



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

**MCPB**  
**Item No.:**  
**Date: 01-10-2019**

**CU-19-04: Francisco Landscaping Contractor**

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**Completed: December 28, 2018**

**Description**

B. Request for a Conditional Use to operate a Landscape Contractor business, on a 6.18-acre property located at 15400 Holly Grove Road, Silver Spring, MD, approximately 315 feet southwest of Awkard Road and 1,250 feet southwest of the intersection of Holly Grove Road and Norwood Road, known as P066 on tax map JS41, Snowdens Manor. 1997 *Cloverly Master Plan* Area.

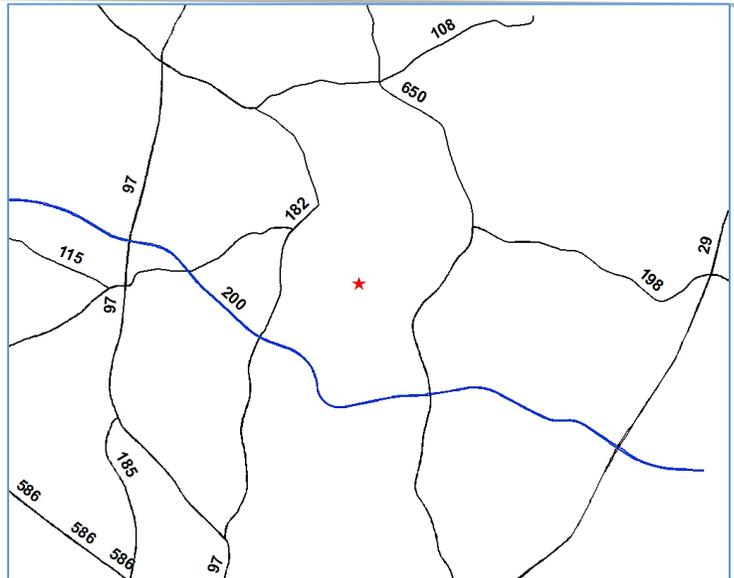
**Staff Recommendation:** Approval with conditions

**Application Filed:** September 20, 2018

**OZAH Public Hearing:** January 18, 2019

**Planning Board Hearing:** January 3, 2019

**Applicant:** FM Group, Inc. (d/b/a "Francisco Landscaping")



**Summary**

- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of a Landscape Contractor Conditional Use, **Section 59.3.5.5** of Montgomery County Zoning Ordinance and the applicable development standards under the RE-2C Zone (**Section 59. 4.4-5**)
- The subject use is consistent with the recommendations of the *1997 Cloverly 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.
- Staff Recommends approval of the Variance Request from the 50-foot side street setback requirement.
- The Conditional Use Application proposes to decrease the impervious surface on the property from 18 percent to 16 percent and with staff's recommended condition to reduce the number of parking spaces, the impervious area on the property will be further reduced to approximately 14.8 percent.

## **SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL**

Staff recommends approval of CU-19-04 subject to the following conditions:

1. The total number of employees including family members must not exceed a maximum of 15.
2. The conditional use must not use the gated driveway on the west side of the property's frontage along Holly Grove Road for access.
3. The hours of operations must be Monday through Friday 6:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 5:00 p.m. Snow removal may be provided when needed seven days a week, 24 hours a day.
4. The total number of parking spaces must not exceed 30, including parking for trailers associated with the business on the property.
5. The total number of trucks and trailers for the proposed use must not exceed 16: 10 trucks and 6 trailers.
6. There must be no identification sign on the property.
7. No mulch manufacturing, composting or retail sales of plant materials, garden supplies, or equipment shall be conducted on the conditional use property.
8. The Applicant will be bound by the landscaping plan approved by the Hearing Examiner.
9. The conditional use must comply with the conditions of the Final Forest Conservation Plan.





*Figure 2: The Subject Site*

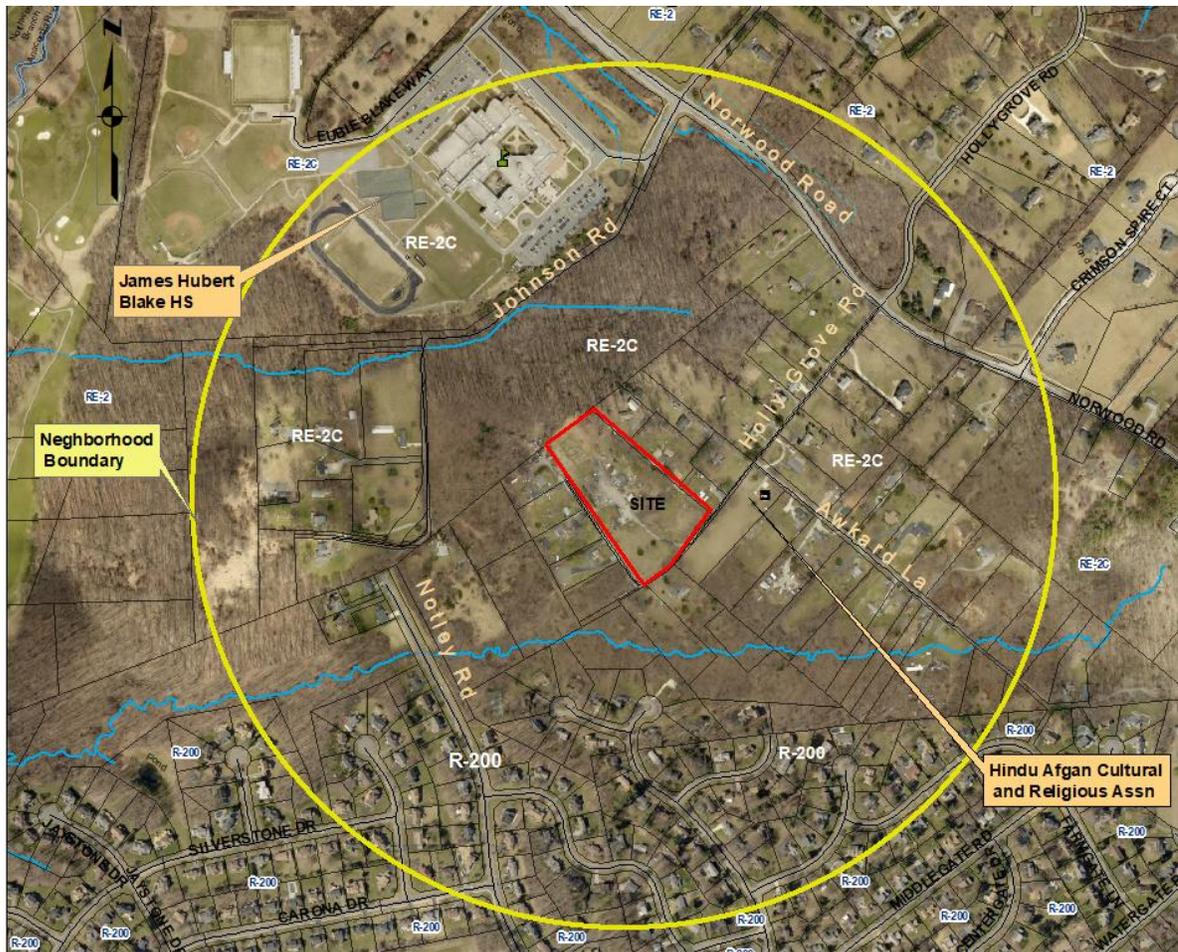
The site slopes generally from north to west. It is located within the Johnson Road subwatershed of the Northwest Branch Watershed (Use Class IV). There are no streams, wetland areas, 100-year floodplains or highly erodible soils on the property. There are no rare, threatened or endangered species on the property.

The property is not designated as historic.

**B. Neighborhood Description**

For purposes of this Application, staff defines the surrounding neighborhood as the area within a 2,000-foot radius of the Subject Property. Staff’s definition of the surrounding area attempts to include developed and vacant residential properties within the RE-2C and R-200 Zones with proximity or direct access to Norwood Road, Holly Grove Road and Awkard Lane. The surrounding area is predominantly semi-rural with approximately 75 percent of the land in the RE-2C Zone. It is sparsely developed and contains several undeveloped and wooded parcels. The denser residential

development is concentrated in the southern portion of the neighborhood (Stonegate Subdivision) consisting of single-family detached dwellings in the R-200 zone.



*Figure 3: Surrounding Area*

The subject property is surrounded by a 27-acre unimproved wooded property (rear, north), Holly Grove Road (west and south), and three residential properties (east). To the west and south directly across Holly Grove Road are residential properties and a house of worship, all located in the RE-2C Zone.

### **C. Zoning and Land Use History**

The Property was placed in the RE-2 Zone prior to 1981. The 1981 *Eastern Montgomery County Master Plan for Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak* confirmed the RE-2 zoning of the Property. The 1997 *Cloverly Master Plan* and the subsequent Sectional Map Amendment rezoned the Property RE-2C. There has been no previously approved Conditional Uses (formerly referred to as Special Exception) on the property.

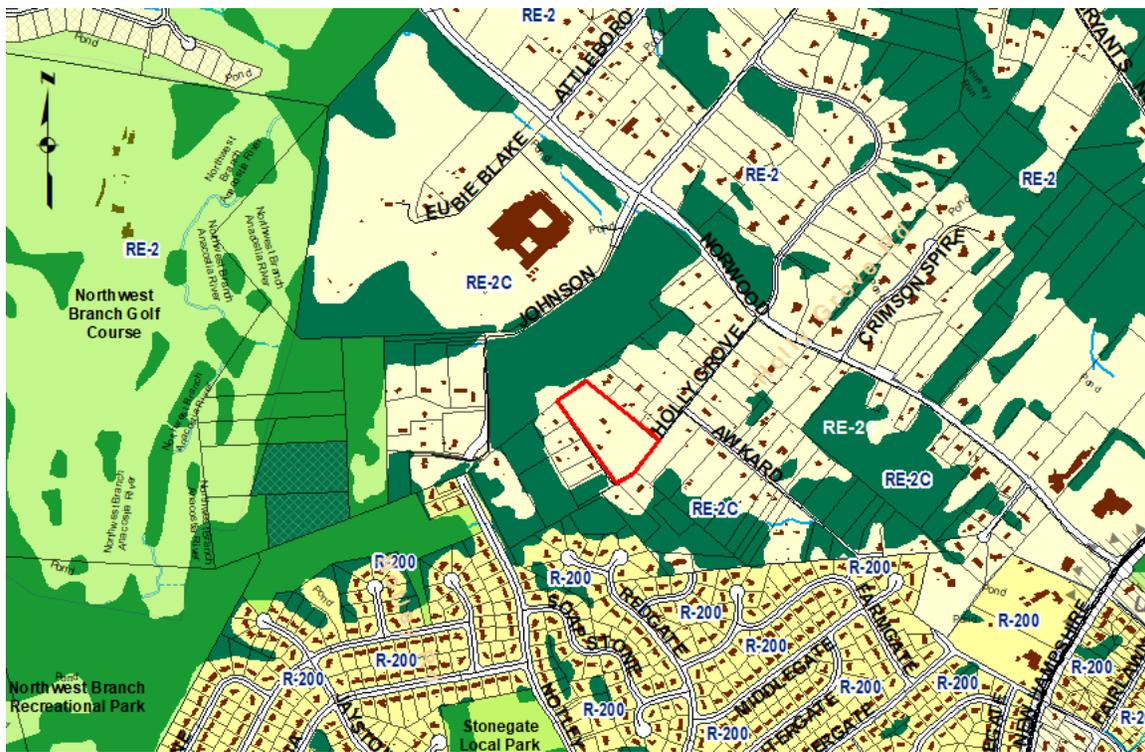


Figure 4: Zoning

#### D. Proposed Use

The Applicant, Francisco Landscaping, a family owned business, is requesting approval of a Conditional Use to validate the existing landscaping contractor business that has been in operation on the property for the past 13 years without an approved Conditional Use permit. The Applicant stated that the landscape contractor business provides traditional, commercial, and residential landscaping as well as fencing, gutter cleaning, firewood delivery and snow removal services. The business also offers stonework, including patios, walkways, steps and gardens.

