



MCPB
Item No.
Date: 03-24-2016

Emerald Landscaping Corporation CU-16-09

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Completed: 03-11-2016

Description

Emerald Landscaping Corporation CU-16-09

Request for a Conditional Use approval of a landscape contractor business, located at 25538 Burnt Hill Road approximately 2,000 feet south of its intersection with Prices Distillery Road, 4.74 acres, identified as Lot-2, Burnt Hill Estates, A R Zone, 1982, Damascus Master Plan Area, as amended in 1985.

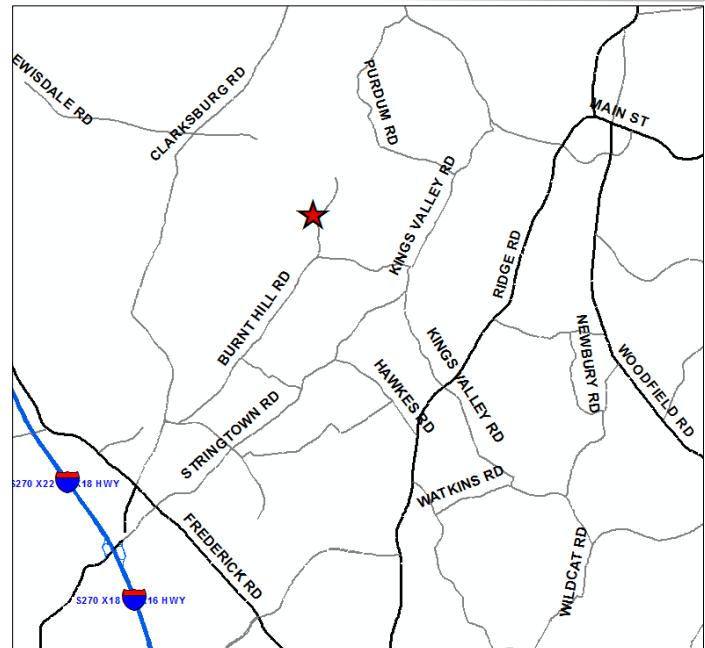
Staff Recommendation: Approval with conditions

Application Filed: December 10, 2015

OZAH Public Hearing: April 8, 2016

Planning Board Hearing: March 24, 2016

Applicant: Emerald Landscaping Corporation



Summary

- With the recommended conditions, the subject use conforms 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 use is consistent with the recommendations of the *1982 Damascus Master Plan, as amended in 1985* and compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise or environmental issues associated with the application provided that the recommended conditions are satisfied.
- The application is in compliance with the Montgomery County Planning Board Environmental Guidelines.

SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVALS

Staff recommends approval of CU-16-09 subject to the following conditions:

1. The maximum number of employees must not exceed 60.
2. The hours of operation must be Monday through Friday 5:45 a.m. to 6:45 p.m., and Saturday 8:00 a.m. to 3:00 p.m. Snow removal may be provided when needed seven days a week, 24 hours a day.
3. The Number of trucks and trailers for the proposed use are limited to a maximum of 21 trucks, and 14 trailers (non-dumping).
4. No mulch/compost manufacturing operation shall be conducted on the property.
5. Landscaping must be planted in accordance with the Landscape & Lighting plans dated March 3, 2016, unless amended by the hearing examiner.
6. Before the Hearing Examiner's hearing in this matter, the Applicant must propose a sign design that is no more than six (6) square feet (2 ft. by 3 ft.) in size. The Applicant must obtain a sign permit for the proposed free standing sign. A copy of the sign permit obtained from the Montgomery County Department of Permitting Services (MCDPS) must be submitted to the Hearing Examiner before the sign is installed on the property.
7. The lighting plan must be amended to indicate that all outdoor lighting will utilize motion sensor/dimming technology so that lights are dimmed when no motion is detected on the site.
8. All vehicles with more than four wheels that are associated with the Applicant's business, including those belonging to employees, must gain ingress and egress from Prices Distillery Road. Vehicles with four wheels (with or without trailer) may use the Burnt Hill Road bridge. All delivery vehicles must gain ingress and egress from Prices Distillery Road; their drivers must be advised of the bridge restriction by the Applicant.
9. Prior to approval of the access permit for this property, the Applicant shall obtain MCDOT's approval of the Sight Distances Evaluation certification form and shall install any necessary advance notice to motorists (including but not limited to signs and markings) as approved by the MCDOT Division of Traffic Engineering and Operations.

SECTION II: PROJECT DESCRIPTION

A. Background

The subject property is located at 25538 Burnt Hill Road approximately 2,000 feet south of its intersection with Prices Distillery Road in Damascus. The property consists of approximately 4.74 acres of land identified as Lot-2, Burnt Hill Estates. The property is zoned Agricultural Reserve (AR) and is located in the 1982 Damascus Master Plan Area as amended 1985.

Figure 1: The Subject Site



The property was part of a Pre-Preliminary Plan No. 720040400 that was approved as a minor subdivision in 2013 for a subdivision to create four lots (Leishear Farm) of an approximately 240 acre-farm. Documents on the property kept with the Land Records of Montgomery County include a recorded plat showing Lot-2 at 4.7432 acres and a right-of-way dedication for the existing Burnt Hill Road. Currently, the property is vacant and used for agricultural purposes. The Applicant intends to relocate his existing landscape contractor business, currently located in Gaithersburg, Maryland, to the subject property.

B. Site Description

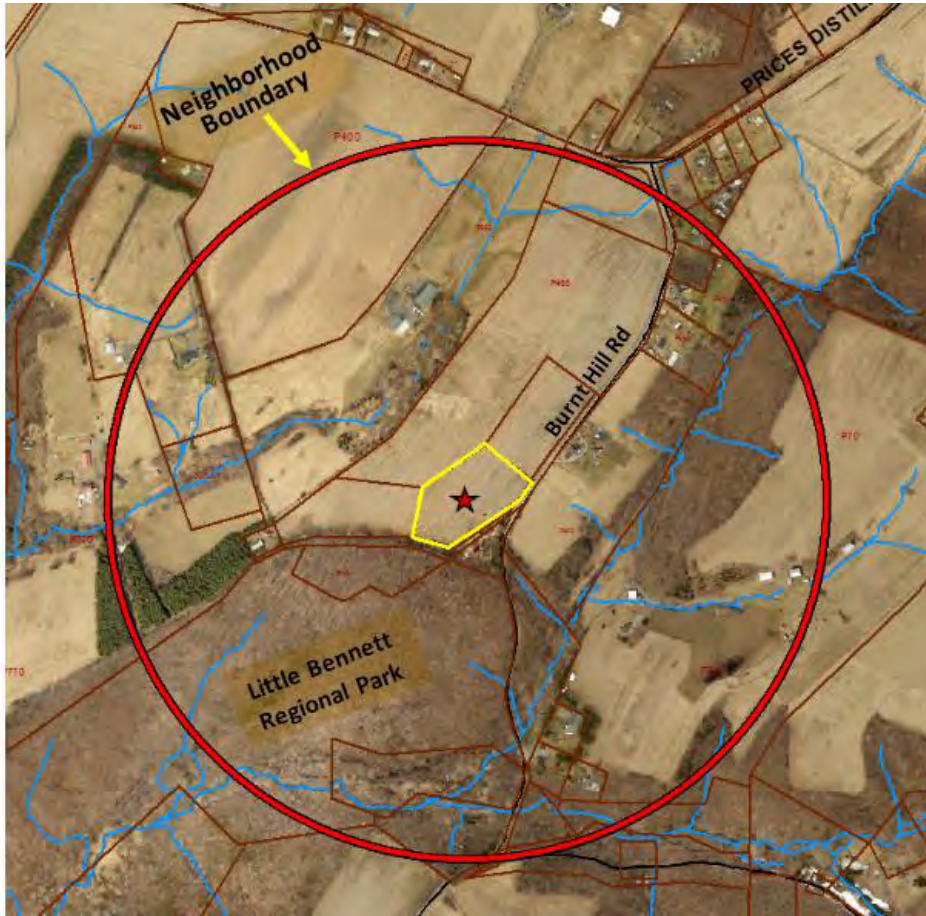
The subject property is an irregularly shaped polygon with no structural improvements or vegetation on the property. There are no streams, wetlands, 100-year floodplains or highly erodible soils on or adjacent to the property. The property slopes from the southeast (front) to the northwest (back). The property's high point is on its southern property line which includes approximately 123 feet of frontage along Burnt Hill Rd where it slightly rises before the grades gradually drops down to approximately 24 feet in elevation. Currently, there is no driveway

apron or access driveway to the property. The property is surrounded by three R-A zoned vacant farm properties and undeveloped wooded property owned by Montgomery County.

C. Neighborhood Description

For the purposes of this Application, staff defines the surrounding neighborhood as farm land and a few residential uses on estate lots within a 2,000-foot radius.

Figure 2: Neighborhood



The surrounding area is predominantly unimproved farmland, parkland, and wooded parcels with some single-family residential dwellings, sheds and farm related buildings, all in the AR Zone. The subject property is surrounded by unimproved farm properties on the north, west, and southwest, Little Bennet Regional Park to the south and east and Burnt Hill Road to the northeast.

The north, west east and central part of the neighborhood are largely farm properties, largely unfrosted farm fields with some areas that are heavily wooded. The southernmost part of the neighborhood consists of portions of the Little Bennett Regional Park which is heavily wooded and extends to the southeast beyond the neighborhood boundaries. There is a small pocket of

residential dwellings located in the northern part of the neighborhood near the intersection of Prices Distillery Road and Burnt Hill Road.

D. Zoning and Land Use History

Records indicate that the Property was placed in the Agricultural-Residential (R-A) Zone prior to 1966, which was renamed RE-2 in 1973. The 1982 (Amended in 1987) Sectional Map Amendment (SMA) G-352 for the Damascus Planning Area rezoned the Property to the Rural Density Transfer (RDT) Zone. The RDT Zone was renamed AR under the County District Map Amendment (G-956) October 30, 2014.

E. Proposed Use

The Applicant, Emerald Landscaping, seeks approval of a Conditional Use to allow establishment of a landscape contractor’s business on the 4.74-acre vacant lot. The Applicant proposes to improve the property with two, one-story buildings of a type known as Morton Buildings, and two parking lots. An onsite circulation system consisting of a combination of asphalt, porous pavement and gravel will connect the buildings, the two parking lots and the areas reserved for storing compost, tree trimming and mulch. The property also contains a 12,500 square-foot septic reserve area and two above ground fuel tanks (one for gasoline and one for diesel), each having a 500-gallon capacity.

The Applicant’s Statement of Justification indicates that the proposed operation consists of providing landscape construction and maintenance services, including sodding, flower bed creation, and drainage services, to off-site locations for commercial and residential projects. In addition, the business provides, hardscape design and construction services that include walkways, patios, and fences. The Applicant indicated that the landscape contractor business will also provide weekly mowing services and seasonal flower bed clean-ups for Homeowners Associations as well as snow plowing and ice removal.

The Conditional Use application proposes a seasonal maximum of 60 employees, consisting of field-shift employees/truck drivers and office staff. Employees work in three shifts with staggered arrival and departure times to and from the property. Presently, the subject landscape contractor has 16 employees. The Applicant anticipates that the full capacity of 60 employees to be phased in over a period of 10 years from the time of approval for the Conditional Use Application. The application proposes phasing the proposed construction of improvements on the property commensurately with growth of the business, envisioning that the business will grow by about 10 percent each year. Consequently, the Applicant plans to construct the improvements on the property in four phases as follows:

- Phase A Construction of the bulk materials bins, material yard, and all parking areas.
- Phase B Construction of the office/shop as a three-sided building (with the fourth side remaining unenclosed for the time-being).
- Phase C Enclosing the fourth wall of the office/shop, and dividing it internally into office and shop areas; and
- Phase D Construction of a building to hold materials.

In Phases A through C, in place of the material building, sea containers are proposed for storage, in the location of the ultimate building. The sea containers will be painted to blend in with the surrounding environment. The Applicant also indicated that the sequence or combination of the phases as described above may be modified based on needs and viability of the improvements to the business.

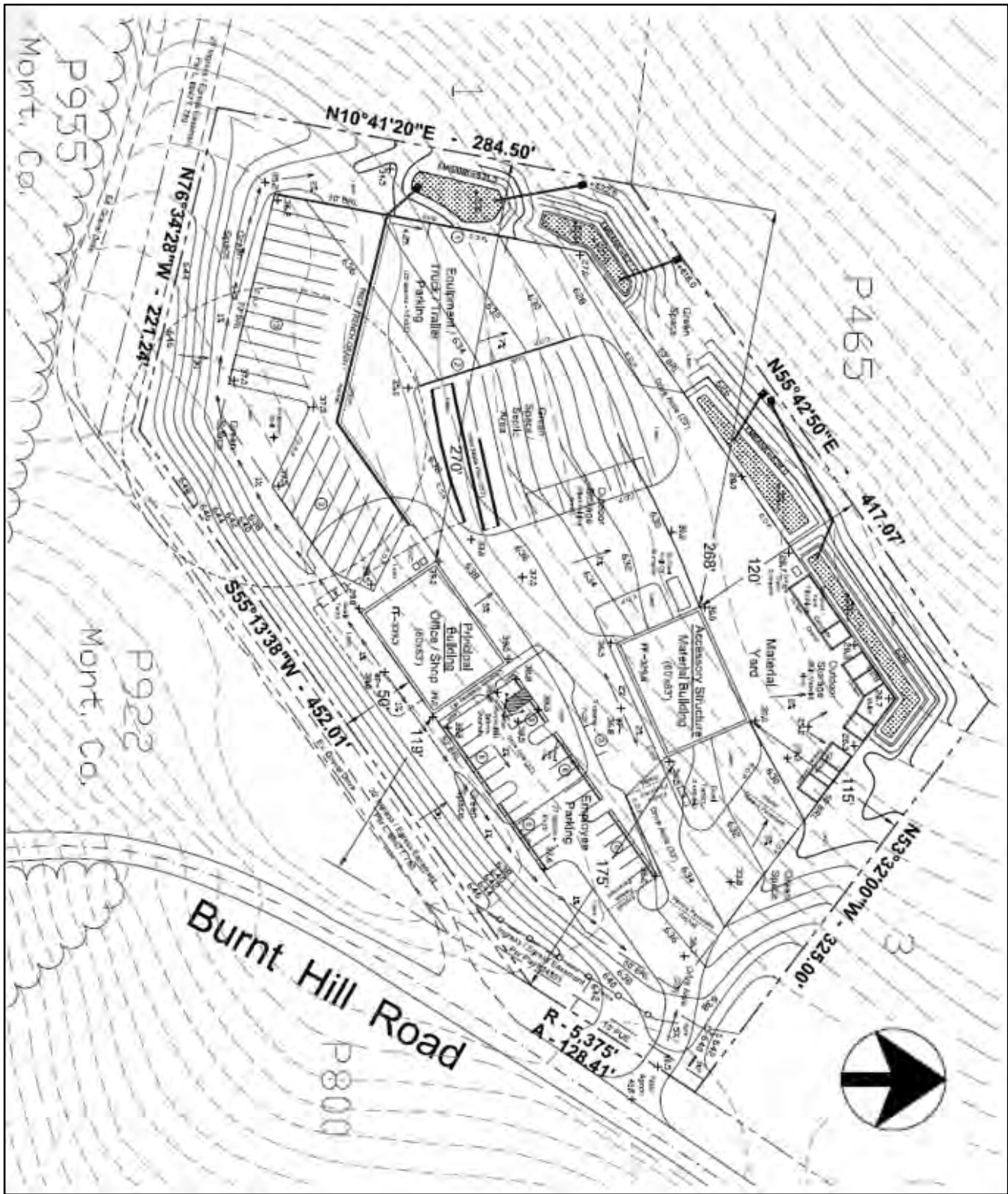
The Conditional Use Site Plan shows an approved 12,500-square foot septic field on the western portion of the Property. The Applicant's septic plan was approved by MCDPS on March 2, 2016 (Attachment B-1).

Currently, the Applicant's business has eight trucks and nine trailers. Supplemental information submitted by the applicant indicates that number of trucks and trailers will increase by one to two trailers per year over the course of 10 years. The Applicant further stated that, when the landscape contracting business is operating at full capacity, no more than 25 work vehicles and/or trailers will be parked on the Property and dispatched on any given day. Upon approval of this application, at full capacity, the subject Conditional Use will have the following equipment and vehicles:

- *five mid-size trucks*
- *two stake-body trucks*
- *one full-size stake-body dump trucks*
- *nine trailers including flat-bed trailers of similar size or smaller trailers*
- *13 additional tracks and five trailers that will be added as the business grows during the coming 10 years.*

The contracting business operates six days a week, 5:45 a.m. to 6:45 p.m., Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturdays. The Application proposes a total of 55 onsite surface parking spaces (including 2 van accessible handicapped spaces) of which 25 are dedicated for trucks and equipment and 30 are dedicated for employees and visitors.

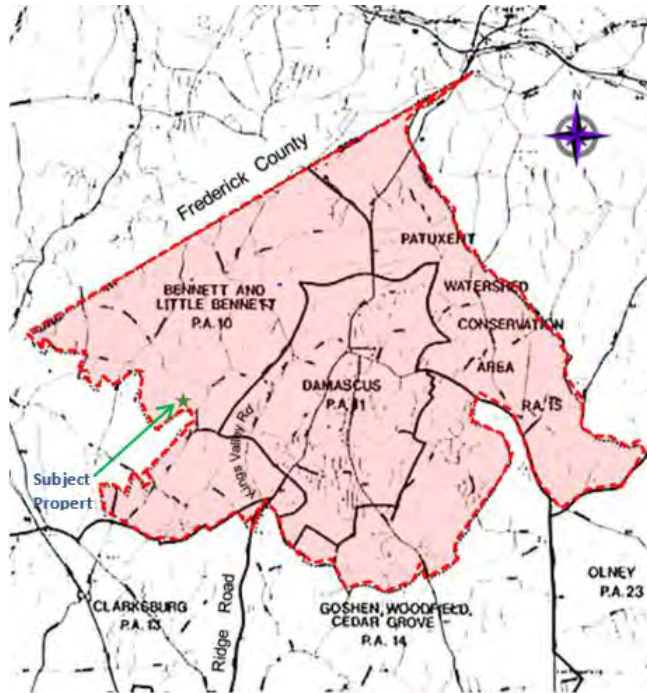
Figure 3: Conditional Use Site Plan



SECTION III: ANALYSIS AND FINDINGS

A. Master Plan

Figure 4: 1982/1985 Damascus Master Plan Master Plan



The Property is within the *1982 Damascus Master Plan area, as amended in 1985*. This area has always been an agricultural area and the 1966 Damascus Master Plan placed it within the Agriculture Reserve land use category. The Property is located within an area identified in the Master Plan as “Bennett and Little Bennett Planning area- P.A. 10”. *The 1982 Damascus Master Plan, as amended in 1985*, retained the area within the Agriculture Reserve and the subsequent Sectional Amendment placed it in the Rural Density Transfer Zone¹. The area remains agricultural in nature to the present day.

The 1982 Damascus Master Plan, as amended in 1985 does not have a specific recommendation for a landscape contractor use or any Conditional Uses in general. There is no site-specific recommendation regarding the subject property and the plan does not make special reference to Planning Area 10. However, the Master Plan recognizes the importance of farming to the character of Damascus (Page 35) and placed the area within which the property is located in the Agriculture Reserve land use category (page 33).

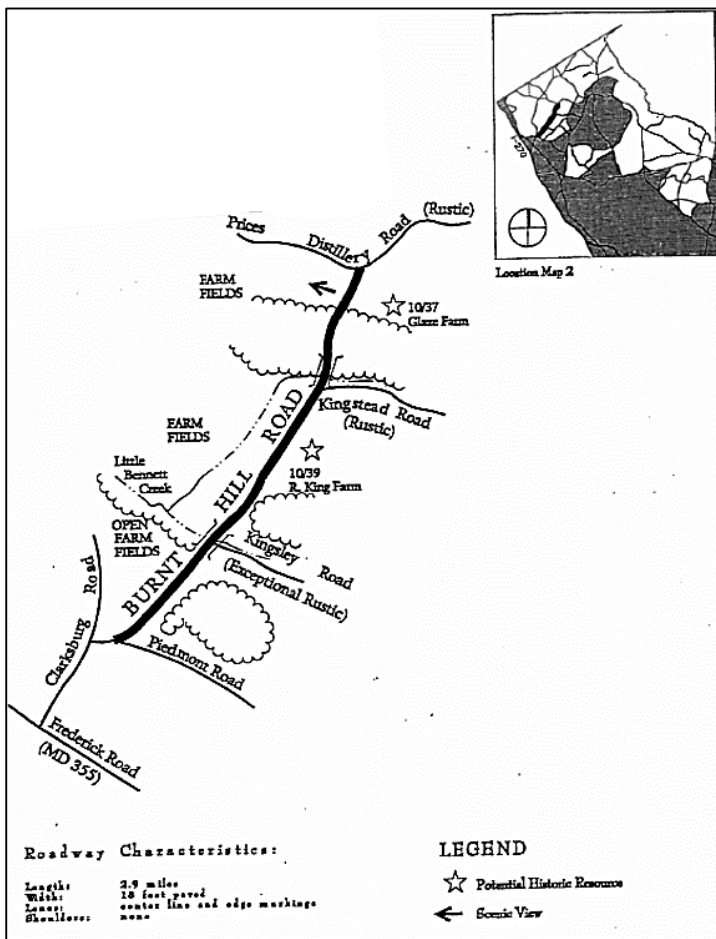
On page 79, under the *Agricultural and Open Space Preservation Section*, the Master Plan states that “*Agricultural preservation in Damascus and the Master Plan Study Area as a whole is important not only in terms of maintaining the County’s agricultural base, but in strengthening the role of Damascus as the rural commercial focal point of Upper Montgomery County.*” Staff agrees with the Applicant that although the proposed use is a commercial landscape contractor, the nature of the operations is not dissimilar to agriculture, whereby plant materials will be stored on-site along with hardscape materials and equipment, and the proposed structures are of a type frequently found on farms, at wineries, and on other agricultural uses. The Master Plan also states that “*Channeling residential development from outlying areas to the center of Damascus will strengthen the rural satellite town concept as well as preserve*

¹ A small area of the south west portion of the 1982 Amended in 1985 Master Plan Area that included the subject property was left out of the 2006 Amendment of the Damascus Master plan.

farmland". The Property is located in an outlying area away from the center of Damascus, and is proposed for a landscape contractor use that is rural in nature and characteristics. Viewed from Burnt Hill Road, the perception of the operation will be one of significant green space and landscaping, as well as storage of plant and hardscape materials, with buildings that are rural/agricultural in style. Therefore, while the use itself is not one of farming or agriculture, its appearance has been designed to be consistent with the surrounding area's rural nature. Staff believes that the subject Conditional Use is compatible with the existing rural/agricultural character of the surrounding area.

Rustic Road

Figure 5: Burnt Hill Road-A Rustic Road



Burnt Mills Road is a designated Rustic Road and identified as such in the 1996 Approved Rustic Roads Functional Master Plan. The 1996 Rustic Roads Functional Master Plan notes the outstanding farm vistas along Burnt Hill Road (p. 68), but also recognizes that a rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision (p. 5). The Applicant has indicated that the decision to acquire the subject property, Lot-2, rather than the adjoining property Lot-3 that was originally considered, is based on a suggestion provided by the Rustic Road Advisory Committee (RRAC) when the case was presented to the RRAC in April, 2015 (Attachment C-1). The RRAC felt that Lot-2 is more tucked away from Burnt Hill Road, so uses on the property would be less visible than they would be on Lot 3 and would therefore be more in keeping with the intent of the Rustic Roads Functional Master Plan's

objectives. The Applicant believes that the RRAC was generally supportive of the Project. A follow up meeting between the Applicant and RRAC was held on the evening of February 29 2016. Staff has not received an official letter from the RRAC detailing the discussion, issues, and resolutions. However, based on observation relayed by a Planning Department Staff member who attended the meeting, and after further analysis of the properties location in relation to Burnt Hill Road, Staff recommends additional measures to be employees with regards to the size of the proposed sign, the types of indoor lighting, and ingress and egress to the site. (see discussion in SECTION IV- 59.7.1.E 1.g)

B. Development Standards

Table 1: Development Standards

Development Standards AR Zone			
AR-Zone	Required		Proposed
	59-4.2.F	59-3.5.5 Landscape contractor	
Minimum Site Area	25 ac		
Minimum Lot Area	40,000 SF	2 ac	4.7432 ac (206,613 SF)
Minimum Lot width:			
▪ at street line	25ft		128.41 ft.
▪ at building line	125 ft.		250 ft.±
Maximum Building Coverage	10 percent (20,661 SF)		5± percent total
Minimum Building Setback			
Principal Building:			
• front	50 ft.	50 ft.	119±ft
• side	20 ft.	50	50 ft.
• rear yard	35 ft.	50	270±
Maximum Building Height	50 ft.		30± ft.
Minimum Building Setback			
Accessory structure:			
• front	50 ft.	50 ft.	175±
• side	15ft	50 ft.	115±
• rear yard	15 ft.	50 ft.	268±
Minimum Setback for parking and loading		50 ft.	>50 ft.
Maximum Building Height	50 ft.		30± ft.
Parking			
Min Vehicle Parking spaces	55 sp.	55 sp	55 sp
59-6.2.4			
<i>(See Table 2 below under</i>			
Minimum Parking Setbacks			
• Front		50 ft.	50 ft.
• Side 6.2.5.k.2		100 ft.	50 ft.
• Sum of sides (6.2.5.k.2)		200 ft.	160± ft.
• Rear (4.4.9.B.2)			

C. Transportation

Local Area Transportation Review (LATR)

The proposed use with 60 employees does not trigger LATR. The threshold for an LATR review, according to the LATR and TPAR Guidelines, is 30 net new additional trips in either the a.m. or p.m. peak hour. As shown in the Applicant's traffic statement (Attachment C-2), the most trips would occur during the 6:30 a.m.-7:30 a.m. peak hour, for 26 total trips. During the p.m. peak hour, which is from 4:00 p.m.-5:00 p.m., 19 trips would occur.

Transportation Policy Area Review (TPAR)

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

Staff finds the proposed access to the landscape contractor business will be adequate to serve the traffic generated by the development.

Sight Distance Analysis

The Applicant's traffic consultant has submitted a sight distance analysis for the proposed Landscape contractor business. The traffic consultant has conducted a speed study to determine if the posted 40 mph speed limit was representative of actual conditions. The approach to the proposed new driveway from the south involves a 10% incline and horizontal curve. The results of the study show that actual travel speeds are less than the posted limit and the traffic consultant concludes that the sight distance provided meets AASHTO requirements. The consultant determined that the proposed access point and on-site vehicular and pedestrian circulation system shown on the Conditional Use site plan are adequate.

