

**Attachment 1.
Montgomery County Zoning Ordinance
Compliance with Specific and General Special Exception Provisions**

Sec. 59-G-1.2. Conditions for granting.

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.
The use is allowed in the RE-1 zone and RC zone.
 - (2) Complies with the standards and requirements set forth for the use in division 59-G-2.
The use complies with these standards.
 - (3) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission.

The subject property is covered by the 1997 Cloverly Master Plan. Staff finds that the proposed special exception modification is consistent with the recommendations in the approved and adopted master plan.

- (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 use as proposed for modification will be in harmony with the neighborhood when considering these criteria.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

The use as proposed for modification will not have a detrimental effect for any of these reasons.

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

The proposed modification when evaluated in conjunction with other existing and approved special exceptions in the area will not affect area adversely or alter its residential character.

- (7) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

The use will not adversely affect the safety of area residents.

- (8) 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 the special exception use requires approval of a preliminary plan of subdivision in accordance with chapter 50 of this Code, title "Subdivision of Land," the adequacy of public facilities will be determined by the

Planning Board at the time of subdivision approval. In that case, the Board of Appeals must include such Planning Board approval as a condition of the grant of the special exception.

Such is the case and a condition is recommended.

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.

No combination of uses is proposed.

- (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 minimum lot area for the use of 2 acres is exceeded as a single lot of 10.12 acres or under the proposed subdivision depicted on the site development plan.

- (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 operations must be provided for such areas.

The 50 foot use setback is correctly depicted on the site development plan and all special exception activities are located outside of this setback.

- (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.

A condition of approval implements this requirement.

- (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.

No sale of such materials is proposed.

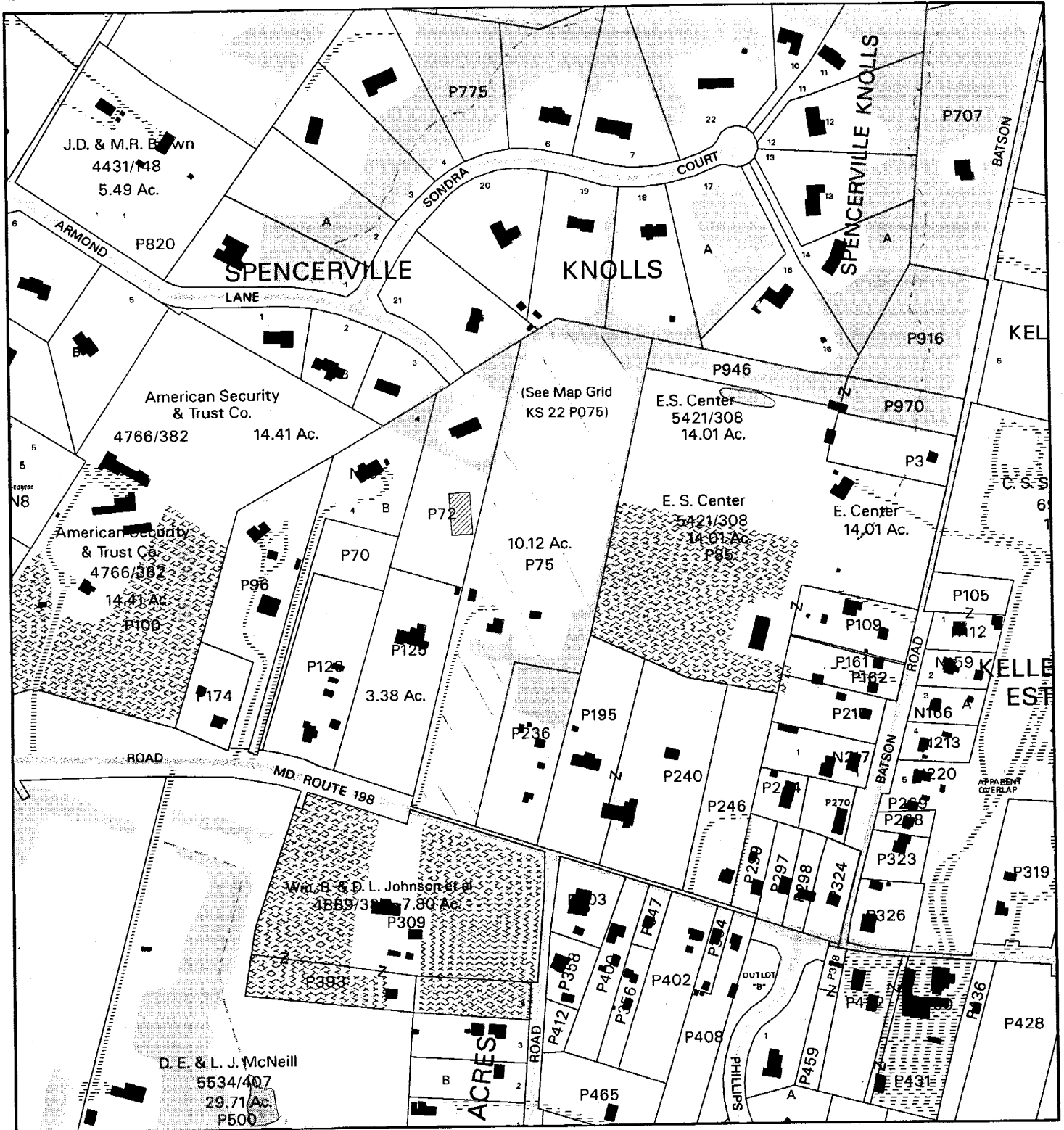
- (5) The Board may regulate hours of operation and other on-site operations so as to prevent adverse impact on adjoining uses.

