



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item # 3 # 4

Date: 11/20/03

MEMORANDUM: SPECIAL EXCEPTION

DATE: Thursday, November 13, 2003
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division
Judy Daniel, Team Leader, Rural Team *JD*
Community-Based Planning Division

FROM: Malaika Abernathy, Senior Planner, Rural Team, *MA*
Community-Based Planning Division

SUBJECT 1: Forest Conservation Plan for Special Exception S-2590
Located at 26721 Purdum Road, Damascus, RDT Zone

SUBJECT 2: Special Exception, S-2590, Located at 26721 Purdum Road,
Damascus, RDT Zone

FILING DATE: August 19, 2003

PUBLIC HEARING: December 08, 3003

RECOMMENDATION: APPROVAL with the following conditions:

1. The applicant is bound by all submitted statements and plans.
2. Conformance under Chapter 50 prior to the issuance of any building permit
3. Permitted hours of operation are Monday to Friday 7:30 am to 6:30 pm and Saturdays from 9:00 am to 3:30 pm.
4. No sale of goods or services can occur onsite.
5. All eleven permitted trucks and trailers must be parked in the proposed pole barn.
6. Final Forest Conservation Plan approval by M-NCPPC Environmental Planning staff prior to issuance of sediment and erosion control permit.
7. Department of Permitting Services (DPS) approval of a Stormwater Management Plan consistent with Final Forest Conservation Plan.

PROJECT SUMMARY

The applicant, Scott D. Brown, is requesting a special exception to allow a Landscape Contracting business at 26721 Purdum Road in Damascus. Mr. Brown resides in an existing dwelling on the property. The site is located within the RDT zone in the vicinity of Damascus. The proposed use will provide lawn and landscape maintenance,

landscape installation services, and snow removal services. Nearby uses are primarily agricultural with a few residences.

Site and Neighborhood Description

The subject property is fairly level in the front yard and gradually slopes towards the far east and far west. An existing ten-foot wide gravel driveway provides vehicular access to the property from Purdum Road.

The existing structures on the property include a two-story, wood paneled, single-family residence, and three woodsheds. The sheds are in close proximity to the existing driveway and currently house tools and other miscellaneous items

The diamond shaped property is approximately 5.3 acres in size and is zoned RDT. It is located along the east side of Purdum Road, just south of the intersection at Bethesda Church Road. There are single-family residences south and west of the property. Agricultural uses such as farming and cropland surround the remainder of the property.

The subject property contains approximately 3 acres of woodland consisting of many specimen trees in predominately fair condition.

Purdum Road is classified as an Exceptional Rustic Road with characteristics such as rolling hills and exceptional scenic vistas to the north and northeast.

Project Description and Elements of Proposal

The applicant proposes to conduct a landscape contracting business on the subject property. A landscape contractor is defined in Section 59 A 2.1 as:

The business of designing, installing, planting, or maintaining lawns, gardens or other landscaping and snow removal services, including the installation, maintenance or removal at off site locations with vehicles, equipment, and supplies that are stored, parked, serviced or loaded at the business location. The delivery and installation of horticultural products originating on the farm as an accessory use to the farm:

The applicant proposes to operate the use as follows:

- **Hours of Operation:** Monday through Friday—7:30a.m. – 6:30 p.m. and Saturday 9:00 a.m. to 3:30 p.m.
- **Employees:** 6 employees (3 year round and 3 for 10 months). The applicant is not considered an employee.
- **Operations of Use:** The applicant proposes to provide off-site landscaping services to clientele such as, condominium and homeowner's associations, shopping malls, office parks, individual homeowners and commercial operations. Employees will generally arrive at subject property during hours of operation and load landscaping materials on to trucks. Employees will leave their personal vehicles on site during the day. Customers will not be permitted to purchase goods or services from the subject site.

- **Vehicles and Equipment:** The applicant proposes to have six (6) trucks and five (5) landscape trailers. All of these vehicles will be located on the site in the pole barn. Other equipment to be stored in the pole barn include: a skid-loader, used for the loading of mulch and plant material, a heavy-duty trailer, used to haul the skid-loader and its attachments to job sites, snow plows and snow blowers, and assorted small hand operated equipment.

Plants and mulch will be stored on site in separate storage areas located in close proximity to the pole barn. Mulch will be stored in a 10' x 25' mulch bin complete with three walls and a concrete pad.