The Applicant sought the advice of MCDOT regarding a safety measure to further ensure that the existing road system in the vicinity of the property would not be affected by the proposal. Upon reviewing the speed study, MCDOT suggested that a sign, approved by MCDOT's traffic engineering may need to be installed at an appropriate location to warn approaching motorists of a hidden entrance. MCDOT has indicated that the decision to install such advance notice in the right-of-way requires study and approval from the Division of Traffic Engineering and Operations. In the interest of time and due to the approaching Planning Board and Hearing Examiner's hearings, MCDOT has proposed that the following condition be included in the conditions of approval of this Application:

"Prior to approval of the access permit for this property, the applicant shall obtain Executive Branch approval of the Sight Distances Evaluation certification form and shall install any necessary advance notice to motorists (including but not limited to signs and markings) as approved by the MCDOT Division of Traffic Engineering and Operations."

Technical Staff and the Applicant accept the proposed condition.

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: Parking

Section 59.6.2.4 Parking	Required	Provided
Employee-.50 sp/employee	60 X.50=30	30
1sp/each Vehicles associated with use	1x25=25	25
Total	55 spaces including 2 van-accessible handicapped spaces	55 including 2 van-accessible Handicapped spaces

E. Landscaping

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.**

The revised Landscape Plan dated March 2, 2016 satisfies the requirements of **Section 6.2.9.C.1 through 3: Parking Lot Requirements for 10 or more Spaces**. The Applicant is proposing 55 parking spaces on two parking lots one designated for trucks and equipment with 25 spaces and the other designated for employee parking with 30 spaces. As depicted on the Applicant’s Landscape Plan, the employee parking lot covers 8,900 square feet of area and designed with three small landscape islands each comprising an area of 153 square feet with a total area coverage of 5.15 percent. Therefore, the Application complies with the 100 square feet and 5 percent requirement for the size of landscaped islands.

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.

The tree canopy requirements under Section 59-6.2.9.C.2. have been met by the installation of five canopy trees and 10 medium shrubs. The canopy trees are projected to cover at least 25 percent of the parking area at the 20-year time frame.

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.**

The Applicant meets the requirements by providing a 12-foot wide planting area along the entire perimeter of the property. The Applicant meets the planting density by installing a minimum of two canopy trees, four understory trees, eight large shrubs and 12 medium shrubs per 100-feet of perimeter.

Section 59-6.4.3: General Landscaping Requirements specifies and defines the types of plant materials, canopy trees, under story trees, ever green trees and shrubs. In response to Staff's comments, the Applicant had submitted a revised Landscape Plan (revision date 1-28-16). The revised landscaping meets the General Landscape Requirements as defined and specified under Section 59-6.4.3.

The proposed Landscape Plan also meets the applicable requirements of Section 6.5.3 Screening Requirements, specifically, Section 6.5.3.A: Location and 6.5.3.C.7 Screening Requirements by Building Types.

Section 6.5.3.C.7 requires that landscape screening be provided when a Conditional Use abuts property in a Residential Zone that is vacant or improved with an agricultural or residential use:

The subject property is adequately screened from the adjoining properties to the west and the northeast. The requirements, found on page 6-32 of the Zoning Ordinance provide either Option A or Option B for establishing an adequate buffer. The Application meets the requirements of Option B for plant quantity which requires a minimum planting depth of 12 feet, with two canopy trees, four evergreen or understory trees, eight large and 12 medium shrubs per 100 feet of perimeter.

Figure 6: Screening

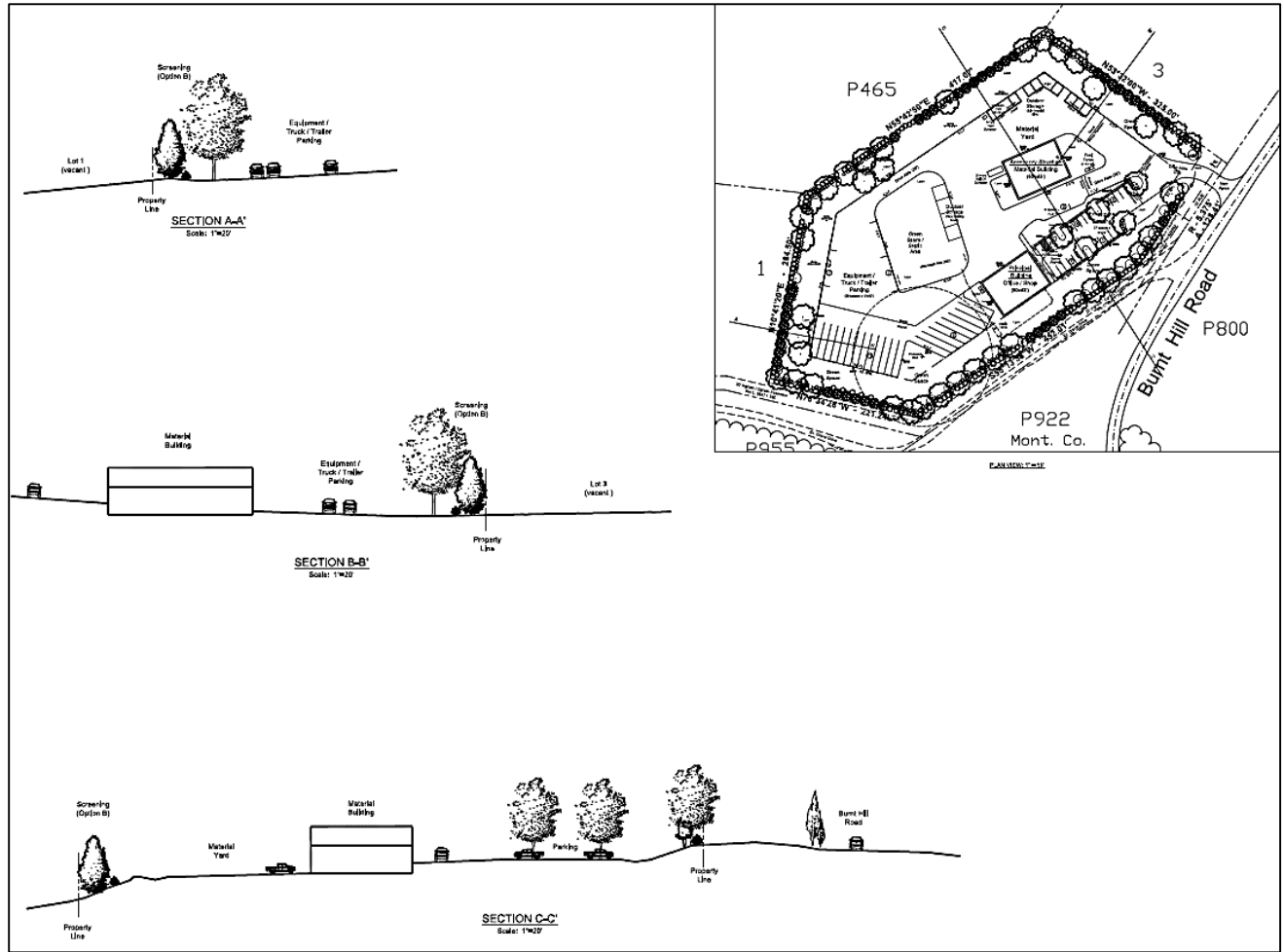
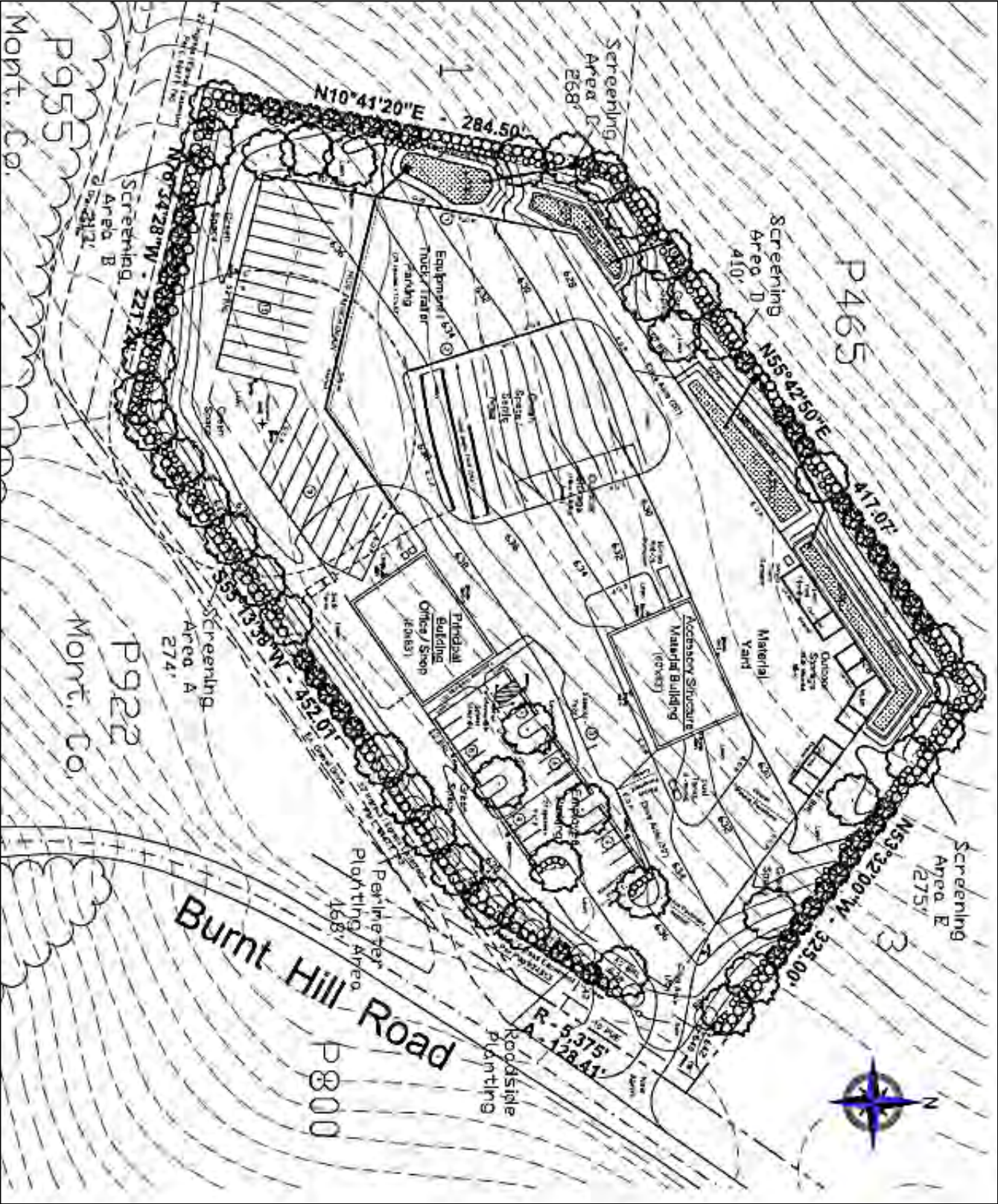


Figure 7: Landscape Plan



F. Lighting

Pursuant to Division 6.4.4.E, outdoor lighting for a Conditional Uses 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.

The Lighting Plan is adequate and safe for vehicular and employee movement. The proposed lighting serves multiple purposes including illumination of the site entrance, visibility lighting in the employee parking area and area lighting near the building structures. A photometric study submitted with the Application shows measured lighting intensity across the entire property in foot-candles, the locations of lighting fixtures and the manufacturer's specifications on the proposed lighting fixtures. The Photometric Plan show that the lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. Moreover, the perimeter landscaping will help eliminate the impact of glare.

The Application proposes five pole mounted lighting fixtures to illuminate the operation entrance and employee parking area; four pole mounted lighting fixtures to illuminate the truck/trailer parking area; and six building mounted light fixtures to illuminate the areas around the 2 structures. The Applicant proposes two different models of pole mounted lights that are similar in appearance and operation. The difference in the two models is the type of optical systems being used. The four pole mounted light fixtures in the truck/trailer parking area have an increased area of forward light throw as compared with the other five poles. There are also six building mounted lighting fixtures to provide illumination around the materials building and the principal office building and to provide overall security to the site. Each pole mounted fixture will be installed at a height of 20-feet while the building mounted fixtures will be installed at heights between 14 and 20 feet.

The lighting, with no direct light or light glare, will not have a negative impact on neighboring properties. However, to further minimize any potential conflict with the rural-agricultural nature of the property and the immediate area, Staff recommends that the lighting plan be amended to show that all outdoor lighting will utilize motion sensor/dimming technology so that lights are dimmed when no motion is detected on the site during overnight hours.