The proposed operation consists of two elements:

- Residential and commercial landscaping and property maintenance
- Custom stonework and driveway services

The justification statement explains that the Holly Grove Road site is primarily used for their loading and field teams. The field staff typically departs around 7:00 AM and is off site until the end of the work day. At the end of the work day, the field staff and management usually return to the site between 4:00 p.m. and 6:00 p.m. After unloading the vehicles and cleaning up for about 15 to 30 minutes, the employees carpool and leave the property for the day. 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.

The number of employees will vary, depending on the season, with the largest number of employees needed during the spring, summer and fall.

The Conditional Use application proposes a seasonal maximum of 19 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**

<b>Employees</b>	<b>Current</b>	<b>Proposed</b>
<b>Owner and family administration</b>	2	2
<b>Field Crew (including 3 family members)</b>	13	17*
<b>Total</b>	15	19

*\*Staff recommends that the total number of employees remain the same as the existing total number of employees.*

Hours of operation for the landscape contractor business are Monday through Friday 6:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 5 p.m.

The justification statement indicates that the only landscaping material typically stored on the property is mulch. All other plant materials and supplies are picked up at nurseries and taken directly to the customer's property for planting. At times firewood is also stored on site prior to delivery to customers. The plan shows an existing area assigned for bulk storage bins located on the northern portion of the property on the west side of the existing 1,575-square foot cinderblock storage building. The plan also shows materials, firewood storage and wood splitting area of approximately 1,850 square feet located on the east side of the existing cinderblock building.

The Applicant's family maintains two private gardens where they grow corn and vegetables. The gardens that are located on the northwest and southeast portions of the property are strictly dedicated for private use and are not part of the contractor operation. There are no sales of plant material, garden supplies or equipment on the property or as part of the landscape contractor's business. The Conditional Use proposes no new construction or expansion of buildings.

The Conditional Use Site Plan shows an existing septic system located on the western portion of the property. Staff asked the Applicant to provide documentary evidence (Attachment C-1) to establish adequacy of the septic system to accommodate the proposed use. The Applicant indicated that while a family member resides in the existing house, no part of the residence will be used as an office.

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:

- **10 trucks:** *including 2 international Dump trucks, 3 large trucks, 4 medium size trucks, 1 box truck*
- **6 trailers:** *5 utility trailers and one carry-on trailer*
- **1 Chipper**

The application proposes a total of 45 onsite surface parking spaces (including two van-accessible handicapped spaces) of which 20 are dedicated for trucks and trailers (double depth parking) and 31 are dedicated for employees and visitors.

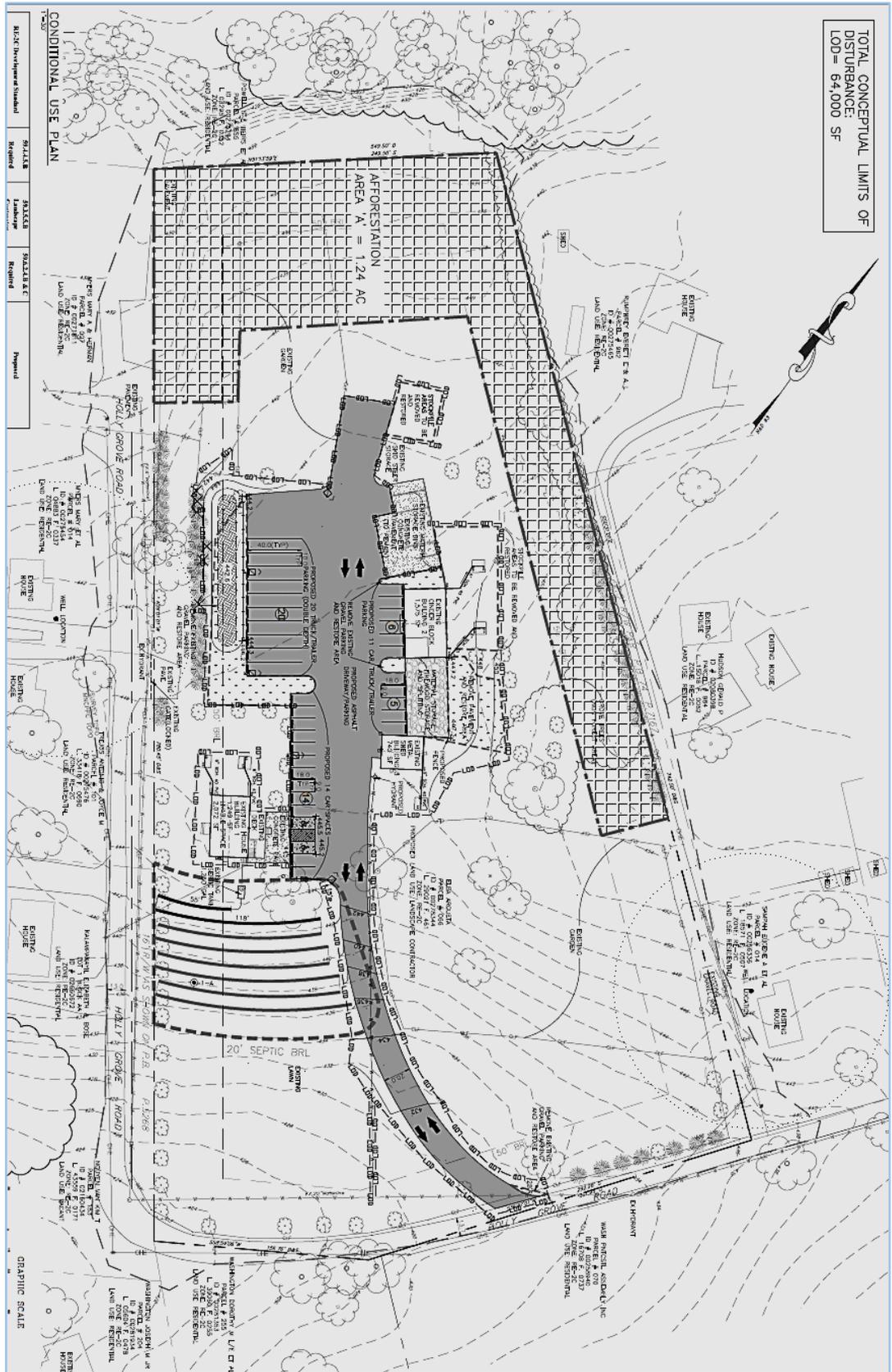


Figure 5: Conditional Use Site Plan

### SECTION III: ANALYSIS AND FINDINGS

#### A. Master Plan

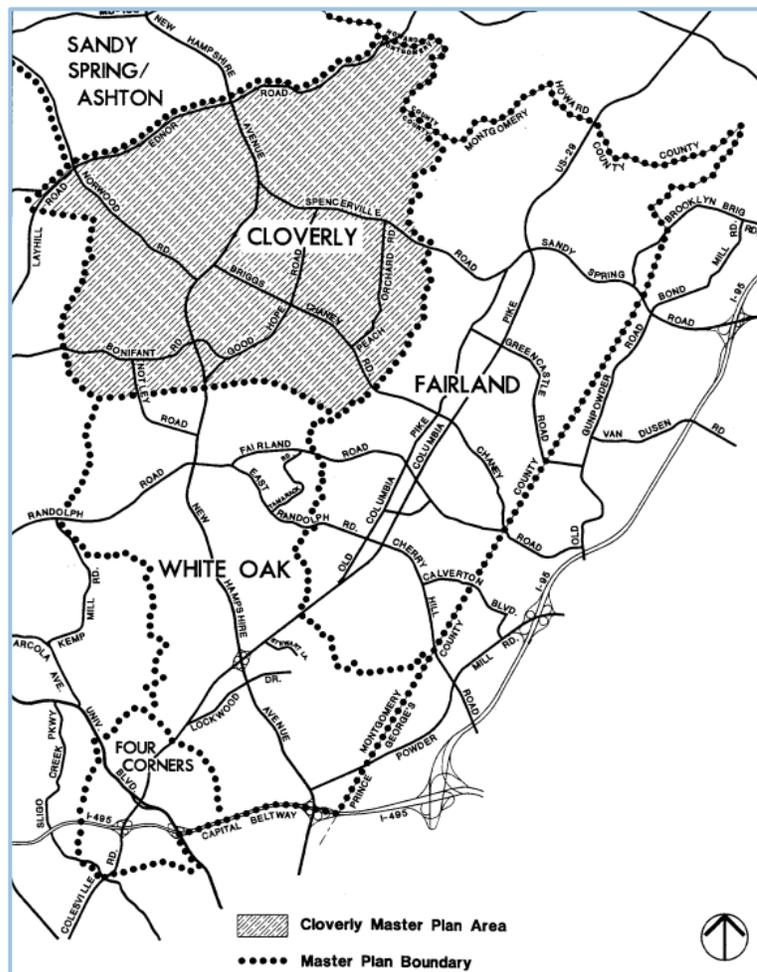


Figure 6: Cloverly Master Plan Area

The property is located within the 1997 Cloverly Master Plan Area. This area falls within the part of the area that the Cloverly Master Plan designates as "Residential Wedge" communities and within the Northwest Branch Watershed. The Master Plan, discusses the Residential Wedge and states that, "the RE-2C zone was applied to properties of sufficient size to provide substantial amounts of open space or properties within the historically African American community of Holly Grove where lot sizes are generally smaller than 2-acre minimum of the RE-2 Zone." (p. 21)

The Master Plan also provides guidelines for special exceptions (now Conditional Uses) in the Residential Wedge Communities. The following guidelines (p. 37) are applicable to the subject property and the proposed use:

- Maintenance of a residential appearance, where feasible.

- *Compatibility with the scale and architecture of the adjoining neighborhood, consistent with the proposed use.*
- *The impact of signs, lighting, and other physical features on surrounding residential communities. No signs exist or are proposed. No new lighting is proposed with this use.*
- *Location of parking, loading, and other service areas to maintain residential appearances to the extent feasible.*
- *Options for landscaping that minimize the non-residential appearance of the site and the view from surrounding properties and roads. It is preferable for landscaping to reinforce Cloverly's rural character and be consistent with the streetscape standards (page 49).*

The existing single-family house on the site will not change with this application. The residential structure that was constructed in 1989 preexisted the landscape contractor business and is a two-story single-family dwelling with a basement. The activities associated with the landscaping contractor use were established before the current Applicant purchased the property in 2005. All landscape contractor activities will occur in the rear yard of the property. In addition, these operations will be screened and buffered from surrounding neighbors by existing and proposed landscaping and tree conservation areas.

