

**MEMORANDUM**

DATE: September 9, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

Cathy Conlon, Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Coordinator *RAW*
Development Review Division (301) 495-4544

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Approval of One Lot for an Approved Special Exception for a Landscape Contractor Business

PROJECT NAME: Ruppert Nurseries/Fall Creek Farm East

CASE #: 1-05090

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RDT (G-835)

LOCATION: On the east side of Laytonsville Road (MD 108), approximately 1200 feet south of the intersection with Hawkins Creamery Road

MASTER PLAN: Agricultural and Rural Open Space (Adopted on March 15, 2005 to be included in the Olney Planning Area)

HEARING DATE: September 15, 2005

**STAFF RECOMMENDATION:** Approval, Subject to the Following Conditions:

1. Applicant is bound by the Board of Appeals conditions of approval for Special Exception Case No. S-2636.
2. Compliance with the conditions of approval for the forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

3. The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
4. Compliance with the conditions of the MCDPS stormwater management approval dated July 21, 2005.
5. Compliance with conditions of the SHA approval letter dated August 24, 2005.
6. Compliance with conditions of the DPS, Well and Septic approval letter dated July 29, 2005.
7. Prior to recordation of plat, applicant to provide MNCPPC-Environmental Planning Division with a copy of recorded deeds showing Category I easements on off-site forest preservation areas as shown on the approved forest conservation plan.
8. Other necessary easements

BACKGROUND

The Planning Board reviewed and recommended approval of Special Exception No. S-2636 on April 28, 2005. Final approval of the Special Exception was granted by the Board of Appeals on August 3, 2005 (See Attachment 1). At the Planning Board's hearing, the Board considered a request to locate the landscape contracting business on the future lot of approximately 16.04 acres. The remaining acreage around the lot is currently managed as a tree nursery for Ruppert Nurseries, the applicant, and is not part of the preliminary plan application. This preliminary plan application is to create only the lot for the uses approved as part of the Special Exception application.

SITE and PROJECT DESCRIPTION:

The subject property is comprised of one parcel (P820) totaling 2.5 acres and a portion of another parcel (P666) totaling 13.53 acres for a total land area of approximately 16.0 acres (See attachment 2). The property is gently rolling. Laytonsville Road bisects the property into eastern and western portions and Hawkins Creamery Road bisects the western portion into north and south portions. Approximately 50 acres of the site is in the Great Seneca watershed, a Use I-P watershed, and the remainder is in the Hawlings River Watershed, a Use IV-P watershed and the Patuxent Area Management Area (PMA). A stream and stream buffer runs approximately along the eastern boundary line of the property. There are approximately 32 acres of existing forest.

An historic house occupies the property (Jacob Allnutt Farm 23/123), and will be incorporated into the overall layout of the landscape contracting operation. Historic Preservation staff reviewed the proposal at the Special Exception phase and has given conceptual approval for the project as an adaptive re-use (See attachment 3). A Historic Area Work Permit will need to be issued for the project if it proceeds.

The proposed lot is centrally located within the larger 179 acre property. As stated above, the remainder of the larger parcel (P666) is currently operated as a tree farm. An existing driveway to the house extends to Laytonsville Road (MD 108); a second driveway access point for the new structures to rear of the historic structure is proposed and has been approved for sight distance safety by the State Highway Administration (SHA). SHA has also made specific requirements for improvements to the lot frontage on Laytonsville Road; these requirements are reflected as a condition of approval.

The conditions of approval for the Special Exception detail the operation of the business and the structures proposed. To summarize, the operation will employ up to 119 employees on site and up to 120 field crew employees. Aside from the existing historic structure, there will be an equipment maintenance shop, two pole barns, a fuel pump, storage bins and gravel parking. The applicant will also provide a soccer field for employee use. The Special Exception also places restrictions on the hours of operation.

TRANSPORTATION DISCUSSION:

A traffic study was prepared as part of the special exception application. The Countywide Planning Division-Transportation Planning Section found that with the appropriate improvements as required by the SHA, there would be no adverse effects on area roadways based on the stated traffic operations. The improvements, as required by a letter from SHA, are reflected in Condition #5 above.

ENVIRONMENTAL DISCUSSION

Environmental Guidelines

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 4-02273R was re-certified on April 5, 2004. The NRI/FSD identifies the environmental constraints on the subject property and areas of forest. The 179-acre site includes stream buffers, wetlands, and 32-acres of existing forest.

The Environmental Guidelines recommend a 10 percent impervious cap for all properties in the Patuxent River Watershed Primary Management Area (PMA) in which this site is partially located. Approximately 95 acres of the site is within the Primary Management Area. The application proposes 2.1 acres of impervious surfaces within the PMA, which corresponds to 2.2 percent imperviousness. If in the future someone chooses to expand the imperviousness within the 16.04-acre lot or develop the nursery portion of the property into other uses only 7.4 acres of additional imperviousness would be allowed within the PMA.

Forest Conservation

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under section 22A-12(f) of the Montgomery County

Code properties in agricultural resource areas must plant or retain a certain percentage of the forest onsite. Section 22A-5(c) of the Montgomery County Code allows exemptions from the forest conservation requirements for tree nurseries. All but 16.04 acres of the 179-acre site is exempt from forest conservation. On the remaining 16.04 acres of property there is no forest and no stream buffers. The applicant will meet the conservation threshold by preserving 6.24 acres of existing forest on the "exempt" portion of the property. This forest will be permanently protected by a Category I forest conservation easement. The project complies with Section 22A of the Montgomery County Code.

MASTER PLAN DISCUSSION

This property is currently in the Agricultural and Rural Open Space Master Plan (AROS) but was recently recommended for inclusion in the Olney Master Plan area on March 15, 2005. A future sectional map amendment will need to confirm the zoning and land use for this property. Neither the AROS plan nor the Olney Master Plan make recommendations on Special Exceptions for this area.

At the Planning Board hearing for the Special Exception, Community-Based Planning Division found that the use is permitted in the RDT zone and meets all development standards of the zone. Further, staff believes that the uses, as proposed, will not have adverse impacts to the surrounding properties.

CONCLUSION

Staff has reviewed the preliminary plan application for Ruppert Nurseries (1-05090) for compliance with the Subdivision Regulations and Master Plan. Under the Subdivision Regulations, staff must make a finding that there are adequate public facilities available to serve the proposed uses. With approvals from the SHA for access and frontage improvement and from DPS for well and septic and stormwater management facilities, staff believes that the proposal is adequately served by public facilities. Transportation Planning believes that there will be no adverse impacts to the local roadway system.

The proposal is consistent with both the AROS and Olney Master Plans for RDT zoned properties which envision a continuation of agriculture and agriculturally related uses. Further, the lot created by this subdivision complies with the dimensional standards for lots in the RDT Zone, including a minimum lot size requirement of 40,000 square feet, a minimum of 25 feet on a public right-of-way, and 125 feet of width at the building frontage line. The structures meet the front, rear and side setbacks (50 ft., 35 ft., and 20 feet, respectively) for the RDT Zone as shown on the attached checklist.

Attachments:

- 1) Board of Appeals Opinion
- 2) Vicinity Map
- 3) Agency Approval Letters
- 4) Checklist