




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 8
April 28, 2005

MEMORANDUM

DATE: April 22, 2005
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor 
FROM: Judy Daniel, AICP, Rural Area Team Leader (301-495-4555)
Community-Based Planning Division
REVIEW TYPE: Special Exception
APPLYING FOR: Landscape Contractor
APPLICANT: Fall Creek LLC
CASE NUMBERS: S-2636
REVIEW BASIS: Chapter 59, Zoning Ordinance
ZONE: Rural Density Transfer Zone
LOCATION: 23601 Laytonsville Road, MD 108, Etchison
MASTER PLAN: Master Plan for the Preservation of Agricultural and Rural Open Space, and Olney Master Plan.

FILING DATE: March 4, 2004
PUBLIC HEARING: May 13, 2005

STAFF RECOMMENDATION: Approval of the special exception with conditions.

CONDITIONS FOR APPROVAL:

1. The applicant is bound by all submitted statements and plans.
2. Obtain necessary access permits from the Maryland State Highway Administration (SHA) for the following curb-cuts from Laytonsville Road, MD 108:

The existing curb-cut that would be retained as a secondary access point to the historic house (i.e., used as part of the business office).

A new curb-cut located at the southern end of the site and proposed as the primary commercial access point to the designated parking areas.

3. Update the traffic study, if necessary, to satisfy the Local Area Transportation Review component of the APF test.
4. Obtain the necessary reviews and permits from the Montgomery County Department of Permitting Services (DPS) for the parking layout, circulation, and use and occupancy of the on-site structures.
5. An employee soccer field must remain as a permanent feature.
6. Approval by the County Council of the Remedial Zoning Map Amendment designating the 2.5 acres of Parcel 820 from the Country Inn Zone to the Rural Density Transfer Zone.
7. Approval of a final forest conservation plan by M-NCPPC Environmental Planning at the time of subdivision, to include an Agricultural Declaration of Intent for the residual portion of Parcel 666.
8. Hours of operation for business vehicle (trucks) and equipment arrivals and departures from this site are limited (as noted in the application) to 6:00 AM to 6:30 PM, Monday through Friday.
9. The use is limited to the following trucks (as noted in the application): up to 35 large commercial pickup trucks, 10 small commercial pickup trucks, up to 20 equipment trailers, and one dump truck.

BACKGROUND

The petitioner proposes to relocate and consolidate landscaping and business operations from others sites to the subject site, comprised of Parcels P666 and P820 in the Rural Density Transfer (RDT) Zone. The requested use is permitted by special exception in the zone. This application is being processed pending approval of a rezoning of Parcel 820 from the Country Inn Zone to the RDT zone.

PROPOSAL DESCRIPTION

The petition is to establish a landscape contracting business on a site located on the east side of MD Route 108, one-fourth mile south of Hawkins Creamery Road and 2.5 miles north of the town of Laytonsville. The applicant proposes to use existing structures and construct additional buildings and service structures for the landscape contracting business on the property, using the stock from their tree farms (and some other sources) in providing off-site landscaping services. The submitted plan incorporates anticipated growth for the next 15 years.

Neighborhood - The proposed use is located in the Agricultural Reserve, and the surrounding area, primarily in the RDT Zone, is rural in character, extending along both sides of Laytonsville Road (MD 108) between Laytonsville on the south to the intersection with Damascus Road (at the Etchison Community) on the north. The Davis

Airport, a general aviation airstrip, is located near the property off Hawkins Creamery Road. There are dwellings approximately one-half mile to the north on the southern fringe of Etchison, along Hawkins Creamery Road near the Davis Airport, and one dwelling across from the subject site on the west side of MD 108.

Site - The applicant site is comprised of a 2.5-acre property (Parcel P820), and 13.53 acres of Parcel P666. The applicant is the owner of the site and the surrounding residual 161.8-acre portion of Parcel 666, where the applicant operates a tree farm – a permitted use in the zone. This includes 125 acres on the east side of MD 108 and 45 acres on the west side of MD 108. They are collectively known as the Fall Creek Farm East Property, totaling 178 acres.