The accessory structures associated with the landscape contractor use are of a height and dimension that is consistent with those in the neighborhood and are in the interior of the property, hidden from the views from the street as well as from the residents of neighboring properties. All parking, loading, and other services are in the rear yard with distance and screening in the form of afforestation and landscaping providing substantial buffer.

### **IMPERVIOUS LEVEL**

The 1997 Cloverly Master Plan defines the areas within the Upper Northwest Branch Watershed with RE-2 and RE-2C zoning as the Residential Wedge. This wedge area "should remain in the 10-15 percent impervious range, which is within the generally acceptable limits for the protection of cold-water stream systems in Maryland. Individual developments with high site-imperviousness should be discouraged." The subject property is in the Johnson Road tributary of the Northwest Branch. The Johnson Road tributary currently has an impervious level of approximately 13.8 percent.

The impervious level of this site has increased incrementally over a period of years with the expansion of the landscaping business. The site's current impervious level is approximately 18 percent. By formalizing and limiting the areas needed for vehicles, and in the process, providing stormwater management for those areas, the impervious level is reduced to approximately 16 percent. With the staff recommendation to reduce the parking areas, the impervious level will be further reduced to approximately 14.8

percent. The Johnson Road tributary will remain well below the 15% impervious goal in the Master Plan.

The proposal calls for removal of currently graveled areas and their conversion to lawn and green areas, reducing the size of impervious areas. With the additional landscaping and afforestation, the existing character and scale of development in the semi-rural residential community would not be negatively impacted by the continuation of the subject landscape contractor business at its current level of operation.

## B. Development Standards

The following table summarizes the relevant RE-2C Zone development standards:

**Table 2: Development Standards**

RE-2C Development Standard	Required 59.4.4.5.B	59.3.5.5.B Landscape Contractor	Proposed	
Minimum Lot Area	2 acres	2 acres	6.18 acres	
Minimum Lot Width:				
• At street line	25'		449'	
• At building line	150'		335.9'	
Maximum Lot Coverage	25%		1.2%	
Minimum Principal Building Setback				
• Front	50	50'	284'	
• Side street	20	50'	40.3'*	
• Side	17	50'	300'	
• Sum of Sides	35		340.4'	
• Rear	35	50'	451.5'	
• Accessory Building Setback			Cinderblock Building 2	Metal Shed Building 3
• Front	80'		401.7'	
• Side Street	20		181.9'	328.6'
• Side	15		115'	165.1'
• Rear	10'		314.3'	157.5'
				419.3'
Height of Principal Building	50'		≤50'	
Height of Accessory Building	50'		≤50'	
*NOTE: A variance for principal building setback has been requested in conjunction with this application.				

### C. Transportation

The subject property is accessed from and fronts on Holly Grove Road, a publicly maintained right-of-way running through a predominantly residential neighborhood. The existing driveway access for the subject property, which currently intersects Holly Grove Road at an angle, will be realigned to intersect perpendicularly. The property also has a second entrance on the west side of the property also along Holly Grove Road. This entrance is gated. This entrance is primarily reserved for tenants who reside onsite, therefore, it is rarely used.

Because of the distance required to reach a bus stop and the lack of a sidewalk network, all access to the property is expected to occur via automobile, either driving alone or carpooling. Holly Grove Road at this location is a narrow rural road that serves a few homes and the subject property. There are no pedestrian or bicycle activities along this road, mainly because it is a dead-end street. There are no existing or future plans for sidewalks or bicycle facilities along Holly Grove Road. The Countywide Long-range Bicycle Plan recommends an on-road class 2 bicycle facility on Norwood Road. The Washington Metropolitan Area Transit Authority (WMATA) Z2 bus route operates on Norwood Road and is the closest bus route serving the site. There are no other transit services serving the area.

The Conditional Use Plan for the proposed use of a landscaping contractor with 19 employees produces 18 peak hour AM and PM person trips. This project is exempt from additional LATR review as it is below the 50-person trip peak period threshold.

### 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 Re-2c Zone:

Table 3: Parking

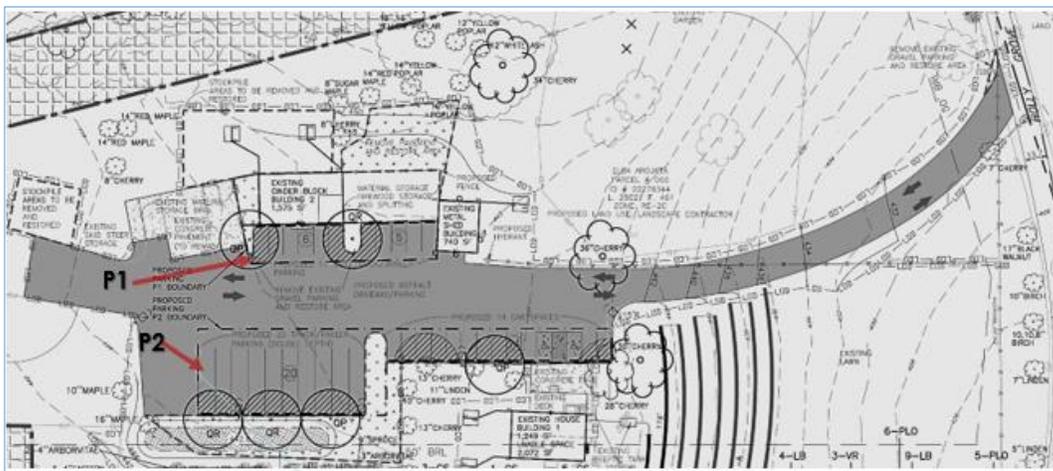
Section 59.6.2.4 Parking	Required	Provided	Staff Recommended
0.50 sp/employee	0.50 X19=9.5=10 sp	45	0.50 X15=7.5=8 sp
1sp/each Vehicles associated with use	1X16=16 sp		1X16=16 sp
Residential dwelling	2X1=2 sp		2X1=2
<b>Total</b>	<b>28 sp including 2 van-accessible handicapped spaces</b>	<b>45 sp including 2 van-accessible handicapped spaces. The residential Parking spaces not included</b>	<ul style="list-style-type: none"> <li>• <b><u>26 sp including 2 van-accessible</u></b></li> <li>• <b><u>Recommended: maximum 30 sp including 2 van-accessible</u></b></li> </ul>

The proposed total number of spaces is 17 more than the required 28 minimum parking spaces. As indicated earlier, staff recommends that the number of employees remain at the current level of 15 including family members. Staff also recommends that there must be no more than 30 vehicle parking spaces, including parking for trailers associated with the business on the property. The use can adequately be served by a total of 30 spaces given the total number of trucks and trailers, the fact that some of the employees are using ride-share, and others travel directly to the work site. The Applicant's statement indicates that all the vehicles and trailers will be stored overnight on site in parking areas designated on the Conditional Use Site Plan, except the two vehicles of the family members managing the business.

Given the existing number of staff and vehicles, staff recommends that 15 of the proposed spaces, including some of the double depth parking spaces, be eliminated to further reduce the amount of impervious surface on the property.

## E. Landscaping

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



*Figure 7: Parking*

#### 1. Landscaped Area

- a. 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.
- b. A maximum of 20 parking spaces may be located between islands.
- c. A landscaped area may be used for a stormwater management ESD facility.

The revised Landscape Plan (revision date/engineer signature, November 20, 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 45 parking spaces towards the rear portion of the property, directly accessed via the stretched driveway from Holly Grove Road on the

southern property line. The driveway widens as it approaches the central part of the property to provide parking spaces along its eastern and western edges. As noted earlier, staff recommends that the number of parking spaces must be reduced from the proposed 45 to 30 spaces.



The Applicant's Landscape Plan provides a breakdown of total area coverage and the size of landscaped islands (Table 4).

*Table 4-Parking Lot Requirements*

<b>6.2.9. PARKING LOT REQUIREMENTS CALCULATION</b>	
TOTAL PROPOSED PARKING AREA P1	2,683 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P1	260 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P1	9.7%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL PROPOSED PARKING AREA P2	8,590 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P2	606 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P2	7.1%
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 5-Canopy Coverage*

<b>6.2.9.CANOPY COVERAGE CALCULATION</b>	
TOTAL PROPOSED PARKING AREA P1	2,683 S.F.
TOTAL EXISTING AND PROPOSED CANOPY COVERAGE AREA WITHIN THE PARKING	890 S.F.
TOTAL EXISTING AND PROPOSED CANOPY COVERAGE (%)	33.2%
TOTAL REQUIRED CANOPY COVERAGE (%)	25.0%
TOTAL PROPOSED PARKING AREA P2	8,590 S.F.
TOTAL PROPOSED CANOPY COVERAGE AREA WITHIN THE PARKING	2,335 S.F.
TOTAL PROPOSED CANOPY COVERAGE (%)	27.2%
TOTAL REQUIRED CANOPY COVERAGE (%)	25.0%

Staff finds that the proposed landscaping meets or exceeds the standards set in Sections 6.2.9.C.1 and C.2 of the current Zoning Ordinance for Landscape Area and Tree Canopy Coverage.

### 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.**

The application meets the requirements through a combination of afforestation areas as well as a combination of canopy trees, evergreen trees, large and medium size shrubs and wood split rail fences with a minimum of at least 10-foot-wide planting area along the entire perimeter of the Conditional Use site.

**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 satisfies the General Landscape Requirements as defined and specified under Section 59-6.4.3.

### 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. The lighting, with no direct light or light glare, will not have a negative impact on neighboring properties.

### G. Signage

There will be no identification sign on the property.

### H. Environment

#### Consistency with Environmental Guidelines

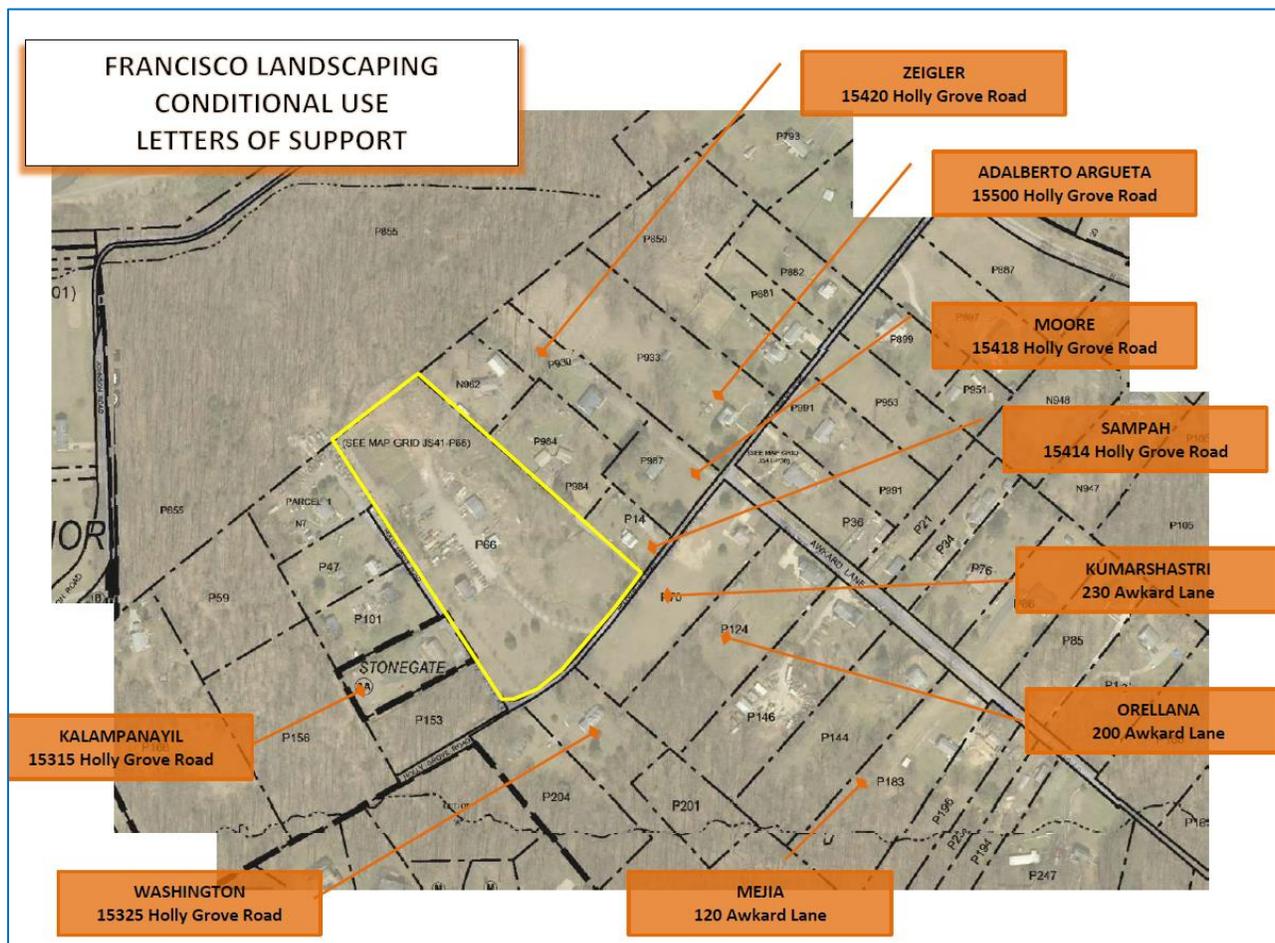
The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this Property on April 12, 2018.

## Forest Conservation

The Property currently has no forest, but the proposed Forest Conservation Plan provides for 1.24 acres of forest on-site located along the north and portions of the east and west boundaries of the property. 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. The Forest Conservation Plan review reveals that over a period of years, there has been a significant amount of off-site clearing that has resulted in the loss of approximately 6,500 square feet of forest. This area will be cleared of debris and re-stabilized as part of the forest planting proposed adjacent to this area (see attached Forest Conservation Report-Attachment B-1-). The Applicant has also requested a tree variance.

### I. Community Concerns

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



*Figure 9: Neighbors in Support*

However, the Applicant has submitted several letters supporting the application from residents of the immediate area including from owners of adjoining and confronting properties (see attachment C-2). The Applicant also submitted an aerial photograph identifying the location of the properties corresponding to the letters of support (Figure 9).

#### **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 and the variance, 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 generally meets the RE-2C Zone development standards in Section 59.4.4.5.B and the applicable parking, screening, perimeter landscaping, and sign requirements of Article 6. As noted above, the Applicant has requested a variance from the side street setback requirements

##### **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 6.18 acres of land.

- 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. However, the existing building is located within 40 feet and 33 inches of the side street lot line and the Applicant is requesting a 9-foot, 7-inch variance from the required 50-foot setback. Staff supports the requested variance (See section VI: Variance).

- 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.**

The Conditional Use Site Plan proposes parking in excess of the required number of parking spaces. Staff has recommended a reduction in the proposed parking from 45 to a maximum of 30 (see discussion in Section III-D under Parking). The parking areas are located in the interior of the property towards the rear portion, a substantial distance from the adjoining residential properties. The closest residential property is located west of the subject property across Holly Grove Road about 140 feet from the closest parking area. Screening of the parking area between the closest residential property includes perimeter planting of two rows of trees, a proposed restored lawn area, and a fence.

The landscape contractor business currently has 15 employees, including three family members.

**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.

**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 7:00 p.m., Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturdays. Snowplow operations may occur during the winter for up to 24 hours a day.

The Applicant's statement of justification indicates that there will be no retail sales and that customers would visit the property very rarely. There will be little activity on-site during most of the day since management and employees will be performing landscaping work at off-site locations. An exception to these hours/days of operations snow removal, occurs on days and times dictated by weather.

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

The property is located within the *1997 Cloverly Master Plan* area. The subject use conforms to the recommendations of the applicable 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.

The Conditional Use Site and Landscape Plans provide for extensive landscaping, adequate setbacks, green areas (in the form of lawns and private gardens), new afforestation areas and sufficient building setbacks. There is extensive buffering, in the form of landscaping, afforestation, and fencing between the nearest residential properties and the proposed use.

The Applicant proposes 19 employees, including three family members of whom two handle the administration part of the business. Staff recommends that the total number

of employees to remain unchanged from the current 15 to maintain the family-run business nature of the use at scale that doesn't impose change to the existing semi-rural character of the immediate neighborhood. There is a single-family dwelling on the property that is occupied by one of the three family members working in the business. However, there is no office on site or within the existing residential dwelling. The Applicant has indicated that two of the three family members manage the business electronically via telephone and computers off site. The number of employees varies seasonally, with the largest number of employees being present during the spring, fall and summer seasons.

Due to the nature of the use, the restricted hours of operation, and with staff recommended condition that the existing use remain at its current level of operation, 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 10: Existing Storage Buildings*



*Figure 11: Existing Dwelling (West Side of the Property)*

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

There is one approved Conditional Use (Special Exception) within the neighborhood boundary as defined by staff. The use was first approved in 1970 for animal boarding by CBA 2822, amended to add a Kennel for Dogs, in 1972 by S-142 and to increase the size of the property to five acres in 1973. The conditional use doesn't appear to be currently active. It is not likely that the approval of the subject Conditional Use would adversely affect the predominantly residential area, nor would it represent an over concentration of Conditional Uses in the immediate neighborhood.

- 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 Conditional Use does not require approval of a Preliminary Plan of Subdivision at this stage, but one will be required if a building permit application is submitted in the future. The Application does not propose construction of any new structures. Existing public facilities—public roads, storm drainage, fire and police protection—are adequate to serve the proposed use.

**(a) Water and Sewer Service**

The property is served by well and a septic disposal system. The well serves the existing dwelling and will continue to do so. The Applicant explained that the contractor business doesn't have an office on the property and that the use of the residential structure remains as a private dwelling. The existing septic system has been determined to be sufficient to serve the residential dwelling.

**(b) Storm Water Concept Plan**

The stormwater management concept plan had been submitted to the MCDPS Water Resource Section. MCDPS has posted on its web site an Approved Storm Water permit dated December 20, 2018.

<b>Permit Number</b>	284172	<b>Type</b>	Stormwater Concept
<b>Application Date</b>	08/29/2018	<b>Approved Date</b>	12/20/2018
<b>Final Date</b>		<b>Status</b>	Permit Issued
<b>Work Type</b>	Disturb	<b>Site Address</b>	15400 HOLLY GROVE RD SILVER SPRING, MD 20905
<b>Value</b>	\$0.00		
<b>Subdivision</b>	Colesville Outside	<b>Lot/Block</b>	N/A/N/A
<b>Phase Name</b>			

*Figure 12: Storm Water Concept Approval*

**(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 15 current employees without shifts does not 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 not exceed the threshold for an LATR since the operation does not generate more than 50 new person trips in either the morning or evening peak hour.

Holly Grove Road west of Norwood Road is a narrow local road with varying width ranging from 14 feet to 24 feet. The Road has about 14 feet of paved width along the property's southern frontage from which it is accessed, the width of the adjoining Holly Grove Road at this location is less than the minimum 50 feet of width standard for publicly owned tertiary roads.



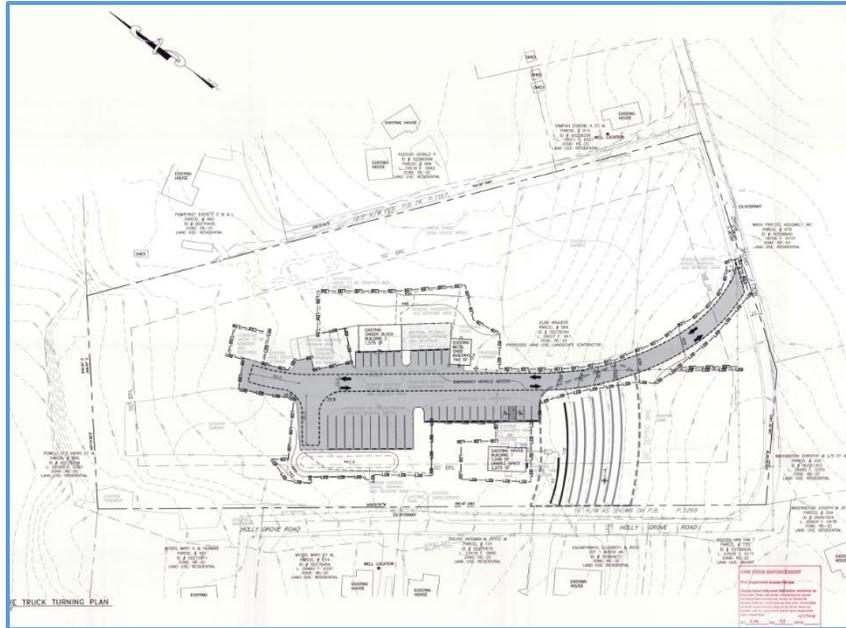
*Figure 13: Property's Southern Frontage and Access on Holly Grove Road*

However, although the County maintains a portion of Holly Grove Road and provides snow removal services, the road at this location is a prescriptive right-of-way. Given the status of the road, a right-of-way dedication cannot be obtained or enforced. If at a future time the county takes ownership of the road and decides to widen it, the applicant may be required to provide sufficient dedication to provide 25 feet from the center-line of the road.

While the road does not meet any modern road design standards, it over does not appear to present any issues for the safe passage of vehicles. It was noted at a staff field visit that vehicles will have to slow and pull off to the right to allow another vehicle to pass. This driver courtesy has evolved over many decades of vehicular use in this neighborhood on this particularly rural road. Staff notes that sight distance is excellent along this very flat and straight road section and further notes that the Fire Marshall's office has approved a fire access plan discussed below.

### **Fire Access**

The Applicant submitted a fire access plan to the MCDPS, Fire Department Access and Water Supply Office. The Office approved the proposed fire access plan on November 1, 2018 (Figure 14)



**Figure 14: Fire Access Plan**

#### **(d) Other Facilities**

The Hillandale Volunteer Fire Department is located at 13216 New Hampshire Ave, Colesville approximately 3.4 miles (seven minutes) south of the property. The closest police station is located at 1002 Milestone Dr. White Oak, Maryland, 3.7 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.

Staff found that the scale of the existing structure, 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, considered the fact that the property fronts on and is accessed from a local road with a paved width of about 14 feet to be a non-inherent characteristic. Staff believes that this non-inherent characteristic does not rise to a level that warrants a denial.

The subject landscape contractor business has operated on the subject property for 13 years. There is also evidence that the use existed on the property prior to the Applicant taking ownership of the property in 2005. There is no accident data or report of another incident that bring to question the safety of the road due to the operation of the landscape contractor business using the adjoining local road.

The proposed operation would not have an adverse impact on the transportation facilities of the area. No LATR review is required, and the proposed landscape contractor business application will have no adverse effect on area roadway conditions. There is no sale of plant materials or equipment on the property customers will only rarely visit the site, and almost all operational activities of the landscape contractor business are conducted in the interior of the property, away from views from the adjoining road and residential properties.

Holly Grove Road west of Norwood Road is very lightly traveled, and speeds are generally low. Morning trips generated by the subject property occur before the residents of the 30 residential properties accessing Holly Grove Road begin their morning commutes. The Applicant's statement of justification states that trucks from the business do not return to the site at mid-day. Moreover, the Applicant maintains that the largest truck used by the business has a width of 8 feet and can easily pass oncoming traffic on those infrequent occasions when the situation occurs.

To ensure that the current safe road condition remains unchanged and the semi-rural nature of the immediate neighborhood is maintained, staff recommends that the level of operation of the landscape contractor business, number of employees, trucks and trailers remain unchanged. The proposed application provides for a much-improved condition on the property through the Conditional Use process, including less

impervious surface, more trees, and restricted growth. The Applicant has also offered to provide forest on adjacent property along a shared property line in the back in an area currently destabilized.

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

## **SECTION V: VARIANCE**

The Applicant is requesting a variance of 9 feet, 7 inches (9.6 Feet) from the 50-foot setback requirement for the existing residential structure on the subject property. Pursuant to **Section 59-7.3.2.E, granting the variance may only authorize a use of land allowed by the underlying zone. To approve a variance, the board of appeals must find that:**

- 1. denying the variance would result in no reasonable use of the property; or**
- 2. each of the following apply:**
  - a. one or more of the following unusual or extraordinary situations or conditions exist:**
    - i. exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;
    - ii. the proposed development uses an existing legal nonconforming property or structure;
    - iii. the proposed development contains environmentally sensitive features or buffers;
    - iv. the proposed development contains a historically significant property or structure; or

The property has exceptional shape or extraordinary conditions due to the following features:

1. Holly Grove Road, which is a local road, bends at the southwestern end of the property and wraps around the property creating a situation that the property fronts the same road on both its western and southern property lines.
2. The property is accessed from a road that is publicly maintained and 14 feet wide (in front of the property).

The existing home was constructed with a building permit approved by the County Department of Permitting Services in 1989 and met all required setbacks for a residential dwelling. The dwelling has not been expanded or had any changes to its original footprint since its construction.

The residential use substantially conformed with the established historic and/or traditional development pattern of the street and/or neighborhood. Although there is no evidence of an approved Special Exception or Conditional Use for Landscape Contractor on the property, there is evidence of the use existing on the property prior to the current owner taking ownership in 2005.

**b. The special circumstances or conditions are not the result of actions by the applicant;**

As noted, the existing residential dwelling meets and exceeds the setback from the side street requirements for a residential dwelling in the RE-2C Zone. The need for the requested variance is triggered because the specific Conditional Use requirements necessitate an additional setback that is above the normally required setback for residential uses in the zone.

**Section 3.5.5.: Landscape Contractor**

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

The existing side street setback on the west side of the property is only 40.33 feet from the property line. Although it exceeds the 20 feet set back requirement for residential use in the RE-2C Zone it fails short of the 50-foot set back requirement causing the need for the requested variance of 9.6 feet.

**c. The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property;**

The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with the specific Conditional Use requirement would impose due to the unusual or extraordinary situations or conditions on the property. Any attempt to meet the Conditional Use requirement would necessitate a demolition of a portion of the existing house which would be unreasonable and would create an unusual and practical difficulties on the Applicant.

**d. The variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan; and**

The variance can be granted without substantial impairment to the intent and integrity of the General Plan and the 1997 Cloverly Master Plan. In addition, the variance, if granted, would be in harmony with the general purpose, intent and spirit of the Zoning Ordinance.

- e. **Granting the variance will not be averse to the use and enjoyment of abutting or confronting properties.**

Granting the variance will not be averse to the use and enjoyment of abutting or confronting properties. The variance would not result in any change in the current conditions or appearance of existing developments on the property. The requested variance of 9.6 feet from the 50 feet setback requirement, in this case, is minor given the fact that the proposed use meets or exceeds all other required setbacks and other development standards. The variance, if granted, would be in harmony with the general purpose, intent and spirit of the Zoning Ordinance.

Based on the preceding analysis, staff recommends approval of the requested variance.

## **SECTION VI: 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 1997 Cloverly 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-19-04 and the associated variance request subject to the conditions found on Page 2 of this report.

## **ATTACHMENTS**

- A. Plans and Drawings
- B. Forest Conservation Plan Recommendation
- C. Supplemental Information and Supporting Documents
- D. Referral Comments

ET/CU19-04/123018

**A. Plans and Drawings**

**Attachment-A**









**PARKING LOT OUTDOOR LIGHTING**

Outdoor Lighting Fixtures & Components, Use Mounts are designed for use in parking lots, streets, and other outdoor areas. The mounting is designed for use in parking lots, streets, and other outdoor areas. The mounting is designed for use in parking lots, streets, and other outdoor areas.



**1 LIGHTING FIXTURE & ALUMINUM POLE DETAIL**  
REV 10/24/11

**Autotek Series AT10**  
Outdoor Lighting Fixtures

**Features:**

- High Quality Die Cast Aluminum Housing
- High Quality Die Cast Aluminum Housing
- High Quality Die Cast Aluminum Housing

**WALLPACK LED**

**OUTDOOR**

Technical specifications and product details for the Wallpack LED outdoor lighting fixture, including dimensions, wattage, and mounting options.

Item	Quantity	Unit	Notes
1	1	Light Pole	10' H x 4" Dia
2	1	Light Fixture	10' H x 4" Dia
3	1	Light Fixture	10' H x 4" Dia
4	1	Light Fixture	10' H x 4" Dia
5	1	Light Fixture	10' H x 4" Dia
6	1	Light Fixture	10' H x 4" Dia
7	1	Light Fixture	10' H x 4" Dia
8	1	Light Fixture	10' H x 4" Dia
9	1	Light Fixture	10' H x 4" Dia
10	1	Light Fixture	10' H x 4" Dia

Item	Quantity	Unit	Notes
1	1	Light Pole	10' H x 4" Dia
2	1	Light Fixture	10' H x 4" Dia
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5	1	Light Fixture	10' H x 4" Dia
6	1	Light Fixture	10' H x 4" Dia
7	1	Light Fixture	10' H x 4" Dia
8	1	Light Fixture	10' H x 4" Dia
9	1	Light Fixture	10' H x 4" Dia
10	1	Light Fixture	10' H x 4" Dia

**NOTE**

1. All items shown on this drawing are to be installed in accordance with the manufacturer's instructions. The manufacturer's instructions are available on the manufacturer's website.

**MSJ LUMIN**

15400 HOLLY GROVE RD, SILVER SPRING, MD 20905  
 TEL: 301-581-7777  
 FAX: 301-581-7778  
 WWW.MSJLUMIN.COM

**LEGEND**

- UNITS OF STREET
- PROPERTY BOUNDARY
- BUILDING RESTRICTION LINE/CONDITIONAL USE SETBACK
- PROPOSED FENCE
- PROPOSED WALL PACK LIGHT
- PROPOSED PARKING LIGHT
- EXIST. CONTOUR
- PROPOSED CONTOUR



**ARGUETA PROPERTY**  
 15400 HOLLY GROVE RD  
 SILVER SPRING, MARYLAND 20905

PROJECT BY:  
 ELBA ARGUETA  
 15400 HOLLY GROVE RD  
 SILVER SPRING, MARYLAND 20905  
 EMAIL: arguetaelba@gmail.com

**WINORTON LAND DESIGN**  
 LANDSCAPE ARCHITECTURE • ENVIRONMENTAL PLANNING  
 15400 HOLLY GROVE RD  
 SILVER SPRING, MARYLAND 20905  
 TEL: 301-581-7777  
 WWW.WINORTONLANDDESIGN.COM

DATE	DESCRIPTION	BY	APP'D
11/15/11	ISSUED FOR PERMIT	ELBA ARGUETA	ELBA ARGUETA
11/15/11	ISSUED FOR PERMIT	ELBA ARGUETA	ELBA ARGUETA
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11/15/11	ISSUED FOR PERMIT	ELBA ARGUETA	ELBA ARGUETA







**B. Forest Conservation Plan Recommendation**

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**Attachment-B**





**Francisco Landscaping: Forest Conservation Plan No. CU2019-04**



Katherine E. Nelson, Planner Coordinator, Area 3 [Katherine.Nelson@montgomeryplanning.org](mailto:Katherine.Nelson@montgomeryplanning.org), 301-495-4622



Frederick V. Boyd, Supervisor, Area 3 [Fred.Boyd@montgomeryplanning.org](mailto:Fred.Boyd@montgomeryplanning.org), 301-495-4654

RAW

Richard A. Weaver, Chief, Area 3 [Richard.Weaver@montgomeryplanning.org](mailto:Richard.Weaver@montgomeryplanning.org)

**Staff Report Date: 12-28-2019**

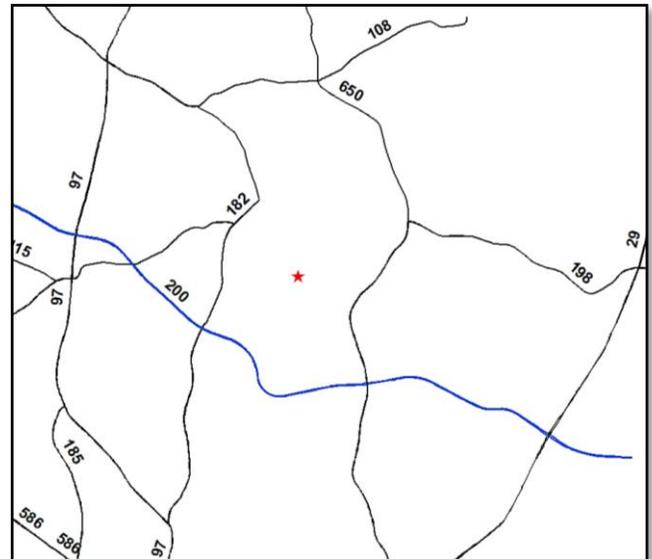
**Description**

**Francisco Landscaping**

A. Forest Conservation Plan to address a request for a Conditional Use to operate a Landscape Contractor business on 6.18-acre property located at 15400 Holly Grove Road, Silver Spring, MD, approximately 1,250 feet southwest of the intersection of Holly Grove Road and Norwood Road, identified as Parcel 066 (Snowdens Manor), RE-2C Zone, 1997 Cloverly Master Plan Area.

