

PROJECT NO. 500505 PROJECT NAME: WHITE GROUND ROAD BRIDGE NO. M-138

E. PROJECT DESCRIPTION AND JUSTIFICATION

DESCRIPTION

This project is to provide for a replacement of the White Ground Road bridge over Buck Lodge Branch and approximately 1000 feet of approach roadway work (500 feet each to the north and south). The new replacement bridge will be approximately 50 feet in length and provide two 11-foot travel lanes with a 2-foot wide shoulder on each side, for a total bridge clear roadway width of 26 feet. The approach roadway work is necessary to transition the new bridge into the existing roadway alignment. The bridge and road will be closed to vehicular and pedestrian traffic during construction. Stream bank stabilization and realignment of the stream channel will be required to prevent further stream degradation and erosion of the existing stream banks.

Service Area

Germentown, Boyds and Vicinity Area.

Capacity

Upon completion, the Average Daily Traffic [ADT] on White Ground Road bridge will remain at 650 vehicles per day, and the posted load restriction will be eliminated.

JUSTIFICATION

Specific Data

The existing structure, built around 1950, is a 28-foot long single span steel beam bridge with an asphalt filled corrugated metal deck. The clear roadway width of 15 feet 7 inches supports alternating two-way traffic. The 2001 bridge inspection report revealed that the concrete

substructure is in very poor condition. The abutments and wingwalls exhibit deterioration in the form of cracking and spalling concrete. Each abutment has been undermined by the stream current. Concrete aprons and rip-rap have been placed as temporary preventive scour measures. The steel beams are heavily corroded with section loss in part due to moisture migrating through the joints in the corrugated metal decking. The bridge is structurally deficient and functionally obsolete. It is currently posted for both a Single Unit Vehicle Weight and Combination Unit Vehicle Weight of 34,000 lbs.

Plans and Studies

White Ground Road is designated as a "rustic road" in the functional Master Plan for Rustic Roads. This bridge was identified for replacement through the County's biennial bridge inspection program.

A review of impacts to pedestrians, bicycles and ADA (Americans with Disabilities Act of 1991) has been performed and addressed by this project. Traffic signals, streetlights, crosswalks, bus stops, ADA ramps, bikeways, and other pertinent issues have been considered in the design of the project to ensure pedestrian safety.

Cost Change

N/a

STATUS

Preliminary Design Stage

NEW PROJECT / PROJECT CHANGE SUMMARY**FY 2005 - 2010 C.I.P.**

Project Title: White Ground Road over
Bucklodge Branch
Bridge No. M-138

Project No. 500505

Date August 5, 2003

In the format below, please provide a summary rationale for key aspects of a new project as well as any major changes for an existing project as currently approved.

NEED: Based on the findings of the biennial Bridge Inspection Program and extent of recent maintenance repairs, the White Ground Road bridge needs to be replaced. The existing structure, built around 1950, is a 28-foot long single span steel beam bridge with an asphalt filled corrugated metal deck. The clear roadway width of 15 feet 7 inches supports alternating two-way traffic. The 2001 bridge inspection report revealed that the concrete substructure is in very poor condition. The abutments and wingwalls exhibit deterioration in the form of cracking and spalling concrete. Each abutment has been undermined by the stream current. Concrete aprons and rip-rap have been placed as temporary preventive scour measures. The steel beams are heavily corroded with section loss in part due to moisture migrating through the joints in the corrugated metal decking. The bridge is structurally deficient due to the extent of steel beam and concrete deterioration and functionally obsolete based on the unsafe one lane traffic pattern. Large vehicles such as buses and delivery trucks must yield on the narrow approach roadway prior to crossing the one lane bridge. It is currently posted for both a Single Unit Vehicle Weight and Combination Unit Vehicle Weight of 34,000 lbs.

SCOPE: This project provides for the replacement of the existing one lane bridge in addition to approximately 1000 feet of approach roadway work. The new replacement bridge will be approximately 50 feet in length and provide two 11-foot travel lanes with a 2-foot wide shoulder on each side, for a total bridge width of 26 feet. The approach roadway work is necessary to tie the new structure into the existing roadway. The road and bridge will be completely closed to vehicular and pedestrian traffic during the reconstruction. Additionally, stream stabilization and restoration measures will be included in the project to correct stream bank erosion and prevent further stream degradation.

TIMING: The construction is scheduled to start in FY2005 and be completed in FY2006.

FUNDING SOURCE(S): Federal Aid funding will be requested for this project, therefore, the costs of bridge construction, construction management and inspection will be funded using 80% TEA-21 funding and 20% Montgomery County General Obligation Bonds.

OTHER: The project scope and schedule are new for FY2005. The design costs for this project are part of the Facility Planning: Bridges (C.I.P. No. 509132). The new bridge construction qualifies for Federal Aid funding since the existing span length exceeds 20 feet.

White Ground Road is designated as a "rustic road" in the Rustic Roads Functional Master Plan in Montgomery County, Maryland. According to Montgomery County Executive Regulation 21-96AM dated November 26, 1996, "the Department of Public Works and Transportation must make bridge repairs in a manner that preserves the rural characteristics of the roadway and the bridge structure", in addition this regulation provides guidelines for "Modification of Road Pavement and Related Structures" in terms of the following:

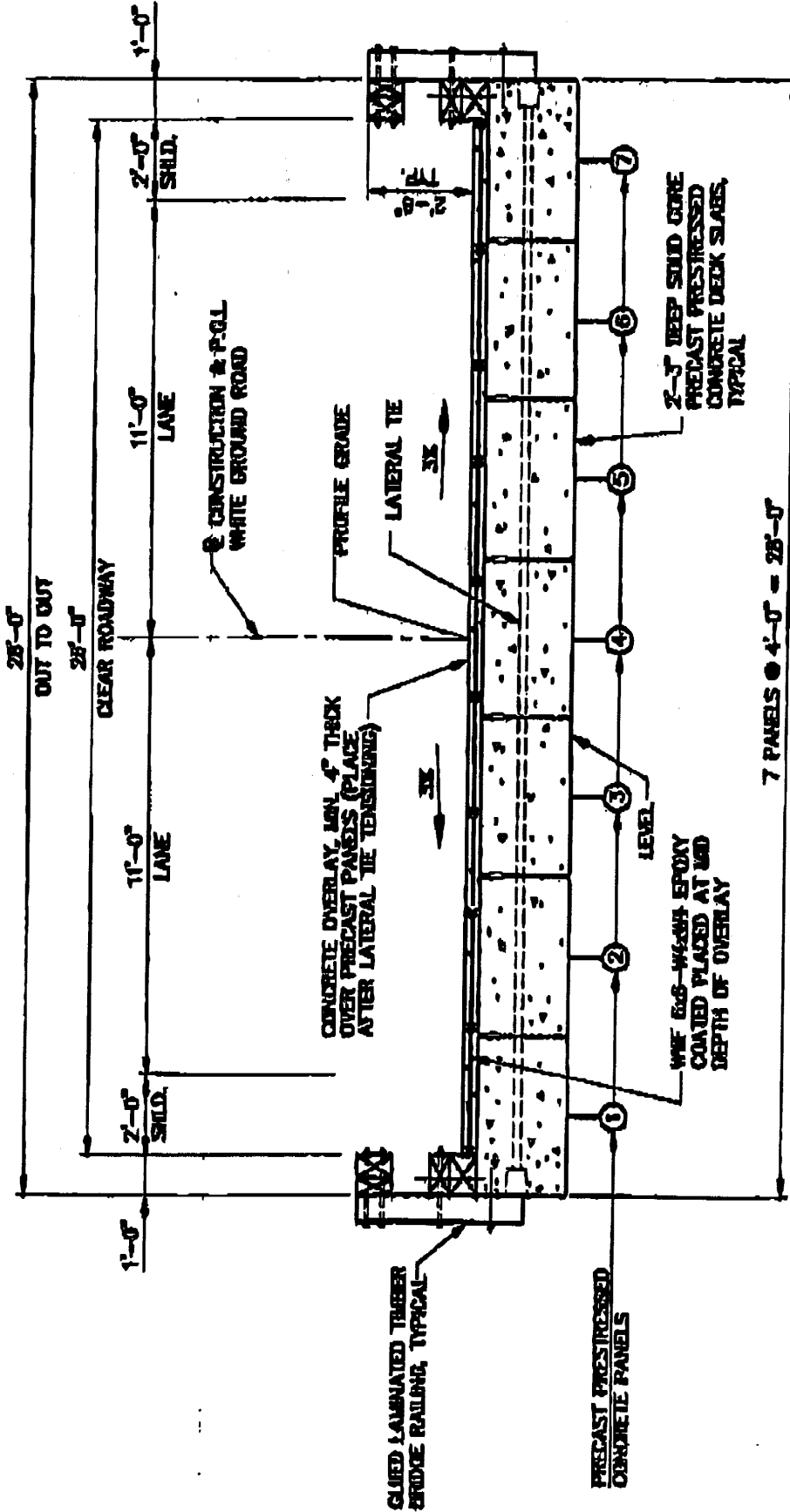
- Width, Alignment and Road Surface
- Shoulders
- Minimum Sight Distance for New Driveways, Intersections and Spot Safety Improvements.
- Minimum Sight Distance – Alignment Adjustments
- Bridge Replacement
- New Guardrails

For Bridge Replacements:

"Bridge replacement and rehabilitation must be of a design and material which preserves or enhances the rustic appearance of the road. Bridge must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental, economic, or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance of the roadway. Correction of substandard approach road geometrics must be made in character with existing unmodified portions of the roadway. All new or rehabilitated structures must be designed with adequate weight bearing capacity and horizontal clearance to accommodate emergency vehicles and agricultural equipment. Actual roadway surfaces on bridge deck must be compatible in width to the width of the unaltered roadway.

Due to the rustic road designation of this roadway, the existing roadway geometry was modeled as closely to existing conditions as possible. There is ample sight distance from each approach as to not compromise safety. It is the objective of this project to replace the deteriorated bridge while maintaining the rustic characteristics of the approach roadway. Therefore, the sharp curvature on the south approach with a design speed of 15 mph and the roadway curvature will remain since adequate sight distance is available to safely maneuver across the bridge. It was also the objective in the design and construction phases to minimize impacts to the adjacent parklands and stream valley. These two characteristics are also valuable attributes to the rustic road. Altering the alignment would cause the unnecessary removal of many more large trees and detract from the policy for managing rustic roads within the County. Pavement markings are not used on this road designation therefore the Rustic Roads Advisory Committee has requested that these be omitted on the new bridge. In their opinion, safety will not be compromised.