The proposed site is roughly rectangular, with gently rolling topography draining to the east toward the Hawlings River. It will have approximately 930 feet of frontage along MD Route 108.

There are two existing gravel driveways, one directly accessing the home on the north side of the site, the other accessing the fields on the residual portions of the Parcel 666 on the south side of the site. The southern driveway will be extended and paved to serve as the primary entrance for the landscape contracting business.

The 2.5-acre portion of the site (P 820) is currently being considered for a remedial map amendment from the Country Inn Zone, back to the RDT Zone (Case #G-835). The Council intends to consider that application before the May 13 Public Hearing for the special exception application. This application is being considered contingent on that approval. The Planning Board recommended approval of the remedial map amendment at the April 14, 2005 meeting.

Structures – The applicant proposes to operate with existing and new structures. The subject property contains an historic home (unoccupied for a number of years) situated on a knoll that slopes eastward away from the road. The home is an 1887 Queen Anne Style farmhouse. It is designated as historic resource 23/123 (Jacob Allnut Farm), and thus any exterior renovations or additions to the structure will be subject to the County's historic preservation laws. The applicant has worked with the Historic Preservation Commission to determine proper process for restoring the property. That historic structure will become an office for the proposed use. This will provide an acceptable adaptive reuse for the home, allowing it to be properly renovated and restored.

A 500-square-foot addition to the historic house and a freestanding 5,000-square-foot structure are also proposed. The new offices in a structure designed to resemble a barn, accessible to the house via a walkway. These additions, and the renovation of the farmhouse have already received conceptual approval from the Montgomery County Historic Preservation Commission, as discussed in the analysis section of this report.

Proposed Site Activities - The applicant purchased this 178+ acre farm site in 1996, to serve as the company's primary nursery field. Additional land purchases in this area now provide over 475 acres for tree growing operations. The site will provide the business office for the tree farm operation as well as the landscape contractor operation. No retail operations are anticipated for the use, although seasonal sales of pumpkins or Christmas trees may occur on the adjoining tree farm property.

The main business on the property would be to provide landscape contracting and landscape management services to commercial clients. Interaction with these clients normally takes place offsite, although there may be occasional meetings at the site. Commercial clients of the tree farm may also visit the site occasionally, but customers will not purchase and take possession of products on the site.

Operations - The applicant projects up to a maximum of 119 office personnel employed on the site, and field operations staff of up to 120. Initially the company anticipates 60 office employees and 80 field crew; mainly transferring from other business locations of the applicant. The proposed business will include employee training and business meeting spaces, which the company will offer to local community organizations for occasional special activities.

Facilities - The landscape business facilities will include a shop (for equipment maintenance), two pole barns (for equipment storage), a fuel pump, plant holding areas, and storage bins. All these are to be located in a graveled area behind the office buildings with parking for the heavy trucks and trailers. A parking area located south of the equipment yard will contain parking areas for employees and light trucks. An area beyond the parking area is designated to serve as a soccer field for company employees to use during breaks or while waiting to leave for jobs or return home.

Vehicles - Over a fifteen year planning horizon, the applicant anticipates expanding their vehicle fleet to include up to 34 landscape trucks, used to transport supervisors, crew members and their equipment to and from jobs, and 10 company manager trucks. The landscape trucks are large pickup trucks that carry up to 6 people, and one dump truck. The company trucks are smaller pickup trucks used by site managers to go to and from job sites during the day and to meet with clients. When not in use the landscape trucks and trailers will be parked in the landscape storage yard area. Equipment that is only occasionally used – such as tractors and front-end loaders – will be stored in the yard storage area and transported to work sites when needed.

Hours of Operation - The application proposes operations from 6:00 AM until 6:30 PM, Monday through Friday. No weekend work is anticipated. Field crew would arrive from 6:00 to 6:30 AM, and generally depart for the day in truck/trailers, generally returning in time to depart the site by 4:00 PM. Thus their arrivals/departures would be before the morning and evening peak period. The office staff would generally arrive from 8:00 to 9:00 AM and depart by 6:30 PM.

Parking Lots - The application proposes 166 employee parking spaces as indicated below:

1. A 24-space parking area for employees and near the business office.
2. An 11-space parking area for employees and visitors near the business office.
3. A 98-space parking area for employees near the equipment yard, with 33 spaces in an expansion parking area for future use.

