



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

MCPB
Item No.: 7B
Date: 07-12 2018

Goshen Enterprises Inc. CU-18-06: Landscape Contractor

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Completed: June 29, 2018

Description

- B. Request for a Conditional Use to operate a Landscape Contractor business, on a 30.5-acre property (5 acres dedicated for the landscape contractor) located at 21201 Zion Road, Brookville, MD, at the northeast corner of its intersection with Riggs Road, identified as Parcel P490, Addition to Brooke Grove, AR Zone, 2005 Olney Master Plan Area.

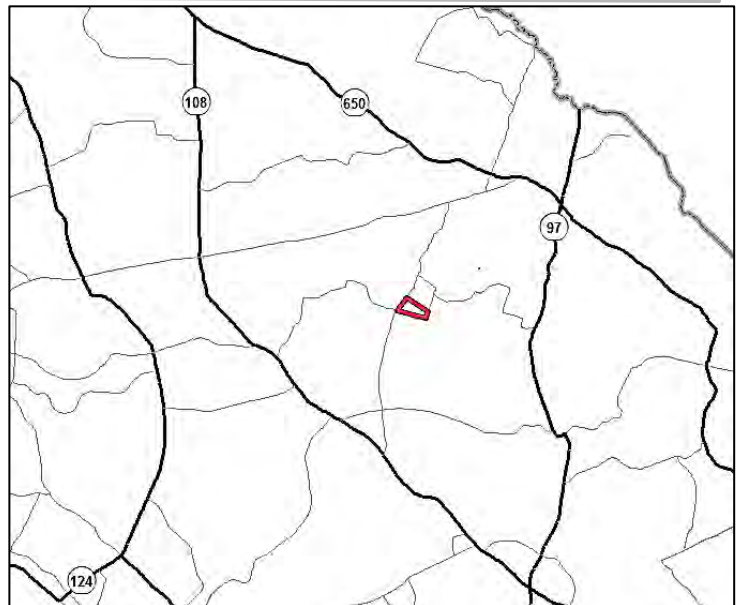
Staff Recommendation: Approval with conditions

Application Filed: April 3, 2018

OZAH Public Hearing: August 3, 2018

Planning Board Hearing: July 12, 2018

Applicant: Goshen Enterprises, Inc



Summary

- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of a Landscape Contractor Conditional Use, **Section 59.3.5.** of Montgomery County Zoning Ordinance and the applicable development standards under the Agricultural Reserve Zone (**Section 59. 4.2.1**)
- The subject use is consistent with the recommendations of the 2005 Olney Master Plan and compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm or adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise or environmental issues associated with the application, provided that the recommended conditions are satisfied.
- This application complies with the Montgomery County Environmental Guidelines and the Patuxent River Primary Management Area Guidelines. The plan proposes an overall impervious area of 6.6 percent for the net tract.
- The Rustic Road Advisory Committee has reviewed this application and have provided suggestions for some changes.

SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVALS

Staff recommends approval of CU-18-06 subject to the following conditions:

1. The total number of employees must not exceed the maximum number of 38 until the applicant provides the Hearing Examiner with sufficient evidence and a letter of approval from the Montgomery County Department of Permitting Services (MCDPS) Well and Septic Section to increase the number of employees in such a way that does not exceed a total of 50 employees.
2. Applicant must implement two shifts for field crews, such that the two shifts of field crew staff arrive to the site and depart for fieldwork during separate hours.
3. The conditional use must not use Riggs Road for access except in emergencies.
4. All vehicles with more than four wheels that are associated with the Applicant's business, including those belonging to employees, must not travel north on Zion Road from the property. All trucks must enter the property from the south.
5. The hours of operation must not occur before 6:00 a.m. or after 6:30 p.m. Monday through Saturday.
6. The total number of trucks and trailers for the proposed use must not exceed 46.
7. No mulch/compost manufacturing operation shall be conducted on the property.
8. Landscaping must be in accordance with the landscape plan submitted to the Planning Department on June 21, 2018.
9. The freestanding sign must not exceed 20 square feet (5 ft. by 4 ft.) in size. The Applicant must obtain a sign permit from MCDPS for the proposed freestanding sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.
10. The Applicant must provide written confirmation from MCDPS indicating approval of a fire protection system and Fire Access Plan at the time of Preliminary Plan review.
11. Prior to issuance of any building permit, the Applicant must obtain approval of a Preliminary Plan of Subdivision and a Record Plat per Chapter 50 of the Montgomery County Code. Any resulting changes in the Conditional Use Plans must be filed with the Hearing Examiner with a request for modification of the Approved Conditional Use.

SECTION II: PROJECT DESCRIPTION

A. Site Description



Figure 1: Vicinity Map

The subject property is located at 21201 Zion Road at the northeast corner of its intersection with Riggs Road in Brookville. The property consists of approximately 30.5 acres of land on an unplatted parcel known as P490 on tax map HV31, Addition to Brook Grove. The subject property is an elongated trapezoid, improved with a 6,100 square-foot large building currently used as a warehouse, storage facility, repair shop and administrative office for the existing tree nursery use. Other improvements on the property include gravel parking areas and various small sheds associated with the operation of the existing use.

The property is generally flat with smooth slopes interspersed with drainageways. It is located within the Use IV-P Hawlings River Watershed and is within the Patuxent Primary Management Area (PMA).



Figure 2: The Subject Site

There are no streams, wetland areas, 100-year floodplains or highly erodible soils on the property. There are no rare, threatened or endangered species on the property.

The property is not designated as historic. Currently, the property has access from both Zion Road and Riggs Road, both of which are designated Rustic Roads.

C. Neighborhood Description

For purposes of this Application, staff defines the surrounding neighborhood the area within a 3,000-foot radius of the Subject Property. Staff's definition of the surrounding area attempts to include farm and residential properties directly or indirectly with common ties due to their close proximity or direct access to the two prominent rustic roads, Zion Road and Riggs Road. The

surrounding area is predominantly farmland and wooded parcels. Development in the area includes sheds and farm related buildings as well as single-family residential dwellings on large lots. The residential properties are generally concentrated to the north, northwest, and northeast of the neighborhood in the AR zone with a few residential properties in the southwestern and southern portion that are zoned RE-2. The subject property is surrounded by unimproved farm properties on the north, east and south. To the west, directly across Zion Road from the property, is also a large farm.

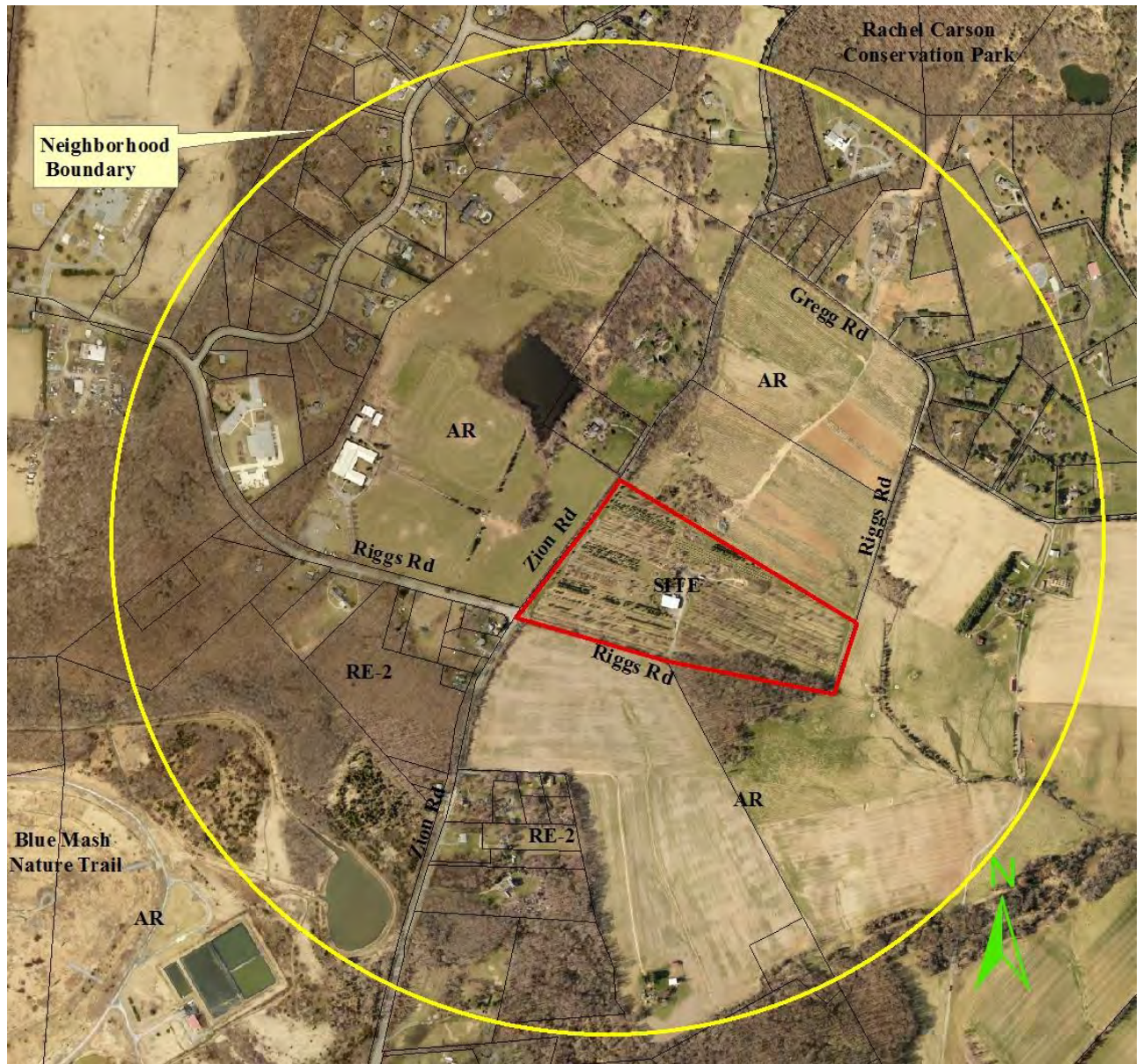


Figure 3: The surrounding area

D. Zoning and Land Use History

The property was placed in the R-R Zone when the zoning was enacted and mapped in the 1954 Regional District Zoning. The 1958 County-Wide Comprehensive Zoning confirmed the R-R Zone (later renamed R-200). The 1966 Sectional Map Amendment (SMA) for Olney, E-998, reclassified

the property to R-A (Rural Agriculture). The 1980 Olney Master Plan and SMA placed the Property in the Rural Density Transfer (RDT) Zone. The 2005 Olney Master Plan and the subsequent Sectional Map Amendment confirmed the property's RDT zoning. With the adoption of the new Zoning Code of 2014, the RDT Zone was renamed Agricultural Reserve (AR) Zone.

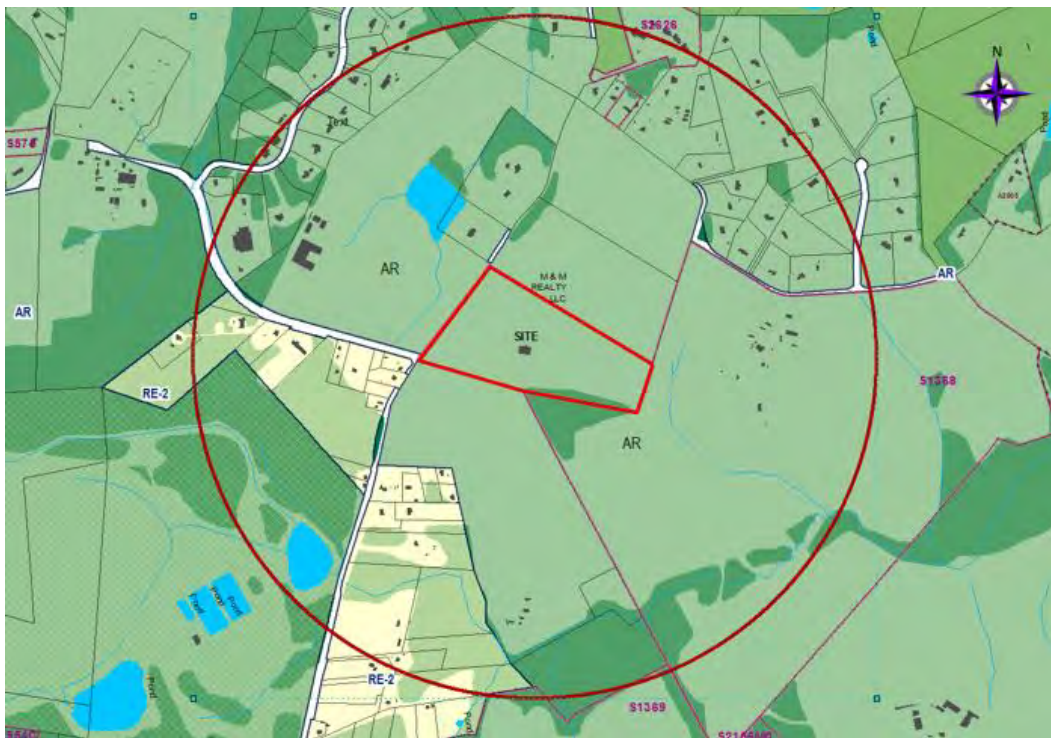


Figure 4: Zoning

E. Proposed Use

The Applicant, Goshen Enterprises, Inc., is a contract purchaser of the 30.49-acre property that is currently used as a tree farm owned by Ace Nurseries. The Applicant intends to use 5.74 acres of the property for a Landscape Contractor Business. Upon approval of this Conditional Use application, the Applicant will relocate his existing landscape contractor business to the subject site. The existing landscape contractor business is currently located at 5300 Riggs Road, 0.8 miles southeast of the subject property. The balance of the property, 24.75 acres, will be leased back to the current owner of the property who will continue the existing tree farm operation. The proposed Goshen Enterprises operation and the existing Ace Tree Movers and Nursery intend to have a business relationship. The Applicant's Statement of Justification indicates that the Tree farm business will be providing much of the tree stock that the Conditional Use operator will purchase and install on its clients' properties.

The proposed operation consists of two elements:

- Residential and commercial landscaping and property maintenance;
- Installation of trees, shrubs and plants on residential or commercial sites in accordance with landscaping planting plans prepared by Goshen Enterprises or others.

The Conditional Use application proposes a seasonal maximum of 50 employees, consisting of administrative staff, loading and on-site operation crew, and a field crew. The justification statement provides the following breakdown of employees:

Table 1: Breakdown of Employees

Employees	Current	Proposed
Owner and administration	7	9
Loading and On-site Operation Crew	2	3
Field Crew	28	38
Total	37	50*

**Staff recommends that the total number of employees does not exceed 38 until MCDPS verifies adequacy of the septic system to accommodate a greater number of employees.*

The number of employees will vary, depending upon the season, with the largest number of employees needed during the spring (March-May), and fall (September-December). The Applicant's Statement of Justification states that many of the laborers carpool to work, and often will report directly to the job site without coming to the Property.

Hours of operation for the landscape contractor business is Monday through Saturday 6:00 a.m. to 6:30 p.m. Employees work in two shifts with staggered arrival and departure times to and from the property. Presently, the business has 37 employees. The Applicant anticipates the full capacity of 50 employees to be phased in over a period of 10 years from the time of approval for the Conditional Use application. The application proposes phasing the proposed construction of improvements on the property commensurately with growth of the business.

The justification statement indicates that in the initial phases, the Applicant intends to renovate the interior of the existing 6,100 square-foot building (Main Building) to create an office and work space. The building will be served by water and sewer services to provide lavatory, showers, meeting/training rooms and locker rooms for the employees. The initial phase of development also calls for installation of a 2,500 square-foot pre-fabricated Morton style building (Building 1) which will be used for general maintenance of the trucks including lubrication and tire maintenance and replacement. The repair/ maintenance building will be located on the north side of the existing building. The future phase (5 to 10 years) of development includes an 8,800 Square-feet storage structure (Building 2) which will be used for storage of snow removal equipment as well as other equipment and trucks that need to be sheltered from the elements. Since building permits will be required for this initial phase, a preliminary plan and record plat will be required prior to issuance of any building permit for a new structure.

The plan shows an area assigned for three bulk storage bins located on the northern portion of the property near the repair/maintenance building.

The Conditional Use Site Plan shows an existing septic system located outside of the conditional use boundary on the south-western portion of the property. Staff asked the applicant to provide documentary evidence to establish adequacy of the septic system to accommodate the proposed use (see discussion under Section IV.1.f COMPLIANCE WITH THE NECESSARY FINDINGS).

In a supplemental statement, the Applicant stated that upon approval of this application, at full capacity, the subject Conditional Use will have the following equipment and vehicles:

- *20 trucks*
- *3 Skid steer stake-body trucks*
- *1 large loader*
- *12 trailers (non-dumping)*
- *13 additional trucks and five trailers that will be added as the business grows during the coming 10 years.*
- *1 tractor*

The Application proposes a total of 71 onsite surface parking spaces (including 3 van-accessible handicapped spaces) of which 40 are dedicated for trucks and equipment and 31 are dedicated for employees and visitors. The proposed parking spaces will not be able to accommodate the number of vehicles proposed and staff recommends that the maximum number of vehicles must be reduced from the proposed total 55 to 46.

