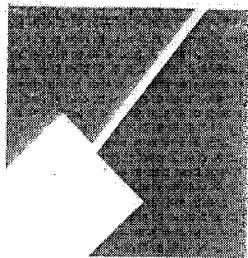


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB

Item # 1

Date: 7/29/04

**MEMORANDUM: SPECIAL EXCEPTION**

**DATE:** Friday, July 23, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** John A. Carter, Chief, Community-Based Planning Division *JAC*  
Judy Daniel, Team Leader, Rural Team, Community-Based  
Planning Division *JD*  
**FROM:** Malaika Abernathy, Senior Planner, Rural Team, Community-  
Based Planning Division *MA*  
301-495-1336  
**SUBJECT:** Special Exception, S-2605, Located at 14680 Sugarland Road,  
Poolesville, RDT Zone: The Preservation of Agriculture and Rural  
Open Space Master Plan.  
**FILING DATE:** June 8, 2004  
**PUBLIC HEARING:** August 11, 2004

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**RECOMMENDATION:** APPROVAL with the following conditions:

1. The applicant is bound by all submitted statements and plans.
2. Permitted hours of operation are Monday to Friday 6:30 am to 7:30 pm and Saturdays 7:30 am to 2 pm.
3. No sale of goods or services can occur onsite.
4. Up to twelve (12) employees permitted on the site.
5. Employee and truck/trailer parking is limited to the western and northern lots.
6. Up to twelve (12) trucks/trailers may be parked in the truck/trailer parking lot.
7. Up to five (5) vehicles may be parked in the employee/business lot (western).

## **PROJECT SUMMARY**

The applicant, Mr. Francis R. Romero, is requesting a special exception to allow a Landscape Contracting business at 14680 Sugarland Road, in the vicinity of Poolesville, MD. The Romero's currently own and operate the landscape contracting business, Francis Landscaping, Inc., on the subject site. Mr. Romero requested this special exception by his own volition to legalize the use to comply with the County's development regulations when he discovered that he was not in compliance.

Although the use is existing, the subject site has retained its outward appearance of a residential use through landscaping and design of the site. The site is 2.3 acres and located within the Rural Density Transfer (RDT) zone in the area of the Agricultural and Rural Open Space Master Plan. The existing use provides lawn and landscape maintenance services for residential and commercial clients. Nearby uses are primarily agricultural with a few residences. (See Attachment 2)

## **Site and Neighborhood Description**

The subject site is located on the northern side of Sugarland Road approximately 6,000 feet from Sugarland Lane on the east and approximately 2,000 feet from Hughes Road on the west. Sugarland Road is classified as a Rustic Road with a '70 right of way.

The adjacent properties affected by the subject use are immediately east, west, and south of the site and are zoned RDT. Of these adjacent properties, the eastern and southern properties consist of agricultural type uses such as a dairy farm and an animal kennel with few residences. The site is located within the historic Sugarland community.

The existing structures on the property include a two-story, wood paneled, single-family residence, a concrete roofed patio, two barns and one woodshed. Two existing gravel driveways, located both east and west of the residence, provide access to the site from Sugarland Road. Both driveways are approximately 20 and 25 feet, respectively, in width and are separated by 140-foot landscaped lawn. The applicant's nephew (and employee of the subject use) resides in the house.

## **Project Description and Elements of Proposal**

The applicant proposes to conduct a landscape contracting business on the subject property. A landscape contractor is defined in Section 59 A 2.1 as:

*The business of designing, installing, planting, or maintaining lawns, gardens or other landscaping and snow removal services, including the installation, maintenance or removal at off site locations with vehicles, equipment, and supplies that are stored, parked, serviced or loaded at the business location....*

The applicant proposes to operate the use as follows:

**Hours of Operation:** During peak seasons (Spring-Fall): Monday through Friday—6:30 a.m. – 7:30 p.m. and Saturday 7:30 am – 2:00 pm. During the winter months, services provided by the applicant are minimal and are limited to snow removal services.

**Employees:** The applicant currently has 8 employees (including the home resident) but proposes, on rare occasions not associated with regular business hours, to have as many as 12 employees on site for the preparation of equipment for winter, cleaning up the property, etc.

**Operations of Use:** The applicant proposes to provide off-site landscaping services, such as lawn mowing and snow and leaf removal to homeowners and commercial businesses, from April 1 through September 30. Most employees generally meet the applicant's trucks at off site job locations and typically do not drive to the subject site.

Customers will not be permitted to purchase goods or services from the subject site

**Vehicles and Equipment:** The applicant currently operates four (4) single-axle stake body trucks and four (4) single-axle equipment trailers. These existing vehicles are parked on site in a fenced area east of the barns and behind the existing house. He proposes to add an additional four (4) trucks and trailers to his fleet. The types of vehicles intended for this use are single-axle stake body trucks (10,000 lbs., gross) and single-axle equipment trailers.

All mowers, trimmers and similar equipment are to be stored within the existing barns on the subject site.

The applicant does generally store bulk materials on site. Such items are loaded on the trucks at the place of purchase. In some instances, leftover materials from a job site, such as topsoil or mulch, may temporarily be stored on site until they are used on the next business day. As noted on the site plan, the material storage area is located north and west of the existing barns. This area is fenced and not visible from surrounding neighbors. The amount of material stored and time stored on subject site are minimal. See Attachment 5.

**Structures:** The existing structures will remain intact and are more than the minimum 50 feet from any property line.

**Parking:** There are three parking areas specified on the site plan.

- *Residential Parking*—The first parking area is accessed from the east driveway and is less than 50 feet from the eastern property line and the existing house. There are four parking spaces provided for the existing residence.
- *Employee/Business Parking*—The second parking area is accessed from the west driveway and is approximately 140 feet from the west property line and 32 feet from the south (front) property line. The applicant proposes as many as six (6) spaces be provided for employee and business purposes.
- *Truck and Trailer Parking*—The third parking area is accessed from the west driveway, north of the employee/business parking area and in the rear of the existing residence. It is 50' feet from the north and east property line and 150 feet from the west property line.

A six-foot board on board fence encloses the truck/trailer parking area. The applicant proposes to have as many as twelve (12) trucks and trailers parked in this area.

**Lighting:** The applicant does not propose to have any additional lighting other than the existing lighting used in connection with the residence of the subject property.

**Additional Review Requirements**

The applicant does not intend to expand or build any new structures on site and is not required to conform under Chapter 50, Subdivision Regulations. In the event the applicant wishes to expand the use, a modification to this special exception will be required.

**ANALYSIS**

**Master Plan**

*The Preservation of Agriculture and Rural Open Space Master Plan, approved and adopted in 1980 and amended in 1986, supports the existing RDT zone for the subject use. The landscape contracting use is allowed by special exception in this Zone. The proposed use maintains the agriculture and rural character of the surrounding area. This special exception is in compliance with the 1980 Preservation of Agriculture and Rural Open Space Master Plan.*

**Development Standards**

The following table summarizes the conformance with the Development Standards in the Zoning Ordinance:

**Comparison of Development Standards for Sec. 59-G 2.30.00:**

Landscape Contractor	Required	Provided
Minimum lot area	2.0 acres	<b>2.3 acres</b>
Operational Parking setbacks for trucks/trailers	50 ft	<b>**150', 50', 50', 110</b>

*\*\* 150 feet from the western property line, 50 feet from the northern (back) and eastern property line, and 110 feet southern (front) property line. These requirements were only analyzed for truck and equipment parking as stipulated under Sec. 59-G 2.30.00 (2) and not for residential and employee parking, which is regulated under Section 59-E.*

The staff finds the existing truck/trailer parking lot suitable for the subject use. There are ample buffering and landscaping amenities to provide substantial screening from the surrounding uses.

**Landscaping and Lighting**

The landscaping on subject site is well manicured yet functional and provides sufficient screening needed from the adjacent uses. There are approximately twenty-five (25) six-foot Leyland Cypresses along the front property line. Additionally, there are landscaped

plantings aligning the six-foot board-on board wooden fence that encloses all activities associated with the subject use. A wire fence facing an open farm field encloses the north (rear) property line.

### **Transportation**

Traffic volumes associated with the subject landscaping facility will be limited to employee and service arrivals and departures. Existing access to the property is limited to two 20' and 25' gravel driveways. The applicant does not propose to expand the existing driveways or parking areas. Currently, residential and business access and parking is separated: The eastern driveway is primarily for residential use and the western driveway is primarily for employee and business purposes. The western driveway can accommodate the necessary arrivals and departures of the existing eight (8) trucks and trailers.

Due to its location in an area without existing sidewalks, no pedestrian facilities are provided or proposed for this use.

The staff does not find that any transportation-related conditions are needed to support approval of this petition since the application meets the transportation requirements of the FY 2004 Adequate Public Facilities review. Based on information discussed with the applicant, the proposed landscaping facility would generate less than 50 peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Therefore, no traffic study is required to satisfy the Local Area Transportation Review test. The site is located in the rural policy area where the Policy Area Transportation Review is not applicable.

In addition, the staff believes that the existing two 20' and 25' wide entrances from Sugarland Road are adequate and provide safe access to the site. The use will not impact the rustic road classification of Sugarland Road

### Parking Requirements

There are no specific parking requirements for a Landscape Contracting use in Sec. 59-E in the Ordinance.

*Employee Parking*—The gravel parking area accessed from the western driveway is approximately 56' in length and 46' in width. Currently, five (5) angled parking spaces are delineated with timber edging on subject site.

Based on the site visit and the current dimensions of the employee parking area, the staff recommends that this parking lot only accommodate a maximum of five (5) vehicles as opposed to the applicants proposed six (6) vehicles. The staff recommends that the no more than five (5) vehicles should be parked in the employee/business parking area at any one time. This area must be limited to employee parking, since the lot is less than the required 50' distance from the southern (front) property line for parking trucks and equipment.

Employees generally meet the trucks off site and rarely come to the subject site. However, in the rare instances when more than 5 employees must visit the subject site, the staff recommends that employees be required to carpool to the site.

*Truck and Trailer Parking*—The gravel parking area behind the existing residence can accommodate a maximum of six (6) trucks and six (6) trailers for the use. Although the site plan does not delineate individual parking spaces for these business vehicles, the staff feels that the identified enclosed area, approximately 11,000 sq. ft, will be suitable for a maximum of twelve (12) trucks and trailers. Although the applicant does not intend to immediately expand the number of trucks and trailers, the staff recommends that he be authorized to expand up to the requested six (6) trucks and six (6) trailers for this use.

*Residential Parking*—The concrete parking area accessed from the eastern driveway is approximately 55' in length and, and less than 20' in width. The parking area (including the gravel driveway) is less than 50' from the nearest (east) property line. This parking area is suitable for the residential parking requirements indicated in the Ordinance. The staff recommends that this area be limited to residential parking, since the lot is less than the required 50' distance from the eastern property line.

### **Environmental**

The applicant is not recommending any physical expansions or improvements to any existing structures. All existing trees will remain intact.

Forest Conservation - This application is exempt from the County's Forest Conservation Law requirements.

Environmental Guidelines - There are no tributaries or stream valley buffers on site. This site is not within a Special Protection Area or Primary Management Area.

Water Quality - There are no water quality issues with this application.

Stormwater Management - The applicant is not required to submit a Stormwater Management Concept Plan to DPS.

Noise - Noise regulations are governed by the County Ordinance. Since the major operational aspects of this business that produce noise are conducted off site, noise should not be an issue for this use.

Dust and Air Quality - There should be no objectionable fumes, dust, or odors resulting from the subject use.

### **Inherent and Non-inherent Effects**

The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the general neighborhood at the proposed location, regardless of the 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, generic physical characteristics of a landscape contractor usually consist of trucks, trailers and materials stored on-site. The vehicles are used for transporting materials and equipment to off-site locations. Trucks and trailers may range in size but typically must accommodate equipment such as lawn mowers, snow blowers, or in some cases a skid-loader, which are all stored on site. Plants and mulch are often stored on the site. It is common to store equipment in a shed or building. In some instances, a landscape contractor operates in conjunction with a horticultural nursery or other horticultural uses. In this instance, the landscape contractor is the only use intended on the subject site.

The operational characteristics of the proposed use may include:

- Arrival and departure of employees of the subject use.
- Deliveries of equipment and supplies;
- Occasionally testing lawnmowers, snow blowers, and other mechanical equipment located outdoors will generate some sound. Other sounds from vehicles and ground maintenance can also occur;
- A limited degree of traffic, since the building is not open to the public;
- Sufficient parking for employees, trucks, trailers and equipment used by the business.

The intensity of these characteristics will vary throughout the year. Since the use is based on seasonal activity, ten months out of the year, the maximum number of employees can range anywhere from eight to twelve.

The staff believes that these physical and operational characteristics will not have an adverse effect on the neighborhood. In evaluating the impact of the use, the following seven criteria have been analyzed: size, scale, scope, lighting, noise, traffic and environment.

#### Size, Scale and Scope

The size, scale, and scope of the subject use are compatible with the surrounding neighborhood. The existing structures on site cover approximately 6% of the subject site, and are built with wood and other materials common in rural areas. The staff believes the scope of the subject use, as outlined in the statement of operations, is compatible with the surrounding area.

### Lighting

Based on discussions with the applicant, staff feels that the existing lighting fixtures on the outside of the two barns and surrounding the residence, will not have adverse impacts on adjacent properties related to glare, light trespass or sky glow.

### Noise

Lawn maintenance equipment is not operated on site, except to insure that it is in working order.

### Environment

The staff does not find any environmental issues or concerns since there are no new structures or changes to existing structures proposed in this application.

### Traffic and Parking

The number of peak hour trips to and from the subject property will be minimal and will have no measurable impact on traffic conditions in the area. Currently, the applicant has eight (8) employees but requests four (4) additional employees for assistance with cleaning and preparation for the winter season. The staff recommends a maximum of twelve (12) employees on the site at any given time with the provision that the applicant encourages employees to car pool to the site.

The staff believes that the truck trailer parking area as indicated on the site plan, is suitable for up to twelve (12) trucks and trailers.

There are no specific off-street parking requirements for the Landscape Contracting use for employee and residential parking in the Ordinance. The staff believes that the residential parking areas are adequate for the subject use. The staff recommends that the employee parking lot be limited to no more than five (5) vehicles based on the dimensions indicated on the submitted site plan.

### **Community Concerns**

As of date, staff has received no written letters or telephone calls on this special exception application.

### **CONCLUSION**

The staff recommends approval of the proposed use with the conditions noted at the beginning of this report.



**Attachments:**

1. General and Specific Special Exception Provisions
2. Location Map/Vicinity Map
3. Zoning Map
4. Site Plan
5. Photos of Subject Site