



Preliminary Plan No. 12002047A: Gladhill Tractor Mart

BB
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Staff Report Date: 07/12/2012

DESCRIPTION

Preliminary Plan No. 12002047A: Gladhill Tractor Mart

Request for a 4,200 square foot addition to an existing 12,114 square foot farm machinery and sales building; located on the east side of Ridge Road (MD 27), opposite the intersection with Kemptown Road (MD 80); RDT zone; 6.48 acres, Damascus Master Plan area.

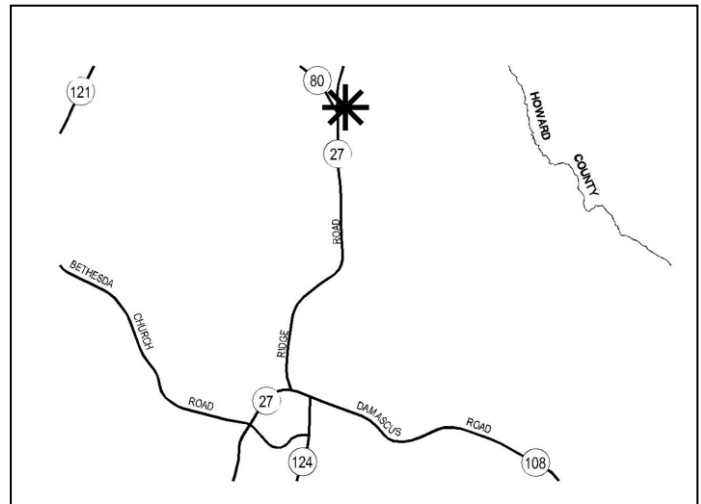
Staff Recommendation:

Approval with Conditions

Review Basis: Chapter 50

Submittal Date: December 21, 2011

Applicant: Gladhill Properties Limited Partnership ("Applicant")



SUMMARY

Construct a 4,200 s.f. addition to an existing 12,114 s.f. farm machinery sales and service building.

- There will be no increase in the number of employees and no anticipated increase in the sales volume or customer volume as a result of this addition.
- The property was subject to the approval of a Special Exception S-1896 was amended in anticipation of this preliminary plan amendment.