The parking spaces for the 34 landscaping trucks and trailers and the company bus (transit for field workers) are in the equipment yard.

Transportation

The projected numbers of employees and their anticipated work schedules are as shown below:

1. Field Crew - The landscaping functions will employ up to 120 field crew-persons and supervisors. Based on a survey of employees working at other business locations of the applicant (including a nearby tree farm site) conducted in May 2004, they are anticipated to commute to and from work by the following modes of transportation (given below as an approximate percentage):
 - a) 15% will commute to the subject site in single-occupant vehicles.
 - b) 15% will use the company bus service to the subject site that provides transportation to the site from pickup locations in Germantown and Frederick during the peak months of work - April through November.
 - c) 55% will carpool with up to six other employees to the subject site.
 - d) 15% will not travel to the subject site, but proceed directly to and from their particular off-site work location.

The approximately 85% employees traveling to the subject site would arrive at 6:00 a.m. and then leave to their particular work site at 6:30 a.m. At the end of their workday, the field crew/supervisors would return to the subject site and leave for their homes by 4:00 p.m.

2. Business Office Staff - The office staff is projected to employ approximately 60 persons initially and up to 119 persons in the future. Their workday would start between 8:00 and 9:00 a.m. and end at 6:30 p.m. These employees tend to commute in single-occupant vehicles and not carpool or use the bus service. The office staff on this site would include office employees who are currently working

at other business locations of the applicant, including some from a tree farm located off nearby Hawkins Creamery Road.

Site Access - The main and secondary access site points to this site are both from MD 108. The secondary driveway located on the north side of the site (the existing driveway to the house) will only be used on a limited basis. The primary driveway, located south of the house, will be a paved entrance that will replace an existing gravel road. The adjacent and nearest master-planned roadways are designated as follows:

1. The adjacent master-planned roadway is Laytonsville Road (MD 108) that is designated as a major highway, M-60, with a 120-foot right-of-way and a Class 3 bikeway or signed shared roadway, SP-43.
2. The nearest master-planned roadway is Hawkins Creamery Road that is designated as a primary residential street with a 70-foot right-of-way.

Pedestrian Facilities - Few pedestrian facilities exist along Laytonsville Road between Brink/Sundown Road and Hawkins Creamery Road in this rural area.

Environment

Forest Conservation - This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD, 4-02273R) that is applicable for the special exception area and the surrounding residual 179-acre farm area. Approval has also been granted for the preliminary Forest Conservation Plan that is also applicable to both the special exception property and the residual farm area. Subdivision of the proposed special exception site from the residual farm is anticipated if it is approved, and it was important to consider the applicant site in the context of the surrounding farm that will remain under common ownership.

Water Quality

This property is located on the ridgeline between the Hawlings River and Great Seneca Creek watersheds. Both show good water quality and habitat conditions. The level of imperviousness within the sensitive Hawlings River watershed portion of the site will be approximately 3.3%, with a 2.2% impervious level within the primary management area.

ANALYSIS

Master Plan

The property was created in the Rural Density Transfer (RDT) Zone in the Olney Master Plan in June 1980. In October 1980 it was included in the boundary of the Master Plan for the Preservation of Agricultural and Rural Open Space (AROS) and the RDT Zone was confirmed. Then last month (March 15, 2005) it was adopted within the Olney Master Plan again; although no sectional map amendment has yet been considered. The Olney Master Plan and its subsequent SMA will confirm the existing zoning and

land use in the area. Both the AROS Master Plan and the Olney Master Plan are silent on special exceptions in the RDT Zone, and envision the continuation of agricultural and agriculturally related uses in this portion of the planning area.

Special Exception Standards and Zoning Requirements

The proposed use is allowed by special exception in the RDT Zone and as proposed, it will meet all development standards for the zone. Further, the staff believes that the proposed use complies with the special exception requirements for the use, as outlined at the end of this report. There is an existing special exception for a cellular communications tower on another portion of Parcel 666, located north of Hawkins Creamery Road, and west of MD 108. The proposed scale and location of the operations are appropriate in this very rural area, along a state highway.