- **Structures:** The three existing sheds will remain in tact and are approximately 90 feet from the proposed 50' x 50' pole barn.
- **Parking:** A parking area is specified on the site plan approximately 35 feet behind the existing house. A total of eleven parking spaces are identified for employee parking (4), handicapped parking (1), residential spaces for the applicant (2) and business vehicles (4). All eleven trucks and trailers will be parked in the pole barn.
- **Lighting:** One 100-watt area, fixture security light will be located at the ridge of the pole barn.

Additional Review Requirements

Based on the County's subdivision regulations, the applicant is required to conform under Chapter 50, prior to the issuance of any building permit.

ANALYSIS

Master Plan

The Damascus Master Plan, approved and adopted in 1982 and amended in 1985 and 1993, supports the existing RDT zone for the subject use. Landscape Contracting is allowed by special exception in this Zone. The proposed use maintains the agriculture and rural character of the surrounding area. The proposed pole barn structure will be similar to existing structures on the site as commonly found in rural areas. The staff believes this special exception is in compliance with the *1982 Damascus Master Plan* and its amendments.

Development Standards

The following table summarizes the conformance with the Development Standards in the Zoning Ordinance:

Comparison of Development Standards:

Landscape Contractor	Required/Allowed	Proposed
Minimum lot area	40,000 sq. ft.	5.3 acres (230,868 sq.ft)
Operational setback	50 ft	100 ft, 70 ft

Landscaping and Lighting

Existing landscaping in the front of the property includes 1 small tree. The applicant proposes one 100-watt area security fixture light will be located at the ridge of the proposed pole barn.

There are no parking area or landscape requirements for the agricultural zone.

Transportation

The proposed application meets the transportation standards.

Traffic volumes associated with the proposed landscaping facility will be limited to employee and service arrival and departures. Existing access to the property is limited to a 10-foot gravel driveway, which will be expanded to 20-feet. The proposed design is expected to accommodate necessary arrival and departure of proposed trucks and trailers. Attachment 6 lists the proposed model and weight of each proposed truck and trailer on site.

The subject property is located on Purdum Road, which is classified as an exceptional rustic road with an 80' right-of-way. The use will not impact the exceptional rustic road classification of Purdum Road.

Due to its location in an area without existing sidewalks, no pedestrian facilities are provided or proposed for this use.

The staff recommends no conditions required to support approval of the petition since the application meets the transportation-related requirements of the Adequate Public Facilities test. Based on information submitted by the applicant, the proposed landscaping facility would generate less than 50 peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Therefore, no traffic study is required to satisfy the Local Area Transportation Review test.

The site is located in the rural policy area where the Policy Area Transportation Review is not applicable. The staff believes that the proposed 20-foot wide entrance road from Purdum Road is adequate to provide safe access to the site. The applicant has proposed to improve sight distance at the driveway entrance with a 'shoulder layback'. The staff supports this proposal. Safety improvements such as this will not change the character of the road.

Parking Requirements

While there are no specific parking requirements in the Ordinance for a landscape contractor, the proposed gravel parking area and pole barn will be sufficient to accommodate employee parking, residential parking and storage for eleven trucks and trailers for the use. Some employees will carpool to the site.

There are no parking area or landscape requirements for the agricultural zone.

Environmental

Issues

The only significant issue in the review of this application was the proposed location for the pole barn.

The applicant originally proposed to build the 50' x 50' pole barn within the existing forest stand on the southern part of the property. However this forest stand has some fair and good specimen trees with a fairly decent tree canopy and quite a predominant understory. After a site visit, the Environmental staff recommended that the site for the pole barn be relocated to the east, where the quality of the forest stand is comparably lower in quality with spot canopies and virtually no understory. The applicant agreed to this change and resubmitted an updated forest conservation plan depicting this agreement.

Discussion

The subject property is a 5.3 acre site within the Bennett Creek watershed, a Use I watershed with good water quality. Three (3) acres in the rear of the property are forested. Forest in the southern corner of the property is highest priority forest containing specimen trees and available options should be used to preserve this forest. The remainder of the forest is disturbed with informal roads and some dumping. It is in this area that development is proposed to take place.

