

Special Exception Requirements
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.

A 2.5-acre portion of the subject site has been in the Country Inn Zone, where this use is not allowed, since 1985. That portion is being considered for a reclassification to the Rural Density Transfer (RDT) Zone under the remedial zoning map amendment process for the Country Inn Zone (adopted December 2004). The County Council consideration of the reclassification request is scheduled before the Public Hearing for the special exception request. If the County Council approves the reclassification request, the entire subject property will then be in the RDT Zone, where the use is permitted by special exception.

- (2) Complies with the standards and requirements for the use in Division 59-G-2.

The use as proposed 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 use, as proposed, is consistent with all applicable master plans including the General Plan, the Master Plan for the Preservation of Agricultural and Rural Open Space, and the Olney 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 surrounding neighborhood is primarily rural and agricultural in character. The proposed agriculturally related use will be in harmony with the neighborhood and the intent of the Rural Density Transfer Zone considering these criteria.

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

With the conditions recommended, the use will not have detrimental impact 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.

Not applicable, as area is not residential.

- (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 have such adverse affect on the area or its' 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.

Subdivision will be required when building permits are requested for proposed structures, and subdivision is anticipated in order to separate the proposed landscape contractor site from the surrounding tree farm for business reasons.

Schools are not relevant to this use. Police, fire, public roads, and storm drainage will be adequate for the use proposed. Water and septic facilities are being reviewed by the Department of Permitting Services, Division of Well and Septic; and they will determine adequacy of those public facility elements. The subject site has a recommendation for Water Category W-6 and Sewer Category S-6. No changes to this status are anticipated due to the property location in the Agricultural Reserve.

Specific Conditions

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.

The proposed operation for a landscape contractor adjoins (and is surrounded by) an existing tree farm on 162 acres under common ownership that is not a part of the special exception application. The staff supports the proposed landscape contractor use.

- (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 proposed use is on a 16.4-acre site that will be proposed for subdivision from the surrounding residual 162-acre tree farm property for business reasons.

- (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 office structures (the historic home, new office structure, and gravel parking area) will be more than 50 feet from MD 108. All other areas designated for parking trucks and equipment are located well behind the office structures, in an area that is below the grade of the road. The residual parking, loading, and contractor yard area are to be located approximately 80 to 240 feet from the sides and rear of the proposed site. They are also buffered from other surrounding properties by the boundaries of the tree farm, and over 500 feet from the nearest offsite dwelling. The staff believes this is sufficient.

- (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 applicant proposes up to 35 landscape production trucks (large pickup trucks), 10 company trucks (small pickup trucks or SUVs), a dump truck, and 20 equipment trailers. Parking for all proposed work vehicles is provided on the site in the storage yard area. In addition, parking is provided for up to 166 employees and visitors in three parking areas as outlined in the statement of operations. There are no immediately adjoining uses to be adversely impacted in this rural location.

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

No such sales are proposed as a part of the special exception proposal.