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

**Applicant:** FM Group, Inc.  
**Application Filed:** September 20, 2018  
**Review Basis:** Chapter 22A, Forest Conservation Law



**STAFF RECOMMENDATION:** Approval of the Forest Conservation Plan No. CU2019-04, subject to the following conditions:

1. By May 31, 2019 the Applicant must:
  - a. Record a Category I conservation easement over all areas of forest retention and forest planting as specified on the approved Final 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.
  - c. Install permanent fencing along the non-forested conservation easement edge or as determined by the forest conservation inspector.
2. By November 29, 2019 the Applicant must plant 1.24 acres of forest and three variance mitigation trees as specified on the approved Forest Conservation Plan.
3. Submit financial surety for planting 1.24 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting area before any planting activities occur.

### **SITE DESCRIPTION**

The subject property is identified as Parcel 066 and is located at 15400 Holly Grove Road. (“Subject Property” or “Property”). The Property is zoned RE-2C, and it is 6.18 acres in size. The Property is developed as an active landscaping business with three existing buildings, material storage areas and operational parking.

The entire Property drains to the Johnson Road subwatershed of the Northwest Branch Watershed, which is classified by the State of Maryland as Use Class IV waters. The existing impervious level of the site is approximately 18.2 percent. There are no stream valley buffers or existing forest onsite. Fifty-five large trees were identified on and adjacent to the Property, including twenty-five specimen trees ( $\geq 30$  inches Diameter at Breast Height (DBH)). Approximately half of these trees are located in the existing forest beyond the northwestern property boundary. There are no steep slopes or highly erodible soils on the property. Neighboring land uses include residential and landscape business uses. (Figures 1 and 2).



**Figure 1. 2017 Aerial Photograph of Vicinity**



**Figure 2. 2012 Aerial Photograph of Parcel 066**

## **PROJECT DESCRIPTION**

The Forest Conservation Plan (FCP) was prepared as part of Conditional Use Application No. CU2019-04 (“Application”), to operate a landscape contractor business. 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 existing structures and slight reconfiguration of the driveways and parking areas. The Application does not propose to impact or clear any forest. One specimen tree will be removed and seven others will be impacted.

## **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 April 12, 2018. A Forest Conservation Plan has been submitted for review. There is no existing forest on the Property.

The total tract area for the Property is 6.18 acres. Based on the land use category and the forest conservation worksheet there is a 1.24-acre afforestation planting requirement. The Applicant proposes to plant 1.24 acres of forest on-site. This planting location will connect to the existing forest near the northwest property boundary. It will also incorporate existing on-site large trees along the northern Property boundary into the forest planting.

Over a period of years there has been a significant amount of off-site clearing that has resulted in the loss of approximately 6,500 square feet of forest. The Applicant has offered to the property owner for this area to be cleared of debris and re-stabilized as part of the forest planting proposed adjacent to this area.

Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater DBH (“Protected Tree”); are part of a historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

*Unwarranted Hardship*

The Subject Property has no forest on site. Eight protected trees grow on and adjacent to the Subject Property. These trees are located within the developed area of the site. Changes, such as paving the driveway and parking lot, extending a water line along the driveway, and adding stormwater management, will impact these trees.

*Variance Request*

On November 6, 2018, the Applicant requested a variance for impact to six Protected Trees. This request was modified on December 6, 2018 to request impact to seven Protected Trees and removal of one protected tree (tree#4). These trees are shown on the table below.

*Variance Tree Table*

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Critical Root Zone (Sq. Ft.)	Critical Root Zone Impacts	Percent of CRZ Impacted (SF)
4	PRUNUS SSP.	CHERRY SSP.	36	9161	4641	51%
5	PRUNUS SSP.	CHERRY SSP.	30	6362	2081	33%
7	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	30	6362	26	1%
9A	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	46	14957	4263	29%
9B	ACER RUBRUM	RED MAPLE	46	14957	4263	29%
11	PRUNUS SSP.	CHERRY SSP.	34	8171	529	6%
17	ACER RUBRUM	RED MAPLE	40	11310	38	1%
19	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	40	11310	20	1%

Based on the following justifications, the Applicant has met all criteria required to grant the variance for the removal of one tree and impact to other trees subject to the variance provision.

*Variance Findings*

The Planning Board must make findings that the Application has met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the variance:

- 1. Will not confer on the applicant a special privilege that would be denied to other applicants;*

Granting the variance is not unique to this Applicant. This applicant is normalizing an existing use to comply with conditional use requirements. The proposed improvements will have a lesser impact on environmental resources than the existing use of the Site. Granting the variance will not confer on the Applicant a special privilege that would be denied to other applicants.

- 2. Is not based on conditions or circumstances which are the result of the actions by the applicant;*

The variance is not based on conditions or circumstances which are the result of the action by the Applicant. The imperviousness associated with the proposed development will be less extensive than the existing Site improvements. The variance is necessary to add stormwater management, improve water service safety and pave the existing gravel drive and parking area. There are no feasible options to deconstruct the current use and construct the proposed use that completely avoid impacting the Protected Trees.

- 3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;*

The requested variance is not related in any way to a condition on an adjacent, neighboring property.

- 4. Will not violate State water quality standards or cause measurable degradation in water quality;*

There are no impacts to streams and their buffers. A stormwater management concept has been approved by the Department of Permitting Services. Proposed facilities will improve the quality of runoff where no facilities existing before. Impact will not violate State water quality standards.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist for a recommendation prior to acting on the request. As of the publishing of this report, Staff has not received a recommendation from the County Arborist for this case.

Mitigation

There is one variance tree proposed for removal. The other seven trees will have limited disturbance within their critical root zone and are candidates for safe retention. Mitigation for the loss of Tree #4 will consist of the planting of three three-inch caliper shade trees.

Variance Recommendation

Staff recommends that the variance be granted. The submitted FCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

**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 and Supporting Documents

**Attachment-C**



November 26, 2018

Ms. Elsabett Tesfaye  
Montgomery County Planning Department-Area 3  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: Francisco Landscaping – Holly Grove Road Adequacy**

Dear Elsabett,

This letter provides response to comments by Montgomery County Planning and Transportation Departments by electronic mails dated November 5, 2018 and November 20, 2018 respectively. The following is my point by point response to each comment.

**Montgomery County Planning Department comments November 5, 2018.**

**Comment 1** Dedication should be provided for Holly Grove Road for a tertiary street typical 50' right-of-way or as requested by MCDOT. This may be accomplished through deed to avoid a preliminary plan.

**Response:** Although the County plows snow and maintains portion of Holly Grove Road, this is a private road (prescriptive right-of-way). It seems unprecedented to request one property owner to dedicate right-of-way (ROW) on a privately owned road. Would that ROW dedication be to the County? So, the county will own a short sliver of road? This dedication cannot be recorded in the deed without time, efforts and costs required to change the deed. I see no legal basis for this dedication. There is no preliminary plan requirement or nexus to provide a sliver of land as a dedicated ROW. Would the condition of approval say if and when the road become public, the applicant provides 25 feet from the centerline of the existing pavement to the County? This applicant will not be able to dedicate for the full 50-foot ROW since half of the road belongs to a different private property owner on the other side of the street. If all 50-foot ROW dedication is provided on Applicant's property, then it would drastically curve the road into the Applicant's property and then curves back and connects with the rest of the road. I respectfully question the merit and the public benefit of this "ROW dedication". In the alternative, should this item be imperative, perhaps a "reservation" condition of approval could be drafted in which the applicant would agree to so dedicate should the County eventually take ownership of the road and decide to widen the road.

**Comment 2** Holly Gove road should be properly terminated to the rear of the property with a hammerhead or roundabout.

**Response:** Please consider the followings:

- a. The sites' traffic does not use the rear property entrance/exit. In addition the County's maintenance vehicles also fail to use that portion of the private road since the terminus of County's maintenance is at the location where the road bends with 40 feet wide pavements for a turnaround.

- b. The road has many locations for turnaround of County equipment plowing the street. The pictures provided herein to you (Ex. #1) shows that at least 40 feet of asphalt is provided for a safe and easy turnaround at the bend about 235 feet south of the site's access.
- c. Trucks from the Applicant's site never travel south on Holly Grove Road and they can turn around safely and efficiently onsite.
- d. At the end of the road (beyond the bend) a significant turnaround is provided for larger trucks if ever needed for other private property owners.
- e. The Montgomery County Fire Department has approved the plan (See Attached Ex. #2) and have not requested any turnaround.
- f. Where would the Hammerhead or cul-de-sac be located? Right at the Applicant's site's entrance in middle of the road? Other private owners are unlikely to allow property to be taken from them to provide a hammerhead or turnaround where the private road has and continues to function effectively without such disturbance and change.
- g. While not a County road, this road has been County maintained via paving in 2016 and plowing (several times a year as needed). If the County felt the need for a turnaround, then they could have and would have provided it when they just recently paved the road in 2016. I assume they provided the extra pavements at the bend (terminus of their maintaining obligations) for safe and easy turnaround of their snow plow.

**Comment 3** Driveway access must intersect with Holly Grove Road at a perpendicular, 90 degree angle.

**Response:** The driveway was kept at the original locations so, additional grading and pavement would not be necessary. This entrance has provided safe and efficient access without incident, accidents or safety issues. In addition, the direction of the angle guides the drivers to the north and provides for ample and sufficient sight distance clearance.

**Comment 4** Please provide information on the size and weight of trucks serving the site and frequency of travel (do they return to the site and leave mid-day?) in the Traffic Statement.

**Response:** The size and weight of the trucks are added to the Traffic Statement revised dated November 26, 2018 (original date of August 31, 2018) and attached (Ex. #3) to this letter. These trucks range from pickup trucks to mid-size trucks and every indication shows they can operate safely on the road without being forced to use the shoulders as investigated by STS Consulting. No truck leaves or returns to the site mid-day.

**Montgomery County Department of Transportation Comments November 20, 2018**

Based on an internal meeting with DOT staff, Holly Grove Road is maintained by the county along the property frontage until the 90-degree bend into the private property. The

paving was done for the entire stretch as the snow ploughs does not have a place to turn around within the public right-of-way.

**Comment 1** Right-of-way dedications along the frontage.

**Response:** Please see response to comment 1 above.

**Comment 2** The proposed driveway should be at right angle with Holly Grove Road.

**Response:** Please see response to comment 3 above.

**Comment 3** The proposed driveway should meet the sight distance.

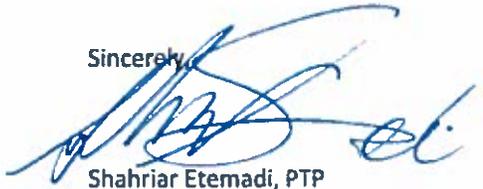
**Response:** The proposed driveway meets the sight distance clearance requirements. Civil Engineer will provide signed forms. Please also see attached aerial of the street (Ex. #4).