Subdivision and Design Issues

The Planning Board recommended that the District Council approve a Remedial Map Amendment G-835 to reclassify 2.5 acres (Parcel 820) of the proposed site from the Country Inn Zone to the RDT Zone at its public hearing on April 14, 2005. If the map amendment and special exception are granted, a preliminary plan of subdivision will be considered by the Planning Board to reconfigure Parcels P666 and P820. The reconfiguration will establish a 16.1-acre lot for the landscape contractor business, and establish Parcel 666 as a residual 160+ acre parcel.

Inherent and Non-Inherent Effects

Section 59-G-1.2.1 of the Zoning Ordinance (Standard for evaluation) provides that:

“A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of 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 aspects of a landscape contractor include storage buildings for landscaping equipment, parking areas for vehicles and large equipment, buildings for maintenance and repair of equipment, storage bins for landscaping materials, and loading areas landscaping materials and equipment. The inherent effects of these activities include noise from equipment and vehicles.

The staff believes that none of these inherent aspects will have any adverse effects on this rural neighborhood because activity areas are substantially removed from any residences.

The proposed activities area is over 100 feet from the northern boundary of the subject site, and over 1,600 feet from the border of the surrounding tree farm. It is over 150 feet from the southern boundary of the subject site, and over 1,500 feet from the southern border of the surrounding tree farm. And it is over 150 feet from the eastern boundary of the subject site, and over 650 feet from the eastern border of the surrounding tree farm. The primary activity area is over 500 feet from the nearest offsite home.

Further, activity areas are located virtually out of site from the road, lighting is minimal as required for security and safety, and many employees arrive and depart before peak travel times. In addition, all buildings are typical in scale and architecture for agriculturally related uses. And the application includes additional landscaping for the site, to further buffer proposed uses, and the parking areas.

The staff concludes that there are no inherent or non-inherent adverse effects caused by the physical or operational characteristics of the proposed use on this site that would preclude it meeting zoning requirements.

Transportation

The staff finds that the proposed action satisfies the Local Area Transportation Review test and will have no adverse effect on area roadway conditions based on the statement of operations.

Adequate Public Transportation Facilities Review - A traffic study was submitted because the proposed staffing described in the statement of operations would generate 30 or more peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Based on the projected employees, a worst-case scenario was assumed in the traffic study - that all their resultant vehicular trips arrive and leave within the same one-hour within the three-hour-long weekday morning and evening peak periods.

The table below gives the number of peak-hour trips projected to be generated by the proposed land uses:

Type of Employee or Trip Purpose	Projected Max Number	Peak-Hour Vehicle Trips	
		Morning	Evening
<i>Business Office*</i>	119 Persons	78 In	96 Out
<i>Field Crews/ Supervisors</i>	120 Persons	0**	29 In
<i>Landscaping Trucks</i>	34 Vehicles	34 Out	0***
Total Trips		112 In & Out	125 In & Out

*= Business office employees arrive and leave at different times within the morning and evening peak periods.
 **=Field crew/supervisors arrive at the site before the start of the morning peak period at 6:30 a.m.
 ***=Landscaping Trucks return to the site before the start of the evening peak period at 4:00 p.m.

The Table below shows the critical lane volume (CLV) values in the existing and total traffic conditions based on the results of the traffic study. No background (unbuilt, but

approved) developments were located near the analyzed intersections that generated more than a “de-minimis” number of peak-hour trips. Thus, it was not necessary to analyze the background traffic condition.

Only the first intersection with Laytonsville Road and a master-planned roadway located to the north and south of the site were analyzed in the traffic study because the proposed land uses were projected to be less than 250 peak-hour trips. Thus the second and third intersections to the north with Hipsley Mill Road and Damascus Road were not analyzed.