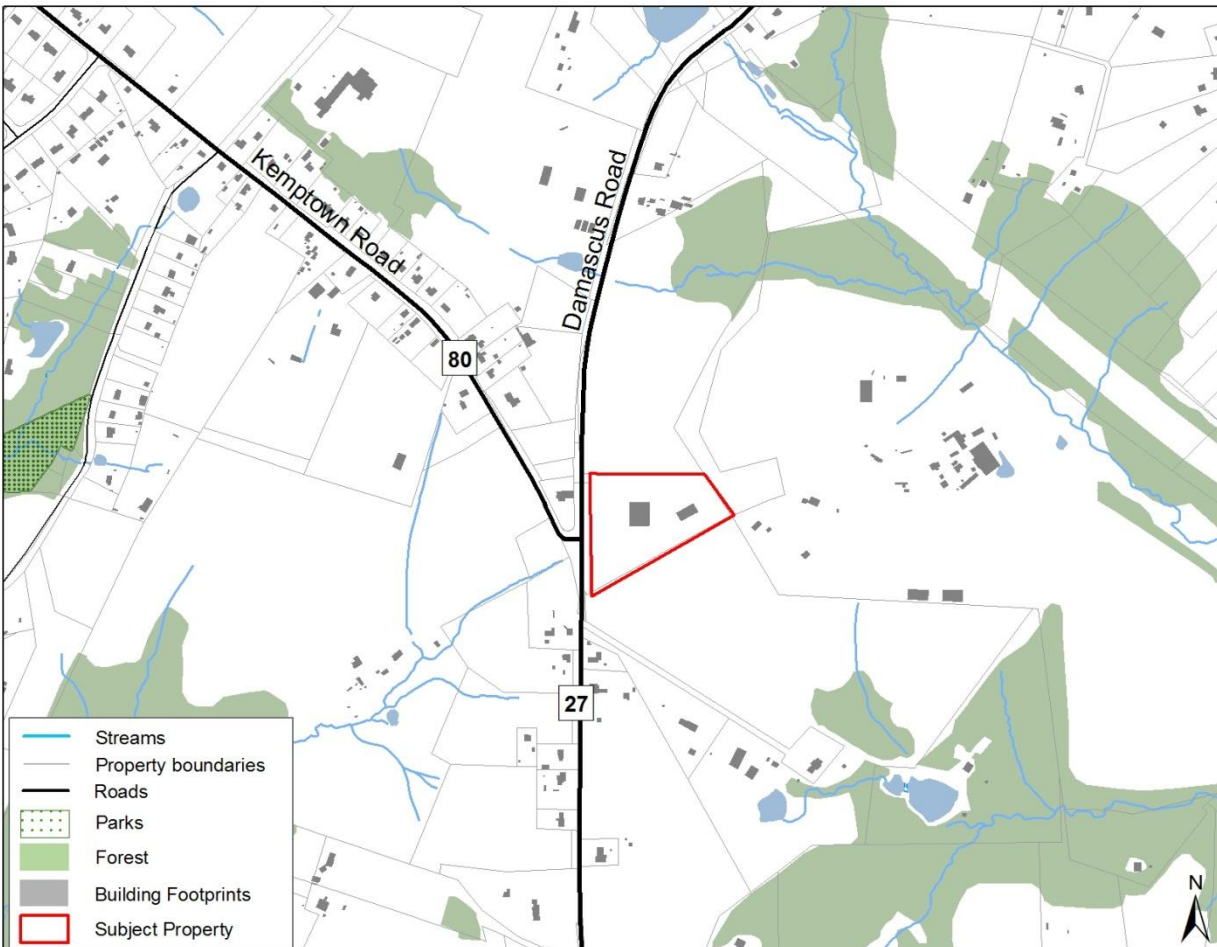
RECOMMENDATION

Approval, with the following conditions:

1. This Preliminary Plan is limited to 16,314 square feet of commercial uses, and 5,000 square feet of storage space.
2. The Applicant must comply with conditions of Board of Appeals Resolution modifying Special Exception S-1896-B, adopted September 28, 2011.
3. All other applicable conditions contained in the adopted resolution approving Preliminary Plan 120020470 remain in full force and effect.

SITE DESCRIPTION

The Subject Property is a previously platted lot (Plat 22234) located on the east side of Ridge Road (MD 27) across from the intersection with Kemptown Road (MD 80), in the Damascus Master Plan area. The Subject Property is 6.48 acres and is in the RDT Zone ("Property" or "Subject Property") (Figure 1). The Property is currently improved with an existing tractor sales and repair business including an existing 12,114 square foot sales structure and an enclosed storage building. Access to the property is through an existing access point directly on Ridge Road, across from Kemptown Road, leading into an existing parking area.



The predominant surrounding land use is agriculture, with some existing one-family detached dwellings and religious institutions. To the west of Damascus Road, opposite the Property, is the St. Thomas Orthodox Church and a small chimney sweep business, located on RDT and C-1 zoned land. A small group of one-family detached homes and agricultural uses are located east and north of the Property on RDT zoned land. To the south is agricultural land located in the RC zone.

The Subject Property sits at a high point in the terrain, with the elevations slowly sloping downward toward the rear of the property. The site is unforested, with limited tree cover, planted as part of the original landscaping (Figure 2). The Property is mostly located in the Upper Patuxent River watershed which is designated as a Use III stream system. The south western portion of the property however is located in the Little Bennett Creek watershed, which is a Use III-P stream system. There are no sensitive environmental features on the Property. The property is located outside the Patuxent River Primary Management Area (PMA), and it is not subject to an imperviousness limit.



PROJECT DESCRIPTION

Preliminary Plan 12002047A is an amendment to the original approval that proposes constructing a 4,200 square foot addition to the existing 12,114 square foot sales and service structure for a tractor and lawn equipment sales and service center (“Application”) (Attachment A). The purpose of the addition is to provide an expanded indoor area for the display of the smaller equipment being sold. Much of the smaller equipment is currently on display outdoors in the front of the existing sales building. The Applicant has stated there will be no increase in the number of employees, no anticipated increase in sales volume and no anticipated increase in the number of customers or parking spaces as a result of this expansion.

