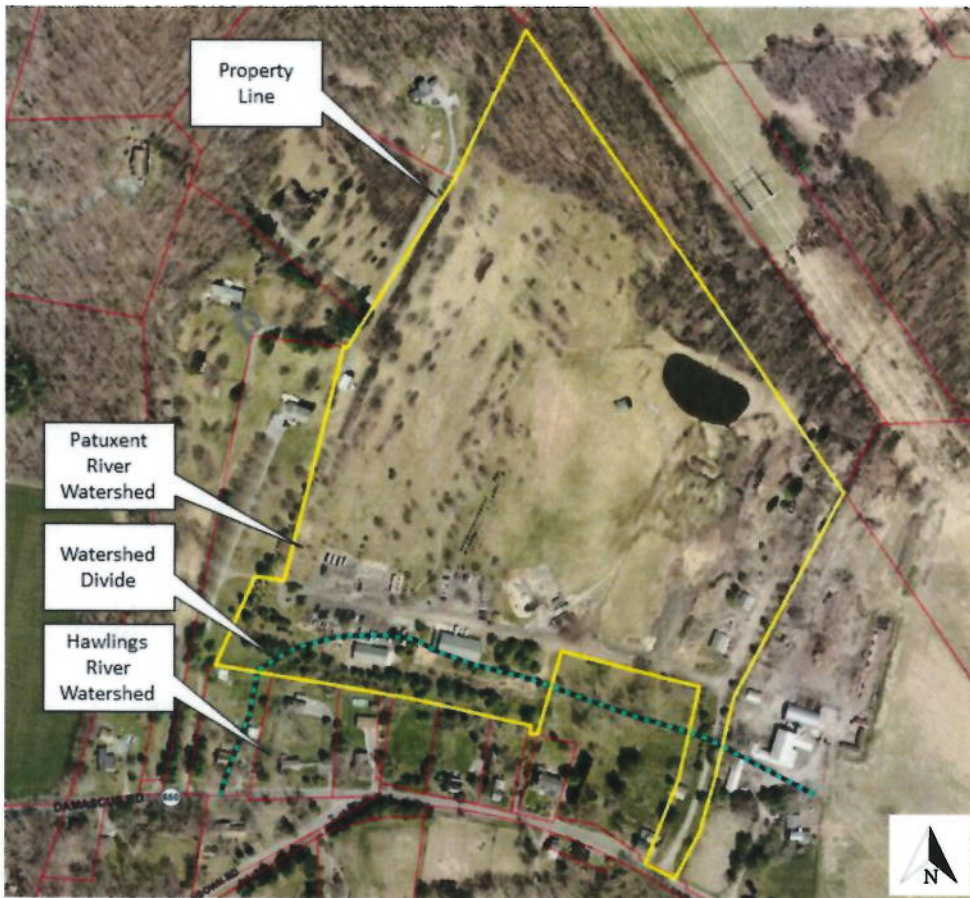
The subject property is identified as Parcel 150 on Tax Map HV 53, and is located at 3309 Damascus Road, approximately 700 feet east of its intersection with Sundown Road in the Olney Master Plan area ("Subject Property" "Property"). The Property is zoned Agricultural Reserve (AR), and it is 31.58 acres in size. The south side of the Property is developed with several buildings and gravel parking as well as operational parking areas that are used for the existing landscape contracting business. The east side of the Property has two additional buildings and a gravel parking area. The Property is accessed from Damascus Road via a pipestem that includes a gravel driveway that leads to the parking areas. The southern Property line generally varies between 200 to 400 feet north of and parallel to Damascus Road and includes a pipestem that is approximately 75 feet wide.

The northern portion of the Property drains to the Patuxent River Watershed, which is classified by the State of Maryland as Use Class III-P waters and the southern portion drains to the Hawlings River Watershed, which is classified as Use Class IV waters. Approximately 73% of the Property is located within the Patuxent River Watershed Primary Management Area (PMA). There is an existing farm pond near the north-central Property line. The pond discharges into a perennial stream channel that flows offsite at the northeastern corner of the Property. The associated stream buffer and nontidal wetland are partially located on the Property. The land surrounding the pond is maintained as open field, with a few scattered trees. There is also an offsite perennial stream to the south that originates on the south side of Damascus Road. The stream buffer for this stream does not encroach on the Property. There is no mapped 100-year floodplain on the Property. The Property contains approximately 2.81 acres of forest. Fifty-six large trees were identified on the Property, including eleven specimen trees (≥ 30 inches

Diameter at Breast Height (DBH)). The majority of these trees are located within the existing forest stand in the northwest corner of the Property. There are no steep slopes or highly erodible soils. Neighboring land uses include single-family residential on various sized lots, utility right-of-way, and agriculture uses. The Property abuts residential properties to the west and south, utility lines to the north, and farm land to the east (Figures 1 and 2).