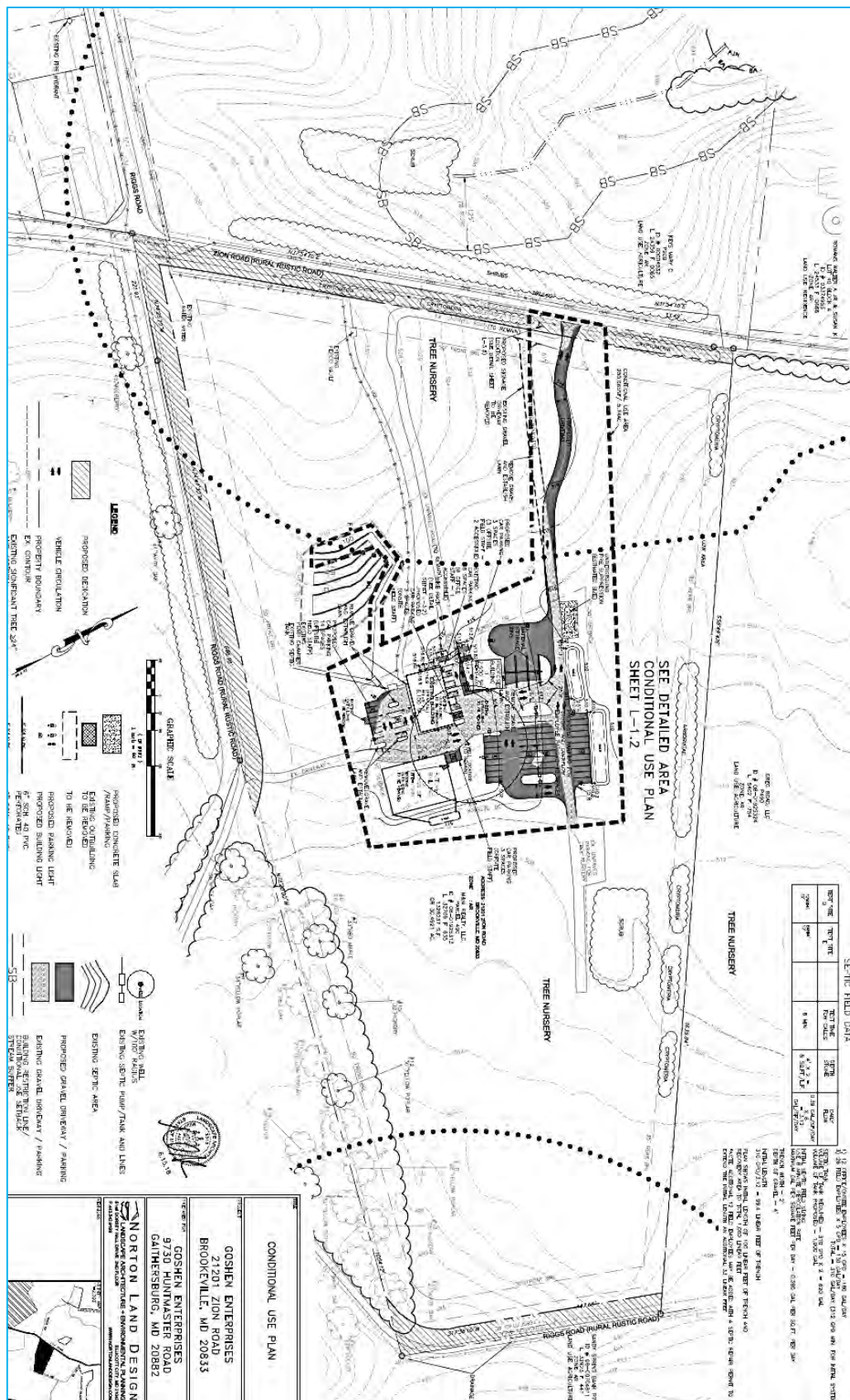


Figure 5: Conditional Use Site Plan

SECTION III: ANALYSIS AND FINDINGS

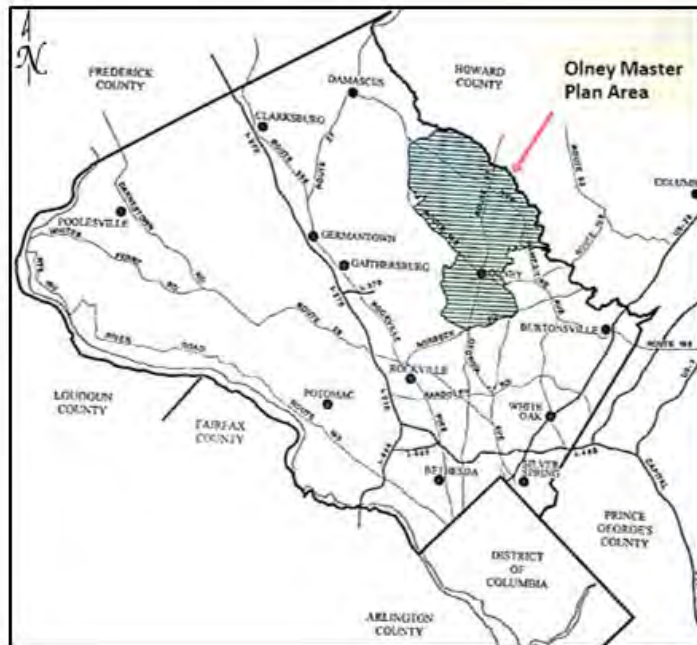


Figure 7: Olney Master Plan Area

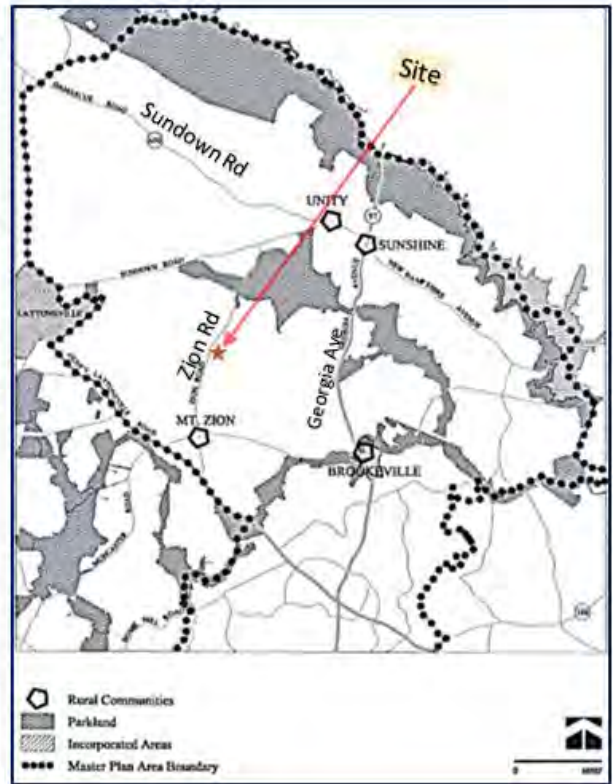


Figure 8: Rural Communities

A. Master Plan

The Property is located within the 2005 Olney Master Plan area. This area falls within the part of the Olney Master Plan designated as "Northern Olney" and "Rural Communities". The subject site is located north of Mount Zion, one of the rural communities in the area. The Master Plan identifies the Mount Zion Community along with the Town of Brookeville and Villages of Sunshine and Unity as integral part of the Rural Heritage of Northern Olney. On pages 18-19 of the Master Plan, the Land Use Recommendation calls for discouraging residential development by maintaining rural zoning designations and protection of forested areas and wetlands. The land use recommendation for rural communities (p 20) is to: "Maintain the character and existing scale of development in the rural communities in Northern Olney. Prohibit additional zoning for commercial uses or expansion of commercially zoned areas in these communities."

The Applicant will maintain and renovate the existing 6,100 building and construct two equipment maintenance and storage buildings, 2,500 Square feet and 8,800 Square feet respectively. The existing building will be renovated to serve as an office and will also be fitted with employees' showers and lockers. The proposal calls for removal of currently graveled patches and convert them to lawn islands, reducing the size of impervious areas.

Due to the size of the overall property, the existing tree farm use, vegetation and proposed landscaping, the establishment of the subject Conditional Use would not affect the character of development in the rural communities. The Property that is currently being used as a tree farm is in an outlying area away from the centers of the nearby rural communities of Mount Zion, Villages of Sunshine and Unity, and the Town of Brookeville. A portion of the property is proposed for a landscape contractor use that is rural in nature and characteristics. The existing character and scale of development in the rural communities of Mount Zion, Villages of Sunshine and Unity, and town of Brookville would not be negatively impacted by the proposed use. The subject Conditional Use is compatible with the existing rural/agricultural character of the surrounding area.

Patuxent River Watershed/Impervious Surface Limits

The Subject Property is in the Use IV P Hawlings River watershed, and subject to the Patuxent River Watershed Functional Master Plan Primary Management Area (PMA) guidelines to protect water quality. The PMA guidelines seek to restrict uses with high impervious levels. The proposed impervious surfaces meet the PMA requirements (see discussion in the Environmental Section (H) and the attached Forest Conservation Report).

Rustic Roads

The property is bounded on three sides By Zion Road (west) and Riggs Road (east and south). Both roads are designated Rustic Roads and identified as such in the 1996 Approved Rustic Roads Functional Master Plan.

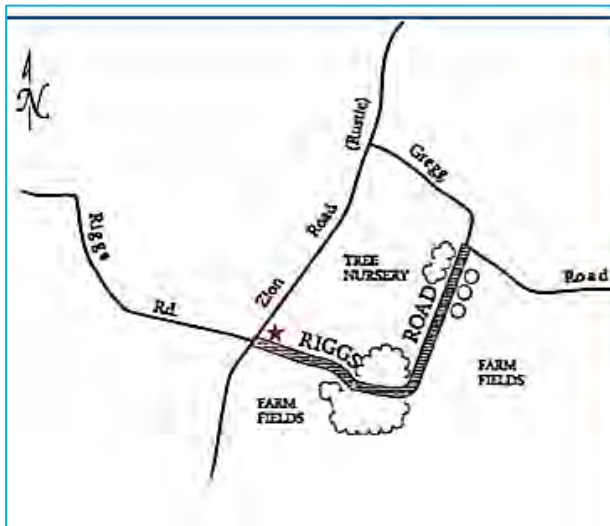


Figure 9: Riggs Rd

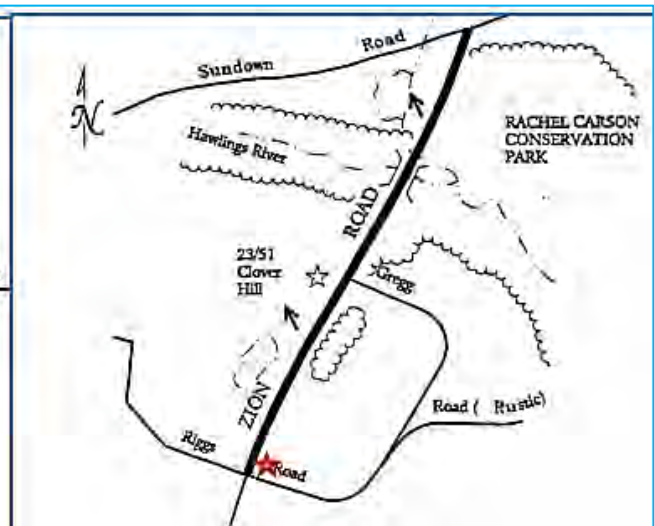


Figure 10: Zion Rd

Riggs Road

The Rustic Road Functional Master Plan notes the historic value, outstanding natural features, and farm views (p. 136) of this portion of Riggs Road, which was initially created as a farm access lane to connect Gregg Road and Zion Road. The Functional Master Plan identifies three significant features of Riggs Road:

- Road alignment and unpaved roadway surface;
- Locust hedgerows;
- Compatibility of road with adjacent farmland;

Zion Road:

The Rustic Road Functional Master Plan recommended Zion Road from Riggs Road to Sundown Road, 1.5 miles in length and 12 to 14 feet in width, for rustic road designation because it has historic value. The Functional Master Plan also identifies two significant features of this portion of Zion Road:

- Pleasant road blending into adjacent land;
- Forest canopy over northeastern section of road.

The road was established in around 1885 and named Mount Zion as a freed slave community that was settled in the area after the Civil War.

The applicant had submitted the proposal to the Rustic Road Advisory Committee (RRAC) on February 27, 2018. The committee reviewed the application and recommended certain site design changes, specifically related to the design of the proposed new driveway apron and the long internal driveway for accessing the parking areas and proposed buildings. To address the RRAC's concerns, the applicant revised the plans to reduce the width of the driveway from 22 feet to 20 feet, redesign an internal driveway, and add additional landscaping. The RRAC reviewed the revised plans on May 22, 2018.

Some of the RRAC concerns that have been identified are incorporated in the conditions of approval.

A. Development Standards

The following table summarizes the relevant AR Zone development standards:

Table 2: Development Standards

Development Standards AR Zone			
AR-Zone	Required		Proposed Within CU boundaries
	59-4.2.F	59-3.5.5 Landscape contractor	
Minimum Site Area	25 ac		
Minimum Lot Area	40,000 SF	2 ac	5.74 ac (250,065 SF)
Minimum Lot width: <ul style="list-style-type: none"> at street line at building line 	25 ft 125 ft.		153.3 ft (CU site) ±510 ft (CU site)
Maximum Building Coverage	10 percent		7± percent total
Minimum Building Setback Principal Building: <ul style="list-style-type: none"> front side rear yard 	50 ft. 20 ft. 35 ft.	50 ft. 50 50	63.9 ft 51.0 ft 186.6
Maximum Building Height	50 ft.		≤ 50 ft
Minimum Building Setback Accessory structure: <ul style="list-style-type: none"> front side rear yard 	50 ft. 15ft 15 ft.	50 ft. 50 ft. 50 ft.	86.19 ft 129.5 ft 50.4 ft
Minimum Setback for parking and loading		50 ft.	50.9 ft
Maximum Building Height	50 ft.		< 50 ft.
Parking			
Min Vehicle Parking spaces 59-6.2.4 (See Table 4 below under: D Parking)	80		71

B. Transportation

The existing driveway access to the Subject Property will be retained from Zion Road, approximately 750 feet to the northeast of the intersection with Riggs Road. While there is

currently vehicular access to the property from both Zion and Riggs Roads, the Applicant has indicated that only the Zion Road access will be used except if Riggs Road is needed in emergencies. There are no sidewalks in the area. The Applicant is not proposing sidewalks along the frontages of either Zion Road or Riggs Road, which are both Rustic Roads and should have minimal upgrades to keep their rural character.

Based on the absence of a sidewalk network and the distance required to reach a bus stop, all access to the Property is expected to occur via automobile, either driving alone or carpooling. The closest transit service is Ride-On Route 53, which operates about 2.5 miles south of the Subject Property, therefore, a vehicle (or bicycle) is required to get to the property from the bus stop. The bus, from this point, provides service between the Glenmont and Shady Grove Metrorail stations, Monday through Friday, approximately every 30 minutes during the morning and afternoon peak periods.

The 2005 Approved and Adopted Olney Master Plan contains the following recommendations for nearby roadway facilities:

- Zion Road: A rustic road (R-57) with two travel lanes (one lane in each direction) and a right-of-way of 70 feet.
- Riggs Road: A rustic road (R-35) with two travel lanes (one lane in each direction) and a right-of-way of 70 feet.

The draft 2018 Bicycle Master Plan contains no bicycle recommendations along either section of the roads that front the property (Zion Road or Riggs Road). The 2005 Adopted Olney Master Plan recommends a signed shared roadway (B-39) on Zion Road along the frontage of the property. However, since this section of the road is a rustic road, no upgrades to the road for bicycle facilities are recommended.

There are adequate transportation facilities and adequate internal circulation for the Subject Property to serve the traffic generated by the development provided that the following conditions are met:

1. Applicant must implement two shifts for field crews, such that the two shifts of field crew staff arrive to the site and depart for fieldwork during separate hours to ensure that the project does not exceed generating 50 peak hour person trips in the peak hour.
2. The proposed conditional use may not use Riggs Road for access except in emergencies.
3. The Applicant will be limited to at most 46 trailers and vehicles operated in connection with the conditional use based on the parking currently provided.

D. Parking

In general, the Application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of .50 spaces per employee plus 1 space per each vehicle operated in connection with the Landscape contractor use located within the Agricultural Zone:

Table 3: Parking

Section 59.6.2.4 Parking	Required	Provided
<ul style="list-style-type: none"> Employee-.50 sp/employee 1sp/each Vehicles associated with use 	50 X.50=25 sp 1X55=55 sp	19 sp 40 sp
Total	80 sp including 3 van-accessible handicapped spaces	71 sp including 3 van-accessible Handicapped spaces

The site plan also provides for 1 bicycle space with an inverted “U” bike rack.

The total number of spaces is nine less than the required number of spaces. Staff recommends that there must be no more than 46 vehicles, including trailers, associated with the business on the property.

E. Landscaping

Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- A maximum of 20 parking spaces may be located between islands.
- A landscaped area may be used for a stormwater management ESD facility.

The revised Landscape Plan submitted to the Planning Department on June 21, 2018 satisfies the requirements of **Section 6.2.9.C.1 through 3: Parking Lot Requirements for 10 or more Spaces**. The Applicant is proposing 71 parking spaces spread out in five areas.

Table 4-Parking Location*

Parking Lot	Number and Location
P1	40 spaces trucks and overflow employee parking with 40 spaces
P2	14 spaces on the north side of the existing building
E1, P3	11 spaces (8 existing, 3 new) on the south side of the existing building with
P4	3 spaces adjacent to the large accessory building east of the existing building
P5	3 spaces adjacent to the proposed small accessory building north of the existing building

*See Figure 11 -Parking Areas

The applicant's Landscape Plan provides a breakdown of total area coverage and the size of landscaped islands (Table 5).

Table 5- Parking Lot Requirements

6.2.9. PARKING LOT REQUIREMENTS CALCULATION	
TOTAL PROPOSED PARKING AREA P1	24,568 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P1	1,901 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P1	7.7%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL PROPOSED PARKING AREA P2	6,447 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P2	430 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P2	6.6%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL PROPOSED PARKING AREA P3	656 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P3	202 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P3	30.8%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL PROPOSED PARKING AREA P4	631 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P4	121 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P4	19.2%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL PROPOSED PARKING AREA P5	659 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P5	80 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P5	12.1%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL EXISTING PARKING AREA E1	1,657 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA E1	328 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA E1	23.4%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%

The Application complies with the 100 square foot and five percent requirement for the size of landscaped islands.

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25 percent coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.