Project History

The Property was subject to a Board of Appeals Case Number S-1896 for Gladhill Properties Limited Partnership which went before the Board on January 14th, 1992. The Special Exception permitted the sale, storage and service of farm machinery. Administrative modifications have been granted on four occasions: September 21, 1994, February 21, 2001, April 3, 2008 and September 28th, 2011 (Attachment B, C). The most recent modification allows for an expansion to the existing sales building. The Property was originally presented to the Planning Board as Preliminary Plan 120020470, which was approval on March 7th, 2002 with Opinion mailed April 12, 2002 (Attachment D). This approval permitted a maximum of 12,150 square feet of machinery sales and service, and no more than 5,000 square feet of storage, subject to the terms of Case S-1896.

ANALYSIS AND FINDINGS

Conformance to the Master Plan

Staff finds the Application substantially conforms with the 2006 Damascus Master Plan (“Master Plan”). The Master Plan identifies the Property as located in the “Rural Area” portion of the plan. The Vision for the Rural Area portion of Damascus is “an area of agricultural uses, with some low density housing.” (p. 37). The Master Plan also recommends that the placement of buildings should further the preservation of prime and productive agricultural land, and should preserve rural vistas and areas of contiguous open fields.

The addition proposed in this Application is modest, at 4,200 square feet in size and will be attached to the existing operating business. The Property is surrounded on three sides by agricultural uses; the location and design of the proposed addition will not affect the ability of any surrounding properties to continue agricultural operations. The current business sells and repairs farm equipment and lawn tractors, providing an agricultural service to the community at large within the Agricultural Reserve and to agricultural operations in other adjacent and nearby counties. The location of the operation is at the intersection of two state highways that provides safe and convenient access to the surrounding farms and also to Interstate 70 located approximately 5 miles to the north.

Public Facilities

Roads and Transportation Facilities

The Applicant submitted a justification stating no new vehicle trips are predicted as a result of the proposed expansion; therefore the Application is not subject to Local Area Transportation Review or Policy Area Mobility Review. Acceleration and deceleration lanes and a commercial size driveway

opening were constructed with the permits for the existing buildings in accordance with the State Highway Administration access permit. No further improvements are required by the State for this expansion.

Other Public Facilities and Services

Other public facilities are found to be adequate to support this Application. This Application continues to meet all adequate public facility findings that were approved in the previous plan approval. The Montgomery County Department of Permitting Services, Well and Septic Section has determined that no expansion or modification to the existing septic system or well will be required as a result of this Application. No changes are envisioned for electric or telecommunication service.

Forest Conservation

The previous plan approval generated a 0.99 acre afforestation requirement which was met off site as a 1.98 acre category 1 easement. Approval of this Application will generate no change to the forest conservation requirements for the Property. The Application complies with all forest conservation requirements under Chapter 22A and as approved under Preliminary Plan 120020470.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application continues to meet all applicable sections of the Subdivision Regulations as previously found with the approval of Preliminary Plan 120020470. This Application does not propose a change in lot shape or area, therefore the lot is still compliant with the dimensional requirements for the RDT zone as specified in the Zoning Ordinance.

CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. A sign referencing the proposed modification was posted on December 12, 2011 at the front of the Property along Ridge Road (MD 27). Staff to date has received no citizen comments or correspondence regarding this application.

CONCLUSION

The Application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Damascus Master Plan. Staff has reviewed the Application and has determined existing access and public facilities will continue to be adequate to serve the proposed expansion and existing buildings, as it is not predicted to generate any increase in vehicle trips. Therefore, approval of the Application with the conditions specified above is recommended.

ATTACHMENTS

Attachment A - Preliminary Plan amendment 12002047A

Attachment B - September 28, 2011 Board of Appeals Opinion of Case S-1896

Attachment C - Letter to Board of Appeals on August 31, 2011

Attachment D - Planning Board Opinion of 120020470 mailed April 12, 2002

Attachment A

Tax Assessment Parcel 750

Zoning = RDT
 Owner: Terry, L. & K.L. Hawkins
 Liber 15132, Folio 086
 Site Address: 27609 Ridge Road

GENERAL NOTES

Parcel One, as shown, is included on a Subdivision Record Plat recorded, June 06, 2002, among the Land Records of Montgomery County, Maryland, as Number Plat 22234.

Existing site improvements, as shown, have been compiled from plans provided by Tri-County Surveys, Inc. and a field survey, dated November 10, 2010, by this office, of the area around the new metal storage.

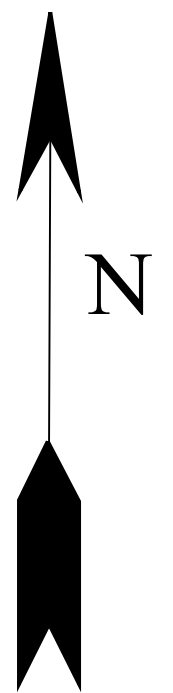
Site is currently zoned RDT and is located in the Damascus Master Plan Area, and within the Montgomery County agricultural and rural open space reserve.

Adjacent property ownership and address information, as shown, from Maryland Department of Assessments and Taxation, Real Property Data Search.

Site has been approved for and developed as a farm machinery and equipment sales, storage and maintenance facility under provisions of Special Exception S-1896, granted October 23, 1991, with subsequent modifications, September 21, 1994, February 21, 2001, April 03, 2008 and November 7, 2011.

Site is served by well and septic.

According to inquiry and response data provided from MC-DPS Well and Septic Staff, there are no records of any existing well and/or septic systems within 100 feet of the subject site's property lines. No well and/or septic evidence has been observed during field surveys of the site and other visual observations made by this office.



MD. RTE. 27
 M.S.H.A. PLAT 51510
 80' R/W

RIDGE ROAD

Kempton Road

Tax Assessment Parcel 800
 Zoning = RDT
 Owner: Charles J. J. J. et al
 Liber 20952, Folio 306
 Site Address: Jubber Road

Tax Assessment Parcel 985
 Zoning = RDT
 Owner: Robert M. & F. D. Hilton
 Liber 15488, Folio 148
 Site address: Ridge Road

DEVELOPMENT TABULATION

Zoning = RDT
 Use = Farm equipment (Special Exception)

	REQUIRED	EXISTING - PROPOSED
Site Area	40,000 s.f. minimum	6,4808 acres existing
Lot Width @ front B.R.L.	125' min. @ front building line	520' @ proposed addition
Lot Width @ street	25' minimum	615.65' existing
Primary structure setback from street	75' minimum (subdivision plat)	170' proposed addition
Primary structure side setback from adjoining lot	75' minimum (subdivision plat)	189' & 163' prop. addition 143' & 160' existing bldg.
Primary structure rear setback from adjoining lot	75' minimum (subdivision plat)	N.A. proposed 329' existing
Maximum building height primary structure	50' roof peak maximum	25' (existing peak)
Building Coverage	10% maximum (28,230 s.f.)	17,449 s.f. existing 4,200 s.f. proposed 21,649 s.f. total or 7.67%
Off-Street Parking	5/1,000 s.f. of sales area, except with BOA approval of a reduction of not less than 2/1,000 s.f.	5,790 s.f. sales 23 existing & proposed (or 3,971,000 s.f. w/ B.O.A. approval)
Loading Spaces	-	2 provided

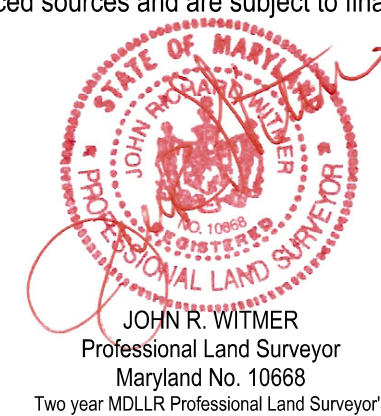
Tax Assessment Parcel 200
 Zoning = RDT
 Owner: Edmond H. Jr. & Joyce W. Rhodes
 Liber 35707, Folio 059
 Site address: Ridge Road

AMENDED PRELIMINARY SUBDIVISION PLAN LIST OF AMENDED ITEMS

- Plan revised to reflect the sales building addition as approved by an amendment to Special Exception S-1896 for indoor equipment display.
- Building coverage tabulation revised.
- Building setback changes added to plan.