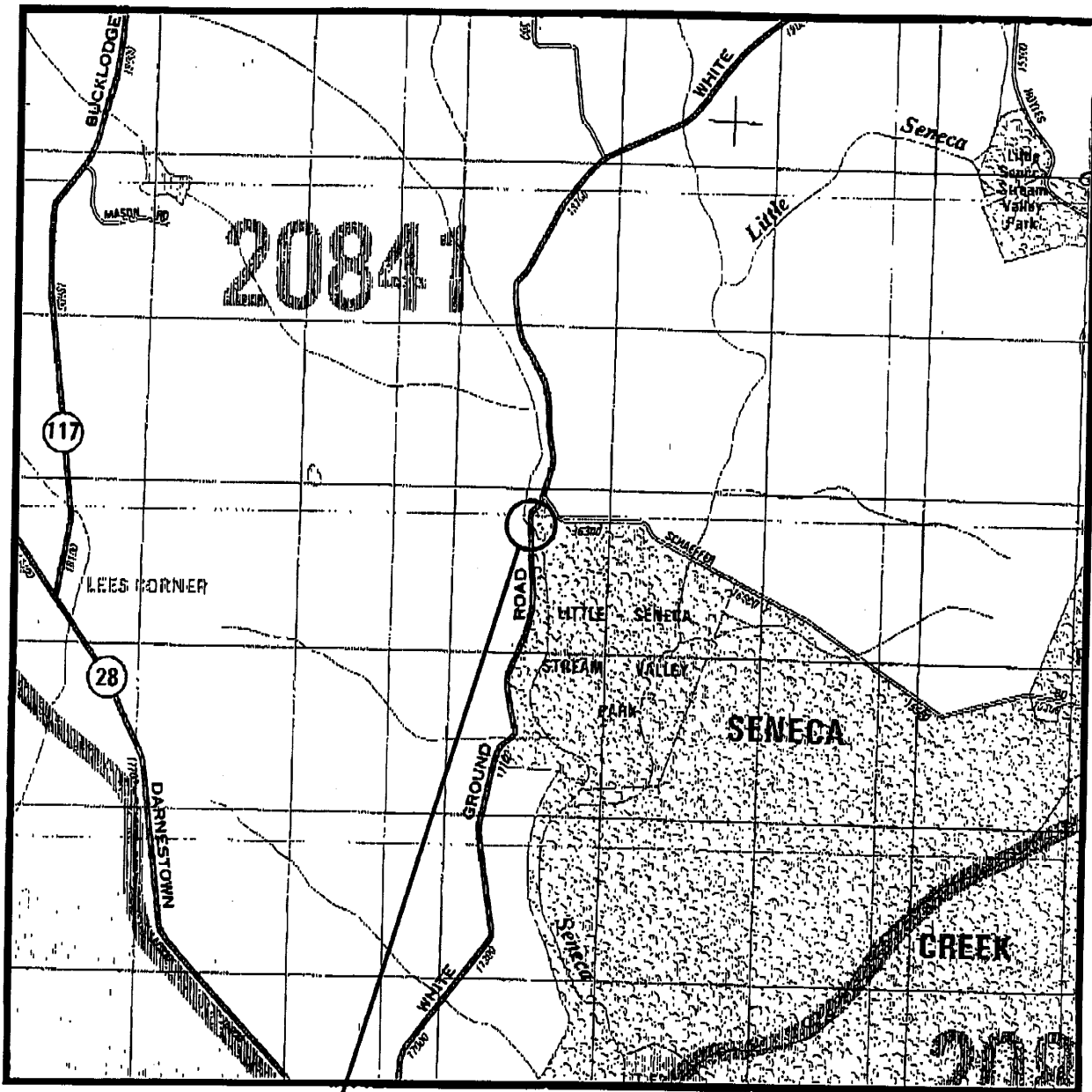
The County has no record of any serious accidents at this location.



TYPICAL DECK SECTION

SCALE 1/4"=1'-0"

26' ROADWAY OPTION
WHITE GROUND ROAD
OVER BUCK LODGE BRANCH



White Ground Road
Bridge No. M-0138

ADC Street Grid Location: 17-D-7
29th Edition

LOCATION MAP

SCALE: 1" = 2,000'

White Ground Road



Northern Approach



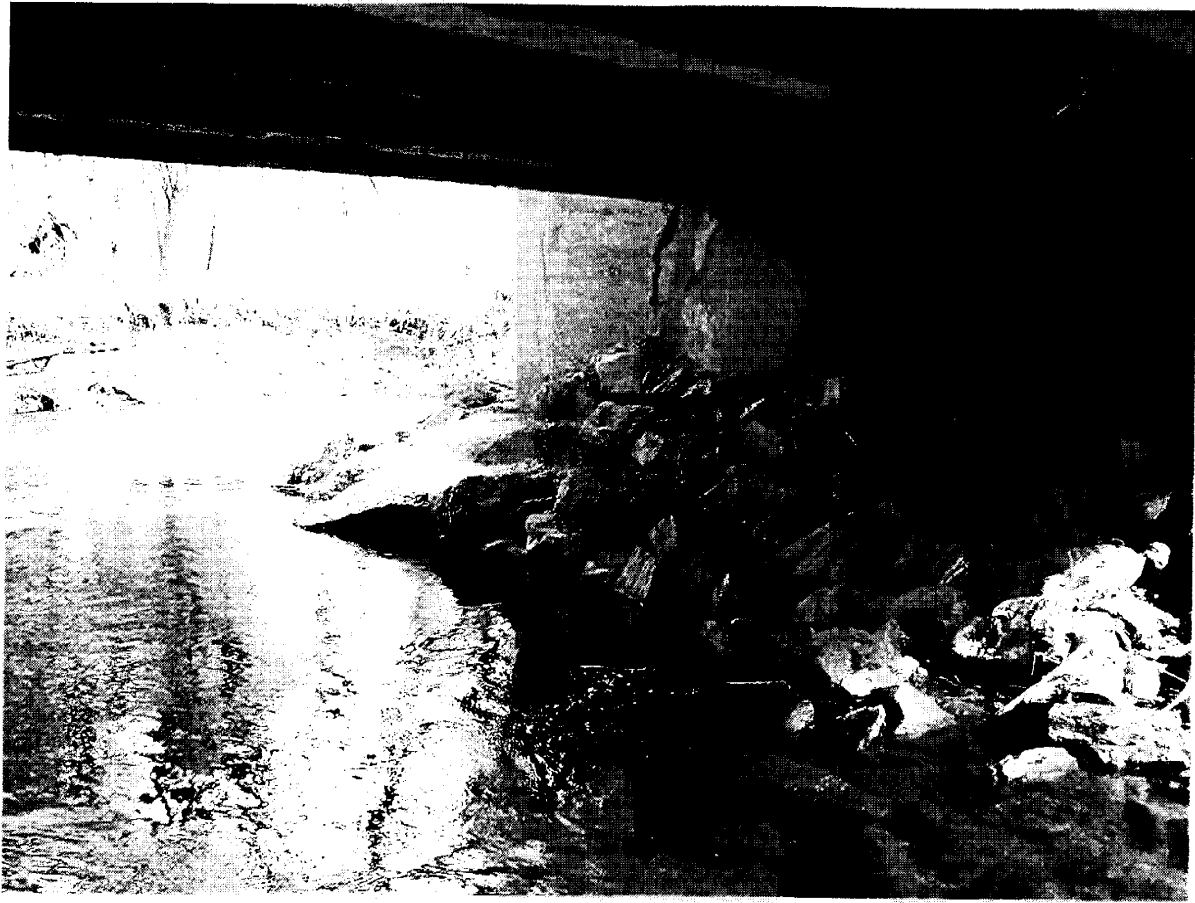
Southern Approach



Eastern Bridge Elevation



View under the bridge



View of stream scouring the bridge



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	RUSTIC ROADS	Number	21-96AM
Originating Department	DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION		Effective Date
			November 26, 1996

C. Modification of Road Pavement and Related Structures

1. Width, Alignment and Road Surface

The width, alignment and road surface of exceptional rustic roads must not be altered, except to provide adequate safety, to reduce maintenance problems, or to provide roadway pull off area for farm equipment or for a scenic opportunity.