G. Signage

The Applicant is proposing one freestanding sign. The sign is subject to the sign regulations of **Division 6.7** specifically, the requirements of **Section 59.6.7.7. Agricultural and Rural Residential Zone are applicable to the proposed sign.**

A. Base Sign Area

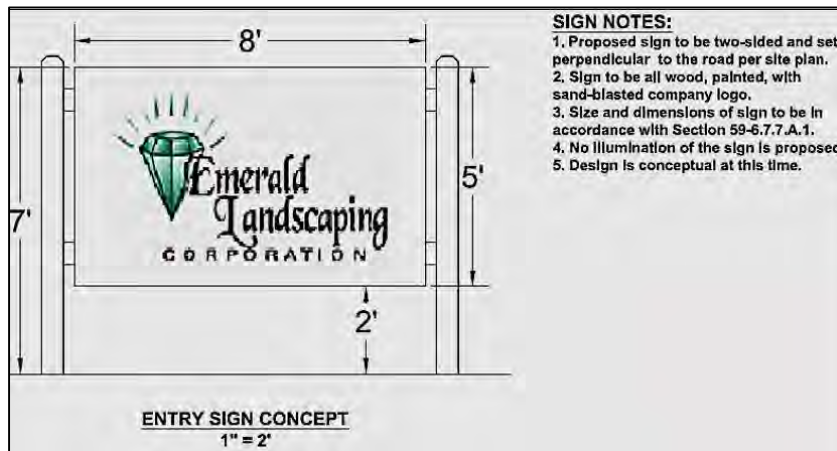
The maximum total area of all permanent signs on a lot or parcel in the Agricultural and Rural Residential zones is 200 square feet, excluding the additional area allowed by other provisions of Division 6.7.

1. Freestanding Sign

- a. One freestanding sign may be erected at each building or driveway entrance.
- b. The maximum sign area is 40 square feet.
- c. The minimum setback for a sign is 10 feet from the property line.
- d. The maximum height of a sign is 10 feet.
- e. Illumination is prohibited.

The site plan shows a 40-square foot (8ft W X 5ft H), two-sided, freestanding identification sign located approximately 12 feet behind the right-of-way and 13 feet from the eastern property line. The sign is mounted on two 7-foot high poles and is suspended two feet above the ground. The sign will be constructed with wood and will be painted with sand blasted company logo. The Applicant has provided a conceptual drawing of the proposed freestanding sign (figure 4) sign which meets the allowable location, size, height and setback requirements for signs in **Agricultural and Rural Residential** zoned areas Section 59.6.7.7.A.1. However, to maintain consistency with the rural and agricultural nature of the property and the neighborhood as well as the unique characteristics of the adjoining Burnt Hill Road as a designated Rustic Road, Staff recommends that the proposed size of the proposed 40-square-foot freestanding sign to be reduced to six square-foot of area.

Figure 8: Proposed Sign-Concept



Staff believes that since no customers are visiting the subject property and that the sign is needed merely to guide delivery trucks to the property, the reduced sign area would not create additional burden on the Applicant.

The Applicant must obtain a sign permit for the proposed free standing sign. A copy of the sign permit obtained from DPS must be submitted to the Hearing Examiner before the sign is installed on the property.

H. Environment

Consistency with Environmental Guidelines

The property is a 4.74-acre vacant lot currently used for agriculture with no significant environmental features. It covered with typical meadow grasses and weedy vegetation. The site contains no wetlands, streams, seeps, erodible soils, forests or other significant environmental features. The property slopes at an average grade of about 8 percent from the southeast to the northwest.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Final Forest Conservation Plan was approved as part of the Pre-Preliminary Plan No 720040400 that was approved in 2013 to create four lots (Leishear Farm) on the approximately 240-acre farm. The recorded plat shows the subject property containing 4.7432 acres and a right-way (r-o-w) dedication. The forest conservation requirements were met on the remaining portion of the un-subdivided farm by retaining existing forest and planting new forests. The off-site areas of planting and retention were subsequently placed into a category one conservation easement (Attachment C-3).

I. Community Concerns

At the time of the Staff's report publication, no communication has been received from the community either in support of or in opposition to the proposed use.

In response to staff's inquiry the Applicant, by supplemental submission dated February 4, 2016, indicated that he had, on several occasions made repeated efforts to reach out to the nearest neighbors, by walking to the residences and introducing himself, by sending letters and by telephone communication with at least one area resident. The Applicant further stated that as of February 4, 2016, no neighbor has voiced a complaint or expressed any opposition to the proposed landscape contractor business operation.

As noted in Section III. A, the Applicant's development team had met with the Rustic Road Advisory Committee in April 2015, and on February 29, 2016. Staff has not received an official letter from the RRAC detailing the discussion, issues, and resolves. However, Staff has recommended specific conditions to address potential concerns related to the property's location relative to the adjoining Rustic Road and the rural – agricultural character of the surrounding area (see discussion under Section III. A: Master Plan).

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

- 1. 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 are no prior Conditional Use approvals 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, screening, perimeter landscaping, and sign 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 Use Definition of as described by this Section. The proposed use does not include a Lawn Maintenance Service.

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 subject property comprises 4.74 acres of land. The proposal satisfies this requirement.

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 are provided in the form of a 12-foot wide landscape strip, and substantial distances from the neighboring residential dwellings, natural topography, and a site design that takes advantage of the property's natural topography.

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 situated at two locations: the equipment/truck parking lot, with 25 parking spaces, is located on the southwestern portion of the property and the employee parking lot, with 30 regular parking spaces, is located on the southern portion of the property closer to the access driveway. The parking areas are located in the interior of the property approximately 350 feet from the nearest residential property. The two parking lots are separated by one of the two 4,980 square foot one-story buildings which will house the office.

The landscape contractor business proposes 60 employees including, 10 office staff. Ten of the, 60 employees remain on-site during the day. The Applicant 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.

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 is no Nursery (Retail) or Nursery (Wholesale) business operating on the property and there will be no sale of plant materials or garden supplies 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 six days a week from 5:45 a.m. to 6:45 p.m., Monday to Friday and 8:00 a.m. to 3:00 p.m. on Saturdays. Snowplow operations may occur during the winter for up to 24 hours a day.

The Applicant’s Statement of Justification indicates that the hours of operations are designed so that many of the employees will arrive and depart the property prior to peak traffic hours, and arrival and departure times are staggered for each of the field crews. The Applicant has noted that the hours of operation and the number of employees may vary depending upon the season of the year.

Table 3 Employees’ Shift

Staff	Number of Employees	Arrival Time	Dispatch Time	Return Time	Departure for the Day
Field Shift 1	17	5:45 – 6:00 AM	6:00 – 6:15 AM	3:45 PM	3:45 PM
Field Shift 2	17	6:15 – 6:30 AM	6:30 – 6:45 AM	4:00 PM	4:15 PM
Field Shift 3	16	6:45 – 7:00 AM	7:00 – 7:15 AM	5:00–5:30 PM	5:15 – 6:00 PM
Office 1	5	7:45 – 8:00 AM	N/A	N/A	5:00 – 5:15 PM
Office 2	5	8:45 - 9:00 AM	N/A	N/A	6:00 – 6:15 PM

The field shift employees arrive in the morning and depart in the afternoon at an average of two employees per car and office staff usually arrive in their own vehicles. The Applicant’s statement of justification indicates that in the earlier phases of the Project, before the office/shop is constructed, the office staff will work from an off-site location.

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

The property is located within the 1982 (Amended July 1985) Damascus Master Plan area. In addition, Burnt Mills Road is a designated “Rustic Road” and identified as such in the 1996 Approved Rustic Roads Functional Master Plan.

Please see analysis and findings under SECTION III. A: Master Plan

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 Plan and submitted Landscape and Lighting Plan provide for extensive landscaping, adequate setbacks meeting code requirements, substantial green space, and sufficient building setbacks.

Due to the nature of the use, the restricted hours of operation, the location of the property that is greatly removed from residential properties. Therefore, 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.**

Figure 9: Proposed Morton Buildings (illustrative)



There are no other approved Conditional Uses/Special Exceptions within the immediate vicinity of the property. Although there are very low density residential uses within the neighborhood boundaries, the property is located within an agricultural zone, not a residential zone, with a notable presence of agricultural uses in the area. The subject Conditional Use proposes to construct two Morton Buildings, typically seen on farms and other agricultural and rural commercial type uses including landscape contractor businesses. The proposed buildings will blend well with the surrounding neighborhood and will have no visual impact on it. The subject Conditional Use is consistent with the recommendation of the Master Plan and does not alter the 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**

The Application is not subject to approval of a Preliminary Plan because the Property is a recorded lot already approved for a residential use. The proposed landscape contractor business use is permitted in the AR Zone with approval of a Conditional Use Application.

(a) Water and Sewer Service

The property will be served by on-site water and septic disposal system. The proposed well will be located at the southeastern portion of the property near the equipment/truck parking lot. The Applicant is proposing to replace the approved residential septic system consisting of 250 feet of septic area with a larger system to accommodate the proposed Conditional Use. The proposed Conditional Use Site Plan shows a 12,500 square foot septic area. The Well & Septic Section of MCDPS has approved the proposed Septic Plan on March 2, 2016.

(b) Storm Water Concept Plan

The stormwater management concept plan proposes to meet required stormwater management goals through the use of landscape infiltration and an alternative surface. The stormwater management concept plan has been submitted to MCDPS Water Resource Section and is awaiting approval.

(c) Transportation

Local Area Transportation Review (LATR)

The subject Conditional Use with 60 employees does not trigger LATR. The threshold for an LATR review, according to the LATR and TPAR Guidelines, is 30 net new additional trips in either the a.m. or p.m. peak hour. As shown in the Applicant's traffic statement, the most trips would occur during the 6:30 a.m-7:30 a.m. peak hour, for 26 total trips. During the PM peak hour, which is from 4:00 p.m.-5:00 p.m., 19 trips would occur. Since these are actual driveway counts, which are indicators of how this business will actually operates when it reaches full capacity, 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 making a payment under either the transit or roadway test, therefore a TPAR impact tax payment is not required.

Staff supports the transportation elements of the Application and finds the proposed access to the property to be adequate to serve the traffic generated by the development.

Fire Access

A fire access plan that was submitted to the Office of the Fire Marshal. The Application was approved on March 3, 2016 (attachment B-2).

Sight Distance Analysis

Please see findings for sight distance study and Road sign under SECTION III. C: Transportation.

(c) Other facilities

The Damascus Volunteer Fire Station is located at 26334 Ridge Road, approximately 0.50 miles east of the property. The closest police station, Montgomery County Police Department is located at 20000 Aircraft Drive, Germantown, MD 20874, 8.5 miles south of the property.

Due to the nature of the Conditional Use, it does not generate any school aged children; therefore, school facilities review is not necessary.

- 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;**

Not applicable.

- 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 and suppliers; trips to and from the site by employees engaged in off-site landscaping activities; (5) adequate parking areas to accommodate employees; (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 the proposed two buildings, the proposed access points, the internal vehicular circulation system, onsite parking areas, storage buildings, material storage areas, loading and unloading of supplies and equipment for off-site operations are operational characteristics typically associated with a landscape contractor operation. Staff, however, considers the fact that the property fronts on and accessed from a road that is classified as a Rustic Road in the 1996 Rustic Road Functional Master Plan, to be a non-inherent characteristic.

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 northeast of the property are sufficiently buffered from the activities by ample landscaping, including perimeter landscaping, and natural topography as well as adequate setbacks. The two proposed, one-story structures have been designed to compatible with the areas rural and agricultural nature. Visibility of activities associated with the use are located r in the interior of the property and are significantly obscured from the views of the closest residential properties and the adjoining road by a generous perimeter landscaping, adequate distance and natural topography.

Staff finds that the proposed use, will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of the inherent and a non-inherent adverse effects listed above. Provided that the Applicant obtains approval of the Sight Distances Evaluation certification and install any necessary advance notice to motorists as approved by the MCDOT Division of Traffic Engineering and Operations, the vehicular movements on the road will not cause undue harm to the neighborhood. Moreover, to ensure compatibility with rural-residential nature of the neighborhood and the character of the adjoining Rustic Road, Staff has recommended a number of conditions including the following:

- Before the Hearing Examiner's hearing in this matter, the Applicant must propose a sign-design that is no more than 6 square feet (2 ft. by 3 ft.). If the sign and the Conditional Use are approved, the Applicant must obtain a sign permit for the proposed free standing sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.
- The lighting plan must be amended to indicate that all outdoor lighting will utilize motion sensor/dimming technology so that lights are dimmed when no motion is detected during the overnight hours.
- To limit use of the Burnt Hill Road Bridge, all vehicles with more than four wheels that are associated with the Applicant's business, including those belonging to employees, must gain ingress and egress from Prices Distillery Road. Vehicles with four wheels (with or without trailer) may use the Burnt Hill Road bridge. All

delivery vehicles must gain ingress and egress from Prices Distillery Road; their drivers must be advised of the bridge restriction by the Applicant.

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 1982/1985 Damascus Master Plan Master Plan. With the proposed conditions the application satisfies the required standards in terms of traffic, circulation, noise or environmental elements.

Based on the foregoing analysis, Staff recommends **Approval** of Conditional Use CU-16-09, subject to the conditions found on Page 2 of this report.

ET:rw

ATTACHMENTS

- A. Plans and drawings
- B. Agency comments and approvals
- C. Supplemental information

PLANS AND DRAWINGS

Attachment-A



CU-16-09: Emerald Landscaping



SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct, that it is a subdivision of part of the land described in a deed from Chester M. Leister and Ethel M. Leister to Chester M. Leister and Donald L. Leister, dated and recorded in the land records of Montgomery County, Maryland, 1978, and that the plat hereon is a true and correct copy of the original plat as certified hereon by the surveyor and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(a) of Montgomery County Code. The total area included on this plat is 201,734 square feet of land or 4.622 acres or 27,234 square feet of land in subdivision to public use.