Figure 1. 2015 Aerial Photograph of Vicinity



**Figure 2. 2015 Aerial Photograph of Parcel 150**

## **PROJECT DESCRIPTION**

The Final Forest Conservation Plan (FCP) was prepared as part of Conditional Use Application No. CU2015-04 (“Application”), to operate a landscape contractor business (Attachment A). While the Planning Board is technically advisory on Board of Appeals applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

The Application does not propose any new construction; however, it does retain some minor existing manmade features within the stream valley buffer and PMA. The Application does not propose to impact or clear any forest or specimen trees.

## **ANALYSIS AND FINDINGS**

### **Forest Conservation**

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on September 24, 2015. A Final Forest Conservation Plan has been submitted for review. There is

approximately 2.81 acres of existing forest on the property. The forest is comprised of two stands. Stand A is a mature, mixed-hardwood forest dominated by mockernut hickory (*Carya tomentosa*), yellow poplar (*Liriodendron tulipifera*), and white oak (*Quercus alba*). Stand B is a mature, bottomland-hardwood forest dominated by red maple (*Acer rubrum*) and pin oak (*Quercus palustris*).

The project does not propose to clear any of the existing forest. However, based on the land use category and the forest conservation worksheet there is a 3.51 acre afforestation planting requirement generated for the Application. The planting requirement will be met onsite within the stream buffer and adjacent to existing forest. The Applicant proposes to retain 2.81 acres of existing forest and plant 3.51 acres of additional forest onsite. These areas as well as the stream, stream buffer and pond will be protected in a Category I conservation easement.