2. Minimum Sight Distances - Alignment Adjustments

Vertical or horizontal roadway alignment adjustments to achieve adequate sight distances on exceptional rustic roads shall not be done unless the Department determines that no other alternative to achieving adequate sight distance is feasible. If such adjustments are required they shall be done in such a manner as to replicate the characteristics of the adjacent unmodified roadway sections. The Department may waive or modify geometric criteria not directly relating to safety. Realigned exceptional rustic roads must have the same configuration, width and roadway surface as adjacent unaltered sections.

3. Bridge Replacement

Bridge replacement or rehabilitation must be of a design and material which preserves or enhances the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance of the road. On exceptional rustic roads, a new or rehabilitated deck should be no wider than the existing deck unless improvements are specifically needed for the transportation of agriculture related equipment, in which case the new or rehabilitated deck should be no wider than the existing approaches.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject <p style="text-align: center;">RUSTIC ROADS</p>	Number <p style="text-align: center;">21-96AM</p>
Originating Department <p style="text-align: center;">DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION</p>	Effective Date <p style="text-align: center;">November 26, 1996</p>

4. Minimum Sight Distances - Alignment Adjustments

Vertical or horizontal roadway alignment adjustments to achieve adequate sight distances on rustic roads may be performed as needed to maintain existing safety levels. If such adjustments are required they must be designed compatible with adjacent unmodified roadway sections. The Department may waive or modify geometric criteria not directly relating to safety. In general, relocated rustic roads must have the same configuration, width and roadway surface as adjacent unaltered sections.

5. Bridge Replacement

Bridge replacement or rehabilitation must be of a design and material which preserves or enhances the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental, economic, or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance of the roadway. Correction of substandard approach road geometries must be made in character with existing unmodified portions of the roadway. All new or rehabilitated structures must be designed with adequate weight bearing capacity and horizontal clearances to accommodate emergency vehicles and agricultural equipment. Actual roadway surfaces on bridge decks must be compatible in width to the width of the unaltered roadway.

6. New Guardrails

New guardrails must be of a material that maintains or enhances the rustic appearance of the roadway. Placement of new guardrails must not restrict access and movement of agricultural equipment.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 11
Date: 9/25/2003

MEMORANDUM: SPECIAL EXCEPTION MODIFICATION

DATE: September 22, 2003

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

FROM: Frederick Vernon Boyd, Community Planner *FVB*
Khalid Afzal, Team Leader *KA*
Georgia Avenue Planning Team

SUBJECT: **CBA 2180-A: Johnson's Flower and Garden Center – Johnson's Family Enterprises, LP; 5011 Olney-Laytonsville Road; 28.3449 acres; Rural Density Transfer Zone; Olney Master Plan**

FILING DATE: June 26, 2003
PUBLIC HEARING: October 8, 2003

RECOMMENDATION: Approval with the following conditions:

1. The applicant is bound by all submitted statements and plans.
2. This special exception requires approval of a preliminary plan of subdivision.
3. The existing mulch bay along Zion Road must be moved so that it is at least 50 feet from the nearest property line, which will bring its location into compliance with Section 59-G-2.30.00 (2).
4. The landscaping plan must be amended to include a hedge of similar size between the two existing hedges along Zion Road, to enhance screening of existing hoop houses, staging areas and storage buildings.

PROJECT SUMMARY

Site Description

Johnson's Flower and Garden Center is located on MD 108, Olney-Laytonsville Road at its intersection with Zion Road, about two miles from the town center of Olney. The property totals 28.3449 acres and slopes gently from east to west. It is largely cleared, with a stand of trees along the northern boundary. The property now houses a retail

horticultural nursery, with a one-story main retail building connected to a retail greenhouse facing MD 108. Separate outdoor retail areas are adjacent to the main retail building and retail greenhouse.

Eighteen smaller greenhouses are used for plant cultivation, maintenance and miscellaneous storage. Fields adjacent to the greenhouses are also used to cultivate and maintain plants. Smaller frame buildings and pavilions are used for storage. To the west of the main retail building is an existing house that is used as office and storage space.

A landscape contractor occupies a portion of the property nearest Zion Road. The contractor works from an existing block building. A second existing frame building is used for contractor storage and a frame pavilion is used to store equipment and plants awaiting transport to project sites. The contractor maintains a staging and preparation area between its buildings and Zion Road. The contractor's trucks are kept in this area as well.

Neighborhood Description

Johnson's is located in an area devoted largely to agriculture. To the east, across Zion Road is a 71-acre property owned by a social service agency and used for agriculture. To the west are PEPCO power lines and additional farmland. To the south, across MD 108 is a 28-acre farm. To the north is Mount Zion Local Park, a 12-acre facility with playing fields, playgrounds and picnic facilities. Also to the north is the crossroads hamlet of Mount Zion, one of the county's 19th Century African-American settlements.

There are no other active special exceptions in the neighborhood.

Project Description and Elements of Proposal

The petitioner proposes several major and a number of minor modifications to the existing retail horticultural nursery. Major modifications include:

- Renovation of the existing indoor retail building to increase space devoted to office activities; the renovated structure will consist of 7,050 square feet of retail space and 3,440 square feet of space for office uses, product design and storage;
- Construction of a new retail greenhouse that will provide 16,800 square feet of retail space;
- Relocation of the existing greenhouse to a spot nearer Zion Road, where it will be used solely for growing; and
- Remodeling of the outdoor retail sales area to provide a total of 38,250 square feet of sales space.