Forest Conservation law requires that approximately 2.75 acres of forest must be preserved on-site (with no off -site mitigation), because the site is zoned Agricultural. Although the proposed site layout and forest conservation concept meets this requirement, a greater amount of high quality forest can be saved by adjusting the site layout to reduce fragmentation of the forest and concentrate preserved forest in one area. Moving the proposed pole barn to the northeastern portion of the site accomplishes this goal.

Forest Conservation

A Natural Resource Inventory/Forest Stand Delineation has been submitted and approved. A Preliminary Forest Conservation Plan has been submitted, but not yet approved.

Environmental Guidelines

There are no tributaries or stream valley buffers on site. This site is not within a Special Protection Area or Primary Management Area.

Water Quality

This site is located in the Little Bennett Headwaters subwatershed of the Bennett Creek watershed as noted in the attached Environmental Planning report.

Stormwater Management

The applicant has not submitted a Stormwater Management Concept Plan to DPS. DPS will require a plan indicating water quality and quantity treatment before issuance of a sediment and erosion control permit. This will be required at the time of subdivision.

Noise

Noise regulations are governed by the County Ordinance as noted in the attached Environmental Planning report. Since the major operational aspects of this business that produce noise are conducted off site, noise should not be an issue for this use.

Dust and Air Quality

There should be no objectionable fumes, dust, or odors resulting from the proposed use.

Inherent and Non-inherent Effects

The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the general neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the zone.

Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a Special Exception.

Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects alone or in conjunction with the inherent effects, are a sufficient basis to deny a Special Exception.

The inherent, generic physical characteristics of a landscape contractor usually consist of trucks, trailers and materials stored on-site. The vehicles are used for transporting materials and equipment to off-site locations. Trucks and trailers may range in size but typically must accommodate equipment such as lawn mowers, snow blowers, or in some cases a skid-loader, which are all stored on site. Plants and mulch are often stored on the site. It is common to store equipment in a shed or building. In some instances, a landscape contractor operates in conjunction with a horticultural nursery or other horticultural uses. In this instance, the landscape contractor is the only use proposed on the subject site.

The operational characteristics of the proposed use may include:

- Arrival and departure of employees of the subject use;
- Deliveries of equipment and supplies;
- Occasionally testing lawnmowers, snow blowers, and other mechanical equipment located outdoors will generate some sound. Other sounds from vehicles and ground maintenance can also occur;
- A limited degree of traffic, since the building is not open to the public;
- Sufficient parking for employees, and storage for trucks, trailers and equipment used by the business.

The intensity of these characteristics will vary throughout the year. Since the use is based on seasonal activity, the maximum number of employees (6) can be expected ten months out of the year.

The staff believes that these physical and operational characteristics will not have an adverse effect on the neighborhood. In evaluating the impact of the use, the following seven criteria have been analyzed: size, scale, scope, lighting, noise, traffic and environment.

Size, Scale and Scope

The size, scale, and scope of the subject use are compatible with the surrounding neighborhood. The proposed single-story pole barn will cover approximately 1.1% of the subject site, and will be built with materials common in rural areas. The staff believes the scope of the subject use, as outlined in the statement of operations will be compatible.

Lighting

Based on the submitted site plan, staff feels that the proposed security lighting will not have adverse impacts on adjacent properties related to glare, light trespass or sky glow.

Noise

Lawn maintenance equipment is not operated on site, except to insure that it is in working order.

Environment

Construction of the pole barn and expansion of driveway will require some clearing or grading of existing forest. The Staff recommended the pole barn and gravel driveway be relocated to the northeastern portion of the property for the following reasons:

- Existing good quality forest on the southern portion of the property,
- Topography of the northeastern property is more level and suitable for the use,
- The northeastern remainder of the forest is disturbed with informal roads.

Traffic and Parking

The traffic impact on the surrounding neighborhood will be negligible since there will be a maximum of 6 employees for the use and only three of these employees are year-round. The applicant will encourage carpooling. The number of peak hour trips to and from the subject property will be minimal and will have no measurable impact on traffic conditions in the area.

Community Concerns

As of date, staff has received no written letters or telephone calls on this special exception application.

CONCLUSION

The staff recommends approval of the proposed use with the conditions noted at the beginning of this report.

Attachments:

1. General and Specific Special Exception Provisions
2. Location Map/Vicinity Map
3. Zoning Map
4. Site Plan
5. Photos of Subject Site
6. Vehicle List
7. Environmental Planning Memo