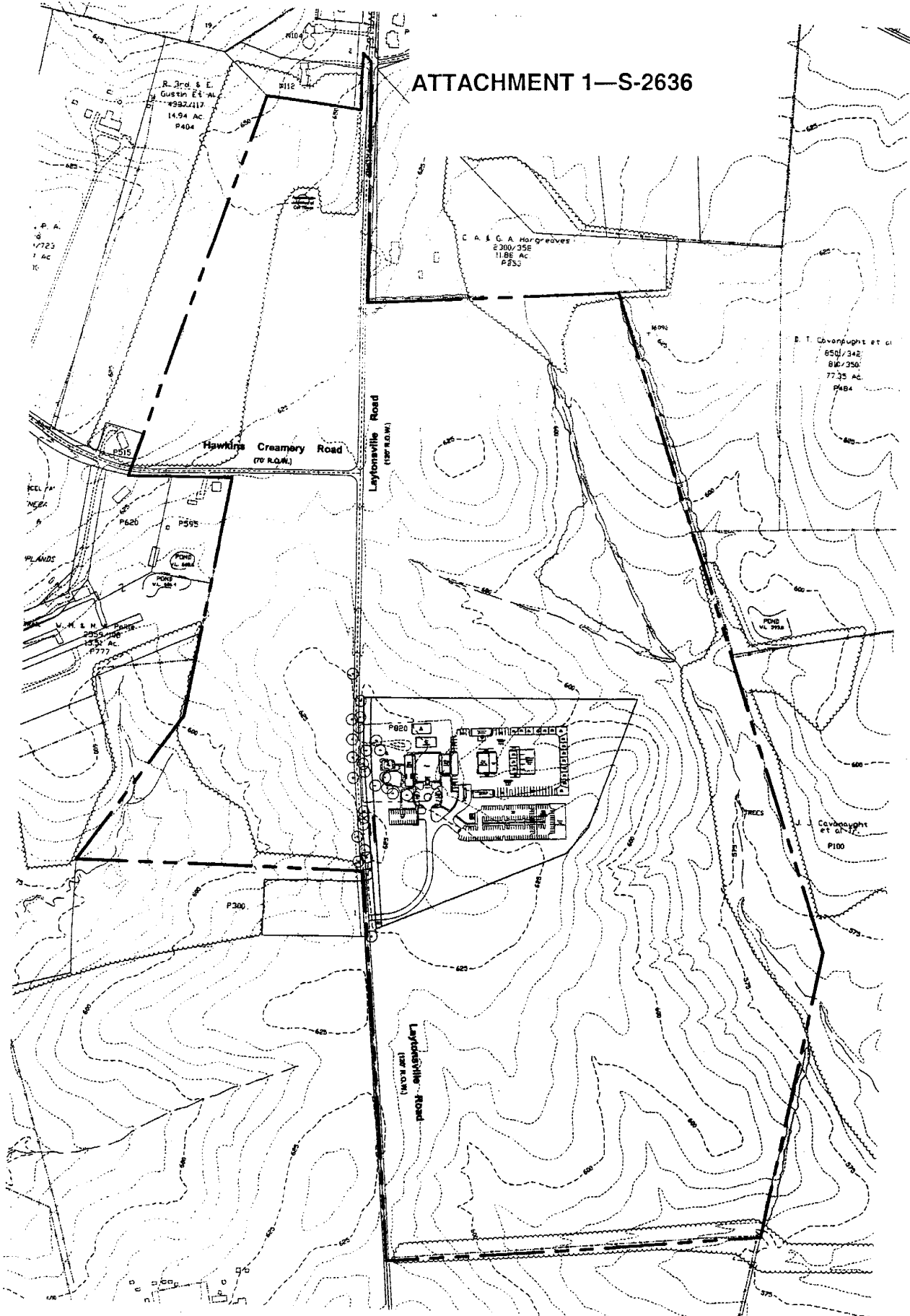
- (5) The Board may regulate hours of operation and other on-site operations so as to prevent adverse impact on adjoining uses.

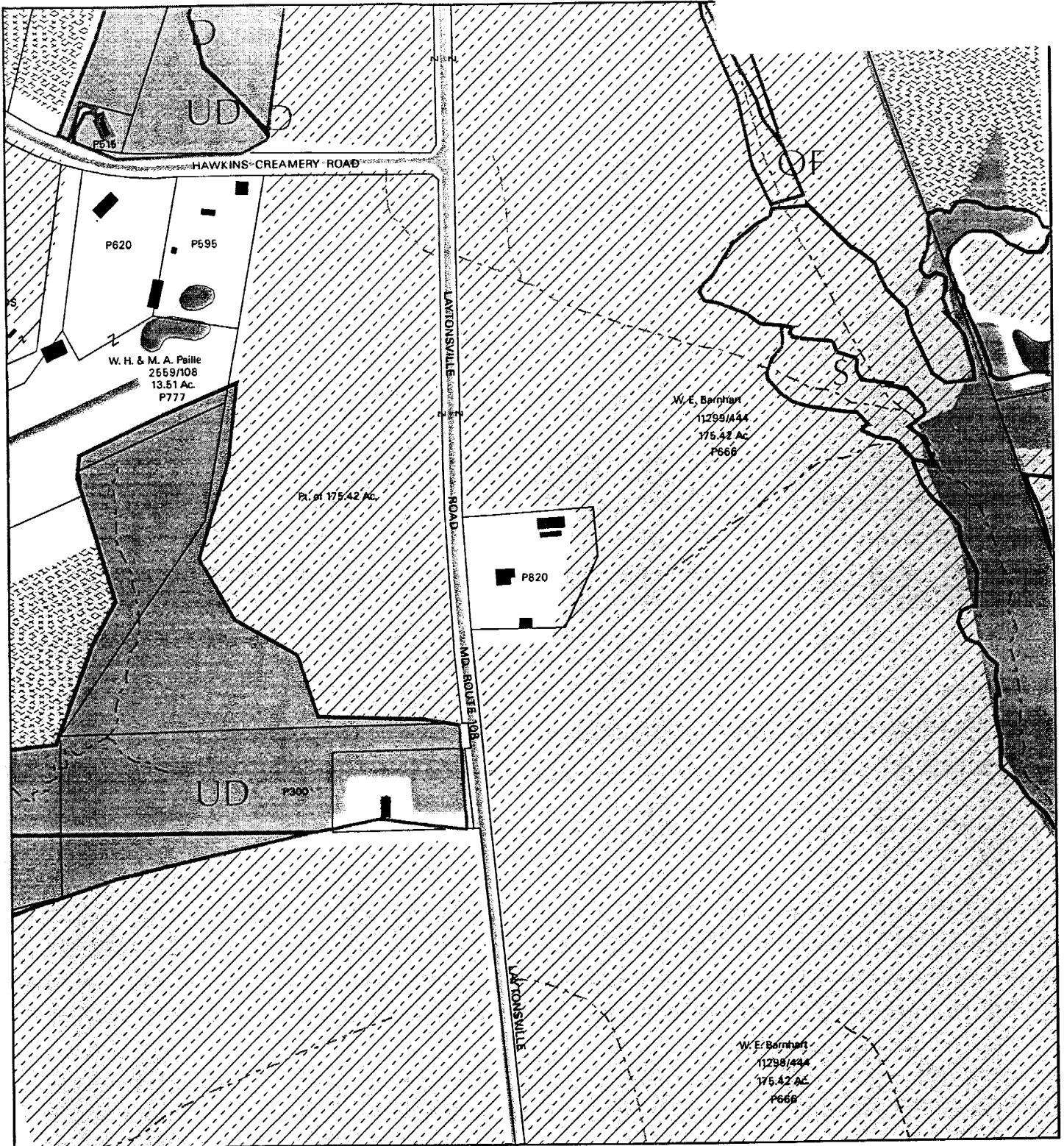
The staff believes the proposed hours of operation of 6:00 AM to 6:30 PM, Monday through Friday are acceptable. The field workers generally arrive at the site very early to get to their work sites in more densely settled areas before major traffic congestion in the morning, and will generally return to the site before major traffic congestion in the afternoon. The office employees arrive and depart during regular business hours. And again, there are no immediately adjoining uses to be adversely impacted in this rural location surrounded by the company's 160+ acre tree farm.

- (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.

The proposed use is categorized as an "agricultural-commercial" use. Although larger than many such operations, it is located on a state highway, is substantially removed from residential uses, and is appropriate at this rural location in the Rural Density Transfer Zone.

ATTACHMENT 1—S-2636





Map compiled on April 20, 2005 at 1:32 PM | Site located on base sheet no - 233NW07

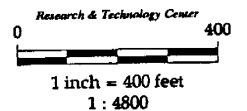
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Key Map





HISTORIC PRESERVATION COMMISSION

Douglas M. Duncan
County Executive

Julia O'Malley
Chairperson

September 13, 2004

Katherine Freeman
Executive Director
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

NOV 1 2004

Re: 23601 Laytonsville Road, Laytonsville

Dear Ms. Freeman:

The Montgomery County Historic Preservation Commission (HPC) met with Craig Ruppert and Caryl Ersenkall of Ruppert Nurseries and their architect, Stephen Muse, on June 23, 2004 and July 28, 2004 regarding the Jacob Allnut House at 23601 Laytonsville Road in Laytonsville (Master Plan Site #23/123). Ruppert Nurseries has purchased this historic property and is proposing to use it as their corporate headquarters for their landscaping contracting business. They will be coming before the Board of Appeals for rezoning and a Special Exception for this proposed use of the property.

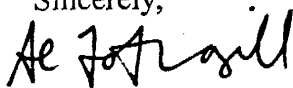
They are proposing to put an addition on the back of the historic farmhouse and to construct two new, unconnected buildings for their corporate headquarters behind the farmhouse. There will be approximately 130 parking spaces for cars with additional parking for company trucks and other vehicles. They plan to use the rest of the 177 acres for their tree farm, a permitted use, and they have already planted more than 30,000 trees on the property.

The Historic Preservation Commission reviewed this proposal over two meetings in June and July 2004. While there was much discussion at the HPC meetings about this proposal, the conclusion was that a majority of Commissioners support this proposed use. The Commission reviewed the proposed plans and made a number of suggestions regarding design and placement of the new buildings and parking, but overall the HPC was supportive of this use of the property, and felt that the proposed addition to the historic farmhouse and the new construction would be approvable through the Historic Area Work Permit process.



The minutes of the two HPC meetings and the proposed site plan are attached for review by the Board of Appeals. We understand that the Board of Appeals will review the rezoning application this fall and the Special Exception application later this year. Please call me at 301-563-3400 with any concerns or questions. Thank you for your time and consideration.

Sincerely,



Anne Fothergill
Historic Preservation Planner

cc: Mr. Craig Ruppert, Ruppert Nurseries
Mr. Stephen Muse, Muse Architects

Enclosures (3)