Other modifications include restriping the main parking lot to show spaces for handicapped customers and bring the spaces to County standards; relocating an existing back gate to accommodate the relocated growing greenhouse; enhancing the

existing planted buffer to screen the relocated growing greenhouse; replacing the existing chain link and split rail fence with an aluminum and black chain link security fence and adding a new "hoop" house for growing plants. The petition reaffirms the use of 7,500 square feet of existing outdoor retail space; use of existing above ground tanks for diesel fuel and oil recycling; and use of a storage building for dry chemicals.

These modifications will not substantially increase retail sales areas at Johnson's. The center currently has 69,360 square feet of sales space, 46,100 square feet outside and 23,260 square feet inside. The modified center will total 23,850 square feet of indoor retail space and 46,100 square feet of outdoor retail space, for a total of 69,950 square feet.

The petitioner also asks to expand the activities at the nursery to include an existing landscape design and contracting business as an accessory use and to allow existing retail sales of propane gas.

Johnson's hours of operation are from 8 am to 8 pm every day during the months of April and May; and from 8 am to 6 pm daily during the rest of the year. The nursery and landscape contractor propose to have 50 employees on site at any one time. Forty workers will be on-site for retail and supporting activities and 10 workers will be working off-site.

The petition requests these vehicles to support the retail nursery and landscape contracting operations:

2 vans	5 dump trucks
4 pick-up trucks	2 trailers
3 stake body trucks with dumping capability	1 skid steer loader
1 stake body truck	2 forklifts
2 box trucks	1 electric cart

ISSUES

No issues have been raised about the proposed modification.

ANALYSIS

Master Plan—The proposed modification conforms to the 1980 Olney Master Plan.

This property, though located in the Rural Density Transfer Zone, is in the Olney Planning Area. The 1980 Olney Master Plan described the portion of the planning area including this property as the Rural-Agriculture area and stated that the area was the focus of the master plan's farmland preservation policies. The overall strategy for the area encourages retention of farmland for agricultural and related uses, with residential development explicitly discouraged by placing the land in a zone that allows development at only one dwelling unit for every 25 acres. The Plan does not make

specific recommendations for this property, but it should be noted that an important aspect of the applicant's nursery operation—the cultivation of a wide variety of plants that will ultimately be sold in one of the four Johnson's flower centers—is akin to agriculture. In addition, retail horticultural nurseries and landscape contractors are permitted by special exception in the RDT Zone, which means that these activities can be considered consistent with farming. The existing nursery and the proposed modifications are therefore in keeping with the recommendations of the Olney Master Plan.

The Public Hearing Draft Olney Master Plan, now under review by the Planning Board, recommends retention of the RDT Zone for this portion of the Olney Planning Area.

Development Standards

Johnson's operates under a special exception originally granted in 1968, and modified in 1973. Section 59-G-2.30 states that the requirements of the section apply "only to petitions filed on or after March 25, 1986. A nursery or commercial greenhouse special exception for which a petition was filed with the Board prior to March 25, 1986, is a conforming use and may be amended in accordance with the modification provision of Section 59-G-1.3(c). The provisions of this section do not appear to apply to this petition.

Nonetheless, the proposed modification—and the original nursery—conforms to the development standards set out in the Zoning Ordinance. The following table outlines those requirements. The proposed building setbacks are for the newly located greenhouse. All existing buildings meet required setbacks.

Comparison of Development Standards

<i>Item</i>	<i>Required/Allowed</i>	<i>Proposed</i>
Lot Area	2 acres	28.3449 acres
Building setback	50 feet	92 feet
Parking Requirements	351 spaces	361 spaces

The property fronts on and has direct access to MD 108, Olney-Laytonsville Road, which is classified as a major highway in the Olney Master Plan, conforming to the standard outlined in the Zoning Ordinance. As noted below, necessary subdivision of this property will result in additional right-of-way dedication that can help insure adequate and safe access.

The Zoning Ordinance requires landscape contractors to locate areas for parking and loading of trucks and other on-site operations a minimum of 50 feet from any property line. The mulch bay that serves the contractor is located 38 feet from the nearest property line. It should be noted that the mulch bay is along Zion Road and that the adjacent property is pastureland in the RDT Zone. The mulch bay, which has been in this location since the establishment of a nursery at this location more than 30 years

ago, appears to meet the spirit of the ordinance requirement in that it is located away from neighboring houses or yards. The adjacent pastureland is across Zion Road. Recognizing that the bay does not meet ordinance requirements, however, this report recommends that it be relocated as a condition of approving this petition.

Transportation

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to grant this Special Exception request:

1. Limit the hours of operation and the number of employees and vehicles on the site to those described in the current Petitioner's Special Exception Modification Statement of Operational Characteristics.
2. At the time of Preliminary Plan, dedicate additional right-of-way, as needed, along MD 108 and Zion Road.
3. Coordinate with the Montgomery County Department of Public Works and Transportation and the Maryland State Highway Administration to ensure adequate sight distance at the site access driveways.

The Olney Master Plan describes the nearby master-planned roadways, bikeway and pedestrian facilities as follows:

1. Olney-Laytonsville Road (MD 108) as a four-lane divided Major Highway (M-60) with a 120-foot right-of-way and a Class I bikeway. (It is noted that the July 2003 Olney Master Plan Staff Draft proposes a 150-foot right-of-way for MD 108. The staff draft also proposes a shared-use path for bicycles along MD 108).
2. Zion Road as a two-lane Country Road (CR-3) with a 70-foot right-of-way between MD 108 to the south and Riggs Road to the north. Zion Road is classified as a Rustic Road (R-57) to the north of Riggs Road to Sundown Road. The July 2003 Olney Master Plan Staff Draft also proposes a shared road bicycle facility for Zion Road).

Since this Special Exception Modification case is required to submit a Preliminary Plan Application and record a plat in the land records pursuant to Chapter 50 of the Subdivision Regulations prior to release of any building permits, the applicant would be required to dedicate additional right-of-way, as needed, along MD 108 and Zion Road. Associated with this requirement, any off-site fence and/or improvements would be required to be located outside of the master plan right-of-way.