Table 6-Canopy Coverage

6.2.9.CANOPY COVERAGE CALCULATION	
TOTAL PROPOSED PARKING	32,706 S.F.
TOTAL PROPOSED CANOPY COVERAGE AREA WITHIN THE PARKING	9,738 S.F.
TOTAL PROPOSED CANOPY COVERAGE (%)	29.8%
TOTAL REQUIRED CANOPY COVERAGE (%)	25.0%
TOTAL EXISTING PARKING AREA E1	1,645 S.F.
TOTAL EXISTING CANOPY COVERAGE AREA WITHIN THE PARKING	416 S.F.
TOTAL EXSITING CANOPY COVERAGE (%)	25.3%
TOTAL REQUIRED CANOPY COVERAGE (%)	25.0%

The tree canopy requirements under Section 59-6.2.9.C.2. have been met by the installation of 56 canopy trees and 39 medium shrubs and 88 evergreen trees. The canopy trees are projected to cover 29.8 percent of the parking area at the 20-year time frame.

3. Perimeter Planting

- a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:
 - i. Be a minimum of 10 feet wide;
 - ii. Contain a hedge, fence, or wall a minimum of 6 feet high;
 - iii. Have a canopy tree planted every 30 feet on center; and
 - iv. Have a minimum of 2 understory trees planted for every canopy tree.

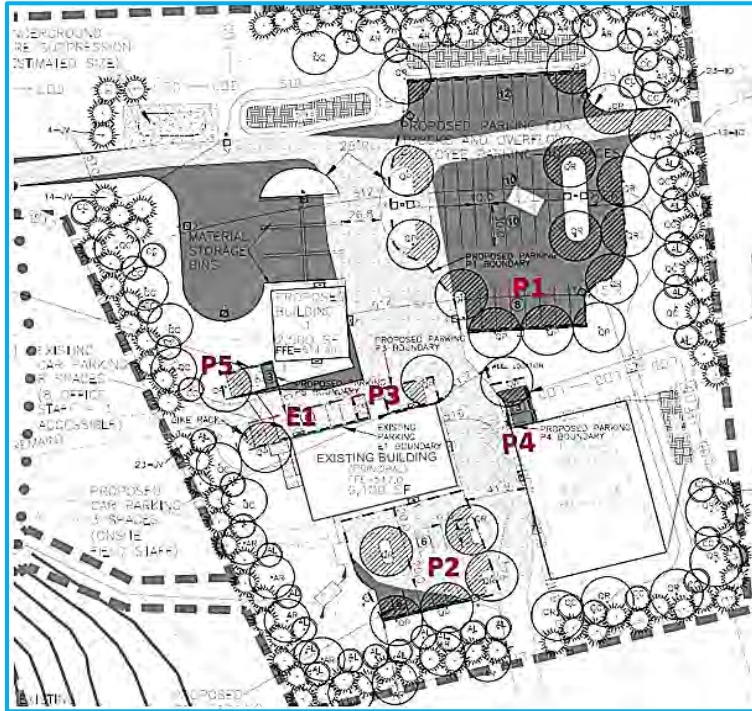


Figure 11: Parking Areas

The Applicant meets the requirements by providing a minimum of at least 10-foot wide planting area along the entire perimeter of the conditional use site. The Applicant meets the planting density by installing 56 canopy trees, 39 understory trees and 88 evergreen trees (American Holly and Eastern Red Cedar). The number of the understory trees does not meet the minimum requirement of two understory trees for every canopy tree. However, the RRAC recommended plantings and screenings that the Applicant complied with. These recommended plantings adequately compensate for the shortage in the required understory trees.

Section 59-6.4.3: General Landscaping Requirements specifies and defines the types of plant materials, canopy trees, understory trees, and evergreen trees. In response to Staff's comments, the Applicant had submitted a revised Landscape Plan. The revised landscaping meets the General Landscape Requirements as defined and specified under Section 59-6.4.3.

Because the subject conditional use site is on agricultural property and is surrounded by properties that are also within the Agricultural Reserve zone, the requirements of Section 6.5.3 Screening Requirements do not apply; specifically, Section 6.5.3.A: Location and 6.5.3.C.7 Screening Requirements by Building Types do not apply to the subject Application. However, given the location of the driveway access on a rustic road, the RRAC has recommended that a mix of evergreen shrubs and deciduous trees be added along the driveway for screening in the area from about halfway down the driveway to the cistern—on both sides of the driveway. The above-ground fixtures associated with the cistern must also be screened. Staff supports the RRAC’s recommendation for screening. The Applicant’s revised landscape plan reflects the recommended plantings.

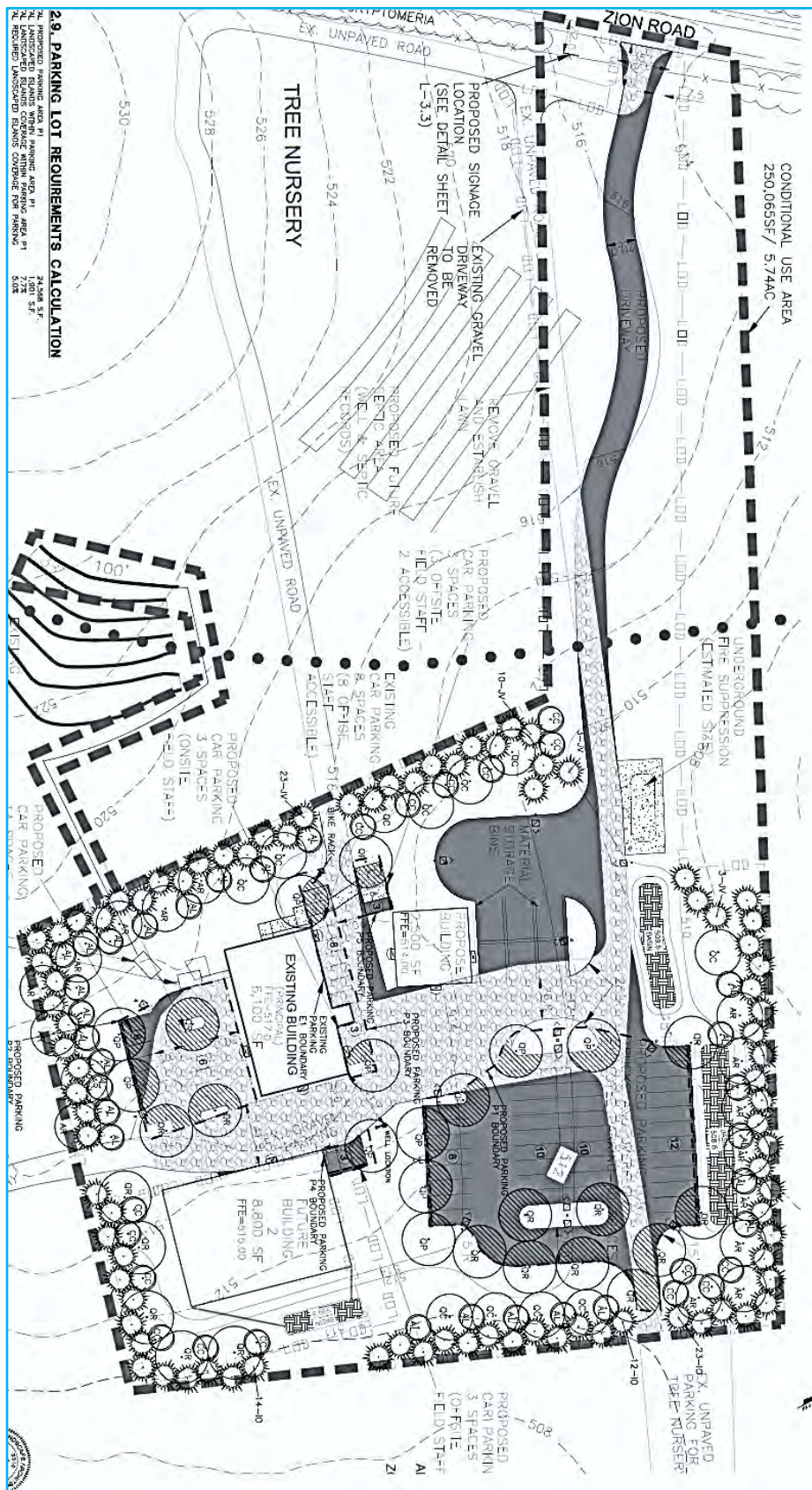


Figure 12: Landscape Plan

F. Lighting

Pursuant to Division 6.4.4.E, outdoor lighting for Conditional Uses must be directed, shielded or screened to ensure that the illumination is 0.1 foot-candles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or employment zone.

The Lighting Plan is adequate and safe for vehicular and employee movement. The proposed lighting serves multiple purposes, including illumination of the site entrance, visibility lighting in the employee parking areas and area lighting near the structures. A photometric study submitted with the Application shows measured lighting intensity across the entire property in foot-candles, the locations of lighting fixtures and the manufacturer's specifications on the proposed lighting fixtures. The Photometric Plan shows that the lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. Moreover, the existing tree nursery and perimeter landscaping of the CU site will help eliminate the impact of glare. The lighting, with no direct light or light glare, will not have a negative impact on neighboring properties.

G. Signage

The Applicant is proposing one freestanding sign. The sign is subject to the sign regulations of **Division 6.7** specifically, the requirements of **Section 59.6.7.7. Agricultural and Rural Residential Zone are applicable to the proposed sign.**

A. Base Sign Area

The maximum total area of all permanent signs on a lot or parcel in the Agricultural Reserve and Rural Residential zones is 200 square feet, excluding the additional area allowed by other provisions of Division 6.7.

1. Freestanding Sign

- a. One freestanding sign may be erected at each building or driveway entrance.
- b. The maximum sign area is 40 square feet.
- c. The minimum setback for a sign is 10 feet from the property line.
- d. The maximum height of a sign is 10 feet.
- e. Illumination is prohibited.

The site plan shows a 40-square foot (10ft W X 4ft H), two-sided, freestanding identification sign located approximately 12 feet behind the right-of-way and 22 feet from the western property line. The sign is mounted on two 6-foot high 6"X 6" treated pine posts and is suspended two feet above the ground. The sign will be constructed with wood and will be painted with the white vinyl-coated aluminum company logo.

The Applicant has provided a detail of the proposed freestanding sign (figure 10) sign which meets the allowable location, size, height and setback requirements for signs in **Agricultural Reserve and Rural Residential** zoned areas Section 59.6.7.7.A.1. However, to maintain consistency with the rural and agricultural nature of the property and the neighborhood as well as the unique characteristics of the adjoining Zion Road and Riggs Road as designated Rustic Road, staff recommends that the size of the proposed 40-square-foot freestanding sign to be reduced to 20 square-foot of area.

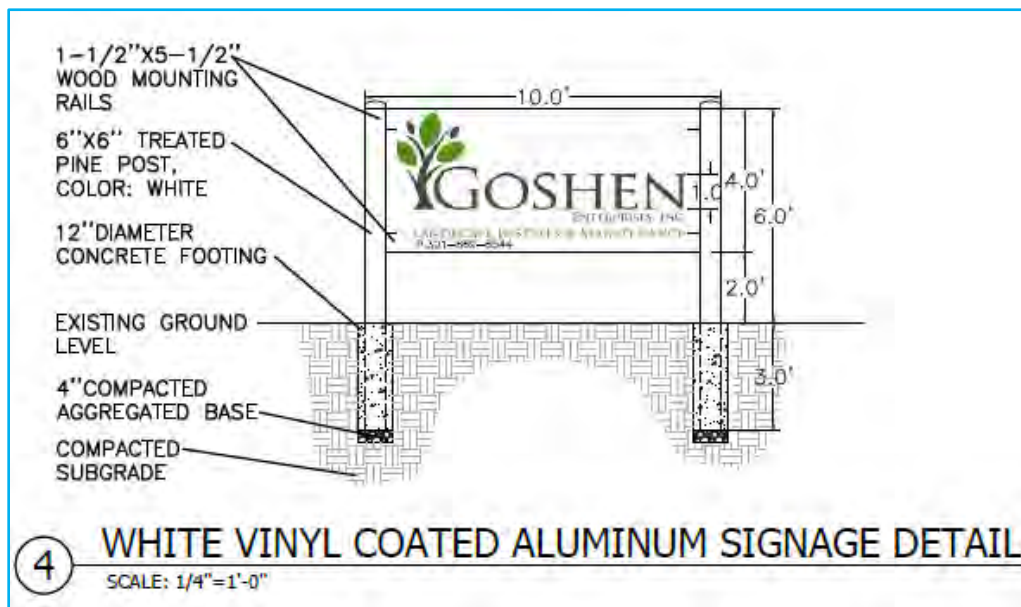


Figure 13: Proposed Sign-Concept

Staff believes that since very few customers will be visiting the subject property and that the sign is needed merely to guide delivery trucks to the property, the reduced sign area would not create additional burden on the Applicant.

The Applicant must obtain a sign permit for the proposed freestanding sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.

H. Environment

Consistency with Environmental Guidelines

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this 30.49- acre Property on July 14, 2017. The Property currently has 1.25 acres of forest which is located along the southeastern Property boundary (see attached Forest Conservation report).

Forest Conservation

A Final Forest Conservation Plan has been submitted for review and is recommended for approval as a separate action by the Planning Board as part of this Conditional Use Application (see attached Forest Conservation report).

I. Community Concerns

At the time of the Staff's report publication, no communication had been received from the community either in support of or in opposition to the proposed use.

As noted in Section III. A, the Applicant's development team had met with the Rustic Road Advisory Committee on February 27, 2018, and submitted revised plans addressing the committee's comments on May 22, 2018. Staff has not received an official letter from the RRAC

detailing the discussion, issues, and resolves. However, Staff has recommended specific conditions to address incompatibilities related to the property's location relative to the adjoining Rustic Road and the rural – agricultural character of the surrounding area (see discussion under Section III. E (3): Landscape and G: Signage).

SECTION IV COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SPECIFIC CONDITIONAL USE REQUIREMENTS IN SECTION 59-3

Section 59.7.1.E. Necessary Findings

1. Section 59.7.3.1.E.1 states that, to approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.

a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

There are no prior Conditional Use approvals associated with the subject property.

b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

With Staff's recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section 59.3.5.5-Landscape Contractor. As shown on the Use Standard Table in Section III of this report the Application meets the requirements of the AR Zone development standards per Section 59.4.2.F and the applicable parking, screening, perimeter landscaping, and sign requirements of Article 6.

Section 59. 3.5.5. Landscape contractor: Specific Conditional Use Requirements:

A. Defined

Landscape contractor means the business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape contractor includes tree installation, maintenance, or removal. Landscape contractor does not include Lawn Maintenance Service (see Section 3.5.14.G, Lawn Maintenance Service).

The proposed landscape contractor business meets the Use Definition of Landscape Contractor as described by this Section. The proposed use does not include a Lawn Maintenance Service.

B. Use Standard

Where a Landscape contractor is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- 1. In the Agricultural, Rural Residential, and Residential Detached zones the minimum lot area is 2 acres. The Hearing Examiner may require a larger area if warranted by the size and characteristics of the inventory or operation.**

The proposal satisfies this requirement. The Subject Property comprises 30.49 acres of land and the Conditional Use boundaries encompass an area of 5.74 acres.

- 2. Building and parking setbacks, including loading areas and other site operations, are a minimum of 50 feet from any lot line.**

Areas for parking and loading of trucks and equipment as well as other on-site operations are located a minimum of 50 feet from any property line. Adequate buffering and screening are provided in the form of a landscape strip, and substantial distances from the neighboring residential dwellings and a site design that takes advantage of the property's existing use as a tree nursery

- 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 Hearing Examiner to avoid an adverse impact on abutting uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.**

Adequate parking is provided for the proposed landscape contractor business. The parking areas are located in the interior of the larger property, a substantial distance from the adjoining residential properties. The closest residential property is located about 1,000 feet from the closest parking area. The parking areas are situated at five locations (Table 3) with a total of 71 spaces. The equipment/truck parking/overflow employee parking, with 40 spaces, is located on the northeast side of the site at the end of the approximately 600-foot-long driveway. Two employee parking lots are in the front and at the rear of the existing building, each with 14 spaces. As noted, the existing building will be modified to serve as an office, meeting room, employee lounge and shower area. Three additional spaces are located near the proposed future building.

The landscape contractor business proposes 50 employees, including three office staff. Twenty-one (9 office and 12 grounds employees) of the 50 proposed employees remain on-site during the day. The Applicant stated that many of the laborers carpool to work or often will report directly to the work site without coming to the property. The number of employees varies seasonally, with the largest number of employees being present during the spring, fall and summer seasons.

4. Sale of plant materials, garden supplies, or equipment is prohibited unless the contracting business is associated with a Nursery (Retail) or Nursery (Wholesale).

There is no Nursery (Retail) or Nursery (Wholesale) business operating on the property and there will be no sale of plant materials or garden supplies on the property. The applicant's justification statement indicates that customers may visit the site for design consultation, or to select from landscaping material from stock grown on the adjacent tree farm but there will be no retail sales conducted on the subject site.

5. The Hearing Examiner may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.

The landscape contractor business operates six days a week, 6:00 a.m. to 6:30 p.m., Monday through Saturday. Snowplow operations may occur during the winter for up to 24 hours a day but the snow removal vehicles are dispatched from an off-site location. The landscape contractor's office follows the snow emergency work schedule of Montgomery County. In a supplemental statement, the Applicant has stated the following:

Off season, the plows and snow removal equipment will be stored on the Zion Road property. But during the snow removal season, the plows will be affixed to trucks, and the trucks will be hooked up to trailers with snow blowers and small tractors, that will be stored at the dispatch site at the Airpark. In other words, the vehicle activity associated with snow removal efforts will generally not impact the Zion Road site.

The Applicant's statement of justification indicates that the hours of operation are designed so that many of the employees will arrive and depart the property prior to peak traffic hours, and arrival and departure times are staggered for each of the field crews. The Applicant has noted that the hours of operation and the number of employees may vary depending upon the season of the year.