**Comment 4** The applicant will have to provide appropriate turnaround. At a minimum dedicate for a cul-de-sac and install a temporary turnaround per the county standard.

**Response:** Please see response to comment 2 above.

Thank you for the opportunity to respond to these comments and providing you with necessary information to facilitate your decision making process. Please call me if you have any questions.

Sincerely,



Shahriar Etemadi, PTP  
Principal



November 8, 2018

Ms. Elsabett Tesfaye  
Montgomery County Planning Department-Area 3  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: Francisco Landscaping – Holly Grove Road Adequacy**

Dear Elsabett,

This letter is the follow up to our meeting on October 31, 2018 about staff's questions regarding the adequacy of Holly Grove Road to safely accommodate the site generated traffic. I have prepared a summary of our discussions and the result of my site visit for your review and consideration. We took measurements at multiple sections of the road as well as pictures of the approximate locations where the measurements were taken. See also the enclosed aerial photo of the road showing the measurements and locations.

The history of the property and neighborhood may also provide some real life intelligence on the matter of the adequacy of Holly Grove Road to safely accommodate the site generated traffic. It is our understanding that the Argueta family purchased the subject property in 2005 and has operated the family landscaping business since 2005 to the present. While this activity may have occurred without all County sign offs, we understand that the family believed in good faith that it was permissible based upon the contracting business operations of the prior owners. In fact, County DPS records show in 2004 that the prior owners were investigated twice by the County about its business operations. And in both cases the investigations were quickly closed (see attached documents from DPS website). Since the Argueta's have owned the property there have not been any issues or County involvement and they, their business and their neighbors have peacefully coexisted, until the DPS citation in 2017 which has led the family to promptly begin working on this pending Conditional Use application for a Landscape Contracting operation.

The road has a prescriptive right of way with various pavement width and wide grass shoulders on both sides. The road is private but maintained by the County. The road was repaved in 2016. The following information provides a set of facts that indicates the road is adequate to safely accommodate area traffic including the Argueta family's landscaping small and medium sized trucks without any quantitative or qualitative impacts on the road:

1. The site generates six (6) carpool coming in and eight (8) trucks going out around 6:00 AM, long before the peak hour traffic from the single family homes begins to materialize, therefore, having no material impact on the road traffic situations.
2. In reverse, the site generates eight (8) trucks coming in and six (6) automobiles leaving the site during the PM peak hours, typically between 4:00 and 6:30 PM, about one car every 11 minutes. Again, sporadic traffic in and out of the site will not have any quantitative impact on the road.
3. There are 30 single family homes accessing Holly Grove Road and they are projected to generate 26 AM and 32 PM peak hour trips, an equivalent of one car passing on the road every 2.5 minutes. The numbers pose hardly any impact on the road and minimal chance of passing by one of the cars or trucks destined for the site. As indicated before, the site generated trips in the morning hours will occur well before the area homes begin their morning commutes. The largest truck used by the Francisco Landscaping has a width of no more than 8 feet. These trucks can easily pass an oncoming automobile, knowing with light traffic, the occurrence is low.

Holly Grove Road is provided with excellent and more than sufficient sight distance clearance at its intersection with Norwood Road and at any other intersecting roads along its length. At least a 7-foot grass

shoulder is provided on each side of the road. The Road pavement width measurements are as follows:

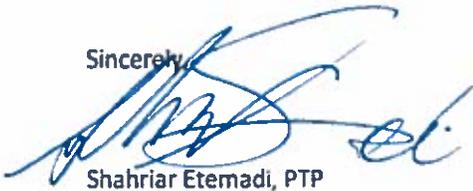
1. At Norwood Road intersection, it is 24 feet wide with large turning radius - about 30-35 feet, wide enough to accommodate any cars or trucks entering or exiting the Road.
2. Approximately 120 feet south of Norwood Road intersection, the road narrows to 16 feet and continues to be 16 feet wide for some distance.
3. At about 570 feet south of Norwood Road, the road expands to 18 feet for a short segment and changes to 14 feet for another short segment.
4. The road pavement width varies between 14 and 18 feet before reaching the bend in the road (approximately 1600 feet from Norwood Road)
5. The road begins to widen to 20 feet approaching the curve and enlarges to 26 feet around the curve plus additional 14 feet of pavement for a total of 40 feet to provide for comfortable sight distance and passing by cars and trucks at the curve.
6. Continuing the road toward the site, there is small segment about 150 feet beyond the curve that additional pavements are provided on one side for a total of approximately 24 feet and then gradually reduces to 12 for a length of about 70 feet and enlarges again to 14 feet.
7. The pavement width at the secondary site entrance (emergency use only) is at least 18 feet.

The following considerations must be given to the issue of road adequacy and safety:

1. The light traffic on the road and site generated trips during off peak period in the morning as well as low site generated trips infrequently using the road will not cause any issue of safety or efficient operation of traffic.
2. The road is provided with good pavement and wide grass shoulders to provide for any sized truck or automobile to pass on the road safely and efficiently.
3. The site visit and attached aerial and pictures show absolutely no tire tracks on the grass shoulders, therefore it can be argued that the road accommodates the traffic without the need for traveling on the shoulders and that is a good reasoning that the road is adequately paved to accommodate all traffic.
4. The 30 single family homes accessing the road are not generators of truck traffic therefore, the road adequately accommodates all the traffic including few small and medium sized trucks generated to the site.
5. We are not aware of any pattern of traffic incidents or complaints in the neighborhood.

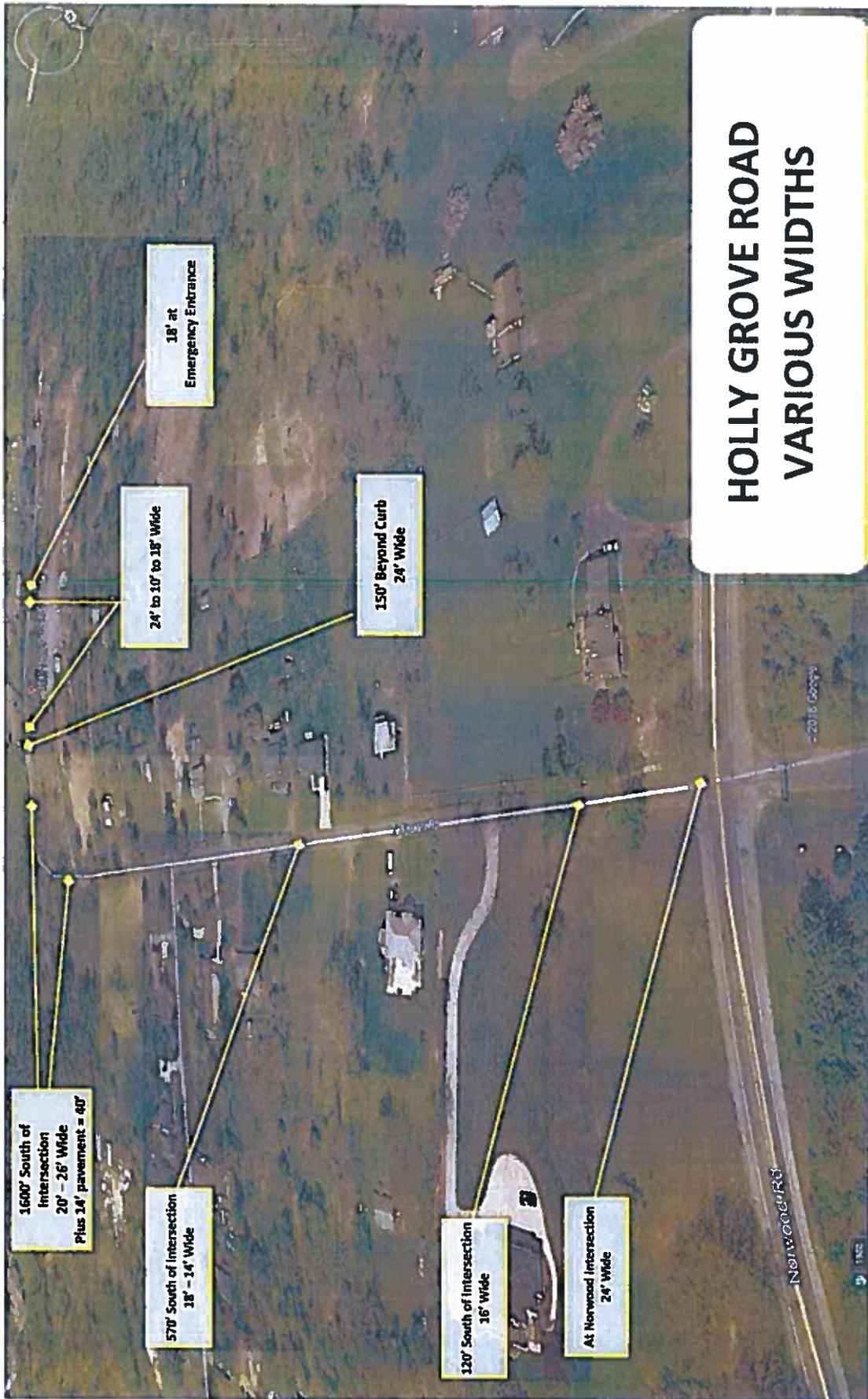
Thank you for the opportunity to meet with you and others last week and providing you with this information to facilities your decision making process. Please call me if you have any questions.

Sincerely,



Shahriar Etemadi, PTP  
Principal

# HOLLY GROVE ROAD VARIOUS WIDTHS



## Trucks and Trailer list

2x International dump trucks



**EXAMPLE OF INTERNATIONAL TRUCKS**

3x ford F450-550



4x F250

2 Stay off the property



## Trucks and Trailer list

5xTrailers 8-14 ft



1x Chipper



## Trucks and Trailer list

1X inclosed Trailers



1x E350



All images are examples of what is on the property



To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

Celadis Reyes

Name-printed

Celadis

Signature

8/20/2018

Date

1550 Holly Grove Rd

Silver Spring MD 20905

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

RAM KUMAR SHASTRI

11-1-2018

Name-printed

Date



230-AW KARD LAM SILVERSPRING 20709

Signature

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

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Thank you for your consideration.

Sincerely,

Bos Kalampanayil

11/04/18

Name-printed

Date

Bos Kalampanayil

15315 Holly Grove Rd  
Silver Spring, MD 20910

Signature

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

Teofilo A. Romero

Name-printed



Signature

10-10-18

Date

15500 HOLLY GROVE RD

SILVER SPRING MD 20905

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

Ashley Moore

Name-printed

Ashley Moore

Signature

10-25-18

Date

15418 Holly Grove Rd  
Silver Spring, MD 20905

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

Edwin Mejia

Name-printed



Signature

10-25-18

Date

120 Akward L

Silver Spring Md 20905

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

John Washington

Name printed

John Washington

Signature

8-20-18

Date

15325 Holly Grove Rd  
Sil. Spring Md 20905

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

Deborah Zeigler

Name-printed

Deborah Zeigler

Signature

8-20-18

Date

15420 Holly Grove Rd  
Silver Spring MD 20905

Address

To Whom It May Concern,

We are writing to express our support for our neighbor, the Argueta family, and its landscaping business, Francisco Landscaping, located at 15400 Holly Grove Road, Silver Spring, MD.

They have informed us that they are working through the County's land use review process in order to obtain approval for a Landscape Contractor Conditional Use for its landscape operations. We understand that their request will be reviewed at a public zoning hearing, likely this fall, which anyone can attend and speak to the application. We also understand that there will be County signs posted on the Argueta property that will tell when and where the hearing will be held.

Thank you for your consideration.

Sincerely,

Eugene S. PATT

Name-printed



Signature

8/20/18

Date

15414 Holly Grove Rd  
Silver Spring MD 20905

Address

**From:** [Sean Patrick Hughes](#)  
**To:** [Tefaye, Elsabett](#)  
**Cc:** [Sean Patrick Hughes](#)  
**Subject:** RE: Landscape Contractor Conditional Use application for 15400 Holly Grove Road, Silver Spring, MD 20905  
**Date:** Friday, November 30, 2018 12:20:09 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)

---

Elsabett-

Yes, below numbers are confirmed.

Thank you and let me know if you have any other questions at present or need additional info.  
Happy to call or stop by today or early next week.

Sean

**Sean Patrick Hughes**  
Attorney



200-B Monroe Street • Rockville, MD 20850  
T: 301.762.5212 • F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

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**From:** Tefaye, Elsabett [mailto:[elsabett.tesfaye@montgomeryplanning.org](mailto:elsabett.tesfaye@montgomeryplanning.org)]  
**Sent:** Thursday, November 29, 2018 12:32 PM  
**To:** Sean Patrick Hughes  
**Subject:** RE: Landscape Contractor Conditional Use application for 15400 Holly Grove Road, Silver Spring, MD 20905

Sean, would you confirm that the equipment and vehicles as listed are accurately accounted for?

“In 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:

- **10 trucks:** including 2 international Dump trucks, 3 large trucks (F450-550 type), 4 medium size Trucks (F-250 type), 1 box truck (Similar to E-350 Type)
- **6 trailers:** 5 utility trailers and one carry-on trailer
- **1 Chipper “**



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Diane R. Schwartz Jones  
Director

December 26, 2018

Mr. Michael Norton  
Norton Land Design  
5146 Dorsey Hall Drive, 2<sup>nd</sup> Floor  
Ellicott City, MD 21042

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
15400 Holly Grove Road  
Preliminary Plan #: N/A  
SM File #: 284172  
Tract Size/Zone: 6.18/RE-2  
Total Concept Area: 1.47ac  
Lots/Block: N/A  
Parcel(s): P 066  
Watershed: Northwest Branch

Dear: Mr. Norton,

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of Landscaped Infiltration.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management 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, whether for new development or redevelopment, must consist of MDE approved material.
4. Any existing un stabilized areas outside of the permitted limits of disturbance shall be permanently stabilized as well.

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

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



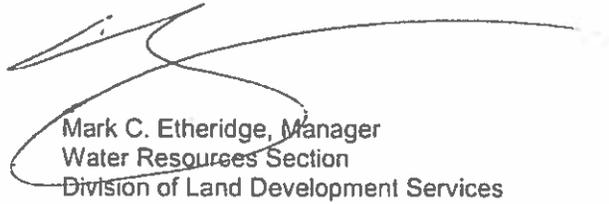
255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

December 26, 2018  
Page 2 of 2

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.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



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

MCE: TEW

cc: N. Braunstein  
SM File # 284172

ESD: Required/Provided 3299 cf / 3300 cf  
PE: Target/Achieved: 1"/1"  
STRUCTURAL: N/A  
WAIVED: N/A



---

**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 01-Nov-18  
**TO:** Shawn Benjaminson - SBenjaminson@adtekengine  
ADTEK Engineers  
**FROM:** Marie LaBaw  
**RE:** Arguete Property - Francisco Landscaping  
CU-19-04

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 01-Nov-18 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See Statement of Performance Based Design \*\*\***

## **Truck weight specs**

F350-450

**Curb weight:** 5,876 to 7,739 lbs

F250

**Curb weight:** 5,685 to 6,712 lbs

E350

**Curb weight:** 5,388 to 6,432 lbs

International trucks

**Curb Weight:** 26,000 Lbs

## D. Referral Comments

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**Attachment-D**

## Francisco Landscaping – Transportation

### CONDITIONS

1. Applicant vehicle loads are limited to no more than 4 tons per axle on Holly Grove Road.
2. Applicant shall grant by deed 25 feet of right of way as measured from the centerline of Holly Grove Road as a perpetual public access easement along the frontage of the Subject Property, terminating at the end of the 90 degree bend at the southern corner of the Subject Property, to the Montgomery County Department of Transportation (MCDOT)
3. Applicant shall improve Holly Grove Road along the south eastern frontage of the Subject Property, beginning at the northeast corner of the Subject Property and terminating at the end of the 90 degree bend at the southern corner of the Subject Property, to a minimal MCDOT tertiary street standard
4. The driveway accessing Holly Grove Road from the Subject Property shall be rebuilt to intersect the road at a 90 degree angle

**Site Access, Parking, and Adequate Public Facilities**

The Subject Property accesses and fronts Holly Grove Road, a prescriptive right of way road maintained by the Montgomery County Department of Transportation, running through a predominantly residential neighborhood. As conditioned, the existing driveway access for the Subject Property, which currently intersects Holly Grove Road at an angle, will be realigned to intersect perpendicularly. The applicant will reconstruct and rededicate Holly Grove Road to a tertiary road standard along the south eastern frontage of the Subject Property while adding additional right of way. 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. Based on the parking requirements for a landscape contractor, the proposed number of employees, the projected number of work vehicles and large pieces of equipment, and the spaces provided for work vehicles, there will be sufficient parking (Table 1).

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	19 x 0.5 = 9.5	
Landscape Contractor Vehicles: 1 space/each vehicle associated with use	14 x 1* = 14	
<b>TOTAL</b>	<b>24</b>	<b>45</b>

\*Ultimate number of vehicles to be operated in connection with conditional use include: 8 trucks and 6 private vehicles

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

The Conditional Use Plan for the proposed use of a landscaping contractor with 19 employees produces 18 peak hour AM and PM person trips. This project is exempt from additional LATR review as it is below the 50-person trip peak period threshold.

**Conclusion**

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

## Tesfaye, Elsabett

---

**From:** Van Alstyne, Chris  
**Sent:** Thursday, December 6, 2018 3:32 PM  
**To:** Tesfaye, Elsabett  
**Cc:** Hodgson, Laura; Folden, Matthew; Pratt, Jamey  
**Subject:** RE: Holly Grove Road Crash Data

Matt reached out to Andrew Bossi at MCDOT who confirmed that Holly Grove Road is on the DOT maintenance list. I've also spoken with Nick who guided us that these very old prescriptive ROWs, especially if publicly maintained, are de facto public roads. In other words, we're on good ground to ask for public improvements and additional ROW along the frontage of the property.

Chris

---

**From:** Tesfaye, Elsabett  
**Sent:** Thursday, December 6, 2018 2:46 PM  
**To:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>  
**Cc:** Hodgson, Laura <[Laura.Hodgson@montgomeryplanning.org](mailto:Laura.Hodgson@montgomeryplanning.org)>  
**Subject:** RE: Holly Grove Road Crash Data

Great! More ammo to beef up my findings. Thanks Chris. Now we are waiting for Matt's info on the status of future r-o-w.

---

**From:** Glazier, Eli  
**Sent:** Thursday, December 6, 2018 1:01 PM  
**To:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>  
**Cc:** Hodgson, Laura <[Laura.Hodgson@montgomeryplanning.org](mailto:Laura.Hodgson@montgomeryplanning.org)>; Tesfaye, Elsabett <[Elsabett.Tesfaye@montgomeryplanning.org](mailto:Elsabett.Tesfaye@montgomeryplanning.org)>  
**Subject:** RE: Holly Grove Road Crash Data

Any time!

---

**From:** Van Alstyne, Chris  
**Sent:** Thursday, December 6, 2018 1:01 PM  
**To:** Glazier, Eli <[Eli.Glazier@montgomeryplanning.org](mailto:Eli.Glazier@montgomeryplanning.org)>  
**Cc:** Hodgson, Laura <[Laura.Hodgson@montgomeryplanning.org](mailto:Laura.Hodgson@montgomeryplanning.org)>; Tesfaye, Elsabett <[Elsabett.Tesfaye@montgomeryplanning.org](mailto:Elsabett.Tesfaye@montgomeryplanning.org)>  
**Subject:** RE: Holly Grove Road Crash Data

Excellent – thanks for your help, Eli!

---

**From:** Glazier, Eli  
**Sent:** Thursday, December 6, 2018 1:00 PM  
**To:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

It does have location attached and there are no crashes on the segments south of Norwood.

---

**From:** Glazier, Eli  
**Sent:** Tuesday, December 4, 2018 4:50 PM  
**To:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

Hi Chris,

I'm currently rerunning the data cleanup. It will be done by tomorrow morning. Do you need crashes for a particular area?

Eli

---

**From:** Van Alstyne, Chris  
**Sent:** Tuesday, December 4, 2018 4:48 PM  
**To:** Glazier, Eli <[Eli.Glazier@montgomeryplanning.org](mailto:Eli.Glazier@montgomeryplanning.org)>  
**Subject:** Crash Data

Hi Eli, do you have a version of your county crash data that you can share? Let me know.

Thanks,

Chris

**Chris Van Alstyne**  
Senior Planner, Area 3  
301.495.4629



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**From:** Van Alstyne, Chris  
**Sent:** Thursday, December 6, 2018 12:15 PM  
**To:** Glazier, Eli <[Eli.Glazier@montgomeryplanning.org](mailto:Eli.Glazier@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

Awesome – does the data have addresses or location attached? I'm specifically looking at the southern leg of Holly Grove below Norwood.

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**From:** Glazier, Eli  
**Sent:** Thursday, December 6, 2018 11:06 AM  
**To:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

Hi Chris,

Reviewing the data, I see that there are 5 crashes that involve Holly Grove Road. None on it specifically, but four at Norwood/Holly Grove and one at Bryants Nursery/Holly Grove. Only one of these crashes involved an injury, and it was due to the driver driving into a culvert.

Two 2015 crashes.  
One 2016 crash.  
Two 2017 crashes.

Let me know if you have any other questions,  
Eli

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**From:** Van Alstyne, Chris  
**Sent:** Tuesday, December 4, 2018 4:53 PM  
**To:** Glazier, Eli <[Eli.Glazier@montgomeryplanning.org](mailto:Eli.Glazier@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

Perfect – no rush! Thanks Eli.

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**From:** Glazier, Eli  
**Sent:** Tuesday, December 4, 2018 4:53 PM  
**To:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

I will check tomorrow morning and let you know. Is that okay?

Eli

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**From:** Van Alstyne, Chris  
**Sent:** Tuesday, December 4, 2018 4:52 PM  
**To:** Glazier, Eli <[Eli.Glazier@montgomeryplanning.org](mailto:Eli.Glazier@montgomeryplanning.org)>  
**Subject:** RE: Crash Data

Ah, ok. I was looking to see if you had anything on Holly Grove Rd. in Silver Spring; the online data Montgomery doesn't show anything, so I thought I'd double check.