Intersection with Laytonsville Road	Peak Hour	Traffic Condition	
		Existing	Total
Hawkins Creamery Road	Morning	884	901
	Evening	715	742
Main Site Access Point	Morning	Not Existing	868
	Evening	Today	776
Brink/Sundown Road	Morning	1,273	1,294
	Evening	1,375	1,376

Evaluation - The values shown in the above table demonstrate the effect of the current Ruppert Nurseries activity at the Hawkins Creamery Road site. The observed traffic conditions include current nursery related activity. The leftmost column, labeled “not including” reflects the calculated effect of removing the nursery-related traffic from the existing conditions. In each scenario, the CLV values at the three analyzed intersections are less than the congestion standard of 1,400 under the *FY 2005 Annual Growth Policy* for the intersections located within rural policy areas. Under the *FY 2005 Annual Growth Policy*, Policy Area Transportation Review is no longer considered in the APF review, and this site is located in a rural policy area where staging ceilings was never established.

Pedestrian Facilities - During an evaluation, fewer than 5 pedestrians were observed at the intersection of Laytonsville Road with Hawkins Creamery Road. The vehicular traffic generated by these special exception uses would not impact the limited existing pedestrian usage.

Environmental

Forest Conservation - The 16 acres proposed for the landscape contractor operation are subject to forest conservation legislation. This area is located on the ridgeline near the existing home, and contains 21 specimen trees, but no other sensitive areas. Although no trees will be removed as part of this application, there is an afforestation requirement of 2.4 acres. The applicant proposes to use stream the valleys along the perimeter of the adjoining residual farm to meet this requirement. Fifteen of the specimen trees on the site subject to forest conservation are located in areas that are to be dedicated as right-of-way for MD 108. These trees will not be damaged as part of the proposed application.

All of the forested areas, wetlands and steep slopes of the larger farmed area are located in the stream valleys near the site perimeters, beyond the proposed location for the special exception. The part of the site that will remain in active agriculture has been exempted from forest conservation requirements, but will come under the purview of the Soil and Water Conservation District. The exemption is subject to a Declaration of Intent stating that no other use for the remaining farm is contemplated within the near future that will be a part of the subdivision process.

Water Quality - The anticipated impervious levels of 3.3 % within the Hawlings Reiver watershed portion of the site, and 2.2% in the primary management area meet required standards.

Stormwater Management - The Department of Permitting Services has approved a stormwater management concept. In addition to a stormwater management pond, requirements include three Bioretention filters, one sand filter, grass channels and a recharge facility. A final plan will be approved before sediment and erosion control permit are granted.

Septic System - A new sewage disposal area will be located south of the office employee parking lot. It is located entirely within the Great Seneca Creek watershed. A preliminary Well and Septic Plan was reviewed by the DPS in June 2004. Final approvals will be considered in conjunction with the subsequent subdivision process.

Historic Preservation

The historic Jacob Alnutt house, a Queen Anne style Victorian Home built in 1887, is an important feature on this subject property. It is listed in the Locational Atlas (Master Plan Site #23/123) and the Historic Preservation Commission (HPC) supports the application. The applicant is working with the Historic Preservation staff on any necessary requirements for structures with historic designation. A memo containing the notice of the HPC approval of this proposed reuse is attached.

Citizen Concerns

As of the date of this report, the staff has received no comments on the proposed use.

Conclusions

The proposed use will permit a large landscape contracting business in the Rural Density Transfer Zone. This is an agriculturally related use in a zone where agriculture and agriculturally related businesses are preferred uses. Further, it is surrounded by a tree farm that will be in joint ownership with the landscape contracting business. These are complementary businesses that complement the intent of the zone and the intent of the Master Plan. Further, when landscape contractor businesses are proposed the usual concerns expressed relate to noise of vehicles and equipment, ability of the access road to handle the inherent heavy truck traffic, and disruption from employee early morning arrivals. This site, although larger than many landscape contractors, is less subject to those concerns by its location on a state highway, in the middle of the

larger tree farm, and its location substantially removed from other residences by distance and topography.

Further, if the Agricultural Reserve is to survive, it must remain an area of "working lands". And if agricultural production is to survive, it must be profitable. A major means to ensure profitable agricultural businesses is to permit multiple, mutually reinforcing farm businesses. The proposed use is a good example of that inescapable logic. Because it is an agriculturally related business, that is mutually supportive of an adjoining farm, the staff strongly supports this proposed special exception, with the conditions noted at the beginning of this report.

Attachments: