

**Attachment 1.
Montgomery County Zoning Ordinance
Compliance with Specific and General Special Exception Provisions**

Section 111-35 General Provisions

A. A special exception may be granted when the Board, or the Director, as the case may be, finds from a preponderance of the evidence produced at the hearing that:

- 1. The proposed use does not affect adversely the General Plan for the Physical development of the District, as embodied in this Ordinance and in any Master Plan or portion thereof adopted by the Commission; and**

The use has been previously found to meet this provision. The proposed rearrangement of site plan features on the lot as well as the clarification of equipment and lighting does not represent a substantial change in the nature, character, or intensity of the use.

- 2. The proposed use will not affect adversely the health and safety of the residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

No increase in intensity or change in access is proposed. Therefore, no new impact on traffic is anticipated. The proposed movement of the parking lot will increase the distance of employee parking from residences. Approval of the new lighting plan will permit installation of less intrusive lighting than what currently exists.

- 3. The standards set forth for each particular use for which a special exception may be granted have been met.**

The two-acre minimum lot size is met. A variance of the 50-foot setback was granted for the house. Technical staff has identified the covered bins as buildings, which should be uncovered or moved out of the setback.

B. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with evidence and the burden of persuasion on all questions of fact, which are determined, by the Board or the Director.

The petitioners representative has presented a statement of operations outlining the case.

p-1 Horticultural Nurseries And Commercial Greenhouses.

In any residential or C-O zone a horticultural nursery or commercial greenhouse, together with buildings incidental thereto, upon a finding by the board that such use will not constitute a nuisance because of traffic, noise or other factors. The sale of plants, trees, shrubs, seeds, fertilizers, plant foods, hand tools, hand spraying and watering equipment, and pesticides directly related to residential gardening shall be permitted, provided that such tools and equipment are not displayed outdoors. Nothing herein shall be construed to permit the sale or storage of general hardware or power equipment. No such horticultural nursery or commercial greenhouse shall be located on a tract of land containing less than two acres and no part of any buildings thereon shall be less than fifty feet from the nearest property line. (Ord. 6-65)

As noted above, the two-acre minimum lot size is met. A variance of the 50-foot setback was granted for the house. Technical staff has identified the covered bins as buildings, which should be uncovered or moved out of the setback.

VICINITY MAP FOR

GARDEN GATE LANDSCAPING



Map compiled on March 14, 2003 at 11:44 AM | Site located on base sheet no - 222NW01

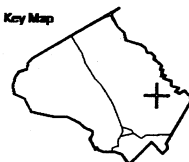
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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Key Map



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Research & Technology Center

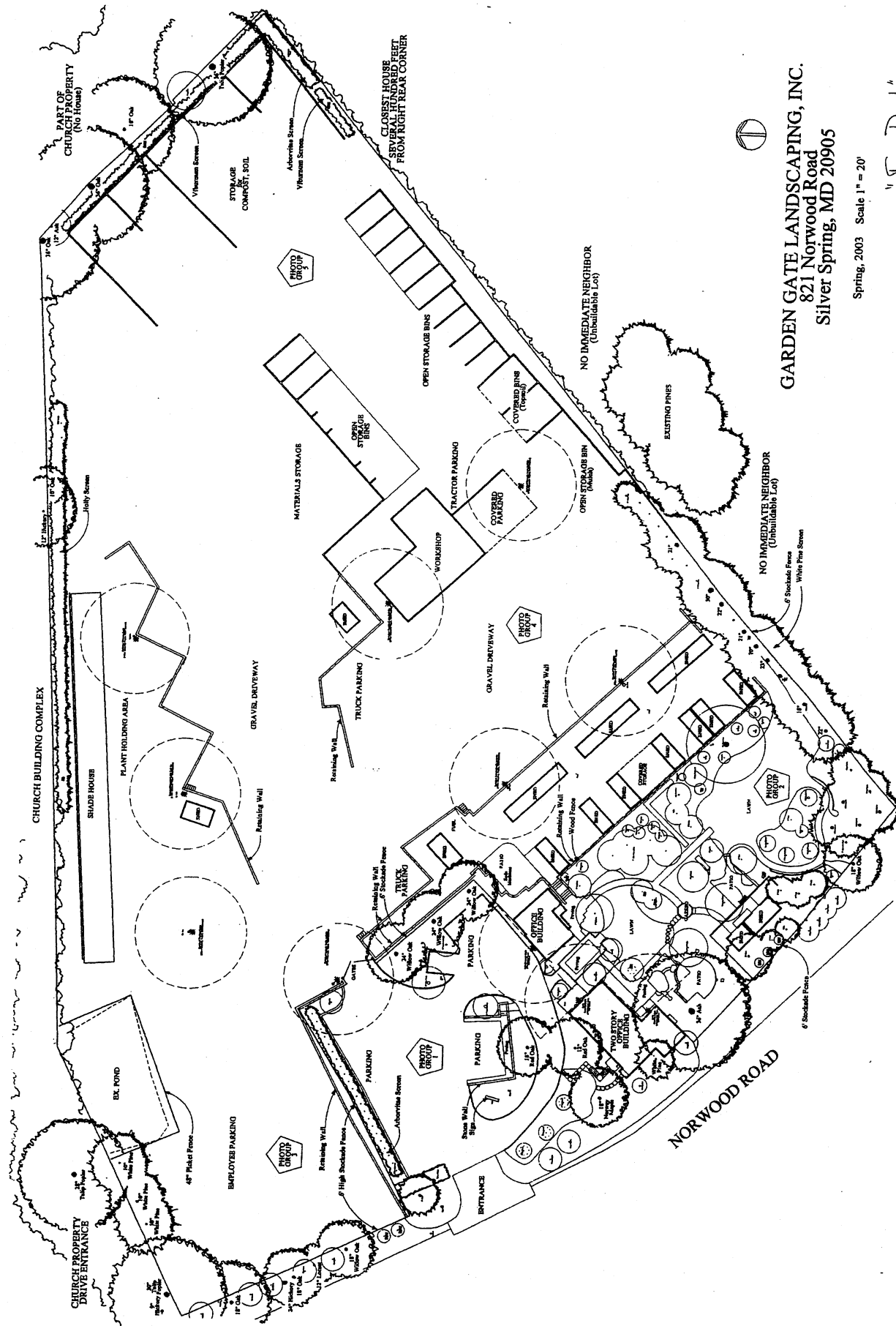


MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

1787 Georgia Avenue - Silver Spring, Maryland 20910-3760

ATTACHMENT 2

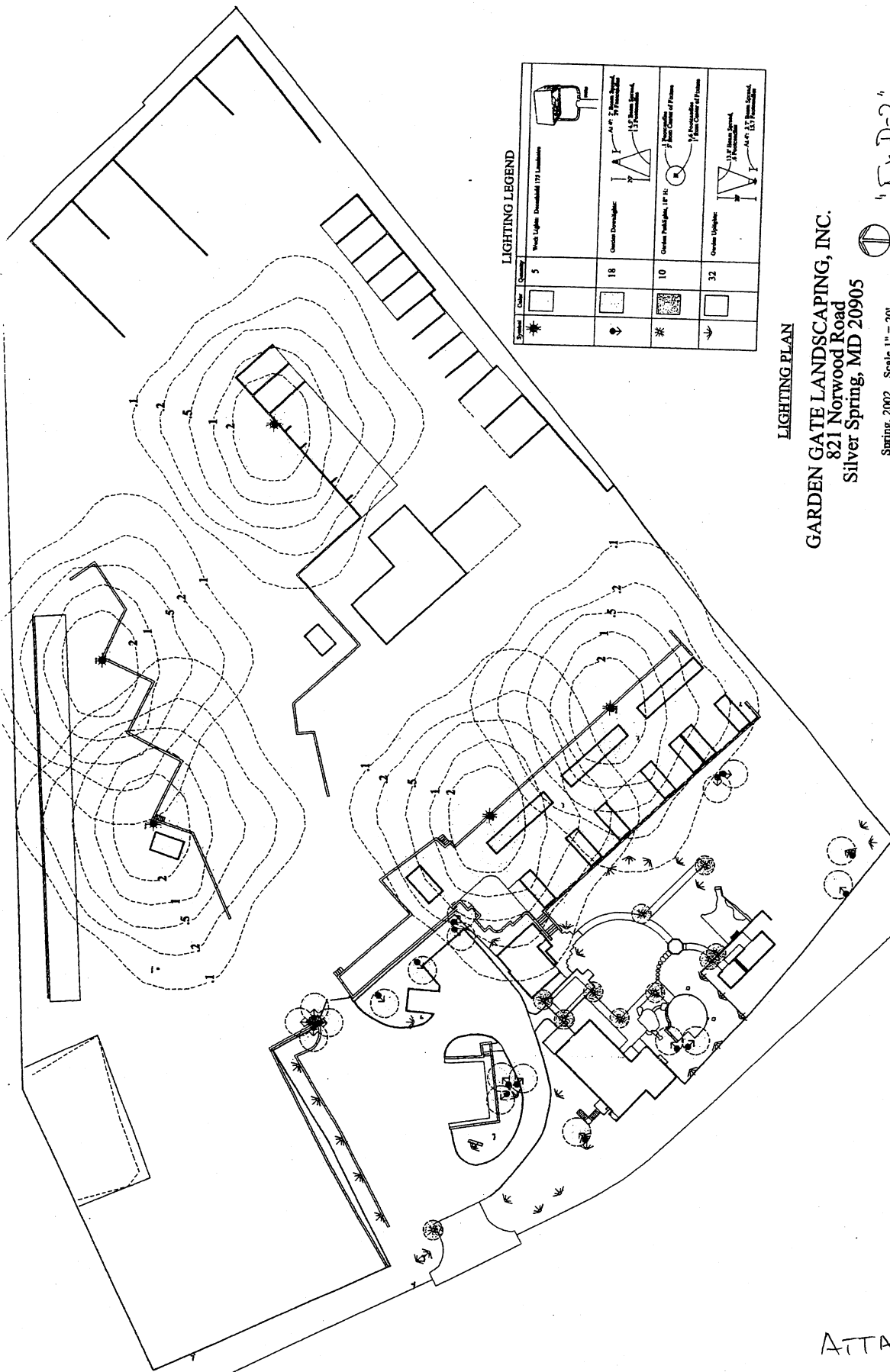
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GARDEN GATE LANDSCAPING, INC.
 821 Norwood Road
 Silver Spring, MD 20905

Spring, 2003 Scale 1" = 20'

"Ex D-1"



LIGHTING LEGEND

Symbol	Quantity	Comments	Image
☀	5	Wood Lighter, Downward 175 Luminaire	
☀	18	Outdoor Downlighter 4'-6" 3' Floodlight 15' Beam Spread	
☀	10	Outdoor Pathlight, IP 65 2' Beam Spread of 15' Beam 1' Beam Spread of 15' Beam	
☀	32	Outdoor Uplighter 15' Beam Spread 1' Beam Spread 4'-6" 3' Floodlight	

LIGHTING PLAN

GARDEN GATE LANDSCAPING, INC.
 821 Norwood Road
 Silver Spring, MD 20905

Spring, 2002 Scale 1" = 20'

⊙ Ex D-2'