The Transportation Planning unit has reviewed trip generation traffic counts undertaken for the applicant and has concluded, based on trip generation rates in the approved guidelines for Local Area Transportation Review, that the nursery, when modified as proposed, will generate 48 peak hour trips. It is therefore exempt from Local Area Transportation Review provisions of the Adequate Public Facilities Ordinance, which

require a traffic analysis for all developments that generate more than 49 peak hour trips.

The site is located within the Olney Policy Area, which has a net remaining staging ceiling capacity of 1,924 jobs as of July 31, 2003. Therefore, the Special Exception use meets the Policy Area Transportation Review test.

The petition does not require changes to the existing patterns of site access and internal circulation.

Environmental Analysis

The proposed application meets the environmental requirements and guidelines.

It has an approved Natural Resources Inventory and Forest Stand Delineation. The proposed modifications are exempt from the requirements of the Forest Conservation Law because it will not result in the cumulative clearing of more than 5,000 additional square feet of forest. No clearing of specimen or champion trees is planned.

The petitioner must comply with stormwater and sediment control regulations of the Montgomery County Department of Permitting Services. Prior to approval of a preliminary plan of subdivision (a condition of approval of this petition), a Stormwater Management Concept Plan must be approved.

Existing fuel storage tanks on site must meet required technical standards as well as all county, state and federal permitting requirements. The Montgomery County Department of Environmental Protection administers county noise regulations. The Department may require a noise study at a later time.

Landscaping and Lighting

The proposed landscaping and lighting is adequate, safe and efficient.

The proposed landscaping plan focuses on the area between the relocated greenhouse and Zion Road, and proposes to augment an existing evergreen hedge with six Norway spruce trees, each six feet to eight feet tall, which would screen the greenhouse from the road. An existing spruce hedge screens much, but not all, of the landscape contractor's operations along Zion Road. The gap between the existing evergreen hedge and the existing spruce hedge should be filled, either by extending the two hedges to meet, or by introducing a distinct hedge of similar height to the existing hedges, twelve to fourteen feet.

Existing forest separates the nursery from residences on Zion Road and is sufficient to screen those homes from nursery activities, which take place more than 400 feet away. Existing landscaping at the main entrance to Johnson's and at the parking lot exit on Zion Road sets off those areas and provides an aesthetically inviting setting that emphasizes the use to entering and exiting customers. An existing series of four-foot hedges at the edge of the main parking area screens parking from MD 108.

Existing lighting illuminates the main parking area and landscape contractor's staging and preparation area. Light poles are 20 feet high. The petition proposes to add three new 20-foot light poles. One will enhance illumination of the main parking area; the other two are to be located at the main entrance on MD 108 and the Zion Road parking exit, respectively. Along the edge of the parking area, measurements range from 0.6 to 3.3 footcandles. Measurements at the edge of the contractor's preparation area along Zion Road range from 0.0 to 4.3 footcandles.

This report recommends that the lighting plan be revised to show levels of illumination at the property lines along MD 108 and Zion Road.

Inherent and Non-inherent Effects

The proposed modification has no non-inherent adverse affects sufficient to warrant denial of the petition.

Section 59-G-1.21 describes inherent and non-inherent adverse effects of a proposed use and requires the Board of Appeals to consider these effects in determining whether that use adheres to the requirements of the zoning ordinance. Inherent adverse effects "are the physical and operational characteristics necessarily associated with the particular use, regardless of the physical size or scale of operations." Alone, these effects are not a sufficient basis for denial of a petition. Non-inherent adverse impacts "are the physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site." These effects, alone or with inherent adverse effects, may be sufficient to deny a special exception.

Inherent adverse effects of a retail horticultural nursery include sufficient space—indoor and outdoor—for maintaining plant stock; storage areas for additional soil, mulch or other products needed to support and enhance plant growth; equipment—small forklifts, for example—to move plants from one part of the nursery to another; storage areas for that equipment; and buildings—greenhouses and more permanent structures—for the display and sale of plants and gardening supplies, for necessary administrative activities and for storage of the inventory of gardening supplies. A horticultural nursery generates traffic as well. Most is associated with customers of the nursery; employees of the business also generate daily trips. The nursery will require sufficient parking to serve customers and workers.

The proposed landscape contracting use has essentially the same characteristics, requiring space to store and maintain plants to be used as part of landscaping projects, storage for mulch, soil and other products, equipment to transport plants from the nursery to the worksite and administrative space. The contracting use has no retail component and therefore requires no sales space, which also means that only the employees generate traffic. When a contracting business is located together with a nursery much of the required space can be shared. Separate space may be required for larger trucks used to move materials.

Retail nurseries need not necessarily grow the plants they offer on-site; many nurseries buy the plants they sell from growers located elsewhere. The decision to maintain relatively extensive areas to cultivate and maintain plants may therefore be considered a non-inherent adverse effect. Two factors mitigate this effect. First, Johnson's grows and cultivates its plants in an agricultural zone, where similar activities are already taking place on neighboring properties. Second, there is sufficient space on the 28-acre property to accommodate growing and cultivating activities as well as the retailing and landscape contracting activities without negative impacts on adjoining properties.

There are no non-inherent adverse effects associated with the landscape contracting activities.

OTHER ISSUES

A Preliminary Plan of subdivision is required and plats must be recorded before building permits can be issued for this modification.

CONCLUSION

The modifications proposed by Johnson's Flower and Garden Centers meet the specific requirements for retail horticultural nurseries found in Section 59-G-2.30 and the requirements for landscape contractors in Section 59-G-2.30.00. They also meet the general requirements for special exceptions found in Section 59-G-1.21. It is consistent with the Olney Master Plan and in keeping with the character of its neighborhood. There are no adverse effects that warrant denial. The staff recommends approval of the petition.