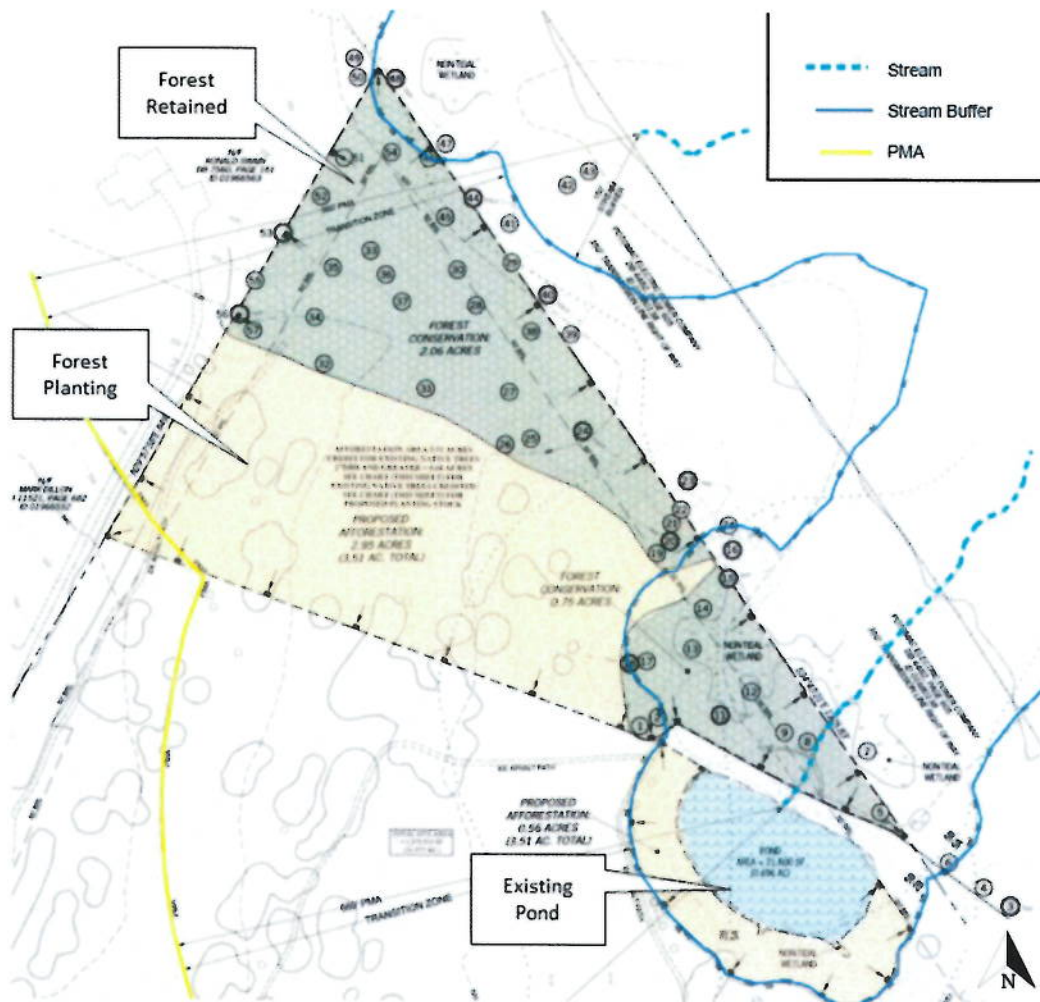


Figure 3: Illustrated Forest Conservation Plan

## **CONCLUSION**

The Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Final Forest Conservation Plan with the conditions cited in this Staff Report.

## **Attachments**

Attachment A – Final Forest Conservation Plan

**Supplemental Information**

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**Attachment-C**







**MONTGOMERY COUNTY**  
**DEPARTMENT OF PERMITTING SERVICES**  
 255 Rockville Pike, 2nd Floor  
 Rockville, Maryland 20850-4166

**NOTICE OF VIOLATION**

Case# 333756  
 Permit Type

Permit  
 Number

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On July 23, 2014 the recipient of this NOTICE: David Mamana who represents the permittee/defendant, is notified that a violation of Montgomery County Code, Section(s) as noted below exists at: 3309 DAMASCUS RD BROOKEVILLE MD, 20833-1208

	<u>VIOLATION</u>	<u>CORRECTIVE ACTION</u>
Violation 1: 8-24(a)	Failure to obtain permit for construction	Obtain all necessary permits
Violation 2: 59-G-1.11	Failure to obtain a special exception	Obtain special exception from Board of Appeals or discontinue use
Violation 3:		
Violation 4:		
Violation 5		

**Violation Comments / Remarks:** Having structures on the subject property without having obtained building or electrical permits.

Operation of a Landscape Contractor business from the subject property without having obtained a Special Exception from the Montgomery County Board of Appeals.

**Corrective Action / Remarks:** Obtain all required permits for the structures on the property or remove the structures.

Obtain a Landscape Contractor Special Exception or cease use of the property for a landscape contractor business.

**See attached Inspection Report(s) for additional violations and/or required corrective actions**

An Inspection fee of \$0.00 is required in addition to any application fee(s).  
 Compliance Time: 08/27/2014 Re-Inspection Date(s): 08/27/2014 Code/Edition:

**Failure to comply with this notice may result in the issuance of one or more civil citations seeking fines of \$ 500.00**

**A STOP WORK ORDER is also issued this date at the above referenced project. All construction activities on these premises must cease immediately. Only those activities required to correct violations may continue. Written permission is required to resume construction.**

ISSUED BY: MARK MORAN *Mark Moran* 07/23/2014  
 Printed Name Signature Date

Phone No: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_  
 Printed Name Signature Date

Phone No: \_\_\_\_\_ Sent by Registered Mail/Return Receipt On: 7-23-14

**RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION**

**Lenhart Traffic Consulting, Inc.**  
Transportation Planning & Traffic Engineering

**Memorandum:**

*Date:* September 22, 2015

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TO: MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

FROM: Mike Lenhart

RE: Traffic Statement for Greenskeeper Landscaping (3309 Damascus Road)

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This Traffic Statement has been prepared for the Conditional Use Plan for Greenskeeper Landscaping. The property is located along the north side of MD 650 at 3309 Damascus Road approximately ½ mile west of MD 97 (Georgia Avenue). The property is currently operating as a non-conforming landscape contractor. The purpose of this Traffic Statement is to be utilized in the Conditional Use process in order to bring the use into conformance.