Table 7- Employees' Shift

Staff	Number of Employees	Arrival Time	Dispatch Time	Return Time	Departure for the Day
Loading/onsite Crew	3	6:30 am			5:45–6:00 pm
Field Shift 1	19	6:30–6:45 am	6:45–7:00 am	4:00–6:00 pm	4:00–6:00 pm
Field Shift 2	19	7:30–7:45 am	6:30–6:45 am	4:00–6:00 pm	4:00–6:00 pm
Office 1	9	7:45–8:00 am	N/A	N/A	4:30–5:00 pm
Total	50	6:30–8:00 am			

The field shift employees arrive in the morning and depart in the afternoon with an average of two employees per car, and office staff usually arrive in their own vehicles. The Landscape Contractor business currently has 37 employees.

c. Substantially conforms to the recommendations of the applicable Master Plan.

The property is located within the 2005 Olney Master Plan area. In addition, both Zion Road and Gregg Road on which the larger property has frontages are designated “Rustic Roads” and identified as such in the 1996 Approved Rustic Roads Functional Master Plan (*Please see analysis and findings under **SECTION III. A: Master Plan***).

d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.

With the recommended conditions, the proposed use will be in harmony with the general character of the neighborhood. The Conditional Use Site Plan and the Landscape and Lighting Plan provide for extensive landscaping and, adequate setbacks, meeting code requirements.

Given the location of the conditional use site within a 30.49-acre tree farm that is greatly removed from residential properties, it is unlikely that the proposed use will generate a level of traffic or noise that will adversely affect the residential neighborhood.

e. Will not, when evaluated in conjunction with existing and approved Conditional Uses in any neighboring Residential Detached zone, increase the number, intensity or scope of Conditional Uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a Conditional Use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.



Figure 14: Existing Morton Building

There are three other approved Conditional Uses/Special Exceptions within the defined neighborhood.

- S-2626 Located at 21515 Zion Road for a private educational institution, approved in 2005
- S-1368 Four Accessory Apartments located at 4300 Greg Road, approved in 1987

- S-1369 Two accessory Apartments located at 4901 Brookville Road approved in 1987

It is not likely that the approval of the subject Conditional Use would adversely affect the predominantly rural/agricultural nature of the area. In fact, it is likely that the operation will not be visible from any adjacent property or road.

Although there are very low density residential uses within the neighborhood boundaries, the property is located within an agricultural zone, not a residential zone, with a notable presence of agricultural uses in the area. The subject Conditional Use proposes to construct two agricultural buildings (maintenance, and storage), typically seen on farms and other agricultural and rural commercial type uses including Landscape Contractor businesses. The proposed buildings will blend well with the surrounding neighborhood and will have no visual impact on it. The subject Conditional Use is consistent with the recommendation of the Master Plan and does not alter the nature of the area.

- f. **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 an approved adequate public facilities test is currently valid and the impact of the Conditional Use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:**
 - i. **If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or**
 - ii. **If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;**

The Application is subject to approval of a Preliminary Plan because the existing building that is being renovated requires a building permit and the subject property is not a recorded lot. The Application must be submitted for preliminary Plan review and approval if the subject Conditional Use application is approved. Planning Board review will determine if Adequate Public Facilities exist to support the existing tree farm and the proposed Conditional Use.

(a) Water and Sewer Service

1. The property will be served by a public water and septic disposal system. There is an existing well on the property which is located on the eastern portion of the property between the proposed truck and equipment

parking area (P1). The well serves the existing tree farm and will continue to do so. The Applicant explained that the existing building that is being renovated and converted to a main office to the Landscape Contractor use, is connected to a public water system.

2. The Applicant intends to continue using the existing septic system, which consists of a trench 100 feet in length. The Applicant originally thought the system was 135 feet in length. The inconsistency was discovered when the Applicant's septic plan was reviewed by the Well & Septic Section of MCDPS (see attached June 1, 2018 Memo from DPS Well and Septic Section). The well and septic calculation done by DPS indicates that the proposed system with a 100-foot long trench cannot accommodate the proposed 50 employees, and, that as currently proposed, it can only accommodate 38 employees. The DPS Well and Septic Section concluded:
 1. The Applicant must apply for a septic repair permit and increase the size of the trench for the number of employees desired in the future; or
 2. The Applicant must make the changes from the review letter and adjust the number of employees accordingly.

In the alternative, MCDPS Well and Septic also offered a possible alternative that, in the future, the applicant could apply for an increase in the number of employees by submitting water-use records (WSSC water bill) as proof that the facility can serve more employees. The Well and Septic staff explained that since the septic designs are conservative in nature, sufficient documentation may show the system can handle more employees.

Staff recommends that the total number of employees must not exceed the maximum number of 38 until the applicant provides the Hearing Examiner with sufficient evidence and a letter of approval from the DPS Well and Septic Section to increase the number of employees in such a way that does not exceed a total of 50 employees.

(b) Storm Water Concept Plan

The stormwater management concept plan proposes to meet required stormwater management goals using micro-bioretenention and an alternative surface. The stormwater management concept plan has been submitted to the MCDPS Water Resource Section. By a letter dated June 21, 2018 MCDPS Water Resource Section has indicated that the Applicant's storm management concept is acceptable provided certain conditions are addressed during the detailed Sediment Control/SWM plan stage (see attached MCDPS letter-Attachment D).

(c) Transportation

Adequate Public Facilities Review (APF) and Local Area Transportation Review (LATR)

The Conditional Use Plan for the proposed use of a landscaping contractor with 37 current employees and 50 future employees without shifts does trigger LATR based on the operational statement provided by the applicant. According to the latest 2017 *Local Area Transportation Review (LATR) Guidelines*, the project will exceed the threshold for an LATR review by generating more than 50 new person trips in either the morning or evening peak hour. Based on current operations, 28 field crew staff will enter and leave during the same peak hour in the morning, and with the addition of other staff arriving during the same peak hour, the proposed use will generate 63 morning peak hour trips. Since the field crews are expected to return in a staggered fashion, the project with current staff levels is expected to generate 39 peak hour person trips. Under the scenario with the maximum projected employees without shifts, 50 employees (including 38 members of the field crew) would generate 85 morning and 49 evening peak hour person trips (see Table 2).

Therefore, the applicant is proposing to implement two morning shifts for field crews to ensure morning peak hour trips do not exceed 50-person trips. By dividing the field crews into two shifts, one arriving and leaving between 6:30 and 7:30 am and the other arriving and leaving between 7:30 and 8 am, the number of morning peak hour person trips is reduced below 50. Since both the morning and evening peak hour person trips are reduced below 50, this project complies with the LATR Guidelines and further traffic analysis is not necessary (see Table 2).

Table 8-Projected Employees and Peak Hour Trips Generated

Scenarios	Number of Employees	AM Peak Hour Trips	PM Peak Hour Trips
Current Staff Levels	37	63	39
Future Staff Levels	50	85	49
Future Staff Levels with two morning shifts	50	47	49

It is worthwhile to note that while there will be close to 50-person trips in both the morning and evening peak hours, many of the trips will be in carpools because several employees carpool to and from work and field crews leave in groups to work on projects during the day. Furthermore, based on any comparable ITE trip generation rate for comparable land uses (wholesale nursery, specialty trade contractor, and general light industrial), the proposed maximum staff of 50 people would generate less than 50-person trips.

Staff supports the transportation elements of the Application and finds the proposed access to the property to be adequate to serve the traffic generated by the development.

Fire Access

The applicant proposes an underground fire suppression system (cistern) which is located on the north side of the property adjacent to the driveway. The Applicant has submitted a fire access plan to the MCDPS, Fire Department Access and Water Supply office and is waiting for review and approval. Staff recommends that the Applicant must provide written confirmation from MCDPS indicating approval of a Fire Protection System and Fire Access Plan at the time of Preliminary Plan review.

(d) Other facilities

The Laytonsville District Volunteer Fire Department is located at 21400 Laytonsville Road, in Laytonsville approximately 3.7 miles east of the property. The closest police station, Montgomery County Police Department is located at 17821 Georgia Avenue, in Olney, MD, 4.8 miles south of the property.

Due to the nature of the Conditional Use, it does not generate any school aged children; therefore, school facilities review is not necessary.

- g. Will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:**
- i. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
 - ii. Traffic, noise, odors, dust, illumination or lack of parking; or**
 - iii. The health, safety or welfare of neighboring residents, visitors or employees.**

The inherent, generic physical and operational characteristics associated with landscape contractor businesses are (1) buildings, structures, outdoor areas for the storage of plants and gardening-related equipment; (2) outdoor storage of plant stock, mulch, soil and landscaping materials in bulk and in containers; (3) on-site storage of business vehicles and equipment including small trucks and landscaping trailers; (4) traffic associated with the trips to the site by employees and suppliers; trips to and from the site by employees engaged in off-site landscaping activities; (5) adequate parking areas to accommodate employees; (6) dust and noise associated with the movement of landscaping products and the loading and unloading of equipment associated with landscaping businesses; and (7) hours of operation.

The scale of the proposed two buildings, the proposed access points, the internal vehicular circulation system, onsite parking areas, storage buildings, material storage areas, loading and unloading of supplies and equipment for off-site operations are operational characteristics typically associated with a landscape contractor operation. Staff, however, considers the fact that the property fronts on and is accessed from a

road that is classified as a Rustic Road in the 1996 Rustic Road Functional Master Plan, to be a non-inherent characteristic.

Based on the traffic statements and staff's analysis, the vehicular movements on the road will not cause undue harm to the neighborhood. The property is surrounded by active agricultural uses. The closest residential homes southwest of the property are sufficiently buffered from the activities by the existing tree farm on the property, substantial setback from the property line, and ample landscaping, including perimeter landscaping around the conditional use area. The existing structure that will be renovated and the two proposed, one-story structures have been designed to be compatible with the surrounding area's rural and agricultural nature.

Staff finds that the proposed use will not cause undue harm to the neighborhood because of a non-inherent adverse effect alone or the combination of the inherent and non-inherent adverse effects listed above. Moreover, to ensure compatibility with the rural-residential nature of the neighborhood and the character of the adjoining Rustic Roads, Staff has recommended conditions:

- Before the Hearing Examiner's hearing in this matter, the Applicant must propose a sign-design that is no more than 20 square feet (5 ft. by 4 ft.). If the sign and the Conditional Use are approved, the Applicant must obtain a sign permit for the proposed freestanding sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.
- To maintain the integrity of the adjoining Rustic Road, all vehicles with more than four wheels that are associated with the Applicant's business, including those belonging to employees, must not travel north on Zion Road.
- The total number of employees must not exceed the maximum number of 38 until the applicant provides the Hearing Examiner with sufficient evidence and a letter of approval from the DPS Well and Septic Section allowing an increased number that does not exceed a total of 50 employees.

With the recommended conditions of approval, the inherent and non-inherent impacts associated with the proposed uses do not rise to a level sufficient to warrant a denial of the Application.

SECTION V. CONCLUSION

The proposed Conditional Use satisfies all applicable requirements for approval of a Conditional Use as specified in the 2014 Montgomery County Zoning Ordinance. The proposed use is consistent with the recommendations of the 2005 Olney Master Plan. There are no unacceptable traffic, circulation, noise or environmental impacts associated with the Application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, Staff recommends **Approval** of Conditional Use CU-18-06, subject to the conditions found on Page 2 of this report.

ATTACHMENTS

- A. Plans and Drawings
- B. Forest Conservation Plan Recommendation
- C. Supplemental Information
- D. Memoranda and Letters

A. Plans and Drawings

Attachment-A



SEPTIC FIELD DATA[illegible]

GOSHEN ENTERPRISES
21201 ZION ROAD
BROOKVILLE, MD 20833

GOSHEN ENTERPRISES
9730 HUNTMASTER ROAD
GAITHERSBURG, MD 20884

NORTON LAND DESIGN

[illegible]

101

012021

101. JAMES M. CANNON - 0-1. BIRTH CANNON, JAMES?
102. JAMES M. CANNON - 0-1. BIRTH CANNON, JAMES?
103. JAMES M. CANNON - 0-1. BIRTH CANNON, JAMES?
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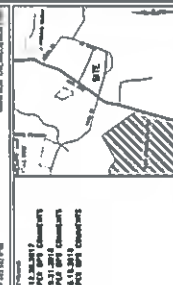
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1. The first step in the process is to identify the problem. This involves gathering information about the situation and determining what needs to be done.

GOSHEN ENTERPRISES
21201 ZION ROAD
BROCKEVILLE, MD 20833

GOSHEN ENTERPRISES
9730 HUNTMASER ROAD
GAITHERSBURG, MD 20882

WONSCAPE ARCHITECTS • 3071 212 Ave
Ottawa, K1M 1T1 • 613-735-2776

[illegible]

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PROPERTY SOURCES

PROPOSED COM TOWN	_____	_____
OFFSITE DAMAGE AS	_____	_____

 PROPOSED GRAVEL DRIVE

EXISTING GRAVEL DRIVEWAY

UNIT OF DISTURBANCE



ENTSTAND. SEP. DIC. AREA

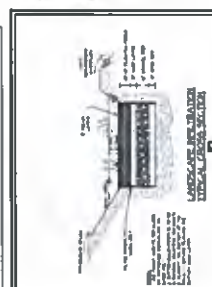
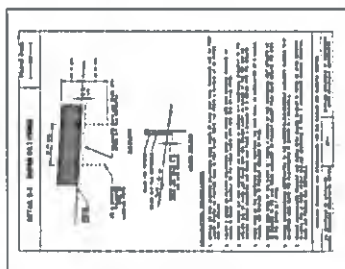
OFF-SITE DRAINAGE AREA MAP

SCALE: 1" = 100'

15 2018

0127CT/0001

Figure 1

[illegible]

ALL FACILITIES SHOW: ESDs = POUNDS OF PM (0.5)
STORAGE FLUORINATED (2.67)
ITEMS OF FACILITIES ARE TO BE IN NATURAL ORIGINAL CHANGES PLANS

10

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上ノリハ、下ニシテ、

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LEGEND

PROPERTY BOUNDARY
1:1 CONTOUR

EXISTING SHORTLEAF TREE 2 1/4" DBH

EXISTING SPECIEMEN TREE 2.5' DBH

PROPOSED CANOPY TREE

PROPOSED EVERGREEN TREE

PROPOSED UNDERSTORY TREE

FOREST TREELINE

SCUBA AREA/NON-FOREST CANOPY

PAVED WORK/RECREATION

PRIMARY MANAGEMENT AREA (PMA)

EXISTING FENCE

6" SCH 40 PVC PERFORATED

6" SCH 40 PVC

LIMITS OF DISTURBANCE

500

PROPOSED PARKING LIGHT

PROPOSED BUILDING LIGHT

PROPOSED GRAVEL DRIVEWAY/PARKING

EXISTING GRAVEL DRIVEWAY/PARKING

PROPOSED CONCRETE SLAB

PUMP/PAVING

AREA OF CONDITIONAL USE

EXISTING WELL

EXISTING SEPTIC PUMP/TIME AND LINES

EXISTING SEPTIC AREA

OVERALL LANDSCAPE PLAN

GOSHEN ENTERPRISES
21201 ZION ROAD
BROOKVILLE, MD 20833

GOSHEN ENTERPRISES
9730 HUNTERMASTER ROAD
GAITHERSBURG, MD 20882

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE - ENVIRONMENTAL PLANNING
10000 WOODBURN ROAD, SUITE 100
GAITHERSBURG, MD 20878
TEL: 301-271-1111 FAX: 301-271-1112
WWW.NORTONLANDDESIGN.COM



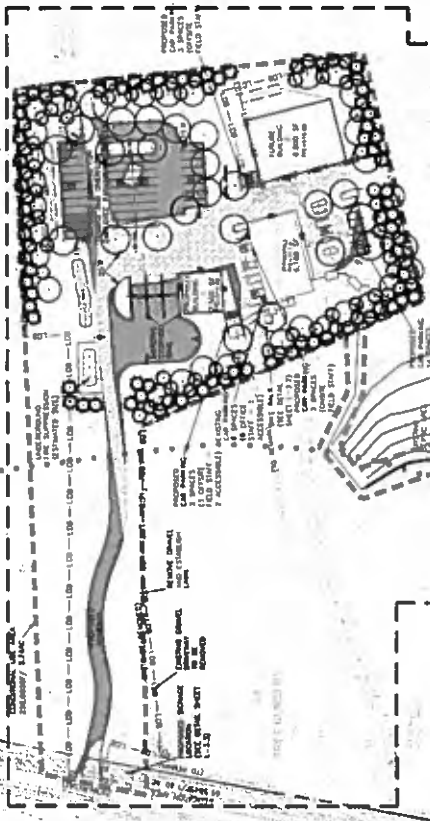
DATE	BY	APP'D	REV	DESCRIPTION
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08/11/11	WJP		4	REVISED PER COMMENTS
08/11/11	WJP		5	REVISED PER COMMENTS
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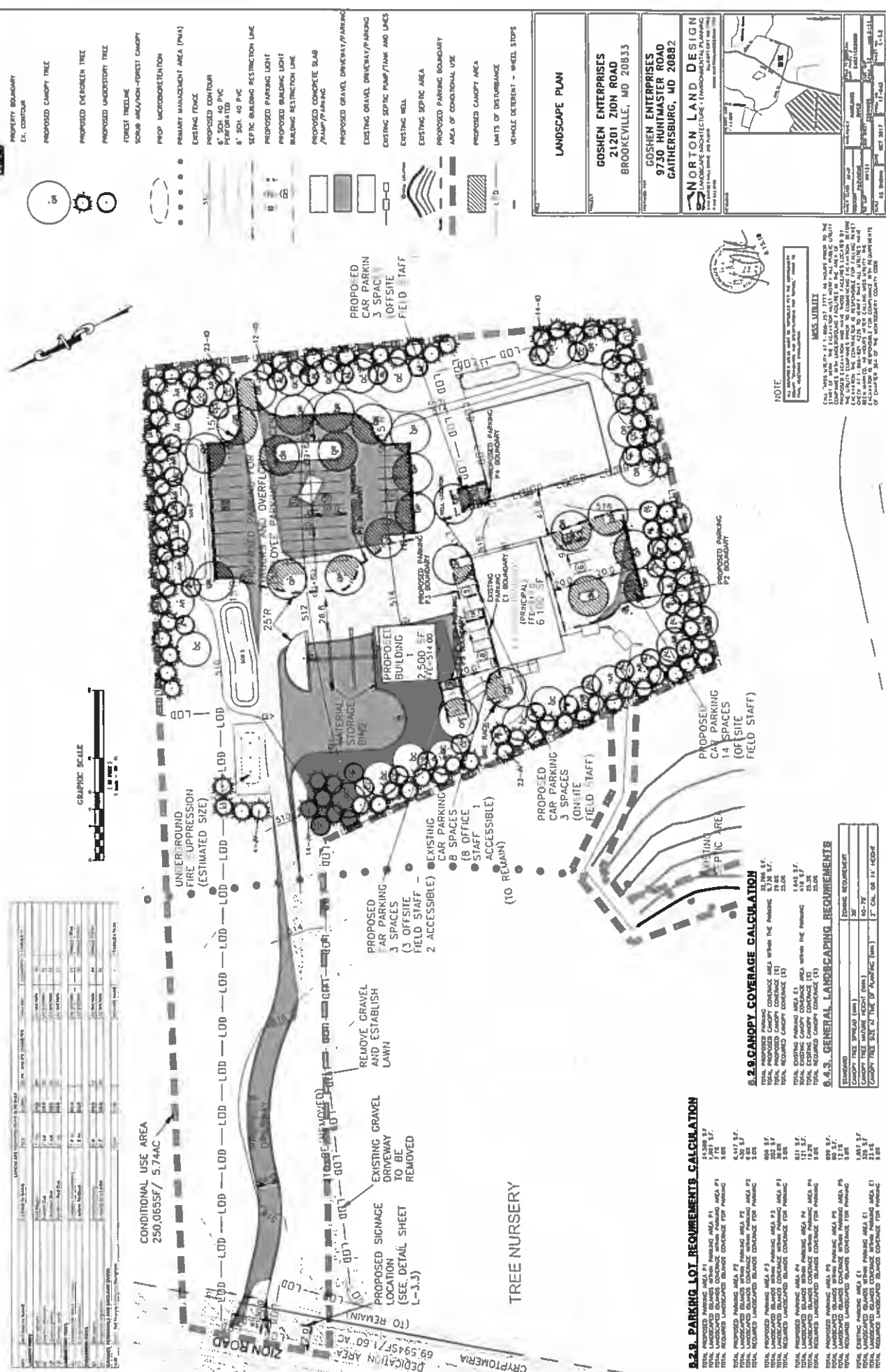
MISS. UTILITY
ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE LANDSCAPE ARCHITECT ASSUMES NO LIABILITY FOR DAMAGE TO OR INTERFERENCE WITH ANY UTILITIES, PUBLIC OR PRIVATE, CAUSED BY THE WORK SHOWN HEREON. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES DURING THE CONSTRUCTION OF THE PROJECT. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY UTILITIES DAMAGED DURING THE CONSTRUCTION OF THE PROJECT. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES DURING THE CONSTRUCTION OF THE PROJECT. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY UTILITIES DAMAGED DURING THE CONSTRUCTION OF THE PROJECT.

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SEE DETAILED AREA
LANDSCAPE PLAN
SHEET L-3.2





B. Forest Conservation Plan Recommendation

Attachment-B





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

MCPB
Item No.
Date: 07-12-18

Goshen Enterprises: Forest Conservation Plan No. CU2018-06

JP
FB
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RAW

Joshua Penn, Planner Coordinator, Area 3 Joshua.Penn@montgomeryplanning.org, 301-495-4546

Frederick V. Boyd, Supervisor, Area 3 Fred.Boyd@montgomeryplanning.org, 301-495-4654

Richard Weaver, Chief, Area 3 Richard.Weaver@montgomeryplanning.org

Staff Report Date: 06-29-2018

Description

Goshen Enterprises

A Forest Conservation Plan to address a request for a Conditional Use to operate a Landscape Contractor business on 30-acre property located at 21201 Zion Road, Brookeville, MD at the northeast corner of its intersection with Riggs Road, identified as Parcel P490 Tax Map HV21 (Addition to Brooke Grove), AR Zone, 2005 Olney Master Plan Area.

**Staff Recommendation: Approval with conditions
(Planning Board Action)**

Applicant: Kevin Bohrer
Application Filed: April 9, 2018
Review Basis: Chapter 22A, Forest Conservation Law



Summary

- The Application proposes a phased construction of a landscape contracting business utilizing one existing building and two new buildings.
- The Application does not propose any forest clearing and generates a 1.15-acre planting requirement.
- There are no outstanding issues to be addressed in this Staff Report; the application fully complies with Chapter 22A of the County Code.

STAFF RECOMMENDATION: Approval of the Forest Conservation Plan No. CU2015-04, subject to the following conditions:

1. Prior to certification of the Final Forest Conservation Plan Applicant will add a planting plan, planting notes, and planting details.
2. Within ninety days of the date of the Hearing Examiner's Opinion approving Conditional Use Application CU2018-06, the Applicant must:
 - a. Record a Category I conservation easement over all areas of forest retention and forest planting as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
 - b. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
3. Within seven months of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2018-06, the Applicant must plant 0.58 acres of forest as specified on the approved Forest Conservation Plan.
4. Submit financial surety for planting 0.58 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting area before any planting or land disturbing activities occur.

SITE DESCRIPTION

The subject property is identified as Parcel 490 on Tax Map HV 21, and is located at 21201 Zion Road, in the northeast quadrant of its intersection with Riggs Road in the Olney Master Plan area ("Subject Property" or "Property"). The Property is zoned Agricultural Reserve (AR), and it is 30.49 acres in size. The Property is developed as an active tree farm with one existing building near the center and gravel parking as well as operational parking areas that are used for the farm.

The entire Property drains to the Hawlings River Watershed, which is classified by the State of Maryland as Use Class IV waters. There are offsite streams to the west and east of the Property, however there is no stream valley buffer onsite. Approximately one-third of the Property is located within the Patuxent River Watershed Primary Management Area (PMA). There is no mapped 100-year floodplain on the Property. The Property contains approximately 1.21 acres of forest. Twenty-one large trees were identified on the Property, including nine specimen trees (≥ 30 inches Diameter at Breast Height (DBH)). The majority of these trees are located within the existing forest stand in the southeast corner of the Property. There are no steep slopes or highly erodible soils. Neighboring land uses include agriculture uses. The Property abuts agricultural activities on all sides (Figures 1 and 2).

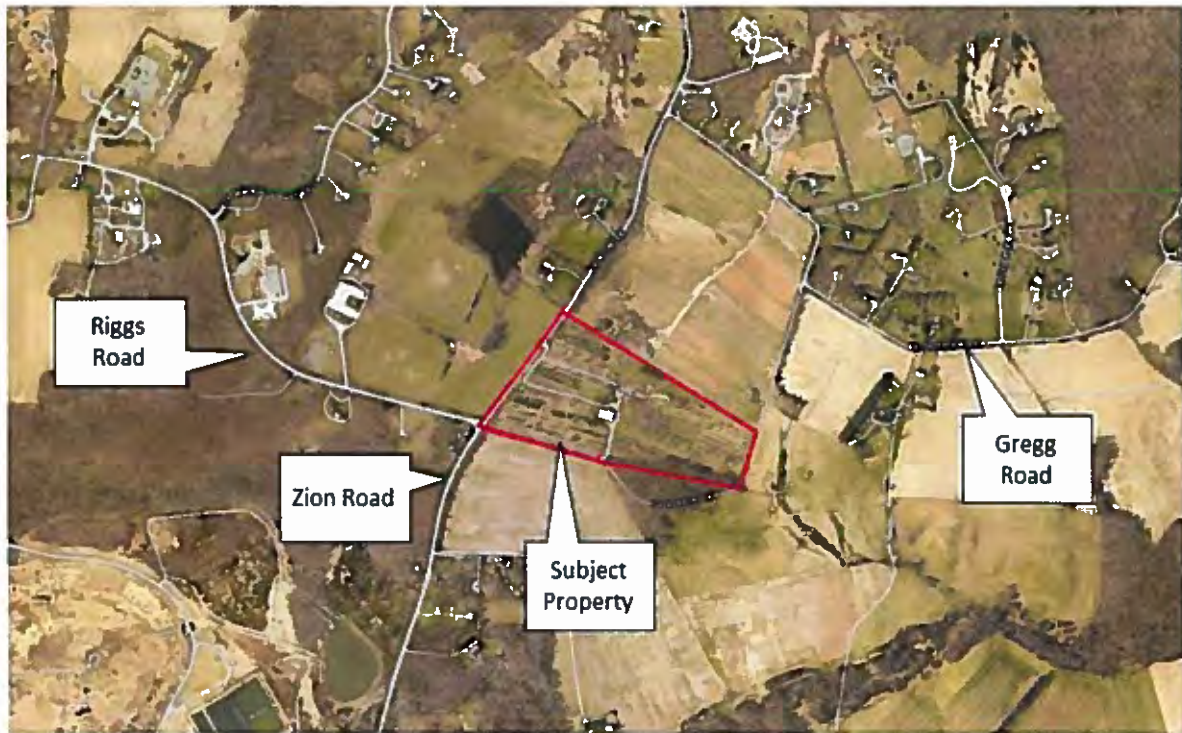


Figure 1. 2015 Aerial Photograph of Vicinity



Figure 2. 2015 Aerial Photograph of Parcel 490

PROJECT DESCRIPTION

The Forest Conservation Plan (FCP) was prepared as part of Conditional Use Application No. CU2018-06 ("Application"), to operate a landscape contractor business (Attachment A). While the Planning Board is technically advisory on Board of Appeals applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

The Application proposes the use of the one existing building and the phased construction of two additional buildings and associated gravel driveways and gravel parking areas. The Application does not propose to impact or clear any forest or specimen trees.

ANALYSIS AND FINDINGS

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on July 14, 2017. A Forest Conservation Plan has been submitted for review. There is approximately 1.21 acres of existing forest on the Property. The forest is comprised of one stand. The stand is a mature, mixed-hardwood forest dominated by hickory, oak, and maple. The nursery stock on the Property does not constitute forest and is not included in the 1.21 acres.

The total tract area for the Property is 30.49 acres. The Applicant has deducted 24.75 acres from the net tract area, for an area to remain in agriculture (Tree Nursery). This leaves a net tract area of 5.74 acres that is subject to the forest conservation plan. The project does not propose to clear any of the existing forest, however, based on the land use category and the forest conservation worksheet there is a 1.15-acre afforestation planting requirement. The Applicant proposes to retain 1.21 acres of existing offsite forest (within the area deducted from the forest conservation worksheet as agricultural) and plant 0.58 acres of additional forest adjacent to that within the boundary of Parcel 490.

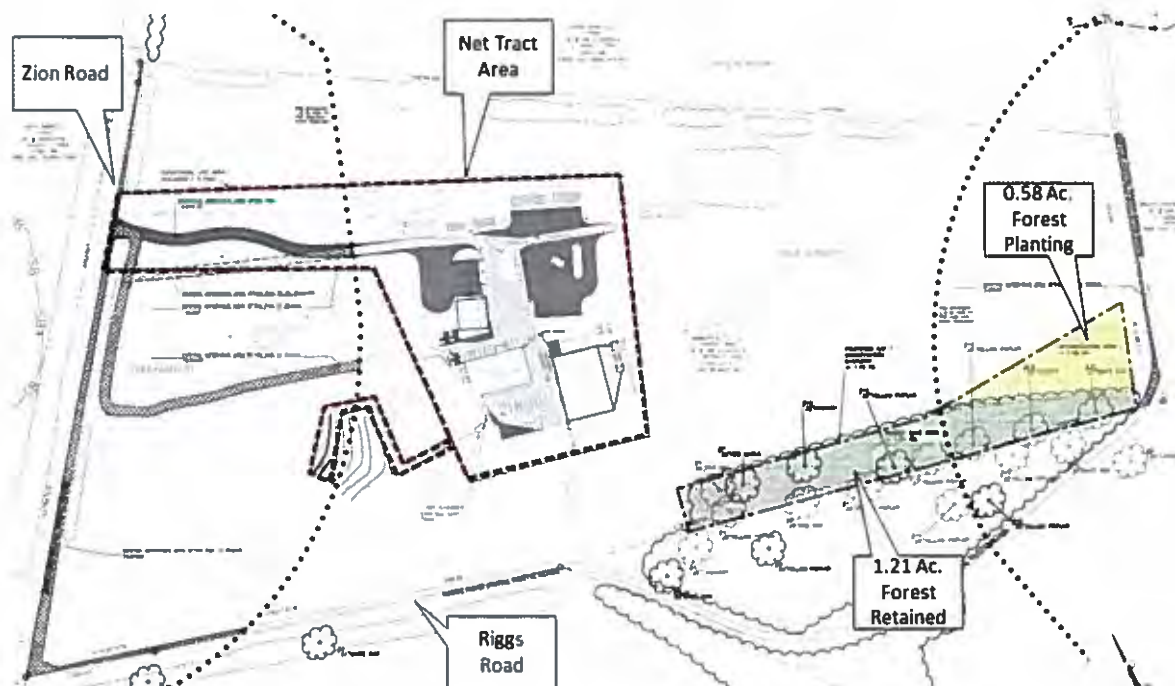


Figure 3: Illustrated Forest Conservation Plan

NOTIFICATION and OUTREACH

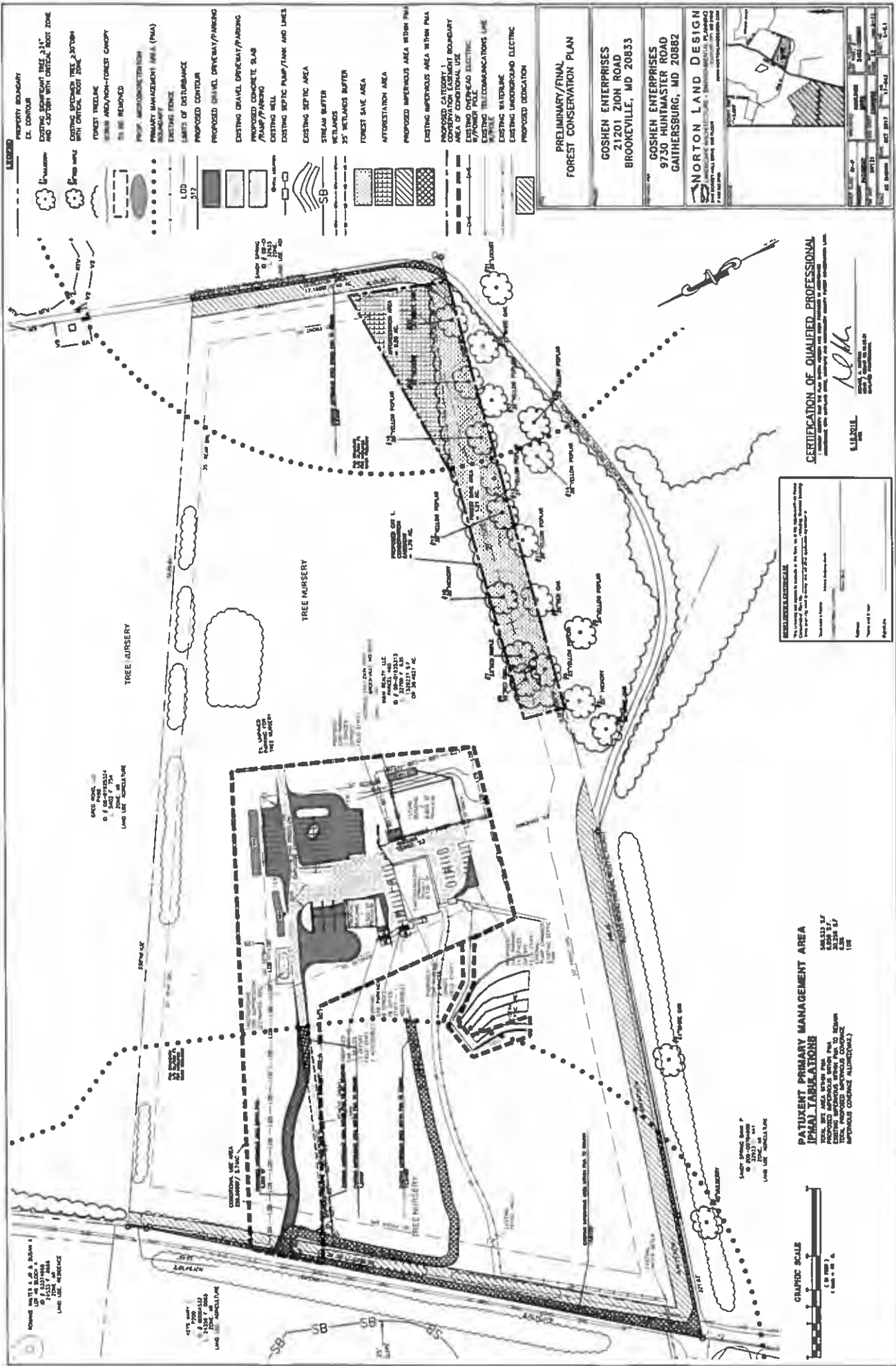
The Subject Property was properly signed with notification of the upcoming Conditional Use prior to submission. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment. As of the date of this report, staff has received no inquiries. Any comments received hereafter will be forwarded to the Board

CONCLUSION

The Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments

Attachment A –Forest Conservation Plan



C. Supplemental Information

Tesfaye, Elsabett

From: Jody Kline <JSKline@mmcanby.com>
Sent: Wednesday, June 13, 2018 10:34 AM
To: Tesfaye, Elsabett
Cc: Kevin Bohrer; michael_norton
Subject: FW: Attached Image
Attachments: 2399_001.pdf

Elsabett. I'm sorry that I am late in getting this info to you. It took me some time to assemble the material from different communications.

Let me review the bidding here:

1. When the applicant first met with the Well & Septic division of MCDPS, we were told that the septic system for this site had been overdesigned and that our full amount of anticipated staff (50) could be accommodated because there was supposed to be 135 feet of trench in the ground.
2. When plans came in to Well & Septic for review and comment, it was determined that when the septic trench was installed, it was only 100 feet long, not the length that had been assumed at our initial meeting.
3. When W&S recalculated the capacity of the existing system (see hand written notes on an excerpt of the site plan), W&S concluded that our existing operation (38 employees) could be handled with the existing system but to get up to 50 employees the applicant would have to add 35 feet of additional septic trench. (See attached June 7 email from Mr. Flemming at W&S).
4. But Mr. Flemming also notes that W&S septic flow calculations are conservative and that our existing system might actually be adequate to accommodate more employees in its existing form if we provide water flow calculations showing that the assumed flow rates are too high.

Bottom line, our current and foreseeable number of employees can be handled by the system in place and more employees can be handled by a) adding 35 feet of trench or by b) providing evidence that there is sufficient treatment capacity available due to lower water usage than assumed.

The Applicant does not want to have to go through a major modification to increase the number of employees up to 50 when the constraint is septic capacity which is easily correctible. Accordingly, the Applicant respectfully requests that your staff report recommend approval based on, among others, a condition reading: "The number of employees is limited to 38 unless the Applicant obtains authorization from the Well & Septic Division, MCDPS to have more employees but in no event to exceed 50 in number," or something to that effect.

This applicant shouldn't have to go through a full major modification when everything else about the case says that 50 employees is acceptable and there are easy solutions to the septic issue.

Please consider this condition to address this subject.

Jody S. Kline
Attorney



200-B Monroe Street ■ Rockville, MD 20850
T: 301.762.5212 ■ F: 301.424.9673

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From: 200b-2ndflrcanon@mmcanby.com [mailto:200b-2ndflrcanon@mmcanby.com]
Sent: Wednesday, June 13, 2018 10:09 AM

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DIANE E. FEUERHERD
CALLIE CARNEMARK (VA)

JSKLINE@MMCANBY.COM

MEMORANDUM

TO: LAURA HODGSON
AREA 2 TRANSPORTATION PLANNING

CC: ELSABETT TESTFAYE
KEVIN BOHRER
MIKE LENHARDT
MICHAEL NORTON

FROM: JODY S. KLINE

DATE: 8 JUNE 2018

RE: RESPONSE TO TRANSPORTATION COMMENTS ON CONDITIONAL
USE APPLICATION CU 18-06,
APPLICATION OF GOSHEN ENTERPRISES

Dear Laura,

In response to your comments which we received on May 22, the Applicant is pleased to provide the following information:

1) *Traffic statement comments:*

a. *Applicant should revise Traffic Statement to state the intended land use of Goshen Enterprises, the Master Plan which covers the property (Olney Master Plan) and the proposed non-residential square footage of the buildings.*

The Applicant is not quite sure what is the thrust of your inquiry quoted above but we will try to answer the questions in the following manner:

- The area covered by the Conditional Use Application will be devoted to an active landscape contractor operation. The Applicant's Statement of Operations describes the number of employees, hours of operation and intensity of the use contemplated by Goshen Enterprises.
- The land area surrounding the Conditional Use area will also be owned by Goshen Enterprises but that land will be leased to a company that will plant, propagate and periodically remove for reinstallation large trees making the surrounding land use to be a tree farm or tree nursery.
- The Olney Master Plan recognizes that the subject property, and surrounding properties, are largely devoted to agricultural pursuits and large lot residential development. The Applicant's proposal is a conditional use is a conditional use in the Agricultural Reserve Zone and is an appropriate use in this location, particularly that it is surrounded by a tree farm.

- There will be up to three (3) buildings on the subject property designated as follows:

Existing Building	6,100 SF
(Devoted to offices, employee training space, employee locker rooms and rest areas and general storage)	

Building 1 2,500 SF
(Devoted to repair and maintenance of trucks and trailers and storage of smaller equipment).

Building 2	8,800 SF
(Building with natural surface floor to be used for long-term storage of equipment, such as out of season snow plowing and snow removal equipment).	

b. *We are concerned that the evening peak hour person trips are 49 (very close to the 50 person trip threshold) for 3 different hour periods in the evening. We understand your assumption that employees would be evenly distributed over the 4-6pm timeframe, but it is likely there will be bunching putting the number of person trips over 50 at times. Therefore, we would like to see a plan to make sure there are under 50 person trips during any peak hour (i.e., show that the current distribution is implementable). This will be a condition of approval for the*

conditional use. Otherwise, we may have to recommend less employees than the maximum staff levels proposed without a traffic study.

The following information is provided by Michael Lenhart, the Applicant's traffic engineer:

1. The morning peak period was projected to exceed 50 person trips per hour, and as a result the traffic engineer recommended establishing morning shifts for employees to arrive at work and distribution of field crews. This would smooth out the peak arrival and departure of the field crew personnel, and would result in fewer than 50 person peak hour trips.

2. The evening peak period does not typically result in any type of peaking of trips. The field crews are typically disbursed to numerous jobs which mean that each field crew would typically return to the base on different schedules based on when they each complete their respective tasks. Some crews may return prior to 4 PM while others are scattered throughout the 4 – 7 PM peak period and there may even be a crew that returns after 7 PM. There is no schedule associated with the return of crews and there is no practical way to apply a shift time to the return of crews as it would be impossible to implement.

3. The traffic engineer does not believe that any conditions would be needed to address Staff's comment about potentially peaking over 50 person trips. While it may be possible that it could peak over 50 trips on an infrequent basis, the average peak person trips would still be less than 50. For example, ITE trip generation provides average trip generation for

all uses. M-NCPPC then uses those averages to determine if a site will generate more or less than 50 peak person trips per hour. The fact is that the data is based on averages, and on any given day the site may generate more or less than average. . . but the finding is always based on the average. The Applicant's Traffic Statement shows that the average will be less than 50 person trips; therefore there should not be the need for any special conditions.

c. *Does the number of employees and staff in the traffic statement include those for BOTH Goshen Estates and the tree nursery? If not, please say how old the tree nursery is (must be more than 12 years old).*

The Applicant's Statement of Justification addresses only uses occurring within the Conditional Use area and does not include trips associated with the tree farm operations. The entire property has been devoted to use as a tree farm since 1979 when it was initially purchased by Mr. Ned Hunt who began installation of trees and shrubs on the property upon his acquisition at that time. The tree farm was acquired by Mr. Jeffrey Mishkin, doing business as Tree Removers. In 2006, the tree farm was sold to the current owner, M & M Realty who continues to own and operate the property as a tree farm/nursery. Accordingly, the property has been consistently devoted to use as a tree farm/tree nursery since 1979.

2) *The project is located off of both Zion Road and Riggs Road. Both roads are Rustic Roads. Applicant should show on the plan and future plats 35 of dedication from the centerline of each road to conform with the planned 70 feet of right-of-way for such roads.*

Potential future dedication for Zion Road and Riggs Road will be shown on a revised Conditional Use Plan to be submitted for review by Staff.

3) *Applicant should show 10-ft-wide public utility easements (PUEs) along the frontage of each road outside of the right-of-way dedication.*

The requested PUEs will be shown on the preliminary plan of subdivision when filed.

4) *No hike or pedestrian frontage facilities are needed along the frontage of this property due to location of this project along Rustic Roads.*

No response or action required.

5) *Provide truck turning template to show that trucks can access needed areas of the site and can turn around within the site to exit through the entrance on Zion Road.*

The Applicant's engineer has performed an auto turn analysis which demonstrates that trucks can readily access the site and can conveniently turn around within the site to exit through the driveway to Zion Road. Attached is revised Sheet L-1.3, "Commercial Vehicle Site Circulation Plan" confirming those truck turning movements.

6) *Please provide the number of trucks and service vehicles that the business will have on site so that we can determine the required minimum amount of parking for the site.*

- The Applicant's Statement of Operations notes that the equipment listed below will be located on the subject property.
- On the face of the Detailed Area of Conditional Use Plan is a parking standards table which is reprinted below demonstrating that the application meets the requirements for parking required by the Zoning Ordinance and which are adequate to accommodate both the work fleet and individual vehicles of staff.

STANDARD	REQUIREMENT SPACES	PROPOSED EMPLOYEES	EXISTING SPACES	PROPOSED SPACES	TOTAL VEHICLE SPACES
Office (Min.)	2.80/1,000 GFA	9	9	-	9
Landscape Contractor – Employee (Onsite)	1.0/Employee	3	-	3	2
Landscape Contractor – Employee (Field)	0.5/Employee	38	-	19	19
Commercial Vehicles (Max.)	1/Vehicle	-	-	40	40
Bicycle	0.5/5,000 GFA			1	
TOTAL PARKING SPACES ONSITE					71

7) *Dimension parking spaces (within each group of spaces).*

The Conditional Use Plan has been amended to show the size of parking spaces within each group of spaces.

- 8) *Parking is too close to the building – please set-back parking from the building.*

There is nothing inherently incompatible with having parking that is in close proximity to an industrial/agricultural building. Placing parking spaces close to the existing building allows for more green space to be located surrounding proposed Building Number 1.

- 9) *The drive aisles overlap with the Proposed Building 1 – please move building at least 5 feet back from any edge of pavement.*

The shaded land area encroaching on the footprint of Building 1 is labeled “Existing Gravel Driveway.” It shows where a current driveway exists. That graveled surface will be removed and new drive lanes will set back appropriate distances from all buildings.

- 10) *Please provide and label handicap parking per federal regulations.*

The detailed Conditional Use Plan has been amended to identify the location of handicapped parking spaces.

- 11) *Will existing unpaved road remain off of Zion Road entrance and be used? If so, angle at entry drive may be unsafe.*

The "Ex. unpaved road" shown in the approximate center of the subject property, will not be removed but it will not be used for entering or exiting the conditional use area of the site. The unpaved road will be retained by the operator of the tree farm to provide access to rows of tree stock.

12) Because this project is located along two Rustic Roads, the project will need to be reviewed by the Rustic Roads Advisory Committee (RRAC). Please schedule a meeting with them as soon as possible to review your application.

The Applicant has met with the Rustic Roads Advisory Committee. In response to the Committee's comments, a proposed change to the main driveway has been designed so that a) no longer provides a direct line of sight into the working area of the landscape contractor and b) removes the driveway from a proposed reserve septic field. The Applicant is coordinating with M-NCPPC staff to obtain a letter from the RRCA with its comments on the Applicant's plans.

13) Extents of the project may need to be adjusted to include both entrances.

The Applicant is not sure of the meaning of this phrase but, with clarification, will be pleased to respond to this comment.

14) Provide bike parking per the Zoning Ordinance.

The Detailed Area Conditional Use Plan contains a note showing the location of bicycle parking spaces to be provided.

We hope that these answers are responsive to your comments and will allow for preparation of a favorable Staff report and recommendation to the lead reviewer

JSK:cdp
Attachment

Tesfaye, Elsabett

From: Jody Kline <JSKline@mmcanby.com>
Sent: Thursday, June 07, 2018 5:17 PM
To: Tesfaye, Elsabett
Cc: Kevin Bohrer; michael_norton
Subject: Sea containers

Elsabett. I just got back from a meeting at your place and see a message from Kevin Bohrer. I told him about our conversation and that if he wanted to keep the sea containers already in use at his Laytonsville site we would either have to place them in the proposed location of a future building (to avoid any SWM redesign issues) or would have to revise the SWM plan.

His message said just forget about them. He originally wanted to keep them since they were already under his control and he wanted to be sure that he had adequate storage areas. But they were always a bit of a luxury and it now turns out that they are more trouble than they are worth.

So I will be revising the Statement of Justification to delete use of sea containers in the conditional use proposal.

Correspondence on other subjects requested will follow tomorrow.

Jody S. Kline
Attorney



200-B Monroe Street ■ Rockville, MD 20850
T: 301.762.5212 ■ F: 301.424.9673

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Tesfaye, Elsabett

From: Jody Kline <JSKline@mmcanby.com>
Sent: Wednesday, May 30, 2018 10:03 AM
To: michael_norton; Somer Cross
Cc: Tesfaye, Elsabett
Subject: RE: Goshen Enterprises

Elsabett. Here is your answer about the driveway and RRAC view of same. I owe Leslie the info that she references and I will take care of it.

Jody S. Kline
Attorney



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From: Michael Norton [mailto:michael_norton@nortonlanddesign.com]
Sent: Wednesday, May 23, 2018 5:13 PM
To: Jody Kline; Somer Cross
Subject: Fwd: Goshen Enterprises

FYI

Michael Norton
Norton Land Design LLC
o.443.542.9199x101 c.410.419.8332

----- Forwarded message -----

From: Saville, Leslie <leslie.saville@montgomeryplanning.org>
Date: Wed, May 23, 2018, 4:58 PM
Subject: RE: Goshen Enterprises
To: michael_norton <michael_norton@nortonlanddesign.com>, atiq.panjshiri <atiq.panjshiri@montgomerycountymd.gov>

Hi Mike –

They'll send you a letter, but generally, the short version of what I heard was:

- Yay for the driveway curve!
- Add a mix of evergreen shrubs and deciduous trees along the driveway for screening (for added plantings, I think they were pointing to an area from about halfway down the driveway to the cistern—some of each on both sides of the driveway. They weren't pointing close to the road. They specifically asked that the above-ground cistern fixtures be screened—we've previously done cistern field trips to look at those, and the committee was bummed about how non-rustic and non-ag they look.
- Where is the info that Jody promised last time? How many employees, how many trucks, what kinds of trucks? We need to have that. (From past RRAC reviews, I'm fairly sure they'll also want to know about delivery trucks—loaded weight and frequency.)
- What does the traffic study say?
- They confirmed what they discussed last time—work vehicles should not go north on Zion—south only. Previously, Jody had agreed, saying that's what happens today.

Atiq, did I miss anything? I'm doing this from memory (always a terrible idea!) because I think my notes are still in the back of my car from last night. Or maybe I left them at home.

Just me speaking now. I didn't think you were going to have to do a cistern, given how close the water is. Sorry to see that.

Leslie

From: Michael Norton [mailto:michael_norton@nortonlanddesign.com]
Sent: Wednesday, May 23, 2018 3:41 PM
To: Saville, Leslie <leslie.saville@montgomeryplanning.org>; atiq.panjshiri <atiq.panjshiri@montgomerycountymd.gov>
Subject: RE: Goshen Enterprises

Hi Leslie and Atiq,

How did it go last night?

mike

MICHAEL NORTON, ASLA, ISA, LTE

NORTON LAND DESIGN

LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING

o 443.542.9199 x101 c 410.419.8332

From: Saville, Leslie <leslie.saville@montgomeryplanning.org>
Sent: Monday, May 21, 2018 3:58 PM
To: atiq.panjshiri <atiq.panjshiri@montgomerycountymd.gov>; michael_norton <michael_norton@nortonlanddesign.com>
Subject: FW: Goshen Enterprises

Atiq –

Mike Norton has added to the drawings we'll be looking at tomorrow evening. Would you add them to the packets?

Also, I have cc'd Mike, in case you or he have questions.

Mike –

Atiq is the new RRAC staff coordinator, as above.

Thanks to you both,

Leslie

Leslie Saville

Montgomery County Planning Dept | M-NCPPC

8787 Georgia Avenue | Silver Spring, MD 20910

301.495.2194

[MARC Rail Communities Plan](#)

[Rustic Roads](#)

From: Michael Norton [mailto:michael_norton@nortonlanddesign.com]
Sent: Monday, May 21, 2018 3:51 PM
To: Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>; Johnsen, Douglas <douglas.johnsen@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Saville, Leslie <leslie.saville@montgomeryplanning.org>
Cc: Jody Kline <JSKline@mmcanby.com>; Somer Cross <stcross@mmcanby.com>
Subject: RE: Goshen Enterprises

Good afternoon,

Attached are the updated Concept SWM drawings as uploaded to DPS today.

This leaves us with the following:

1. Well and Septic letter- currently in review at DPS
2. Fire Marshall letter – we are proposing an underground cistern but need the owner to sign off and then get it to Marie. I met with her and she was fine with the solution.

Mike

MICHAEL NORTON, ASLA, ISA, LTE

NORTON LAND DESIGN

LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING

o.443.542.9199 x101 c.410.419.8332

From: Michael Norton <michael_norton@nortonlanddesign.com>
Sent: Friday, May 18, 2018 5:09 PM
To: 'Tesfaye, Elsabet' <elsabett.tesfaye@montgomeryplanning.org>; 'Johnsen, Douglas' <douglas.johnsen@montgomeryplanning.org>; 'Penn, Joshua' <joshua.penn@montgomeryplanning.org>; 'Saville, Leslie' <leslie.saville@montgomeryplanning.org>
Cc: 'Jody Kline' <JSKline@mmcanby.com>; 'Somer Cross' <stcross@mmcanby.com>
Subject: Goshen Enterprises

Good afternoon everyone,

I have attached updated drawings. The following changes have been made per conversations with everyone individually (except Josh):

General Site/Rustic

- Entrance adjusted to put a little curve in the long drive.
- Fire says we can continue to use CR6 gravel as long as the Owner does not operate in inclement weather (we have been told this is the case).
- Static fire cistern has been added (we need to have it reviewed by Fire)
- CU area has been reduced along the drive aisle to 135 feet to keep the CU area consistent between submittals
- Entrance updated to current fire standards
- Drive reduced from 22' to 20' width
- 3 ADA spaces and access have been added (I believe we can reduce this to 2 taking commercial vehicles out of the parking equation).

Landscape/Lighting

- Screening trees have been strategically added to mask the parking from the road
- Landscape has ornamental trees around the CU perimeter. Staff agreed yesterday the balance of landscape looked correct.
- Lighting adjusted and pole height added to table

Forest

- 0.58 acres of forest planting proposed in conjunction with 1.21 acres of forest save
- Septic lines and initial trenches are now included in the CU

Septic

- Plans were sent to Well and Septic for review/approval. There is no increase in the septic field

Stormwater

- We are wrapping up the stormwater concept. I met with DPS this morning to refresh their memory.