Thomas A. Maddox
 Registered Professional Land Surveyor
 MD #10350 - Expires 04/03/2016
 Date: 4/21/14
 Office: 4121 Hill
 14 SEPTEMBER 46 BC
 12 SEPTEMBER 160 BT
 13 SEPTEMBER 250 BT



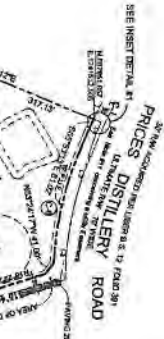
OWNER'S CERTIFICATION
 The undersigned, owner of the property shown hereon, hereby adopt the plat of subdivision, as shown hereon, and certify that the same is a true and correct copy of the original plat as certified hereon by the surveyor and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(a) of Montgomery County Code. The total area included on this plat is 201,734 square feet of land or 4.622 acres or 27,234 square feet of land in subdivision to public use.

CURVE DATA

NO.	RAIUS	DETA	ARC	CHORD	CHD DIST.
1	575.00'	179.76'	64.00'	75.30'	10.14'
2	575.00'	172.00'	128.41'	53.26'	128.41'
3	575.00'	279.97'	261.17'	6.34'	211.14'
4	575.00'	579.74'	474.08'	3.24'	474.28'
5	575.00'	207.24'	151.28'	8.00'	154.12'
6	575.00'	314.14'	302.21'	11.42'	300.10'

LINE TABLE

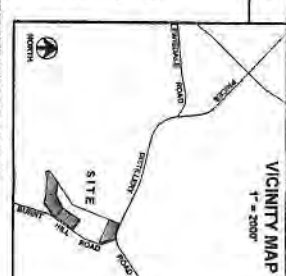
LINE	BEARING	DIST.
1	S 75° 00' 00" E	160.37'
2	S 75° 00' 00" E	250.37'



PLAT NO. 24853

VICINITY MAP
1" = 200'

MD. STATE PLANE
NAD 83 / 91



NOTES
 1. THE SUBJECT PROPERTY IS CURRENTLY ZONED R-1.
 2. THE LOTS ARE TO BE SERVED BY ON-SITE WATER AND SEWER DISPOSAL SYSTEMS.
 3. ALL UTILITIES, CONVEYANCES, EASEMENTS, AND RESTRICTIONS ARE SHOWN HEREON. ANY OTHER UTILITIES, CONVEYANCES, EASEMENTS, OR RESTRICTIONS NOT SHOWN HEREON ARE TO BE SHOWN BY THE PROPERTY OWNER. THE MONTGOMERY COUNTY PLANNING BOARD HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF SECTION 50-24(a) OF MONTGOMERY COUNTY CODE. THE PLANNING BOARD HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF SECTION 50-24(a) OF MONTGOMERY COUNTY CODE.
 4. PROPERTY SHOWN ON THIS PLAT IS TO BE DIVIDED INTO 28 LOTS.
 5. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW AND ANY APPLICABLE AMENDMENTS THEREOF.
 6. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW AND ANY APPLICABLE AMENDMENTS THEREOF.
 7. THE PLAT IS NOT INTENDED TO SHOW EXISTING UTILITIES OR SERVICES. THE PROPERTY OWNER IS TO BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES AFFECTING THE PLAT.
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NOTES continued:
 1. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF SECTION 50-24(a) OF MONTGOMERY COUNTY CODE.
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PLAT DATA
 AREA OF PLAT: 18,412 AC
 AREA OF SECTION: 1,327 AC
 TOTAL AREA: 18,412 AC
 DATE: 4/21/14

APPROVED: June 12, 2014
 APPROVED: June 12, 2014
 APPROVED: June 12, 2014

APPROVED: June 12, 2014
 APPROVED: June 12, 2014
 APPROVED: June 12, 2014

RECEIVED
 MONTGOMERY COUNTY
 DEPARTMENT OF PERMITTING SERVICES
 APPROVED: 5/18/2014
 APPROVED: 5/18/2014
 APPROVED: 5/18/2014

STUDY DIVISION RECORD PLAT
 LOTS 1 THRU 4
BURNT HILL
ESTATES
 ELECTION DISTRICT 2
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 200' APRIL 2014

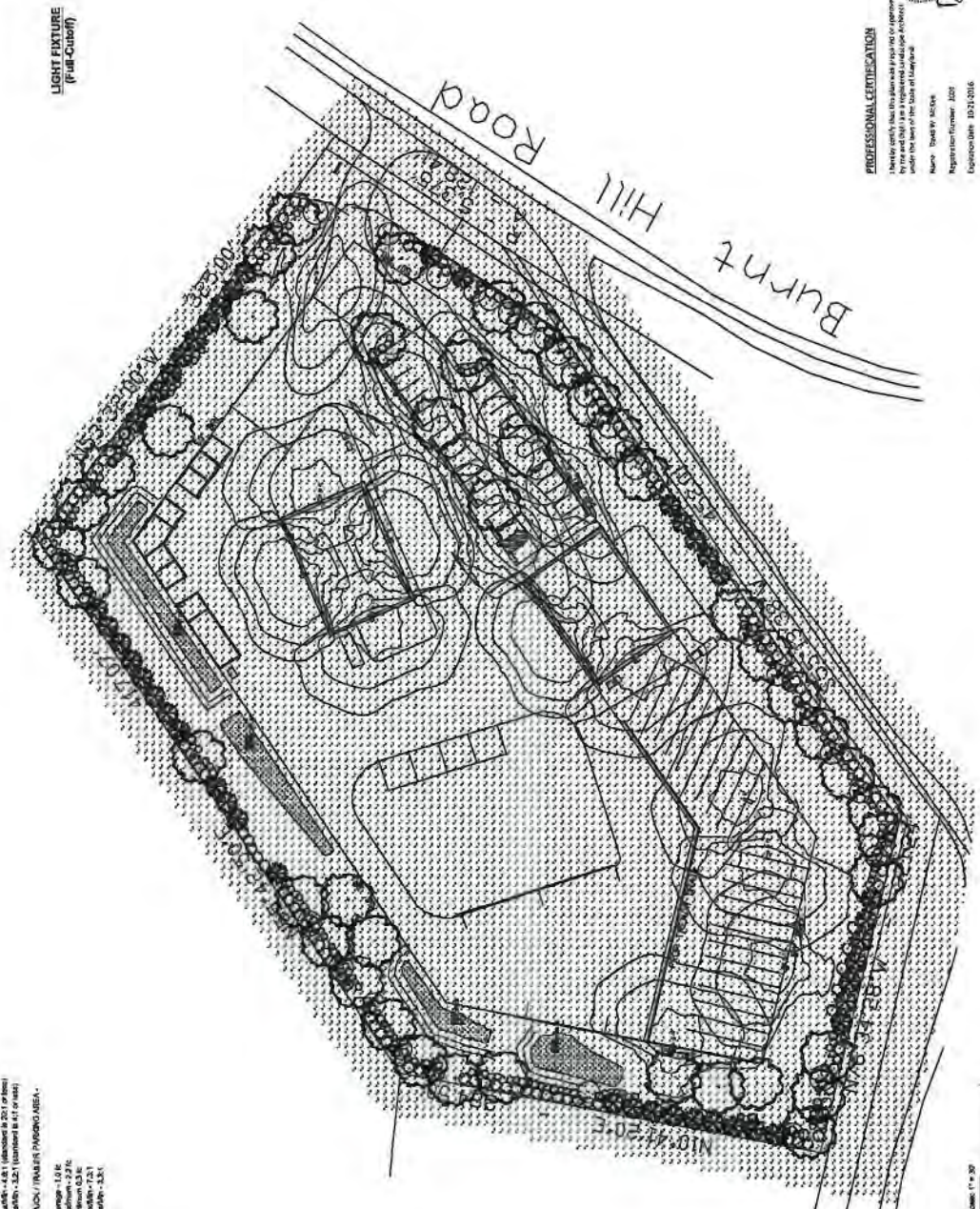
THOMAS A. MADDOX
 PROFESSIONAL LAND SURVEYOR
 9833 SHADY GROVE COURT
 GAITHERSBURG, MARYLAND 20877
 (301) 984-5804

NO.	DESCRIPTION
1	1. Fixtures are LED LUMINA
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LIGHTING NOTES:

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30. Fixtures are LED LUMINA



PROFESSIONAL CERTIFICATION

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a registered Landscape Architect under the laws of the State of Maryland.

Name: David W. McEwen
Registration Number: 2021
Expiration Date: 10-31-2026

LIGHT FIXTURE SCHEDULE

NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
1	1. Fixtures are LED LUMINA	11	11.00	121.00
2	2. Fixtures are LED LUMINA	11	11.00	121.00
3	3. Fixtures are LED LUMINA	11	11.00	121.00
4	4. Fixtures are LED LUMINA	11	11.00	121.00
5	5. Fixtures are LED LUMINA	11	11.00	121.00
6	6. Fixtures are LED LUMINA	11	11.00	121.00
7	7. Fixtures are LED LUMINA	11	11.00	121.00
8	8. Fixtures are LED LUMINA	11	11.00	121.00
9	9. Fixtures are LED LUMINA	11	11.00	121.00
10	10. Fixtures are LED LUMINA	11	11.00	121.00
11	11. Fixtures are LED LUMINA	11	11.00	121.00
12	12. Fixtures are LED LUMINA	11	11.00	121.00
13	13. Fixtures are LED LUMINA	11	11.00	121.00
14	14. Fixtures are LED LUMINA	11	11.00	121.00
15	15. Fixtures are LED LUMINA	11	11.00	121.00
16	16. Fixtures are LED LUMINA	11	11.00	121.00
17	17. Fixtures are LED LUMINA	11	11.00	121.00
18	18. Fixtures are LED LUMINA	11	11.00	121.00
19	19. Fixtures are LED LUMINA	11	11.00	121.00
20	20. Fixtures are LED LUMINA	11	11.00	121.00
21	21. Fixtures are LED LUMINA	11	11.00	121.00
22	22. Fixtures are LED LUMINA	11	11.00	121.00
23	23. Fixtures are LED LUMINA	11	11.00	121.00
24	24. Fixtures are LED LUMINA	11	11.00	121.00
25	25. Fixtures are LED LUMINA	11	11.00	121.00
26	26. Fixtures are LED LUMINA	11	11.00	121.00
27	27. Fixtures are LED LUMINA	11	11.00	121.00
28	28. Fixtures are LED LUMINA	11	11.00	121.00
29	29. Fixtures are LED LUMINA	11	11.00	121.00
30	30. Fixtures are LED LUMINA	11	11.00	121.00

PHOTOMETRIC STATISTICS:

PLAN ONLY (HORIZONTAL AREA)

Average: 1.9 f.c.
Minimum: 2.2 f.c.
Maximum: 2.2 f.c.
Average: 4.8 f.c. (Maximum in 201 of foot)
Average: 3.2 f.c. (Minimum in 4.1 of foot)

TRUCKS / TRAILERS (HORIZONTAL AREA)

Average: 1.0 f.c.
Minimum: 0.3 f.c.
Maximum: 0.3 f.c.
Average: 7.2 f.c.
Average: 3.3 f.c.



GENERAL NOTES

- 1 The subject property is located on map D353 and U3 S.C. zones
- 2 The subject property is within the Little Branch Creek watershed
- 3 The subject property is in the AII zone
- 4 Topography and hydrologic information shown herein was based on PWS & Planning land information
- 5

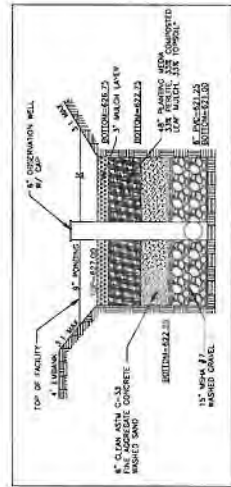
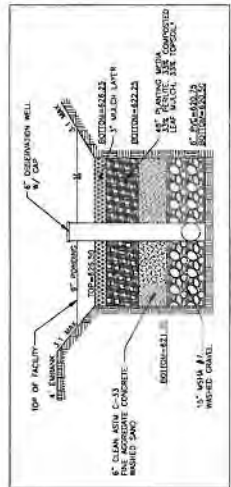
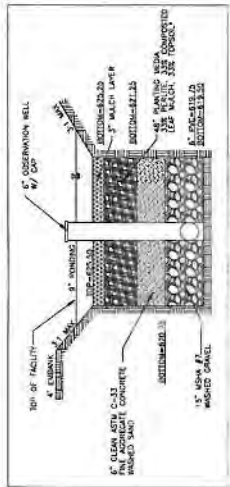
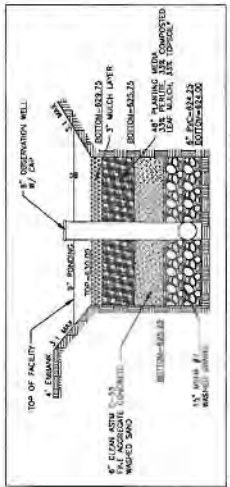
SWM CONCEPT NOTES

- 1 Swales located by the applicant development will be provided by utilizing the Stormwater Management Plan.



VICINITY MAP
SCALE 1" = 200'

SOIL	HYDROLOGIC GROUP	DESCRIPTION
8B	C	Limestone-Metastable chertony silt loams, 3 to 8% slopes
16C	C	8F loams, 8 to 15% slopes
17B	B	Clayey silt loam, 3 to 8% slopes



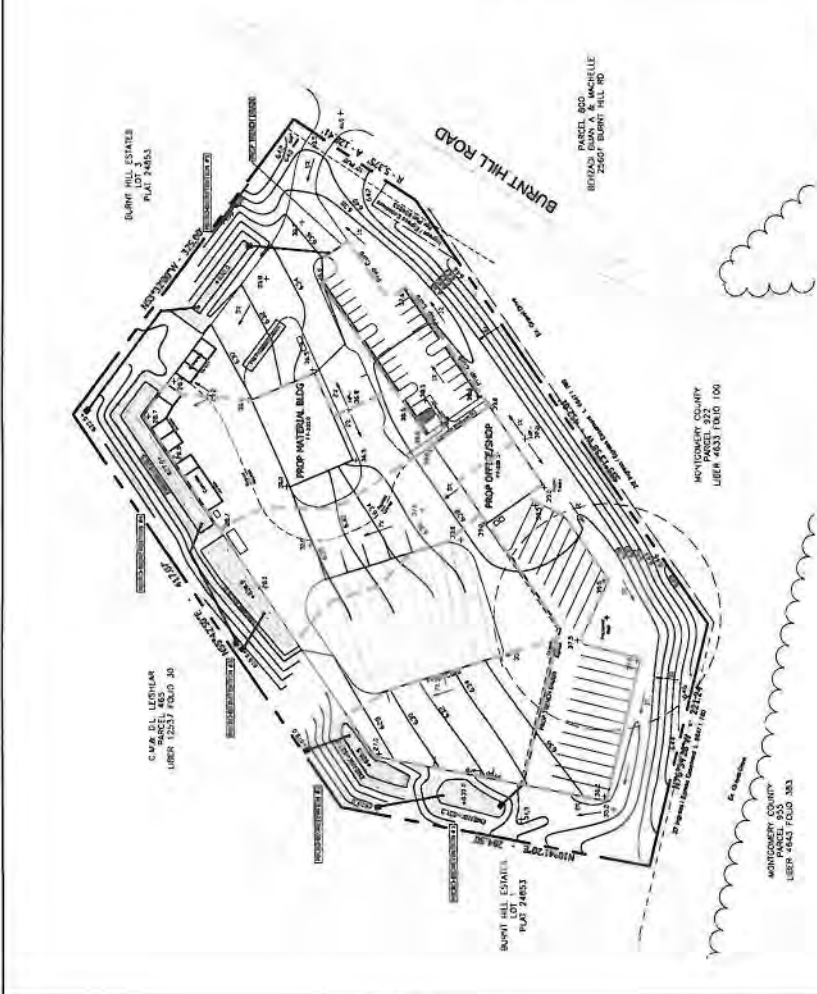
PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly Licensed Professional Engineer under the laws of the State of Maryland, license No. P.E. License No. 010 2011

[Signature]
DATE 3-2-2016



Utility locations shown herein are based on best information and available records. Their accuracy as shown herein is not guaranteed and shall not be relied upon by the appropriate utility provider and authorized personnel for any construction.



JAS ENGINEERS, INC. 450 MD-45 FORDS, MONTGOMERY COUNTY, MARYLAND PHONE (301) 338-1800 WWW.JASINC.COM FAX (301) 338-1880	PROJECT NO. 1601 SHEET NO. 1 OF 1 SCALE 1" = 10'	DATE 3-2-2016	NO. DATE
	25538 BURNT HILL ROAD LOT 2 - BURNT HILL ESTATES ELECTRON DISTRICT, NO. 2 MONTGOMERY COUNTY, MARYLAND		

STORMWATER MANAGEMENT CONCEPT PLAN		

Agency Comments and Approvals

Attachment-B



CONDITIONAL USE SITE PLAN
 BURNT HILL ESTATES: LOT 2
 25538 Burnt Hill Road
 Montgomery County, Maryland



date: 11-30-15
 scale: 1" = 50'



DATE: 11-30-15
 SCALE: 1" = 50'
 SHEET: 17

Data Table: Landscape Contractor in the ARI Zone

Plant	Quantity	Notes
...

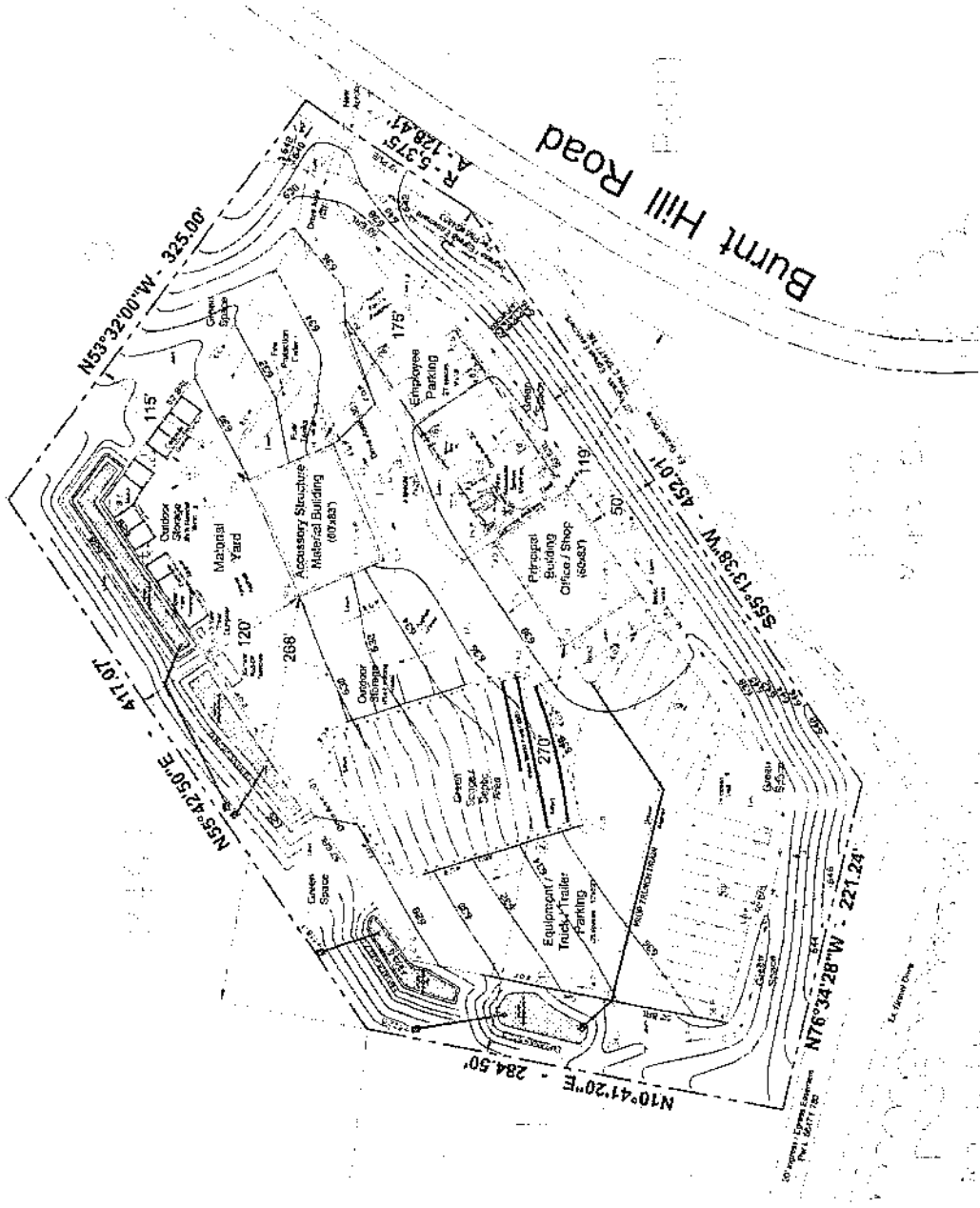
GENERAL NOTES:
 1. CONSULT LOCAL AGENCIES - ALL APPLICABLE PERMITS.
 2. PROPOSED USE: LANDSCAPE CONTRACTOR.
 3. ALL PLANTING SUBJECT TO APPROVAL BY LOCAL AGENCIES.
 4. PROPERTY TO BE SERVED BY AN EXISTING OR NEW SEWER SYSTEM.
 5. ALL UTILITIES TO BE SHOWN ON THIS SITE PLAN.
 6. SITE PLAN SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
 7. ALL PLANTING SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
 8. ALL PLANTING SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
 9. ALL PLANTING SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
 10. ALL PLANTING SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

Data Table: General Development Requirements of 69-6.3

Requirement	Notes
...	...



Mr. Sam Blakely
 Emerald Landscaping Co
 7448 Damascus Road
 Gaithersburg, MD 20882
 (301) 273-3220



PROFESSIONAL CERTIFICATION
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

Signature: [Signature]
 Title: Professional Engineer
 License No.: [License No.]

LEGEND

- Existing Lot Line
- Proposed Lot Line
- Proposed Structure
- Proposed Parking
- Proposed Driveway
- Proposed Accessory Structure
- Proposed Office Shop
- Proposed Pizzeria
- Proposed Equipment/Trailer Parking
- Proposed Green Space
- Proposed Marginal Yard
- Proposed Outdoor Storage
- Proposed Utility Lines
- Proposed Easements
- Proposed Right-of-Way
- Proposed Survey Lines
- Proposed Boundary Lines
- Proposed Setback Lines
- Proposed Zoning Lines
- Proposed Ordinance Lines
- Proposed Regulatory Lines
- Proposed Compliance Lines
- Proposed Approval Lines
- Proposed Permit Lines
- Proposed License Lines
- Proposed Registration Lines
- Proposed Certification Lines
- Proposed Professional Lines
- Proposed Engineer Lines
- Proposed Architect Lines
- Proposed Planner Lines
- Proposed Designer Lines
- Proposed Contractor Lines
- Proposed Installer Lines
- Proposed Maintainer Lines
- Proposed Operator Lines
- Proposed User Lines
- Proposed Customer Lines
- Proposed Client Lines
- Proposed Stakeholder Lines
- Proposed Interest Lines
- Proposed Party Lines
- Proposed Group Lines
- Proposed Organization Lines
- Proposed Association Lines
- Proposed Community Lines
- Proposed Neighborhood Lines
- Proposed District Lines
- Proposed City Lines
- Proposed County Lines
- Proposed State Lines
- Proposed Federal Lines
- Proposed International Lines
- Proposed Global Lines
- Proposed Universal Lines
- Proposed All-encompassing Lines
- Proposed Everything Lines
- Proposed Nothing Lines
- Proposed Somewhat Lines
- Proposed Kinda Lines
- Proposed Sorta Lines
- Proposed Pretty Lines
- Proposed Quite Lines
- Proposed Fairly Lines
- Proposed Moderately Lines
- Proposed Reasonably Lines
- Proposed Slightly Lines
- Proposed A Little Lines
- Proposed A Few Lines
- Proposed A Handful Lines
- Proposed A Couple Lines
- Proposed A Dozen Lines
- Proposed A Bunch Lines
- Proposed A Lot Lines
- Proposed A Great Many Lines
- Proposed A Large Number Lines
- Proposed A Significant Number Lines
- Proposed A Substantial Number Lines
- Proposed A Considerable Number Lines
- Proposed A Fairly Large Number Lines
- Proposed A Fairly Small Number Lines
- Proposed A Fairly Good Number Lines
- Proposed A Fairly Bad Number Lines
- Proposed A Fairly Nice Number Lines
- Proposed A Fairly Mean Number Lines
- Proposed A Fairly Kind Number Lines
- Proposed A Fairly Unkind Number Lines
- Proposed A Fairly Honest Number Lines
- Proposed A Fairly Dishonest Number Lines
- Proposed A Fairly Sincere Number Lines
- Proposed A Fairly Insincere Number Lines
- Proposed A Fairly Genuine Number Lines
- Proposed A Fairly Ungenuine Number Lines
- Proposed A Fairly Sincere Number Lines
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- Proposed A Fairly Genuine Number Lines
- Proposed A Fairly Ungenuine Number Lines
- Proposed A Fairly Sincere Number Lines
- Proposed A Fairly Insincere Number Lines
- Proposed A Fairly Genuine Number Lines
- Proposed A Fairly Ungenuine Number Lines

SEPTIC SYSTEM DESIGN NOTES:
 1. ALL SANITARY SEWER LINES SHALL BE 4" DIA. PVC.
 2. ALL SANITARY SEWER LINES SHALL BE 12" DIA. CONCRETE.
 3. ALL SANITARY SEWER LINES SHALL BE 18" DIA. CONCRETE.
 4. ALL SANITARY SEWER LINES SHALL BE 24" DIA. CONCRETE.
 5. ALL SANITARY SEWER LINES SHALL BE 30" DIA. CONCRETE.
 6. ALL SANITARY SEWER LINES SHALL BE 36" DIA. CONCRETE.
 7. ALL SANITARY SEWER LINES SHALL BE 42" DIA. CONCRETE.
 8. ALL SANITARY SEWER LINES SHALL BE 48" DIA. CONCRETE.
 9. ALL SANITARY SEWER LINES SHALL BE 54" DIA. CONCRETE.
 10. ALL SANITARY SEWER LINES SHALL BE 60" DIA. CONCRETE.
 11. ALL SANITARY SEWER LINES SHALL BE 66" DIA. CONCRETE.
 12. ALL SANITARY SEWER LINES SHALL BE 72" DIA. CONCRETE.
 13. ALL SANITARY SEWER LINES SHALL BE 78" DIA. CONCRETE.
 14. ALL SANITARY SEWER LINES SHALL BE 84" DIA. CONCRETE.
 15. ALL SANITARY SEWER LINES SHALL BE 90" DIA. CONCRETE.
 16. ALL SANITARY SEWER LINES SHALL BE 96" DIA. CONCRETE.
 17. ALL SANITARY SEWER LINES SHALL BE 102" DIA. CONCRETE.
 18. ALL SANITARY SEWER LINES SHALL BE 108" DIA. CONCRETE.
 19. ALL SANITARY SEWER LINES SHALL BE 114" DIA. CONCRETE.
 20. ALL SANITARY SEWER LINES SHALL BE 120" DIA. CONCRETE.

EMERALD LANDSCAPING
 CONCEPT PLAN
 11-27



FIRE MARSHAL COMMENTS

DATE: 03-Mar-16
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: Emerald Landscaping
CU-16-09

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Mar-16. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** See project phasing notes ***

Attachment B-2



FIRE MARSHAL COMMENTS

DATE: 03-Mar-16
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: Emerald Landscaping
CU-16-09

.....

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Mar-16. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** See project phasing notes ***

Attachment B-2(a)

DATE: 03-23-15
 SCALE: 1" = 30'
 PROJECT: BURNT HILL ESTATES, LOT 2
 DRAWN BY: [Signature]



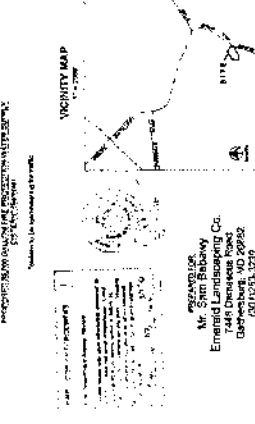
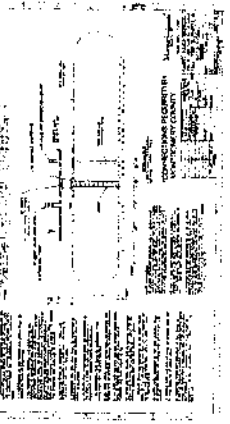
FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN
BURNT HILL ESTATES, LOT 2
 25538 Burnt Hill Road
 Montgomery County, Maryland

GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC).
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS (DPW) STANDARDS.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS (DPW) STANDARDS.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS (DPW) STANDARDS.

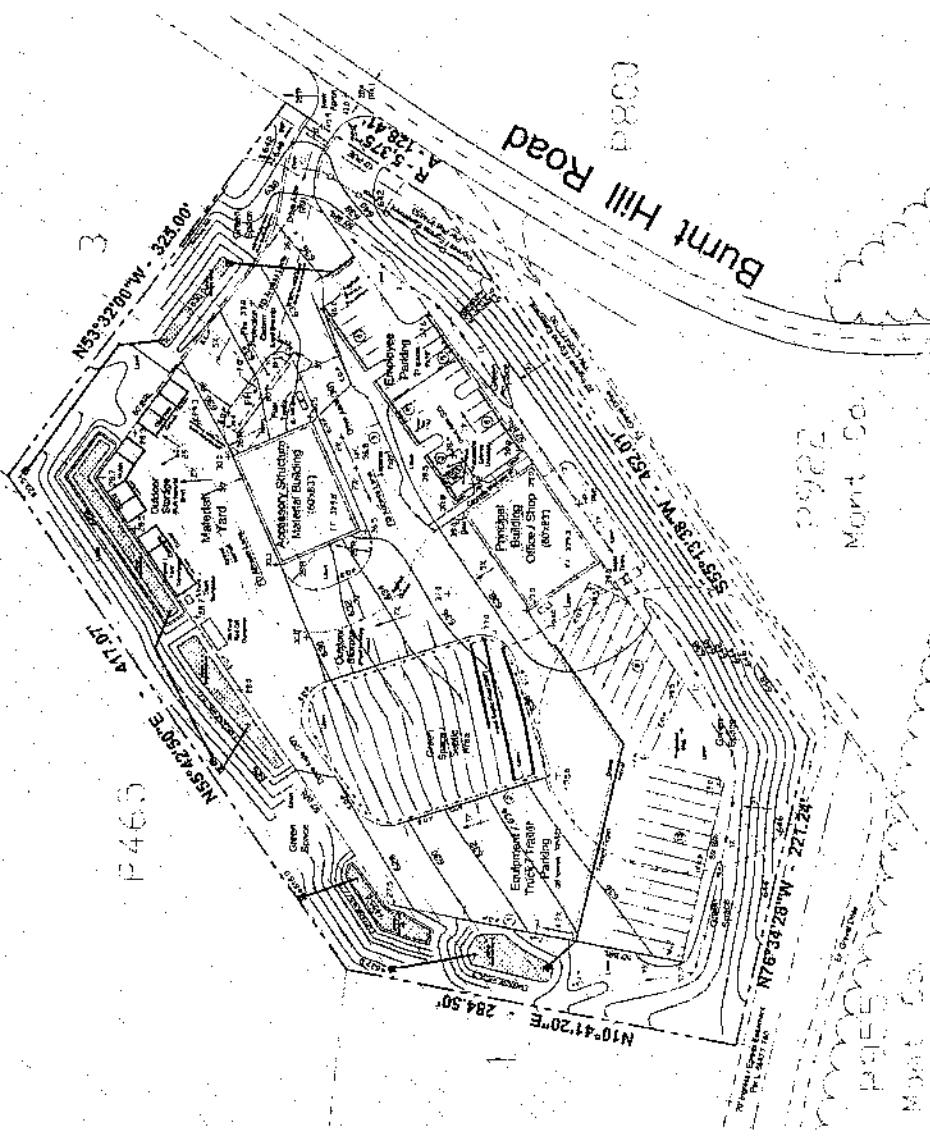
- LEGEND:**
- Existing Centerline
 - Proposed Centerline
 - Proposed Right-of-Way
 - Proposed Easement
 - Proposed Access Road
 - Proposed Fire Department Apparatus Access
 - Proposed Water Supply
 - Proposed Fire Department Apparatus Access
 - Proposed Water Supply

FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:
 1. The purpose of this plan is to provide for the safe and efficient access of fire department apparatus to the subject property.
 2. The plan shows the proposed fire department apparatus access and water supply system.
 3. The plan shows the proposed fire department apparatus access and water supply system.
 4. The plan shows the proposed fire department apparatus access and water supply system.
 5. The plan shows the proposed fire department apparatus access and water supply system.

GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC).
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS (DPW) STANDARDS.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS (DPW) STANDARDS.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS (DPW) STANDARDS.



Mr. Sam Babowy
 Emerald Landscaping Co.
 7446 Denwood Road
 Gaithersburg, MD 20878
 (301) 933-3297



- REQUIRED MATERIALS:**
1. 12" Diameter Concrete Pipe
 2. 12" Diameter Concrete Pipe
 3. 12" Diameter Concrete Pipe
 4. 12" Diameter Concrete Pipe
 5. 12" Diameter Concrete Pipe
 6. 12" Diameter Concrete Pipe
 7. 12" Diameter Concrete Pipe
 8. 12" Diameter Concrete Pipe
 9. 12" Diameter Concrete Pipe
 10. 12" Diameter Concrete Pipe

TANK ELEVATION TABLE

ELEVATION	DESCRIPTION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
425.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION



Attachment B-2(b)

Supplemental Information



Attachment-C



RUSTIC ROADS ADVISORY COMMITTEE

April 8, 2015

Sam Bebawy
Emerald Landscaping Corporation
7448 Damascus Road
Gaithersburg, MD 20882

RE: RRAC's comments regarding relocation of Emerald Landscaping Corporation

Dear Mr. Bebawy,

We are writing to thank you for requesting the committee's review for the relocation of Emerald Landscaping Corporation to Burnt Hill Road, a Rustic Road. We appreciate the opportunity to discuss the relocation of your business and how to minimize the impacts to the rustic road.

Two vacant lots along Burnt Hill Road were presented to the committee as a possibility for relocation, lots 2 and 3. We believe that lot 2 might be the better choice to protect the view shed shown in the Rustic Roads Functional Master Plan, adjacent to lot 3. Two layouts were provided for lot 2 with differing placement of the buildings and parking. We preferred the layout that showed the parking more toward the rear of the property, farther from the rustic road. We suggested that landscaping be provided to help screen and blend the business in with the natural surroundings and that the fencing be of a natural material and darker in color, rather than white plastic.

Thank you again for the opportunity to provide early input on your business's future location. We do recommend that you come back to the committee so that we can prepare a letter which will more thoroughly address comments on your site plan before submitting your application for a Conditional Use.

Sincerely,

Christopher Marston, Chair
Rustic Roads Advisory Committee

Committee Members: Greg Deaver, Angela Butler, Audrey Patton, Robert Tworowski, Jane Thompson, Todd Greenstone

Cc: Anne Mead - Linowes and Blocher LLP
David McKee - Benning and Associates
Leslie Saville - M-NCPPC

Attachment C-1

Lenhart Traffic Consulting, Inc.
Transportation Planning & Traffic Engineering

Memorandum:

Date: December 10, 2014

TO: MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

FROM: Mike Lenhart

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

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.

Attachment C-2 (a)

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.

Shift time	Employees	
Shift 1:		
6:00 a.m. to 5:00 p.m.:	6 - Managers	Note: 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	
Shift 2:		
6:30 a.m. to 3:00 p.m.:	0 - Managers	Note: First set of crews dispatch to jobs (7) crews.
	23 - laborers/truck drivers	
	0 - mechanical	
	1 - yard	
	0 - office	
Shift 3:		
7:00 a.m. to 3:30 p.m.:	0 - Managers	Note: First set of crews dispatch to jobs (7) crews.
	19 - laborers/truck drivers	
	0 - mechanical	
	1 - yard	
	0 - office	
Shift 4:		
9:00 a.m. to 5:00 p.m.:	0 - Managers	Note: 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 Conditional Use 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. 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>Greenspecker 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
Maximum AM Peak Hour Trips (8:30-9:30 AM):	10	14	24
Maximum PM Peak Hour Trips (4:00-5:00 PM):	0	9	9

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 Conditional use 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.

Trip Generation Totals

			Peak Hour		
			In	Out	Total
<u>Greenspeak per Landscaping</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
Maximum AM Peak Hour Trips (8:30-9:30 AM):			12	14	26
Maximum PM Peak Hour Trips (4:00-5:00 PM):			5	14	19

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		

Lenhart Traffic Consulting, Inc.
Transportation Planning & Traffic Engineering

Memorandum:

Date: June 20, 2015

TO: Mr. Sam Bebawy
Emerald Landscaping
7448 Damascus Road
Gaithersburg, MD 20882

FROM: Mike Lenhart

RE: Emerald Landscaping – Conditional Use Application

Sam:

Lenhart Traffic Consulting has conducted a speed study along northbound Burnt Hill Road in conjunction with the sight distance analysis for the proposed site driveway which is located approximately 150' north of Little Bennett Regional Park on the west side of Burnt Hill Road. The purpose of this memorandum is to report the findings of the study.

The speed study was conducted during the mid-day on Tuesday May 16th, 2015. The speed study was conducted at a point approximately 150' to 200' south of the proposed access, just as vehicles peak the vertical curve in the vicinity of the entrance to Little Bennet Regional Park. The speed study was conducted manually to ensure that farm equipment and vehicles slowing to turn into the Little Bennett Regional Park were not included in the study sample.

The traffic volumes on Burnt Hill Road are very low, and are reported in the 2013 Highway Bridge Inventory to be approximately 2,990 vehicles per day (two-way 24 hour traffic volumes).

The results of the speed study yielded the following findings:

- The northbound traffic on Burnt Hill Road is traveling up a 10% incline with a horizontal curve approaching the entrance to Little Bennett Regional Park. The geometric features of the road tend to limit travel speeds on this section of road.
- The 85th Percentile Speed (Design Speed per AASHTO) is 37 MPH
- The Average Speed and the Mean Speed were both 35 MPH
- The 10 MPH Pace was 29 to 38 MPH

The sight distance analysis was conducted at the proposed driveway and it was determined that the sight distance looking to the right (south) from the driveway is 295 feet. According to the Montgomery County Department of Transportation Sight Distance Evaluation worksheet, a roadway with a 40 MPH posted speed limit should have 325 feet of sight distance from the proposed driveway. The source of this information is referenced from AASHTO, however the form is dated March of 2000 and there have been numerous updates of AASHTO since 2000. The 2011 AASHTO indicates that the stopping sight distance for 40 MPH is 305 feet.

Attachment C-2 (b)

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Section 9.5.1 of the 2011 AASHTO Manual states that sight distance is typically provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting highway to decide when to enter the intersecting highway or to cross it. However, if the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance, then drivers have sufficient sight distance to anticipate and avoid collisions.

According to the AASHTO discussion above, and based on a design speed (85th percentile speed) of 37 MPH, the intersection would require a stopping sight distance of 272 feet to satisfy AASHTO sight distance requirements. This is based on an interpolation of the AASHTO stopping sight distance of 250' for a 35 MPH design speed and 305' for a 40 MPH design speed.

Based on this information, the proposed driveway with a sight distance of 290 feet would satisfy AASHTO sight distance requirements.

In the process of conducting this field investigation, it was noted that the sight distance for the entrance to the Little Bennett Regional Park is approximately 210 feet, which is less than AASHTO's recommended stopping sight distance of 272 feet for the existing 85th percentile speed of 37 MPH. While this is unrelated to the proposed driveway, it is suggested that DOT install a curve and intersection warning sign on northbound Burnt Hill Road with a 30 MPH advisory speed plate to serve the existing intersection to the Little Bennett Regional Park. The 30 MPH advisory speed would satisfy the AASHTO stopping sight distance for the existing 210 feet of sight distance at the park entrance.

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

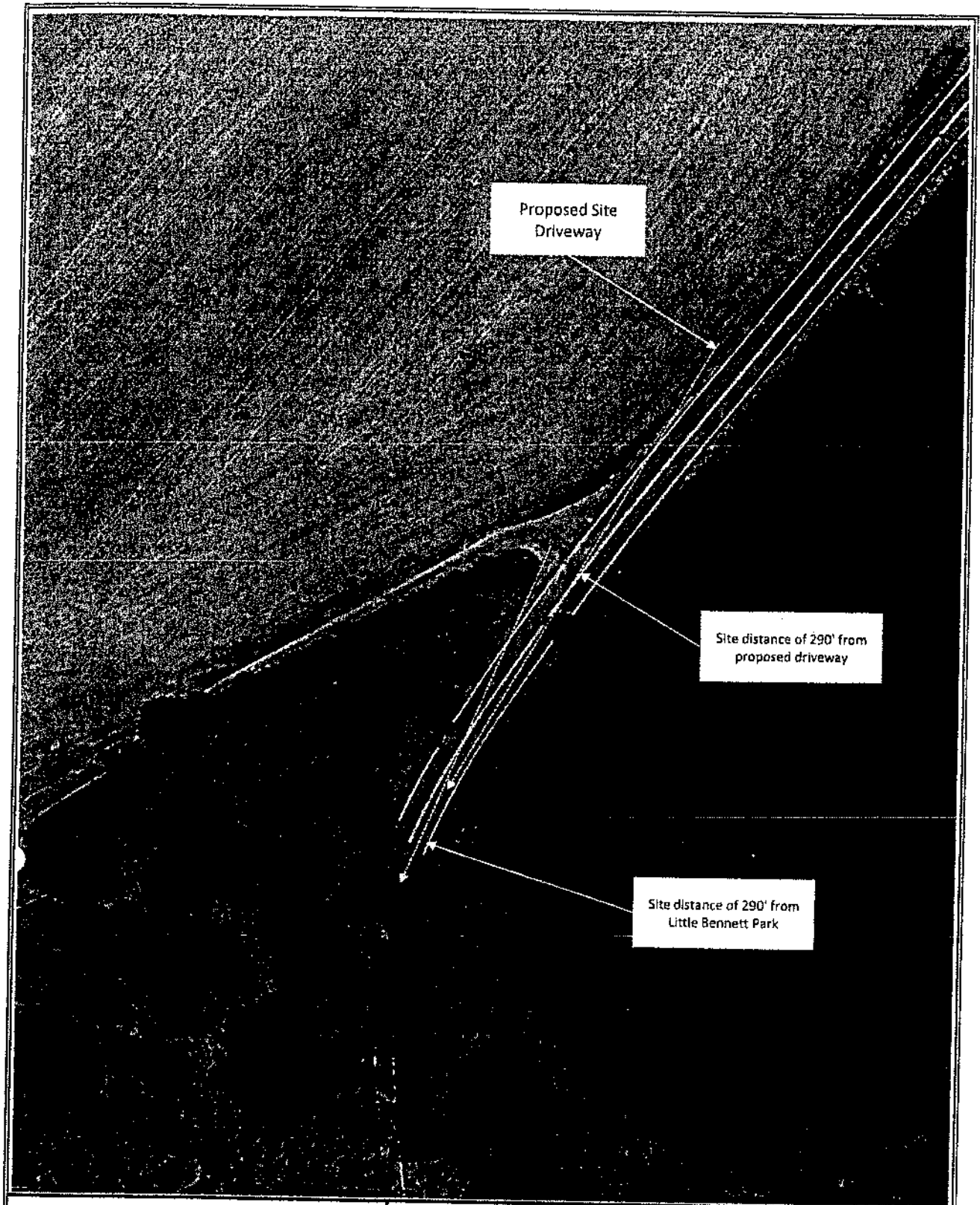
Thanks,
Mike

Speed (MPH)	No. of Veh's @ Speed	Cumulative Vehicles
17		0
18		0
19		0
20		0
21		0
22		0
23		0
24		0
25		0
26		0
27		0
28	1	1
29	4	5
30	3	8
31	4	12
32	5	17
33	9	26
34	13	39
35	18	57
36	16	73
37	12	85
38	4	89
39	3	92
40	3	95
41	2	97
42	1	98
43	2	100
44		100
45		100
46		100
47		100
48		100
49		100
50		100
51		100
52		100
53		100
54		100
55		100
56		100
57		100
58		100
59		100
60		100
61		100
62		100
63		100
64		100
65		100
66		100

Time Mean Speed (Average) = 35 MPH
85th %-ile (Design) Speed = 37 MPH
Median Speed = 35 MPH
10 MPH Pace = 29-38 MPH

NOTE: Speed study conducted according to Spot Speed Studies in the Traffic Engineering Handbook

Speed Study	Speed Study for Northbound Burnt Hill Road	Exhibit 1
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning	DATE: Tue (5/16/15) Mid-day	



Proposed Site Driveway

Site distance of 290' from proposed driveway

Site distance of 290' from Little Bennett Park

Speed Study	Aerial Photograph	Exhibit
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning	Source: Google Earth	2



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 14, 2015

Mr. Don Leishear
28419 Hickory Hill Road
Federsburg, MD 21632

Re: Final Forest Conservation Plan
Property Name: Leishear Farm
Plan Number: SC2009002
Tract Size/Net Tract Size: 240 acres/19.59 acres
Land Use Category: MDR

Dear Mr. Leishear:

Based on the review by the Planning Staff of The Maryland National Capital Park and Planning Commission (M-NCPPC), the Final Forest Conservation Plan (FFCP) submitted to M-NCPPC on April 21, 2015 and referenced above, is approved. The Final Forest Conservation Plan consists of 0.00 acre forest saved, 0.00 acres of forest removed, and 3.92 acres of afforestation/reforestation required.

The forest conservation plan is approved subject to the following conditions.

1. Required site inspections by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan, including root pruning, may be required by the M-NCPPC forest conservation inspector.
3. Prior to the start of any clearing, grading, or demolition on the property, the applicant must place a Category I conservation easement over all areas of forest retention proposed as forest conservation mitigation, as specified on the approved Final Forest Conservation Plan. Conservation easements must be recorded in the Montgomery County land records.
4. Prior to the start of any clearing, grading, or demolition on the property, the applicant must provide financial surety in an amount acceptable to M-NCPPC for planting 0.54 acres of forest, as specified on the approved Final Forest Conservation Plan.
5. At the direction of the M-NCPPC forest conservation inspector, the applicant must install permanent Category I conservation easement signage as specified on the Final Forest Conservation Plan along the perimeter of the conservation easements. Exact locations of the signs to be determined by the M-NCPPC forest conservation inspector to best define the limits of the conservation easement.
6. The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by M-NCPPC staff.

Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modifications planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring. **Please contact Doug Johnsen at (301) 495-4712 to schedule your pre-construction or pre-planting meeting.** If you have any questions regarding these actions, please feel free to contact Mary Jo Kishter at (301) 495-4701.

Sincerely,



Richard Weaver, Supervisor
Area 3, Montgomery County Planning

cc: File: SC2009002
Josh Maisel

Tesfaye, Elsabett

To: Leck, Gregory
Subject: RE: CU2016-09, proposed Emerald Landscaping facility at 25538 Burnt Hill Road - MCDOT recommended condition

From: Leck, Gregory [mailto:Gregory.Leck@montgomerycountymd.gov]
Sent: Wednesday, February 24, 2016 4:17 PM
To: Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>
Cc: dmckee <dmckee@benninglandplan.com>; hdlhopolsky <hdlhopolsky@linowes-law.com>; Mike Lenhart (mlenhart@lenharttraffic.com) <mlenhart@lenharttraffic.com>; atiq.panjshiri <atiq.panjshiri@montgomerycountymd.gov>; Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Weaver, Richard <richard.weaver@montgomeryplanning.org>; Reynolds, Kipling <Kipling.Reynolds@montgomeryplanning.org>; william.whelan <william.whelan@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>
Subject: CU2016-09, proposed Emerald Landscaping facility at 25538 Burnt Hill Road - MCDOT recommended condition

Good afternoon Elsabett,

Our office has been contacted by Mr. David McKee and Ms. Heather Dlhopsky regarding the Conditional Use Permit application that is pending for the proposed Emerald Landscaping facility at 25538 Burnt Hill Road in Damascus.

Mr. McKee had previously coordinated with Mr. Atiq Panjshiri of the Department of Permitting Services/Right-of-Way Plan Review Section regarding sight distance at the proposed site driveway. As there are existing visibility issues at that location, it was recommended to have additional advance notice (sign and/or flashing light) be provided by the applicant to alert motorists of the proposed driveway. The proposed entrance/exit is in the vicinity of the existing driveway to Little Bennett Regional Park; it has been suggested that additional notice be implemented at that location as well.

The decision to install such advance notice in the right-of-way requires study and approval from our Division of Traffic Engineering and Operations. We have requested more information from the applicant to facilitate the DTEO study.

We have been advised that the tentative Planning Board hearing date for this application is March 24th and that the OZAH hearing is scheduled for April 8th. Not wanting to delay completion of your Staff Report for the Planning Board hearing to complete the DTEO study, we suggest you include a condition to indicate:

"Prior to approval of the access permit for this property, the applicant shall obtain Executive Branch approval of the Sight Distances Evaluation certification form and shall install any necessary advance notice to motorists (including but not limited to signs and markings) as approved by the MCDOT Division of Traffic Engineering and Operations."

Please feel free to wordsmith this language as necessary and appropriate.

Thank you for your cooperation and assistance. If you have any questions or suggestions, please contact me at your earliest convenience.

Greg

*Greg Leck, Manager
Development Review
Office of Transportation Policy
Montgomery County Department of Transportation*

*101 Monroe Street, 10th floor
Rockville, Maryland 20850*

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

March 3, 2016

Heather Dhopolsky
301.961.5270
hdhopolsky@linowes-law.com

VIA HAND DELIVERY

Ms. Elsabett Tesfaye
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Conditional Use Application No. CU 16-09 (the "Application") – Revised Materials

Dear Ms. Tesfaye:

In advance of the Montgomery County Planning Board's March 24th hearing on the Application, we are submitting to you the final revised Application materials. The plans and materials listed below have been slightly revised since those submitted to you on February 4, 2016, primarily in response to review comments from the Office of the Fire Marshal and the Montgomery County Department of Permitting Services ("MCDPS"), Well and Septic Division. The enclosed plans and materials reflect the following minor revisions from the February 4th submission:

- The plans now reflect a ribbon of asphalt starting at the entrance to the site and looping around the material building. The Office of the Fire Marshal (Ms. Marie LaBaw) indicated this was needed, as the previously shown gravel is not acceptable for emergency vehicle routes of travel. The removal of porous pavement from the paved area near the material building results in the need to also revise the Stormwater Management Concept Plan.
- The above-referenced change to the Stormwater Management Concept Plan required a fifth microbio-retention area to be added along the site's northeast boundary. Placement of this necessitated a low retaining wall along the boundary, which will not be visible from either side of the wall due to landscape screening.
- In order to accommodate the turning needs of emergency vehicles, the 30-yard roll-off dumpster was moved from near the material building to a new location next to the 3-yard dumpster.
- A bollard barrier surrounding the septic area has been added to the plan. The MCDPS Well and Septic Division (Mr. Gene von Gunten) indicated that they do not want the plant holding areas to be located on top of the septic, and thus the plant holding areas have been moved out of the septic areas.

**L&B 5627129v1/12777.0002

Attachment C-5

Ms. Elsabett Tesfaye

March 3, 2016

Page 2

Reflecting these revisions, two (2) copies of the following plans are enclosed:

- Revised Conditional Use Site Plan (identified as Exhibit "32(a)" in OZAH's exhibit list for the Application, now with a revision date of March 3, 2016)
- Revised Landscape and Lighting Plan and Screening Exhibit (previously referenced as Exhibit "32(b)-(g)" in OZAH's exhibit list for the Application, now with a revision date of March 3, 2016)
- Conditional Use Site Plan, now stamped approved by the MCDPS Well and Septic Division (note that this plan has a revision date of February 18, 2016, while the current Conditional Use Site Plan has a revision date of March 3, 2016; the only change between these two plans is the added microbioretention area, referenced above, which does not affect the septic review)
- Approved Fire Department Apparatus Access and Water Supply Plan, with approval letter (this plan has been enclosed at 11"x17" size rather than full-size, as our large-scale plotter broke mid-printing; we will forward full-size copies of this plan to you within the next day or two)
- Revised Stormwater Management Concept Plan (previously referenced as Exhibit "20" in OZAH's exhibit list for the Application, now dated March 2, 2016)

Also enclosed please find a CD containing pdfs of the materials listed above. We look forward to the March 24th Planning Board hearing on the Application. Please contact me should you have any questions or require any additional information in the interim.

Very truly yours,

LINOWES AND BLOCHER LLP



Heather Dlhopsky

Enclosures

cc: Office of Zoning and Administrative Hearings (*via overnight mail*)
Mr. Sam Bebawy
Mr. Dave McKee
Mr. Mike Lenhart