A condition of approval implements this requirement.

- (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 necessary need to be controlled as stringently as the impact of a special exception in the residential zones.

This use is not an agricultural special exception.

S-2506A EAST COAST LANDSCAPING



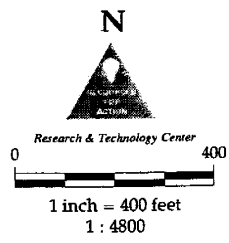
Map compiled on May 13, 2005 at 1:17 PM | Site located on base sheet no - 221NE02

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

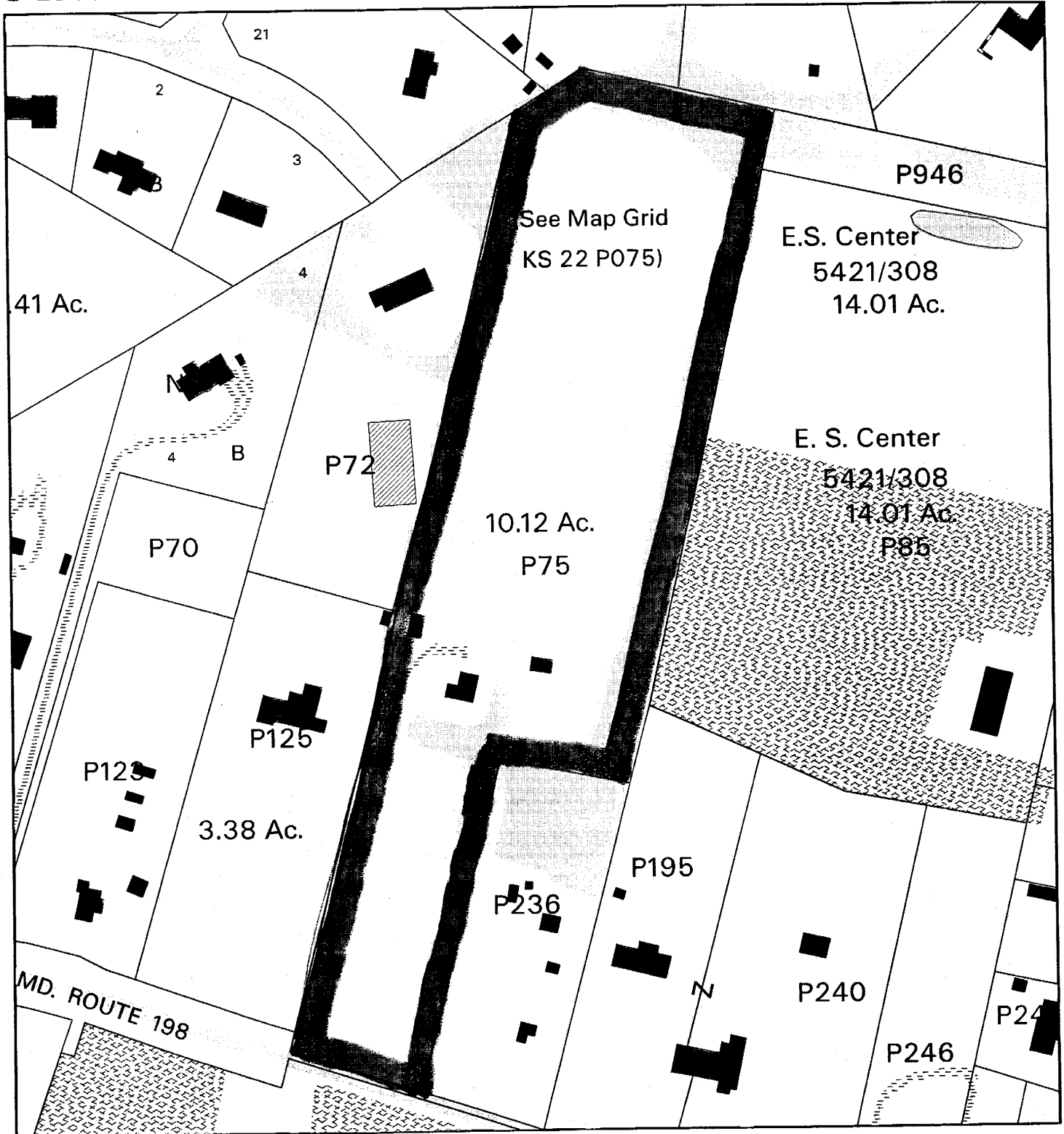
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



