

May 13, 2005

TO: Joel Gallihue, Zoning Analyst, Development Review Division

FROM: Candy Bunnag^{CB}, Environmental Planner,
Countywide Planning Division

SUBJECT: Special Exception Modification, S-2506A, East Coast Landscape, Inc.

Staff does not object to the proposed modification of the special exception.

The southern 2.68 acres of the 10.12-acre property lie within the Upper Paint Branch Special Protection Area (SPA), and the northern 7.44 acres lie within the Patuxent River watershed. The portion of the property within the Patuxent River watershed does not lie within a Primary Management Area (PMA) because it is more than 660 feet from a stream in the Patuxent River system. Corridor 2 of the Intercounty Connector traverses through the northern part of the property.

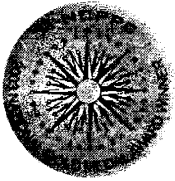
An existing driveway to serve the special exception use lies within the SPA portion of the property. No other features of the special exception use lies within the SPA. The modification does not propose any land disturbance activities within the SPA. Therefore, a SPA water quality plan is not required. At the time the property goes through the subdivision process, the Department of Permitting Services will need to determine whether a SPA water quality plan is required.

The proposed modification is consistent with the Environmental Overlay Zone for the Special Protection Area because the driveway lawfully existed prior to 1997, it is not proposed to be modified, and no other impervious surfaces are proposed to be added within the SPA.

A preliminary forest conservation plan was conditionally approved with the original special exception in 2002. The forest conservation plan was required for the special exception and *to correct a previous violation of the Forest Conservation Law*. A final forest conservation plan was subsequently approved. The final forest conservation plan covers the proposed special exception modification.

The required forest planting was done, but survival of the planted trees has been poor. The applicant has agreed to replant the trees. The replanting will be dependent on

whether the ICC will traverse the property. If the ICC takes part or all of the property, the replanting will involve an offsite location. The applicant is currently in the process of recording a conservation easement for part of the property, as required by the approved forest conservation plan.



May 13, 2005

MEMORANDUM

TO: Joel Gallihue
Development Review Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning

SUBJECT: Special Exception Case No. S-2506-A
Amendment to previously approved Special Exception Case No. S-2506
East Coast Landscape, Inc.
2000 Spencerville Road, Spencerville
Patuxent (Rural) Policy Area

This memorandum presents the Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Special Exception Amendment Case to modify the prior Special Exception approval to operate a landscape contractor business at 2000 Spencerville Road (MD 198) in Spencerville, within the Patuxent (Rural) Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends no new transportation-related conditions to support granting of the subject Special Exception Amendment request, since the original Special Exception request met the transportation-related requirements of the APF test. The proposed use will not have an adverse effect on the transportation network within the local area.

DISCUSSION

Site Location and Access

The site is located on the north side of Spencerville Road between Good Hope Road and Thompson Road. The site access is from Spencerville Road.

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Previous Review of the Special Exception Case

Transportation Planning staff recommended the following conditions as part of the transportation-related requirements to approve the original Special Exception request, case number S-2506:

1. Limit the landscape contractor to the following transportation-related conditions as stated in the Petitioner Statement of Operations:
 - a. Not open to the general public with any customers traveling to and from the site.
 - b. Limit employees to a maximum of nine persons.
 - c. Limit business vehicles to a maximum of five vehicles.
 - d. Open between 7:00 a.m. and 7:00 p.m. Mondays through Saturdays which is within the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and evening peak period (4:00 a.m. to 6:00 p.m.).
 - e. Schedule work hours where the employees arrive at the site at or after 7:00 a.m. and leave to their work sites at approximately 8:00 a.m. in up to 14 work vehicles. Employees return from their work sites to the subject site at approximately 6:00 p.m. and then leave the site at or before the 7:00 p.m. closing.
 - f. Limit deliveries to a maximum of four deliveries within a two-week period.
2. Coordinate with the Maryland State Highway Administration (SHA) regarding their review of the site access from Spencerville Road (MD 198).
3. Coordinate with SHA (Shawn Burnett) regarding their project planning study of the MD 28/MD 198 corridor to widen from two to four lanes between Georgia Avenue (MD 97) and I-95 in Prince George's County. Currently, preliminary alternatives are being developed for a public meeting.