Let me know if you have any questions. We will be going through it again as we wrap up the stormwater computations.

Mike

MICHAEL NORTON, ASLA, ISA, LTE

NORTON LAND DESIGN

LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING

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All attorneys admitted in Maryland and where indicated.

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JSKLINE@MMCANBY.COM

MEMORANDUM

TO: ELSABETT TESFAYE

CC: KEVIN BOHRER
MICHAEL RUBIN
MICHAEL NORTON

FROM: JODY S. KLINE

DATE: 5 JUNE 2018

RE: CONDITIONAL USE APPLICATION NO. CU 18-06,
APPLICATION OF GOSHEN ENTERPRISES, INC.

Dear Elsabet,

Following up on your email request for supplemental information, I am pleased to provide the following responses:

- 1. The revised Plan show the total number of employees as 38 and the Justification Statement shows 37.*

The Applicant's Statement of Justification will be amended to reflect that the maximum number of employees will be 38 to be consistent with the Site Plan.

2. Please provide the number of proposed equipment and vehicles (ultimate, not existing)

<u>EQUIPMENT</u>	<u>ULTIMATE NUMBER</u>
•large loaders	1
•skid steers	3
•trucks	20
•mini – excavators	0
•trailers (non-dumping)	12
•tractor	1

3. A portion of the parking tabulation is based on the total number of vehicles operated in connection with the landscape contractor business. The parking table on the Plan may need to be revised to reflect this.

Section 59.6.2.4 establishes the parking requirements for the landscape contractor use. The Applicant was conservative in establishing the amount of parking for employees of the company. Although the Zoning Ordinance states that employee parking is to be provided at the rate of one parking space per two employees (or 0.5 space per employee), the Applicant recognized that there will be permanent administrative employees (total of 9) and permanent grounds employees (12) on site at most times. Therefore, only field employees (38) are calculated at the lower rate of 0.5 spaces per employee ($0.5 \times 38 = 19$ spaces required). Finally, since Section 59.6.2.4 requires one parking space per “vehicle used in connection with the use. . .” the Applicant is providing 40 spaces to accommodate the vehicles and equipment listed above (37 in number).

In summary, the Applicant believes that the parking provided (71 spaces) more than adequately satisfies the amount of parking required which is conservatively calculated to be 71 spaces. (12 permanent employee spaces, 19 off-site employee spaces and 40 equipment spaces).

4. *A short write up on environmental features on the property and compliance with Chapter 22A of the Environmental Law would be appreciated.*

To follow under separate cover.

We will provide as quickly as possible the responses to the questions from the transportation planner.

JSK:sda

Law Offices Of
MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
JOSEPH P. SUNTUM

ROBERT E. GOUGH
DONNA E. MCBRIDE (DC)
GLENN M. ANDERSON (FL)
SEAN P. HUGHES (DC)
MICHAEL G. CAMPBELL (DC, VA)

SOO LEE-CHO (CA)
DAVID A. LUCAS (DC)
DIANE E. FEUERHERD
CALLIE CARNEMARK (VA)
JAMES T. ROTH

JSKLINE@MMCANBY.COM

MEMORANDUM

TO: ELSABETT TESFAYE

CC: KEVIN BOHRER
MICHAEL RUBIN
MICHAEL NORTON

FROM: JODY S. KLINE

DATE: 5 JUNE 2018

RE: FURTHER RESPONSES TO 30 MAY 2018 INQUIRIES

Dear Elsabet,

In response to item #4 in your May 30 memo, Michael Norton provides the following information:

4. *A short write up on environmental features on the property and compliance with Chapter 22A of the Environmental Law would be appreciated.*

The subject property is located partially within the Patuxent Primary Management Area (PMA) and is currently operated as an agricultural use – tree farm. The conditional use area is

C-6

proposed to be under the 10% impervious threshold per the PMA guidelines. The project is also in review to comply with stormwater management regulations.

There is a small stand of forest along Riggs Road, outside of the Conditional Use area, that will be placed in Category I Conservation Easement to partially satisfy the Forest Conservation Requirements. Additional forest will be planted adjacent to the existing forest, thereby expanding the overall conservation easement and to fully meet the Forest Conservation Law requirements. For purposes of this plan, the forest conservation easement is treated as “offsite” because it is outside of the Conditional Use area, but the overall program complies with Chapter 22A of the County Code.

The proposed project does not impact or remove existing Specimen Trees, therefore a Specimen Tree Variance is not required.

Tesfaye, Elsabett

To: Jody Kline
Subject: RE: Application No. CU 18-08, Application of Goshen Enterprises, Inc.

From: Jody Kline [mailto:JSKline@mmcanby.com]
Sent: Friday, June 15, 2018 7:15 AM
To: Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>
Cc: michael_norton <michael_norton@nortonlanddesign.com>
Subject: Application No. CU 18-08, Application of Goshen Enterprises, Inc.

Elsabett. Following up on our meeting of yesterday, I would like to provide details about the applicant's efforts to obtain public agency approval for fire protection measures for the above referenced site.

Michael Norton has had conversations with Marie La Baw of MCDPS about the appropriate fire response system to have in place at the proposed Goshen Enterprises facility on Zion Road. Ms. La Baw has advised Michael that either a) public water service extended from Zion Road to appropriate locations on the subject property, or b) a cistern properly located on the subject property, would be acceptable to her office. However, Ms. La Baw cannot issue a letter confirming that advice until such time as she is advised about the size (gallonage) of the cistern. Mr. Norton has been in consultation with a fire suppression specialist in Annapolis about the necessary size of a cistern to serve the proposed use but it appears that his recommendation will not be available for a couple of weeks. Ms. La Baw would then normally take a couple of weeks to issue her letter expressing preliminary approval for the alternative treatment systems.

In summary, the applicant will not be able to provide written confirmation from MCDPS of the information expressed above for 3-4 weeks which is much later than you need it. For that reason, the applicant would ask that your Report and Recommendation contain a condition reading: "At the time of preliminary plan review, the applicant must provide written confirmation from MCDPS indicating approval of a fire protection system, or systems, acceptable to MCDPS," or the like.

Please let me know what else you need from me regarding this situation.

Jody S. Kline
Attorney

MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B Monroe Street ■ Rockville, MD 20850
T: 301.762.5212 ■ F: 301.424.9673

Tesfaye, Elsabett

To: Jody Kline
Subject: RE: Case No. CU 18-06, Application of Goshen Enterprises, Inc.

From: Jody Kline [mailto:JSKline@mmcanby.com]
Sent: Friday, June 15, 2018 8:03 AM
To: Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>; Hodgson, Laura <laura.hodgson@montgomeryplanning.org>
Cc: Kevin Bohrer <kevin@goshenenterprises.com>; michael_norton <michael_norton@nortonlanddesign.com>
Subject: Case No. CU 18-06, Application of Goshen Enterprises, Inc.

Elsabett. I am writing in response to an inquiry, I believe that it was from Laura Hodgson, about the hours of operations and activities at the proposed Goshen Enterprises facilities on Zion Road during the winter season when Goshen performs snow plowing and snow maintenance operations.

Like most landscape contractors, Goshen Enterprises performs snow plowing and removal services when necessary during the winter months. As the applicant has stated, during those periods, his drivers may be working 24 hours per day, every day. However, that statement was not meant to refer to activities at the subject property. In fact, Goshen Enterprises follows the work schedule of Montgomery County, that is, if the County shuts down, Goshen will not open its offices. But the snow plowing vehicles will not be dispatched (sent out on plowing assignments) from the Zion Road site. Rather, they will be dispatched from a parking facility that Goshen will maintain in the Airpark area.

Off season, the plows and snow removal equipment will be stored on the Zion Road property. But during the snow removal season, the plows will be affixed to trucks, and the trucks will be hooked up to trailers with snow blowers and small tractors, that will be stored at the dispatch site at the Airpark. In other words, the vehicle activity associated with snow removal efforts will generally not impact the Zion Road site.

I hope that information clarifies the situation.

Jody S. Kline
Attorney

MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B Monroe Street ■ Rockville, MD 20850
T: 301.762.5212 ■ F: 301.424.9673

website | bio | vCard | confidentiality | email

D. Memoranda and Letters

Attachment-D



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane Schwartz Jones
Director

TO: Michael Norton
Norton Land Design

FROM: Well and Septic Section

DATE: June 1, 2018

SUBJECT: Conditional Use Plan for Goshen Enterprises (21201 Zion Rd)

The above-referenced plan has not been approved due to the following reasons:

Please revise the existing system shown on the plan to reflect the system installed and approved on November 4, 2004. The length of trench installed was 100 feet.

Please revise the initial septic field sizing calculations to reflect the parameters installed and approved.

- A trench 100x4x2 creates an absorption area of 800 square feet.
- 800 square feet is the absorption area for a design flow of 312 gallons per day (gpd).

Please revise the staffing levels under the commercial septic system to a number that will use no more than the 312 gpd of the existing system.

Please show the location of test sites D and E on the plan.

Please show the approved septic reserve area on contour. See attached drawing.

The proposed future septic area must be removed or wording added to the plan that indicates the area is not approved and must be tested. There are no records that this area has been tested in the well and septic section file. The proposed septic area should also be drawn on contour.

Please contact me at Jason.flemming@montgomerycountymd.gov or 240-777-6334 if you have any questions.

Sincerely,

Jason L. Flemming, LEHS
Department of Permitting Services
Well and Septic Section

D-1



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

SEWAGE-DISPOSAL-SYSTEM
PERMIT

Issue Date: 8/25/2004

Permit No: 354251
Expires: 8/25/2005

THIS IS TO CERTIFY THAT:

JANICE & J MISKIN
8820 HUNTMASTER RD
GAITHERSBURG MD 20882

A NURSERY OPERATION BATH

HAS PERMISSION TO CONSTRUCT A SEWAGE-DISPOSAL (SEPTIC) SYSTEM TO SERVE ~~A RESIDENTIAL DWELLING~~ *POOL*
~~WITH 0 BEDROOMS~~. THE CONDITIONS SPECIFIED BELOW ARE PART OF THIS PERMIT. ANY CHANGES IN THE
TERMS OF THE PERMIT OR IN THE USE OF THE BUILDING SHALL BE BY WRITTEN APPROVAL OF THE APPROVING
AUTHORITY ONLY. *8 EMPLOYEES MAXIMUM*

SEPTIC TANK: 1,000 GALLONS. ALL TANKS OVER 1000 GALLONS MUST HAVE 2 COMPARTMENTS-
(LEAKAGE EVALUATION REQUIRED)- MAXIMUM COVER WITH 6-INCH STAND-PIPE IS 18 INCHES.
MAXIMUM COVER WITH RISER TO GRADE IS 36 INCHES.

PERCOLATION TEST: ONE INCH IN 8 MINUTES AT 4.00 FEET AND 12.00 FEET

DISPOSAL TRENCHES: 100 LINEAR FEET/ 2.0 FEET WIDE/ 4.0 FEET OF STONE

TRENCH DEPTH BELOW NATURAL GRADE: 8.0 FEET

FIRST TRENCH SEE PLAN ~~FEET FROM 0.00 PROPERTY LINE AND 0 FEET FROM 0.00 PROPERTY LINE~~ FOR A
LENGTH OF 100 FEET. ~~SECOND TRENCH 0 FEET FROM FIRST TRENCH FOR A LENGTH OF 0 FEET. THIRD TRENCH~~
~~0 FEET FROM SECOND TRENCH FOR A LENGTH OF 0 FEET. FOURTH TRENCH 0 FEET FROM THIRD TRENCH FOR A~~
~~LENGTH OF 0 FEET. ALL TRENCHES TO BE ON CONTOUR. TRENCHES TO BE ATLEAST 100 FEET FROM ANY WELL.~~
SEE APPROVED SITE PLAN.

OTHER SPECIAL CONDITIONS:

Starting point of initial absorption system to be surveyed by a registered land surveyor. This property is in category W-6 and / or S-6
where there is no planned community service and an individual system may be installed on an indefinite basis without firm obligation to
connect to community system when and if it becomes available. Effluent pump system with alarm is required. Pump specifications are to
be submitted to this office for approval prior to installation. Septic tank access port to be installed as per well and septic standards and
specifications. Structure to be connected to public e=water. Utilities (including water lines) must be 10 feet minimum from both septic
reserve areas. No basement plumbing facilities by gravity flow.

NO BUILDING SHALL BE OCCUPIED AND NO EXCAVATION SHALL BE COVERED UNTIL THE OWNER HAS OBTAINED
WRITTEN APPROVAL FROM THE APPROVING AUTHORITY OR A DULY AUTHORIZED REPRESENTATIVE. THE
DEPARTMENT OF PERMITTING SERVICES MUST BE NOTIFIED 48 HOURS BEFORE EXCAVATIONS ARE BACKFILLED.

PREMISE ADDRESS: 21201 ZION RD
BROOKEVILLE MD 20833-

LOT N/A BLOCK N/A
PERMIT FEE: \$569.80 ELECTION DISTRICT
TAX ACCOUNT NO.:
SUBDIVISION OLNEY OUTSIDE

PLATE LIBER
GRID FOLIO

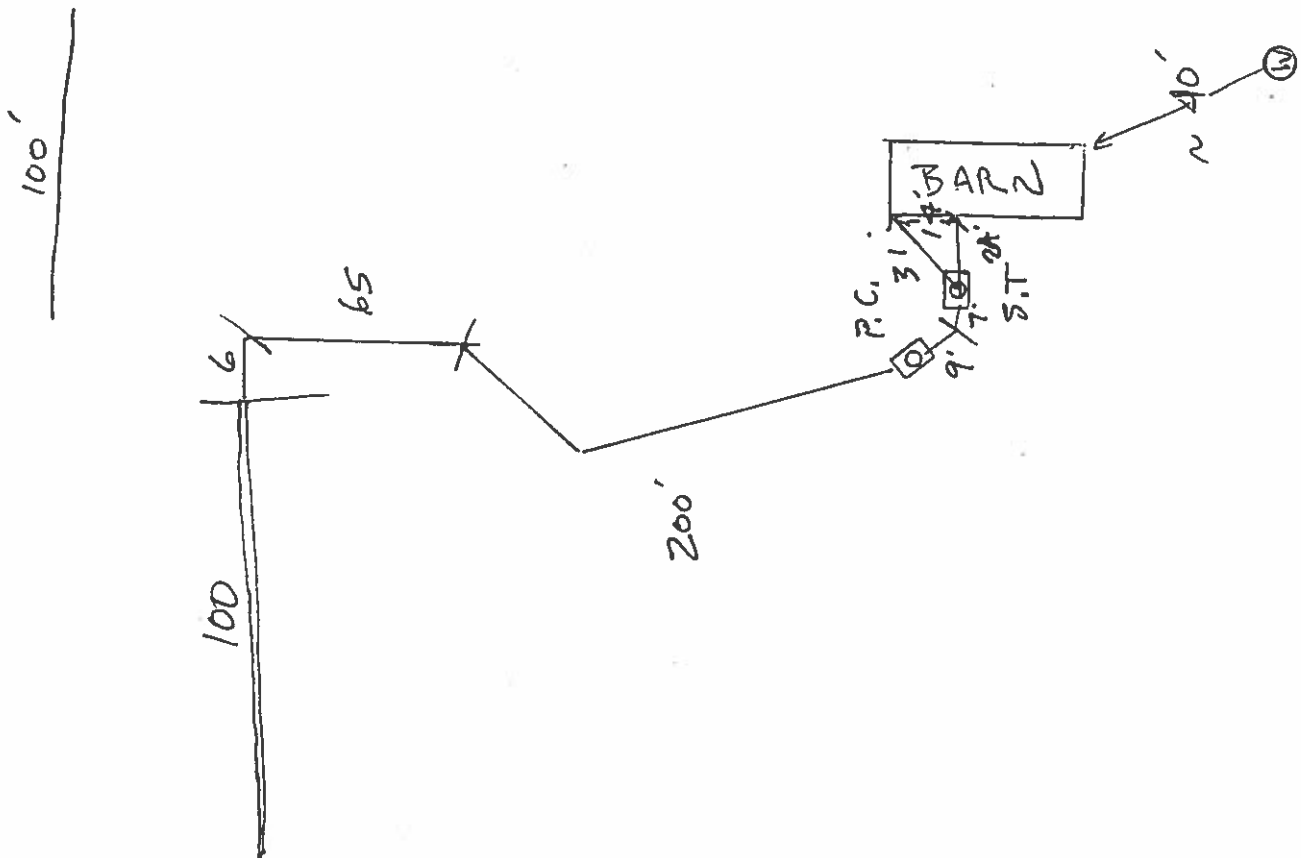
Director, Department of Permitting Services

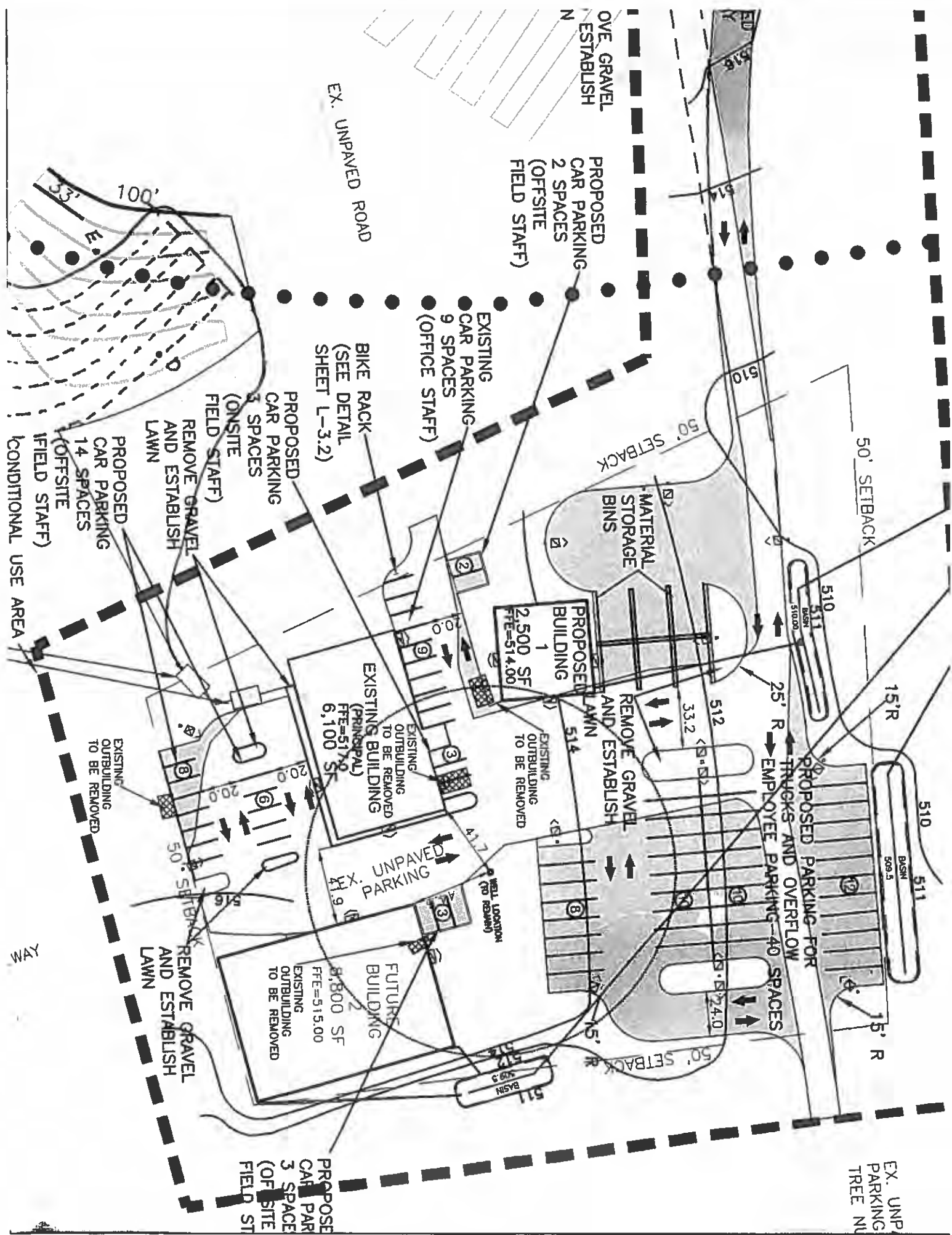
Hy & Lowe

10/4/04 Open OK to stork. w EAT

10/6/04 FINAL ~~APP~~ TRENCH OK TO COVER.
NEED PUMP & ALARM INSPECTION. EAT

11/4/04 FINAL APPROVED. EAT





COMMERCIAL SEPTIC SYSTEM

DEPTH STONE	DAILY FLOW
4' X 2 = 8 SQ.FT./L.F.	0.39 GAL/SF/DAY X 8 = 3.12 GAL/SF/DAY

- 1) 12 OFFICE/ONSITE EMPLOYEES X 15 GPD = 180 GAL/DAY
- 3) 38 FIELD EMPLOYEES X 5 GPD = 190 GAL/DAY

TOTAL 370 GAL/DAY (400-GPD MIN. FOR INITIAL SYSTEM)

SEPTIC TANK
VOLUME OF TANK REQUIRED - 370 GPD X 2 = 740 GAL
VOLUME OF TANK PROPOSED - 1,000 GAL

INITIAL SEPTIC FIELD SIZING

USE 8 MINUTE PERCOLATION RATE

MAXIMUM GAL PER SQUARE FEET PER DAY - 3.12 GAL PER SQ.FT. PER DAY

TRENCH WIDTH - 2'
DEPTH OF GRAVEL - 4'

INITIAL LENGTH

400' GPD/3.12 = 128' LINEAR FEET OF TRENCH

312

PLAN SHOWS INITIAL LENGTH OF 135' LINEAR FEET OF TRENCH AND
RECOVERY AREA TO TOTAL 1,000 LINEAR FEET

100 1.5' X 2' X 4' = 800 ft²

800 ft² / 0.390 gpd
ft²

= 312 gpd

CRYPTOMERIA

35' REAR BRL

ROAD (RURAL RUSTIC ROAD)

447.65'

SANDY SPRING BANK P770

ID # 08-00704811

L 32923 F. 441

ZONE: AR

AND USE: AGRICULTURE

Jody Kline

From: Michael Norton <michael_norton@nortonlanddesign.com>
Sent: Thursday, June 07, 2018 3:31 PM
To: Jody Kline; Somer Cross
Subject: FW: Zion Road - Goshen Landscaping

Thoughts?

MICHAEL NORTON, ASLA, ISA, LTE
NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
o..443.542.9199 x101 c.410.419.8332

-----Original Message-----

From: Flemming, Jason <Jason.Flemming@montgomerycountymd.gov>
Sent: Thursday, June 7, 2018 3:28 PM
To: Michael Norton (michael_norton@nortonlanddesign.com)
<michael_norton@nortonlanddesign.com>
Subject: Zion Road - Goshen Landscaping

Mr. Norton:

For the conditional use there are two options:

1. Apply for a septic repair permit and increase the size of the trench for the number of employees desired in the future.
2. Make the changes from the review letter and adjust the number of employees accordingly.
 - * In the future, there is a possibility that the number of employees could be increased by submitting water use records (wssc water

bill) and asking for an increase in the number of employees. Since the septic designs are conservative in nature, sufficient documentation may show the system can handle more employees.

Sincerely,

Jason L. Flemming, LEHS
Dept. of Permitting Services
Well & Septic Program
255 Rockville Pike, 2nd floor
Rockville, MD 20850
240-777-6334

Do your part, Be septic smart! For more information go to:
<https://www.epa.gov/septic>



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

June 19, 2018

Goshen Enterprises
9730 Huntmaster Road
Gaithersburg, Maryland 20882

Re: 21201 Zion Road, Brookeville, Maryland 20833

To whom it may concern,

The Montgomery County Planning Department's Historic Preservation Office has reviewed the proposed landscape plan for 21201 Zion Road, Brookeville and determined that no historic properties will be impacted by the project. The subject property is not a designated historic site, and there are no designated historic sites directly adjacent to the subject property. While there is an individually listed Master Plan Site (*Clover Hill*, Master Plan Site #23/051-000A) approximately ¼ mile from the subject property, the proposed project will not result in a direct or visual impact to this historic site.

Please make sure that you have satisfied any additional permitting requirements prior to undertaking any project work. If you have any further questions, please do not hesitate to contact me at 301-563-3403 or michael.kyne@montgomeryplanning.org.

Sincerely,

Michael Kyne

Michael Kyne, Historic Preservation Planner Coordinator

cc: Elsabett Tesfaye, Planner Coordinator
Rebecca Ballo, Historic Preservation Supervisor



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

June 21, 2018

Mr. Mike Norton
Norton Land Design
5146 Dorsey Hall Drive, 2nd floor
Ellicott City, MD 21042

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for a
Goshen Enterprises
21201 Zion Road, Brookville
Conditional Use# CU18-06
PP #: TBD
SM File #: 283432
Tract Size/Zone: 30.49 ac/AR
Total Concept Area: 3.09 ac
Parcel: 490 Liber 32709/Folio 0635
Watershed: Hawlings River

Dear Mr. Norton:

Based on a review by the Department of Permitting Services Review Staff, the combined stormwater management (SWM) concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP) in 3 micro-bioretenention facilities.

The following items need to be addressed during the detailed Sediment Control/SWM plan stage:

1. A detailed review of the SWM computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices must consist of MDE approved material.
4. All measures must be designed in accordance with the latest MCDPS guidance documents.
5. Landscaping shown on the approved Landscape Plan as part of the approved concept plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

D-3

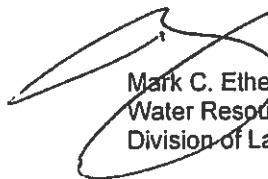
Mr. Mike Norton
June 21, 2018
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at mary.fertig@montgomerycountymd.gov.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: mmf

cc: N. Braunstein
SM File # 283432

ESD: Required/Provided: 6095 cf / 6320 cf
PE: Target/Achieved: 1.0"/1.0"
STRUCTURAL Required/Provided: n/a
WAIVED: n/a



RUSTIC ROAD ADVISORY COMMITTEE



June 25, 2018

Jody Kline, Attorney
Miller, Miller & Canby
200-B Monroe Street
Rockville, MD 20850

RE: Goshen Enterprises, CU 18-06
21201 Zion Road
At the intersection of Zion Road (rustic) and Riggs Road (rustic)

Dear Mr. Kline,

We would like to thank you for presenting information about the Goshen Enterprises Conditional Use proposal on February 27, 2018, making changes in response to our comments, and providing us the opportunity to review the plan revisions submitted by Mike Norton of Norton Lane Design on May 18, 2018 at our May 22, 2018 meeting. Our preliminary comments are below. Please submit the requested information (detailed below) to enable us to complete our review.

Goshen Enterprises has applied for a Conditional Use, CU 18-06, for a landscape contractor at 21201 Zion Road, which is located on the corner of two rustic roads, Zion and Riggs Roads. Ace Tree Movers & Nursery is currently located on this property, and the proposal is for the two businesses to share the property.



The 1996 Rustic Roads Functional Master Plan notes that the designated rustic section of Zion Road has historic value. The Significant Features of this rustic road (which by county code must be retained) are: "pleasant road blending into adjacent land [and] forest canopy over northeastern section of road," (pp. 188-189). For Riggs Road, the Master Plan notes that the road has historic value, outstanding natural features, and farm views. The Significant Features of this rustic road are: "road alignment and unpaved roadway surface, locust hedgerows [and] compatibility of road with adjacent farmland," (pp. 136-137). We considered these features in addition to the impacts to the rustic roads and the areas around the roads which strongly influence the character of the roads.

Ace Tree's operations are set back from Zion Road and have limited visual impacts, but are closer to Riggs Road. There are currently two driveways accessing the property—one from each rustic road. The Zion Road driveway has a 90-degree bend at the current access point which blocks views from that direction. The Riggs Road driveway does provide views of parts of the tree operations.

On February 27, 2018, you presented a new driveway alignment from Zion Road which would be perpendicular. We were concerned about the visual impacts of the new alignment, and revisions were proposed. The committee supports the following proposals made on February 27, 2018:

- that no access shall be taken from Riggs Road (an unpaved rustic road) and
- that all trucks shall enter and exit the site from the south.
- We support these items being included as conditions of approval.

In response to comments, the location of the current Zion Road driveway entrance was retained to reduce roadside impacts, and a northward bow was added to the driveway alignment to aid in screening direct views down the driveway. Based on the plan revisions reviewed on May 22, the committee provides the following comments:

- The committee suggests that revision dates be added to the plans for clarity in referencing the different plan versions.
- The committee supports retaining the existing driveway entrance on Zion Road to limit disturbance to the edge of the rustic road.
- The committee supports the curvilinear driveway with a northward bow shown on the drawings submitted on May 18, 2018 that will help to screen the view of the proposed operations from the rustic road.
- Plantings are needed along both sides of the driveway to provide the needed screening. A mixture of native trees and shrubs, some evergreen and some deciduous, is recommended.

When you presented to us in February, you indicated that additional information would be submitted, but it has not yet been received or reviewed. We ask that you provide the following so that we may complete our review:

- Please provide us with the statement of operations including hours, and the number of employees, vendors and visitors who will be on or driving to the site.
- Please provide the number and type of trucks and trailers to be used by this operation.
- Please describe deliveries and pick ups, including loaded truck weights and frequencies.
- Please submit a copy of the traffic study or statement.

Because we do not have basic information about the size and scope of this proposed operation, our comments may need to be amended. We look forward to receiving the above at your earliest convenience. Thank you for your presentation and revisions. We look forward to submitting final comments.

Respectfully,

Rustic Roads Advisory Committee

A handwritten signature in black ink, appearing to read "Robert J. Tworowski". The signature is fluid and cursive, with a small flourish at the end.

Robert J. Tworowski, Chair

Committee members: Sarah Navid (vice chair), Todd Greenstone, Lonnie Luther, Dan Seamans, Jane Thompson, Laura Van Etten, Leslie Saville (M-NCPPC)

Cc: Michael Norton, Norton Land Design
Elsabett Tesfaye, M-NCPPC
Mike Rubin

Goshen Enterprises – Conditional Use Plan (CU-18-06)
Transportation

CONDITIONS

1. Applicant must implement two shifts for field crews, such that the two shifts of field crew staff arrive to the site and depart for fieldwork during separate hours to ensure that the project does not exceed generating 50 peak hour person trips in the peak hour.
2. The proposed conditional use may not use Riggs Road for access except in emergencies.
3. The applicant will be limited to at most 46 trailers and vehicles operated in connection with the conditional use based on the parking currently provided.

Site Access, Parking, and Public Transportation

The existing driveway access for the Subject Property will be retained off of Zion Road, approximately 750 feet to the northeast of the intersection with Riggs Road. While there is currently vehicular access to the property off of both Zion and Riggs Roads, the applicant has conveyed that only the Zion Road access will be used except in the case of emergencies. There are no sidewalks in the area due to the rural development patterns. Therefore, the applicant is not proposing sidewalks along the frontages of either Zion Road or Riggs Road, which are both Rustic Roads and should have minimal upgrades to keep their rural character.

The closest transit service is Ride-On Route 53, which operates about 2.5 miles south of the Subject Property. A vehicle (or bicycle) is required to get to the bus stop from the property. The bus, from this point, provides service between the Glenmont and Shady Grove Metrorail stations, Monday through Friday, approximately every 30 minutes during the morning and afternoon peak periods.

Based on the lack of a sidewalk network and the distance and modes required to reach a bus stop, all access to the property is expected to occur via automobile, either driving alone or carpooling.

Vehicle parking is to be provided on-site for both employees and work vehicles. However, based on the latest equipment list provided by the applicant, there is a future deficit of 9 parking spaces (see Table 1). Staff recommends the applicant be limited to 46 commercial vehicles and trailers to ensure there is enough parking on the site. The applicant will also be providing one bicycle parking space for those employees who may choose to bike to work.

Table 1: Vehicle Parking

Parking Requirements (per Section 59.6.2.4)	Parking Required for Proposed Use (maximum employees)	Parking Provided
Landscape Contractor Employees: 0.5 spaces/Employee	$50 \times 0.5 = 25$	31
Landscape Contractor Vehicles: 1 space/each vehicle associated with use	$1 \times 55^* = 55$	40
TOTAL	80	71

*Vehicles operated in connection with conditional use include: 20 trucks, 3 skid steer stake-body trucks, 1 large loader, 12 trailers, 13 trucks and 5 trailers for future expansion, 1 tractor.

Master Plan Transportation Facilities

The 2005 Approved and Adopted Olney Master Plan contains the following recommendations for nearby roadway facilities:

- Zion Road: A rustic road (R-57) with two travel lanes (one lane in each direction) with a right-of-way of 70 feet.

- Riggs Road: A rustic road (R-35) with two travel lanes (one lane in each direction) with a right-of-way of 70 feet.

The applicant will be expected to dedicate the necessary right-of-way for both frontage roads at the time of Preliminary Plan, as the property is not platted and no right-of-way dedication has been recorded.

The draft 2018 Countywide Bicycle Master Plan contains no bicycle recommendations along either section of the roads that front the property (Zion Road or Riggs Road). The 2005 Adopted Olney Master Plan recommends a signed shared roadway (B-39) on Zion Road along the frontage of the property. However, since this section of the road is a rustic road, no upgrades to the road for bicycle facilities are recommended.

Adequate Public Facilities Review (APF) and Local Area Transportation Review (LATR)

The Conditional Use Plan for the proposed use of a landscaping contractor with 37 current employees and 50 future employees without shifts does trigger LATR based on the operational statement provided by the applicant. According to the latest 2017 *Local Area Transportation Review (LATR) Guidelines*, the project will exceed the threshold for an LATR review by generating more than 50 new person trips in either the morning or evening peak hour. Based on current operations, 28 field crew staff will enter and leave during the same peak hour in the morning, and with the addition of other staff arriving during the same peak hour, the proposed use will generate 63 morning peak hour trips. Since the field crews are expected to return in a staggered fashion, the project with current staff levels is expected to generate 39 peak hour person trips. Under the scenario with the maximum projected employees without shifts, 50 employees (including 38 members of the field crew) would generate 85 morning and 49 evening peak hour person trips (see Table 2).

Therefore, the applicant is proposing to implement two morning shifts for field crews to ensure morning peak hour trips do not exceed 50 person trips. By dividing the field crews into two shifts, one arriving and leaving between 6:30 and 7:30 am and the other arriving and leaving between 7:30 and 8 am, the number of morning peak hour person trips is reduced below 50. Since both the morning and evening peak hour person trips are reduced below 50, this project is in compliance with the LATR Guidelines and further traffic analysis is not necessary (see Table 2).

Table 2: Projected Employees and Peak Hour Trips Generated

Scenarios	Number of Employees	AM Peak Hour Trips	PM Peak Hour Trips
Current Staff Levels	37	63	39
Future Staff Levels	50	85	49
Future Staff Levels with two morning shifts	50	47	49

It is worthwhile to note that while there will be close to 50 person trips in both the morning and evening peak hours, many of trips will be within carpools as many employees carpool to and from work and field crews leave in groups (i.e., several crew per vehicle) to work on projects during the day. Furthermore, based on any comparable ITE trip generation rate for comparable land uses (wholesale nursery, specialty trade contractor, and general light industrial), the proposed maximum staff of 50 people would generate less than 50 person trips.

Conclusion

The Conditional Use Plan has been evaluated by Staff which support the transportation elements of the Plan. Staff finds that there are adequate transportation facilities and adequate internal circulation for the Subject Property to serve the traffic generated by the development.