A-5

S-2506A EAST COAST LANDCAPING



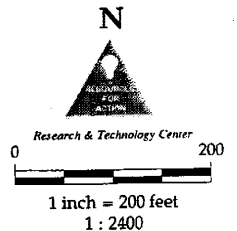
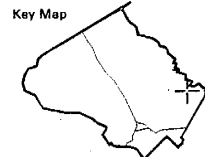
Map compiled on May 13, 2005 at 1:11 PM | Site located on base sheet no - 221NE02

NOTICE

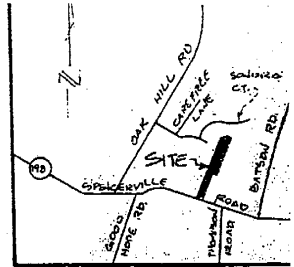
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

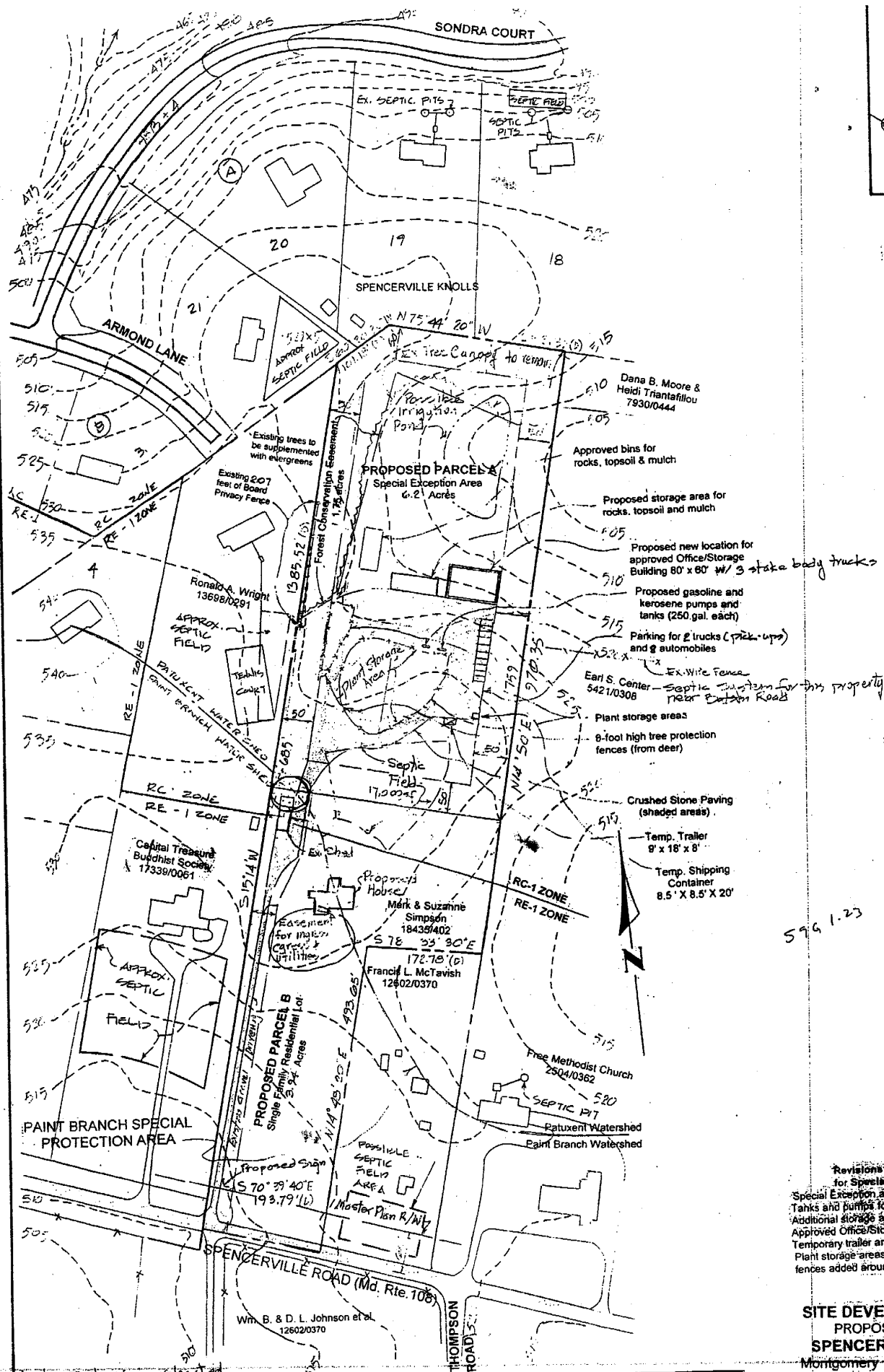
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



A-6



VICINITY MAP
SCALE: 1" = 200'



596 1-23 @ not needed

Revisions proposed in 2004 for Special Exception S-2506:
 Special Exception area expanded by 0.34 acres
 Tanks and pumps for gasoline & kerosene added
 Additional storage area for rocks, topsoil & mulch
 Approved Office/Storage building relocated
 Temporary trailer and shipping container added
 Plant storage areas revised with deer protection fences added around them

**SITE DEVELOPMENT PLAN
 PROPOSED PARCEL A
 SPENCERVILLE KNOLLS
 Montgomery County, Maryland**

DATE	REVISIONS
Apr '05	Trailer + sign relocated
Apr '08	Divs adjusted, Storage bins added.
May '08	Privacy fence added