Of the above three conditions, Condition No. 1 was incorporated into the terms of the special exception. Condition No. 2 was satisfied by the applicant through coordination with SHA (see Attachment 1; letter from SHA dated November 16, 2004). Condition No. 3 is being satisfied through continued coordination.

Proposed Intercounty Connector

As part of its preparation of the *Draft Environmental Impact Statement (DEIS)* for the proposed ICC, SHA has developed detailed engineering mapping for the roadway, which is proposed as a limited-access east-west highway intended to link areas between I-270 and I-95/US 1, through central/eastern Montgomery and western Prince George's Counties.

The ICC planning process currently includes two alternative alignments called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the alignment incorporated in the area master plans for the ICC, and Corridor 2 is the alignment to the north that is not represented in any area master plans. Of the above two alternative roadway alignments, based on current information available from the SHA in the *DEIS*, an alignment option of the Corridor 2 alignment in the area (Spencerville Option D to Burtonsville Option B) would physically impact the subject Special Exception area as shown on Attachment 2. The ICC study process is currently moving forward following guidelines mandated by Federal agencies, which require evaluation of more than one "build" alternative. Transportation Planning staff recommends no ICC-related action on the subject Special Exception amendment since the changes requested by the amendment will not increase the value of the property.

Master Plan Roadway and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *Cloverly Master Plan* describes the nearby master-planned roadway, pedestrian and bikeway facilities as follows:

1. Spencerville Road, as a four-lane Major Highway (M-76) with a minimum right-of-way of 120 feet to the west of Thompson Road to New Hampshire Avenue and a minimum right-of-way of 70 feet to the east of Thompson Road to 360 feet east of Batson Road. A Class I bikeway (PB-34) is recommended in the master plan for this roadway.

Local Area Transportation Review

A traffic study was not needed for the subject Special Exception Amendment Case to satisfy Local Area Transportation Review since the amendment did not include any on-site changes that would have increased the level of traffic on the site beyond what was approved as part of the original Special Exception Case. The Special Exception use, as proposed, will continue to generate fewer than 30 peak-hour trips during the weekday morning and evening peak periods.

Policy Area Review/Staging Ceiling Condition

The site is located on the north side of Spencerville Road and in the Patuxent Policy Area. Spencerville Road divides the rural Patuxent Policy Area from the Fairland/White Oak Policy Area. The Patuxent Policy Area is considered a rural policy area with no established transportation staging-ceiling for non-residential and residential development.

CE:gw

cc: Mary Goodman
Greg Cooke
Walter Petzold, P.E.



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Finnagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

235A-B-2

November 16, 2004

Ms. Katherine Freeman
County Board of Appeals
for Montgomery County
Stella B. Werner Council
Office Building
100 Maryland Avenue
Rockville, MD 20850

Re: Montgomery County
MD 198
East Coast Landscape, Inc.
Case No. S-2506-A

Dear Ms. Freeman:

Reference is made to the above captioned petition which is located at 2000 Spencerville Road, in Spencerville Maryland.

This office is in receipt of a sight distance analysis performed by Mr. Walter Petzold, of Oyster, Imus & Petzold, Inc. We have reviewed the sight distance analysis and find that the existing driveway meets stopping sight distance for a speed limit of 40 MPH. Considering the low traffic generated by the proposed use, we will accept stopping sight distance in lieu of intersection sight distance.

Thank you for your continued cooperation. If you have any questions, please contact Greg Cooke at 410-545-5595 or our toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

7-07

Steven D. Foster, Chief
Engineering Access Permits
Division

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- cc: Mr. Michael Ma-MNCPPC
- Mr. Darrell Mobley
- Mr. Walter Petzold-Oyster, Imus & Petzold, Inc.
- Ms. Sandra Youla-MNCPPC