SURVEYOR'S CERTIFICATE

This is to certify that the boundary and topography, as shown and noted hereon, have been compiled from the referenced sources and are subject to final survey.
 December 07, 2011
 July 12, 2012



- LEGEND**
- Minor topographic contour
 - Major topographic contour
 - Centerline
 - (S-20), (M-8) Master Plan roadway designation
 - [Prop.] Proposed improvement label



TAX MAP FY	WSSC 200 SHEET NO. 240 NW 09	ADC MAP PAGE 4 GRID E-3
REVISIONS: 7/12/2012 Route number: (80 to 27)	VICINITY MAP NOT TO SCALE	
PREPARED FOR: Gladhill Properties L.P. P.O. Box 777 Frederick, MD 21705 (301) 663-6060		
SHEET TITLE PRELIMINARY SUBDIVISION PLAN		
PROJECT PROPOSED ADDITION 28129 RIDGE ROAD PARCEL ONE GLADHILL TRACTOR MART 12th (DAMASCUS) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND		
WITMER ASSOCIATES, LLC Land Surveying, Land Planning & Design 18401 Woodfield Road, Suite C, Gaithersburg, MD 20879 Tele. (301) 740-1409 Fax (301) 740-3056 E-Mail witmerllc@gmail.com		
SCALE As Noted	DATE Oct., 2011	WALLC PROJECT NO. 10989 A
		SHEET NO. 1 of 1

Attachment B

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-1896-B [S-1896]

PETITION OF GLADHILL PROPERTIES

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution Adopted September 28, 2011)
(Effective Date of Resolution: November 7, 2011)

The Board of Appeals has received a letter, dated August 31, 2011, from Susan W. Carter, Esquire, on behalf of Gladhill Properties. Ms. Carter requests administrative modification of the special exception to allow construction of an addition to the existing sales/storage/warehouse building. Ms. Carter explains that the addition is intended for indoor display of some of the equipment it sells "for security reasons (and to provide better protection from the elements)." She further states that "The majority of customer activity to the Subject Property is currently associated with the servicing of equipment rather than the sale of tractors and other farm equipment, large purchases that don't occur as frequently."

The Board of Appeals granted Case No. S-1896 to Gladhill Properties Limited Partnership on January 14, 1992, to permit the sale, storage and service of farm machinery. The Board has granted modifications of the special exception on September 21, 1994, February 21, 2001 and April 3, 2008..

The subject property, identified as Parcel 966 on Tax Map FY53, is located on the east side of Ridge Road (Md. Rt. 27) at its intersection with Kemptown Road (Md. Rt. 80) in Damascus, Maryland. The subject property consists of approximately 6.89 acres and is zoned RDT.

The Board considered the modification request at its Worksession on September 28, 2011. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the

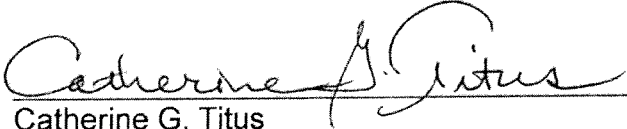
immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the requested modification will not increase the volume of customer traffic to the special exception and will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, with Walter S. Booth, David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement:

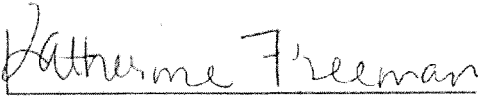
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. s-1896-B [S-1896] is re-opened to receive Susan Carter's letter of August 31, 2011, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is **granted**; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 7th day of November, 2011.


Katherine Freeman
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections

and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

Attachment C



LAW OFFICES
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SWCARTER@MMCANBY.COM

August 31, 2011

Montgomery County Board of Appeals
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

RE: Petition of Gladhill Properties Limited Partnership
Special Exception Case No. S-1896
Farm Machinery: Sales, Storage or Service
Request for Administrative Modification

Dear Chairman Titus and Members of the Board of Appeals:

I write to you on behalf of my client, Gladhill Properties Limited Partnership (“Gladhill”), to request an administrative modification of the above-referenced special exception approval in order to construct an addition to the existing sales/storage/warehouse building. The purpose of this addition is to enable Gladhill to move its smaller outdoor display equipment indoors for increased security and for protection from the elements. There will be no change in the number of employees and no anticipated increase in sales volume or the number of customers visiting the site as a result of this addition.

By way of brief background, Gladhill has been in the business of selling and servicing John Deere farm machinery in Montgomery County since 1935. In fact, they are the only business still located in Montgomery County that provides this service to the agricultural community. In 1992, the Gladhills obtained special exception approval to move their business operation from downtown Damascus to the subject property which is located on the east side of Ridge Road (MD Route 27) at the junction of MD Route 80. The subject property is a recorded lot consisting of 6.48 acres located in the RDT zone in an area primarily characterized by farmland. It is currently improved with a one story metal sales/storage/warehouse building consisting of 12,114 square feet (identified on the Site Plan as “Existing Building”) and a one story metal storage building consisting of 5,335 square feet (identified on the Site Plan as “Existing Metal Storage Building”) for a total of 17, 449 square feet of improvements.