Jun '08	Fence extended, Reduced to one bldg.

Prepared for:
 East Coast Landscaping, Inc.
 2000 Spencerville Road
 Spencerville, MD 20608
 Telephone: 301-774-1800

OYSTER, IMUS & PETZOLD, INC.
 CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS
 11230-B GRANDVIEW AVENUE • WHEATON, MARYLAND 20852 • (301) 942-2011

June 2001	Scale: 1" = 100'	2364-18
-----------	------------------	---------

FOREST CONSERVATION WORKSHEET
For Residential Area

- A. TOTAL AREA OF TRACT: 5.65 acres
- B. AREA WITHIN 100 YEAR FLOODPLAIN AND 40 FT. OF 100 YEAR FLOOD: 0 acres
- C. AREA WITHIN 100 YEAR FLOODPLAIN AND 40 FT. OF 100 YEAR FLOOD: 0 acres
- D. AREA WITHIN 100 YEAR FLOODPLAIN AND 40 FT. OF 100 YEAR FLOOD: 0 acres
- E. NET TRACT AREA (A-B-C-D): 5.65 acres
- F. LAND USE CATEGORY: RESIDENTIAL
- G. AFForestation REQUIREMENT: 0.11 acres
- H. CONSERVATION THRESHOLD (A - 0.11): 5.54 acres
- I. EXISTING FOREST COVER: 1.00 acres
- J. DEFICIT THRESHOLD (H - I): 4.54 acres
- K. FOREST COVER ABOVE CONSERVATION THRESHOLD (I): 1.00 acres