Johnson's Flower and Garden Center

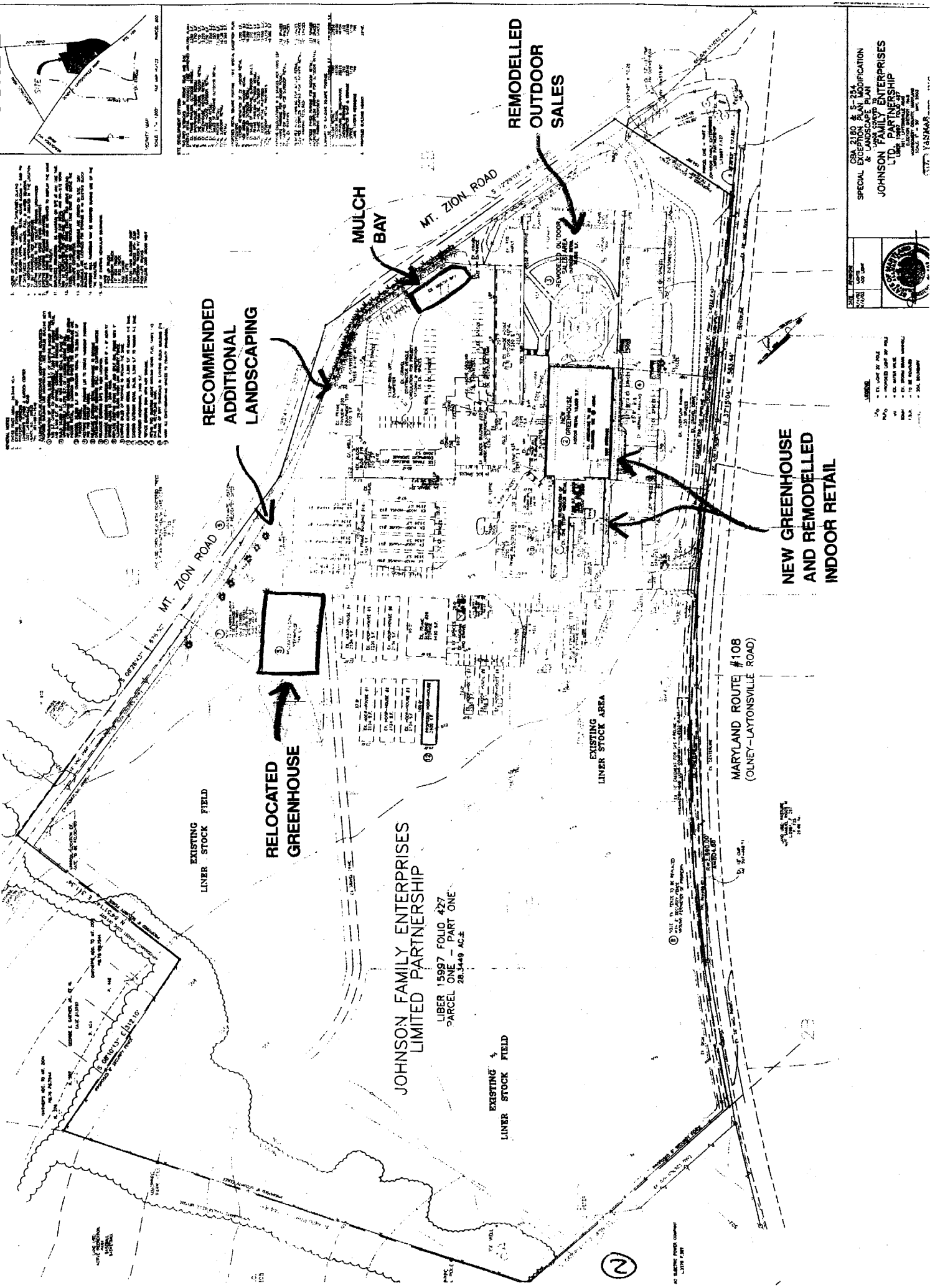
FIGURE 1



400 0 400 Feet



FIGURE 2



Attachment 1

59-G-1.21. General conditions.

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

Horticultural retail nurseries and landscape contractors are permitted by special exception in the Rural Density Transfer Zone.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

As noted in Attachment 2, the proposed modification complies with the standards and requirements for retail horticultural nurseries and for landscape contractors.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that the granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The 1980 Olney Master Plan includes this property in its Rural-Agriculture area, and calls the area a focus of farmland preservation activities. It was classified in the Rural Density Transfer Zone following adoption of the Functional Master Plan for the Preservation of Agriculture and Rural Open Space in recognition of its agricultural character. The Public Hearing Draft Olney Master Plan, now under review, confirms this recommended land use and the zone. Retail horticultural nurseries and landscape contractors, as noted above, are permitted by special exception in the zone.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new

structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The proposed special exception modifications will not change the essential nature of the nursery and contracting operations. The population density, although greater than that expected on a single farm, is not out of character for a retail nursery and contracting operation, both of which are permitted by special exception in the zone. The design of the facility—two brick structures, greenhouses and block buildings for storage—is similar to those found on farms. The scale and bulk of those buildings is similar to that found on farms as well.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site irrespective of any adverse effects the use might have if established elsewhere in the zone.

Surrounding properties are devoted to agriculture or public recreation. Nearby residences are protected by distance and forest stands from the impacts of the nursery and contracting activities. Recommendations in the attached staff report enhance existing landscaping along Zion Road that will further screen business operations. Parking is located away from existing residences and its lighting will not have a substantial negative impact on surrounding properties.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed nursery and landscape contracting operations will have no heavy machinery and deliveries will be made by small box trucks. Employees will come and go at times similar to those of local residents. Fumes, odors, dust and physical activity will be substantially similar to those of a typical farm, which is the encouraged use in this part of Montgomery County and is permitted in the RDT Zone. Recommendations of this staff report will help insure that lighting at the property line is not intrusive.

- (6) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

Sec. 59-G-2.30. Nursery, horticultural retail.

This use may be allowed together with incidental buildings upon a finding by the Board of Appeals that the use will not constitute a nuisance because of traffic, noise, hours of operation, number of employees, or other factors. It is not uncommon for this use to be proposed in combination with a wholesale horticultural nursery, a landscape contractor, or a mulch/compost manufacturing operation. If a combination of these uses is proposed, the Board's opinion must specify which combination of uses is approved for the specified location.