Access to the subject property is via a long driveway that fronts on Ridge Road. This driveway leads to a parking area located on the south side of the main building that provides for twenty-three (23) unmarked parking spaces. Two (2) additional loading spaces are located in front of the loading dock located west of the existing metal storage building.

Currently, Gladhill has select pieces of John Deere farm equipment located on display in the front of its property. Some of this equipment is too large for indoor display and will remain outdoors. However, for security reasons (and to provide better protection from the elements), Gladhill proposes to add an addition to the front (west side) of the Existing Building that would be used for indoor display of some of the smaller display equipment. Like the existing structures, the addition would consist of metal and would be similar in design and appearance to the Existing Building except that there would be a roof overhang in the front of the building to cover the walkway and there would be more glass to provide for direct sunlight. There would also be a new doorway entrance created at the front of the building as well as one along the southern side. The overall dimensions of the addition would be thirty-five (35') feet by one hundred-twenty (120') feet for a total of four thousand two hundred (4,200) square feet (less than 25% of the total existing square footage of 17,449 square feet). The existing paved driveway (that functions more as a walkway) located in front of the Existing Building would, of necessity, be removed as part of the construction and a new walkway would be installed in the front of the building. The bushes and other plantings located at the front of the building would be relocated to the new building front, with new planting of the same or similar variety to replace any that don't survive the transfer. A photograph depicting these existing plantings is attached.

The majority of customer activity to the Subject Property is currently associated with the servicing of equipment rather than the sale of tractors and other farm equipment, large purchases that don't occur as frequently. Accordingly, since the purpose of the proposed addition is to simply provide an indoor area for the display of equipment, there is no anticipated increase in the volume of customers to the site and no proposed increase in the number of employees or change in the hours of operation.

The Zoning Ordinance provides, in Section 59-G-1.3(c), that the Board of Appeals may approve a modification to a special exception "[i]f the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood..." The addition Gladhill proposes will not change the level of activity on the site and will have no impact upon traffic. The surrounding area is rural in character and the subject property consists of more than six (6) acres. The proposed addition will extend only thirty-five (35') feet further into the front yard, still leaving a yard of one hundred-seventy (170') feet in depth.

If the Board of Appeals approves the requested administrative modification, we anticipate that it will be necessary to amend the preliminary plan approval as square footage is a condition of approval. However, we cannot initiate that preliminary plan amendment without first obtaining the Board of Appeals' approval of this requested modification.

We are enclosing the following items with this request:

1. Filing Fee in the amount of \$ 500
2. Updated list of adjoining and confronting property owners
3. Proposed site plan

4. Proposed building elevations
5. Photograph of existing landscaping that will be relocated
6. A copy of the prior special exception opinions

Thank you for your attention to this matter. Please feel free to contact me if you require any additional information.

Very truly yours,

MILLER, MILLER & CANBY

A handwritten signature in cursive script that reads "Susan W. Carter".

Susan W. Carter

SWC/dlt

Attachment D



Date Mailed: April 12, 2002

Action: Approved Staff Recommendation
Motion of Comm. Wellington, seconded
by Comm. Bryant with a vote of 4-0;
Comms. Bryant, Perdue, Robinson
and Wellington voting in favor
Comm. Holmes absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02047

NAME OF PLAN: GLADHILL TRACTOR SALES

On 10/29/01, GLADHILL PROPERTIES submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 1 lot on 6.89 acres of land. The application was designated Preliminary Plan 1-02047. On 03/07/02, Preliminary Plan 1-02047 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02047 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02047.

Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 12,150 square feet of farm machinery sales and service and 5,000 square feet of storage and subject to the conditions of approval for Board of Appeals Case No. S-1896
- 2) Access and improvements, including number, location and text of sign(s) limiting access to the improved main entrance, to be approved by MDSHA prior to recordation of plat(s)
- 3) Record Plat to reflect limitations on access along Ridge Road (MD 27) as approved by MDSHA
- 4) Compliance with the conditions of the MCDPS stormwater management approval
- 5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 6) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 7) Necessary easements