CALCULATION OF BREAK-EVEN POINT:
IF K < 0 AND/OR B, BREAK-EVEN POINT (EVALUATE): 0 acres
IF I < 0, THERE IS NO BREAK-EVEN POINT AND AFForestation PLANTING IS REQUIRED.
IF K > 0, BREAK-EVEN POINT (EVALUATE): 0.11 acres

FOREST COVER TO BE RETAINED: 1.00 acres
TOTAL AFForestation PLANTING REQUIRED: 0.11 acres
IF THIS IS GREATER THAN I, REFORESTATION PLANTING IS REQUIRED. SEE D.W. BELOW.

CALCULATION OF AFForestation REQUIREMENT:
AFForestation REQUIREMENT: 0.11 acres

COMBINED PLANTING REQUIREMENT:

- X AFForestation AND REFORESTATION: 0.08 + 0.01 + 0.02 = 0.11 acres
- Y AFForestation AND REFORESTATION: 0.08 + 0.01 + 0.02 = 0.11 acres
- Z TOTAL FOREST PLANTING REQUIREMENT: 0.08 + 0.01 + 0.02 = 0.11 acres

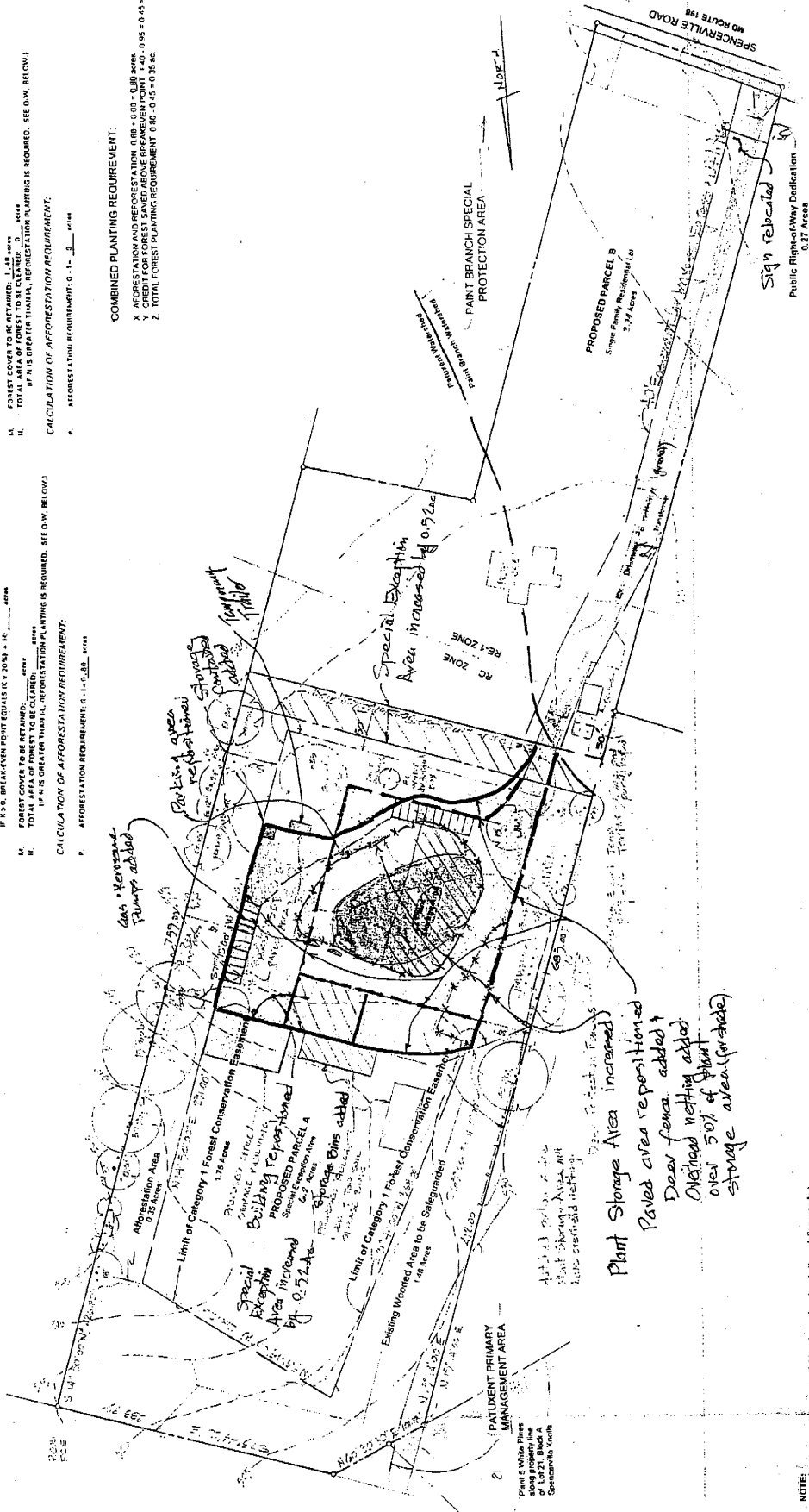
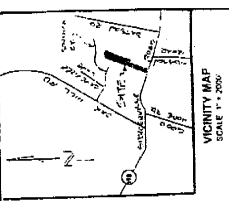
FOREST CONSERVATION WORKSHEET
For Residential Area

- A. TOTAL AREA OF TRACT: 4.28 acres
- B. AREA WITHIN 100 YEAR FLOODPLAIN AND 40 FT. OF 100 YEAR FLOOD: 0 acres
- C. AREA WITHIN 100 YEAR FLOODPLAIN AND 40 FT. OF 100 YEAR FLOOD: 0 acres
- D. AREA WITHIN 100 YEAR FLOODPLAIN AND 40 FT. OF 100 YEAR FLOOD: 0 acres
- E. NET TRACT AREA (A-B-C-D): 4.28 acres
- F. LAND USE CATEGORY: RESIDENTIAL
- G. AFForestation REQUIREMENT: 0.11 acres
- H. CONSERVATION THRESHOLD (A - 0.11): 4.17 acres
- I. EXISTING FOREST COVER: 0.00 acres
- J. DEFICIT THRESHOLD (H - I): 4.17 acres
- K. FOREST COVER ABOVE CONSERVATION THRESHOLD (I): 0.00 acres

CALCULATION OF BREAK-EVEN POINT:
IF K < 0 AND/OR B, BREAK-EVEN POINT (EVALUATE): 0 acres
IF I < 0, THERE IS NO BREAK-EVEN POINT AND AFForestation PLANTING IS REQUIRED.
IF K > 0, BREAK-EVEN POINT (EVALUATE): 0.11 acres

FOREST COVER TO BE RETAINED: 0.00 acres
TOTAL AFForestation PLANTING REQUIRED: 0.11 acres
IF THIS IS GREATER THAN I, REFORESTATION PLANTING IS REQUIRED. SEE D.W. BELOW.

CALCULATION OF AFForestation REQUIREMENT:
AFForestation REQUIREMENT: 0.11 acres



NOTE: The portion of this plan re-allocating the under-story in the existing wooded area and planting it in a Category 1 Forest Conservation Estimation is intended to correct the violations cited in a letter from Charles R. Lauer dated April 22, 2012.

DATE	July 2007	DATE	July 2007
SCALE	1" = 30'	SCALE	1" = 30'
PROJECT	PROPOSED PARCEL A SPENCERVILLE KNOLLS Montgomery County, Maryland	PROJECT	PROPOSED PARCEL A SPENCERVILLE KNOLLS Montgomery County, Maryland
DESIGNER	OYSTER, IMUS & RETZOLD, INC. CIVIL ENGINEERS & ARCHITECTS 11338 GREENPARK DRIVE, WASHINGTON, DC 20037 (202) 944-1111	DESIGNER	OYSTER, IMUS & RETZOLD, INC. CIVIL ENGINEERS & ARCHITECTS 11338 GREENPARK DRIVE, WASHINGTON, DC 20037 (202) 944-1111
PREPARED BY	John A. Satterly, Engineer 200 Spencerville Road Spencerville, MD 20686 Telephone: 301-761-8800	PREPARED BY	John A. Satterly, Engineer 200 Spencerville Road Spencerville, MD 20686 Telephone: 301-761-8800

A B