The property has access through an existing driveway to MD 650 approximately 750 feet east of Sundown Road. A copy of the Conditional Use Plan is included in Appendix A.

The Growth Policy establishes the “Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) Guidelines”. These Guidelines are utilized by the Montgomery County Planning Board for the Administration of the Adequate Public Facilities Ordinance. This Traffic Statement conforms to the LATR and TPAR as required in the Montgomery County Growth Policy. The Growth Policy states that projects that generate fewer than thirty (30) peak hour trips are exempt from the LATR analysis. The Growth Policy also provides TPAR requirements for projects located in different Policy Areas. Excerpts of the LATR/TPAR Guidelines are included in Appendix A.

The following exhibits provide details related to the LATR requirements.

1. Exhibit 1 contains a table of the shift times and number of employees / crews per shift.
2. Exhibit 2 contains a table of the projected peak hour traffic volumes based on the number of employees and work crews, and based upon their time of arrival/departure and corresponding shift times. It is assumed that the employees arrive in the 15 minutes prior to the beginning of the shift, and depart 15 minutes after the end of the shift. Based on the projected site traffic, the site generates a maximum of twenty-four (24) trips in the morning peak hour and nine (9) trips in the evening peak hour.
3. Exhibit 3 contains a summary of the actual traffic counts for the existing use on the property during the morning and evening peak hours. The totals were obtained from a physical traffic count at the entrance of the site. The traffic count is contained in Appendix B to the report. Based on the actual traffic counts, the site generates a maximum of twenty-six (26) trips in the morning peak hour and nineteen (19) trips in the evening peak hour. It should be noted that the actual traffic counts in the correlate fairly well with the projected traffic counts shown on Exhibit 2. In all cases, the site generates fewer than thirty (30) peak hour trips therefore the project is exempt from LATR.

# Lenhart Traffic Consulting, Inc.

## Transportation Planning & Traffic Engineering

The project is located in the Rural East Policy Area which has been identified as exempt from the transit and roadway tests of the TPAR review. Therefore, the project is exempt from TPAR.

Based on the information contained in this report and the traffic generated by the Conditional Use on this property, the project requires a Traffic Statement describing the exemption from both LATR and TPAR.

- The project is located in the Rural East Policy Area which is defined as exempt from TPAR.
- The project generates fewer than 30 peak hour trips, therefore is exempt from LATR.

If you have any questions regarding this matter, please do not hesitate to contact me at the number below.

<u>Shift time</u>	<u>Employees</u>	
<b>Shift 1:</b>		
6:00 a.m. to 5:00 p.m.:	6 - Managers	<b>Note:</b> Managers come in before the crews to prepare for the day's activities. Managers leave after crews to close up shop.
	0 - laborers/truck drivers	
	0 - mechanical	
	0 - yard	
	0 - office	
<b>Shift 2:</b>		
6:30 a.m. to 3:00 p.m.:	0 - Managers	<b>Note:</b> First set of crews dispatch to jobs (7) crews.
	23 - laborers/truck drivers	
	0 - mechanical	
	1 - yard	
	0 - office	
<b>Shift 3:</b>		
7:00 a.m. to 3:30 p.m.:	0 - Managers	<b>Note:</b> First set of crews dispatch to jobs (7) crews.
	19 - laborers/truck drivers	
	0 - mechanical	
	1 - yard	
	0 - office	
<b>Shift 4:</b>		
9:00 a.m. to 5:00 p.m.:	0 - Managers	<b>Note:</b> Secretaries and mechanic come in after crews leave to do office work and maintain equipment.
	0 - laborers/truck drivers	
	1 - mechanical	
	0 - yard	
	2 - office	

**NOTE:**

Of the 42 laborers/truck drivers approximately eighteen (18) drive their own personal vehicles; most of the rest share rides and carpool. The number of employees will vary, depending upon the season. The greatest number of employees will be needed during the spring, summer and fall. Many of the laborers car pool to work, and often will report directly to the job site.