- (1) The sale of the following materials and equipment directly related to residential gardening is allowed:
 - (i) Plants, trees, shrubs, seeds, and bulbs, whether or not grown or produced on site;
 - (ii) Fertilizers, plant foods, and pesticides; and
 - (iii) Hand tools, hand spraying, and watering equipment.

The petitioner sells these items and equipment.

- (2) The incidental sale of seasonal items may also be allowed.

The petitioner sells seasonal items, as well.

- (3) The following restrictions on operations apply:
 - (i) Tools and equipment for sale must not be displayed outdoors.
 - (ii) The sale of general hardware or power equipment is not allowed.
 - (iii) The board may limit hours of operation and number of employees to prevent adverse impact on adjoining uses.

Gardening tools and gardening equipment are displayed in an indoor retail area and sells no general hardware items. Johnson's proposed hours of operation are from 8 am to 8 pm every day during the months of April and May; and from 8 am to 6 pm daily during the rest of the year.

- (iv) The manufacture of mulch, other than by composting of plant material, is not allowed.

Johnson's and the associated landscape contracting business manufacture mulch by composting only.

- (3) Location and development standards are as follows:
 - (i) The minimum area of the lot is 2 acres.

Johnson's is located on a property that totals 28.3449 acres.

- (ii) The minimum building setback from any property line is 50 feet.

The greenhouse proposed for relocation as part of this petition is located 92 feet from the nearest property line. All other buildings on the property meet minimum setback standards as well.

- (ii) Adequate parking must be provided on site in accordance with the requirements for general retail sales under Article 59-E.

The modification proposes 361 parking spaces, which meets the standard for general retail sales. The petition also proposes to stripe spaces according to County standards and provide necessary spaces for handicapped customers.

- (iii) The property must front on and have direct access to a public road built to primary or higher standards, with the possible exception of properties in the Rural, Rural Cluster, and Rural Density Transfer zones. In the Rural, Rural Cluster, and Rural Density Transfer zones, frontage on and access to a public road built to primary or higher standard is not required if the Board makes the following findings:

- Road access will be safe and adequate for the anticipated traffic to be generated; and

- The use at this location will not be an intrusion into an established residential neighborhood.

Johnson's is located in the Rural Density Transfer Zone. It is located on MD 108, which is designated a major highway. As noted in the staff report, the proposed use will not generate 49 or more peak hour trips. As part of any preliminary plan of subdivision, the petitioner will be required to dedicate necessary right-of-way, which also will help insure safe and adequate access. This use is located in an area devoted mainly to agriculture. Its location on MD 108 is not near an established residential neighborhood and will not intrude on nearby residences.

These requirements apply only to petitions filed on or after March 25, 1986. A nursery or commercial greenhouse special exception for which a petition was filed with the Board prior to March 25, 1986, is a conforming use and may be amended in accordance with the modification provision of Section 59-G-1.3(c).

Johnson's operates under a special exception granted in 1968 and modified in 1973.

- (4) Any retail nursery or garden center established as a permitted use before October 22, 1985, and any retail nursery established pursuant to a building permit application filed before October 22, 1985, is not required to obtain a special exception, except for any future expansion or diversification beyond the scope of paragraphs (1) and (2).

This section does not apply.

Sec. 59-G-2.30.00 Landscape Contractor

This use may be allowed together with incidental buildings upon a finding by the Board of Appeals that the use will not constitute a nuisance because of traffic, noise, hours of operation, number of employees, or other factors. It is not uncommon for this use to be proposed in combination with a wholesale or retail horticultural nursery, or a mulch/compost manufacturing operation. If a combination of these uses is proposed, the Board opinion must specify which combination of uses is approved for the specified location.

This use is proposed in combination with a retail horticultural nursery.

- (1) The minimum area of the lot must be 2 acres if there are any on-site operations, including parking or loading of trucks or equipment.

The contracting operation shares a 28.3449-acre property with Johnson's Flower and Garden Centers, a retail horticultural nursery.

- (2) Areas for parking and loading of trucks and equipment as well as other on site operations must be located a minimum of 50 feet from any property line. Adequate screening and buffering to protect adjoining uses from noise, dust, odors and other objectionable effects of operation must be provided for such areas.

The staff report notes that the existing mulch bay is 38 feet from the nearest property line. While that property line is in Zion Road, and while the mulch bay location meets the intent of the ordinance in that it is located away from existing homes, the mulch bay should be moved to bring its location into compliance with the ordinance. That recommendation is a condition of the approval of this petition. The report also recommends extension of existing landscaping to enhance screening of the contractor's staging and storage areas.

- (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 Board so as to preclude an adverse impact on adjoining uses. Adequate parking must be provided on site for the total number of vehicles and trailers permitted.

The petitioner has proposed to limit the number of motor vehicles and trailers used by the retail nursery and contracting operations. The staff report includes a table indicating the proposed number and type of vehicles. The contractor has provided a separate area for its trucks and equipment and a separate staging area for contracting operations.

- (4) No sale of plant materials or garden supplies or equipment is permitted unless the contracting business is operated in conjunction with a retail or wholesale nursery or greenhouse.

The contracting business is operated in conjunction with a retail horticultural nursery.

- (5) The Board may regulate hours of operation and other on-site operations so as to prevent adverse impact on adjoining uses.

The contractor's proposed hours of operation are from 8 am to 8 pm every day during the months of April and May; and from 8 am to 6 pm daily during the rest of the year.

- (6) In evaluating the compatibility of this special exception with surrounding land uses, the Board must consider that the impact of an agricultural special exception on surrounding land uses in the agricultural zones does not necessarily need to be controlled as stringently as the impact of a special exception in the residential zones.

The proposed landscape contracting operation will be located in the Rural Density Transfer Zone. As noted in the staff report, this business and the retail horticultural nursery that shares the property are in an area largely devoted to agriculture, with pastures located to the south, east and west. To the north is a local park.