Traffic Impact Analysis	Staffing Levels and Shift Times	Exhibit 1
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning		

## Trip Generation Rates

NOTES:

1. The site is an existing non-conforming use. The site is an existing landscape contractor.
2. This Special Exception application is being filed to bring the existing use into conformance. The project is being tested in accordance with the current County Growth Policy.
3. The trip generation for the site below is based upon the projected traffic volumes to and from the site based on staffing levels and shift times. The trip generation totals below are based on an assessment of the staffing levels and shift times on Exhibit 1. It is assumed that the staff will arrive in the 15 minutes prior to the shift time start, and will depart in the 15 minutes after the shift time end.

## Trip Generation Totals

<u>Greenspeckper Landscaping</u>	<u>Peak Hour</u>		
	<u>In</u>	<u>Out</u>	<u>Total</u>
<u>Morning Peak Hour</u>			
6:30-7:30 am	10	14	24
6:45-7:45 am	10	7	17
7:00-8:00 am	0	7	7
7:15-8:15 am	0	0	0
7:30-8:30 am	0	0	0
7:45-8:45 am	0	0	0
8:00-9:00 am	3	0	3
8:15-9:15 am	3	0	3
8:30-9:30 am	3	0	3
<u>Evening Peak Hour</u>			
4:00-5:00 pm	0	0	0
4:15-5:15 pm	0	9	9
4:30-5:30 pm	0	9	9
4:45-5:45 pm	0	9	9
5:00-6:00 pm	0	9	9
5:15-6:15 pm	0	0	0
5:30-6:30 pm	0	0	0
5:45-6:45 pm	0	0	0
6:00-7:00 pm	0	0	0
<b>Maximum AM Peak Hour Trips (6:30-7:30 AM):</b>	<b>10</b>	<b>14</b>	<b>24</b>
<b>Maximum PM Peak Hour Trips (4:15-5:15 PM):</b>	<b>0</b>	<b>9</b>	<b>9</b>

NOTES:

The Montgomery County Growth Policy contains the following:

1. This property is located in the Rural East Policy Area which is adequate for TPAR.
2. Projects with fewer than 30 peak hour trips are exempt from LATR.
3. The trip generation above is summarized from the site driveway.

Traffic Impact Analysis	Trip Generation based on Staffing Levels & Shift Times	Exhibit 2
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning		

## Trip Generation Rates

**NOTES:**

1. The site is an existing non-conforming use. The site is an existing landscape contractor.
2. This Special Exception application is being filed to bring the existing use into conformance. The project is being tested in accordance with the current County Growth Policy.
3. Therefore the trip generation for the site is based upon the existing traffic volumes to and from the site.
4. The volumes below are the 60-minute floating totals based on the existing traffic count in Appendix A.

## Trip Generation Totals

<u>Greenspeckper Landscaping</u>		<u>Peak Hour</u>		
		<u>In</u>	<u>Out</u>	<u>Total</u>
<u>Morning Peak Hour</u>				
6:30-7:30	am	12	14	26
6:45-7:45	am	8	14	22
7:00-8:00	am	0	14	14
7:15-8:15	am	2	9	11
7:30-8:30	am	2	7	9
7:45-8:45	am	3	5	8
8:00-9:00	am	5	1	6
8:15-9:15	am	3	3	6
8:30-9:30	am	4	3	7
<u>Evening Peak Hour</u>				
4:00-5:00	pm	5	14	19
4:15-5:15	pm	0	12	12
4:30-5:30	pm	0	6	6
4:45-5:45	pm	1	3	4
5:00-6:00	pm	2	5	7
5:15-6:15	pm	2	5	7
5:30-6:30	pm	2	4	6
5:45-6:45	pm	1	2	3
6:00-7:00	pm	0	0	0
<b>Maximum AM Peak Hour Trips (6:30-7:30 AM):</b>		<b>12</b>	<b>14</b>	<b>26</b>
<b>Maximum PM Peak Hour Trips (4:00-5:00 PM):</b>		<b>5</b>	<b>14</b>	<b>19</b>

**NOTES:**

The Montgomery County Growth Policy contains the following:

1. This property is located in the Rural East Policy Area which is adequate for TPAR.
2. Projects with fewer than 30 peak hour trips are exempt from LATR.
3. The trip generation above is summarized from the site driveway.

Traffic Impact Analysis		Trip Generation based on Actual Traffic Counts	Exhibit 3
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning			