



Greenskeeper Landscaping, Preliminary Plan No. 120190110

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Completed: 12/4/20

Description

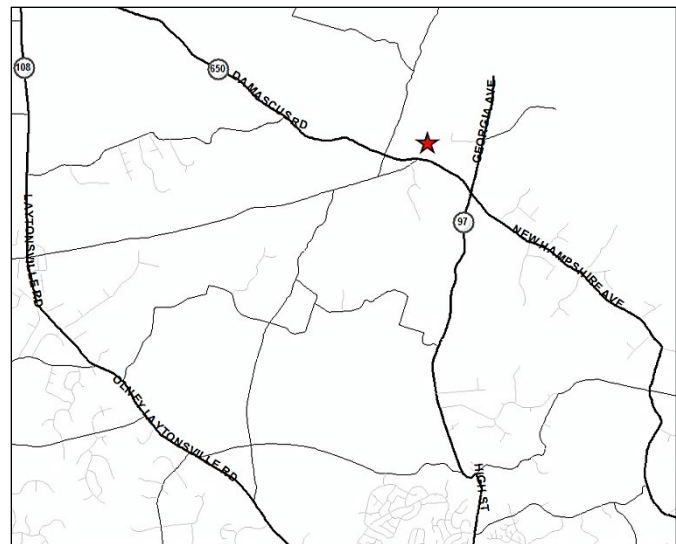
Greenskeeper Landscaping, Preliminary Plan No. 120190110: Request to create one lot for a Landscape Contractor; located at 3309 Damascus Road; 31.57 acres; AR Zone; Patuxent River Watershed Primary Management Area; 2005 Olney Master Plan.

Staff Recommendation: *Approval with conditions*

Applicant: David Mamana

Accepted Date: February 11, 2020

Review Basis: Chapter 50, 22A, 19



Summary

- Staff recommends approval with conditions.
- The Application conforms with Conditional Use Permit CU 15-04, which approved the continuation of an existing Landscape Contractor business on the Property.
- All forest conservation requirements for this Property, including the forest planting and recordation of the conservation easement have been satisfied as part of the previous approvals.
- The Application substantially conforms to the 2005 Olney Master Plan.
- The Applicant will construct frontage improvements, consistent with the 2018 Bicycle Master Plan, to provide a 4-foot-wide bikeable shoulder across the Property frontage along Damascus Road/MD 650.
- The Application meets the applicable requirements of the Patuxent River Primary Management Area (PMA) and the conditions of the Conditional Use approval by limiting impervious surfaces to no more than 10.9% of the net tract area and 7.5% of the area within the PMA of the property.
- Staff has received correspondence from one community member to date.

SECTION 1 - RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120190110: Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to one (1) lot for a Landscape Contractor.
2. The Applicant must comply with conditions from the Hearing Examiner's Report and Decision, dated January 11, 2016, from the Office of Zoning and Administrative Hearings (OZAH) approving Conditional Use No. 15-04.
3. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120190110, which is an amendment to Final Forest Conservation Plan No. CU2015-04, subject to the following conditions:
 - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
4. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10.9% of the net tract area and 7.5% of the area within the Primary Management Area (PMA) of the Subject Property, and as shown on the Impervious Surface Plan dated September 2, 2020 and approved as part of Preliminary Plan No. 1200190110. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.
5. There shall be no clearing or grading of the site prior to recordation of plat(s).
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 20, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated January 26, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Well and Septic Section in its letter dated November 19, 2020, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated July 23, 2020 and its reconfirmation letter on September 26, 2019, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Applicant must dedicate 40 feet of right-of-way from the existing pavement centerline along Damascus Road/MD 650 and show it on the record plat(s).
11. The Applicant must construct frontage improvements, consistent with the 2018 *Bicycle Master Plan*, to provide a 4-foot-wide bikeable shoulder across the Property frontage along Damascus Road/MD 650.
12. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to ensure construction of a 4-foot wide bikeable shoulder along the Property frontage on Damascus Road/MD 650.
13. The record plat must show necessary easements.
14. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.
15. The Certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan set or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of approval of a building permit. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
16. Certified Preliminary Plan

Prior to approval of the Certified Preliminary Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:

 - a. Label the 4' wide bikeable shoulder as "bikeable shoulder" instead of "bike path".
 - b. Adjust the provided parking in the data table to conform with Conditional Use 15-04.

- c. Correct the data table to reflect required setbacks based on Section 59.3.5.5.B.2 rather than the standard method setbacks in Section 59.4.2.1.F.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The property is identified as Parcel 150 on Tax Map HV 53, and is located at 3309 Damascus Road, approximately 700 feet east of its intersection with Sundown Road in the Olney Master Plan area (“Subject Property” or “Property”).

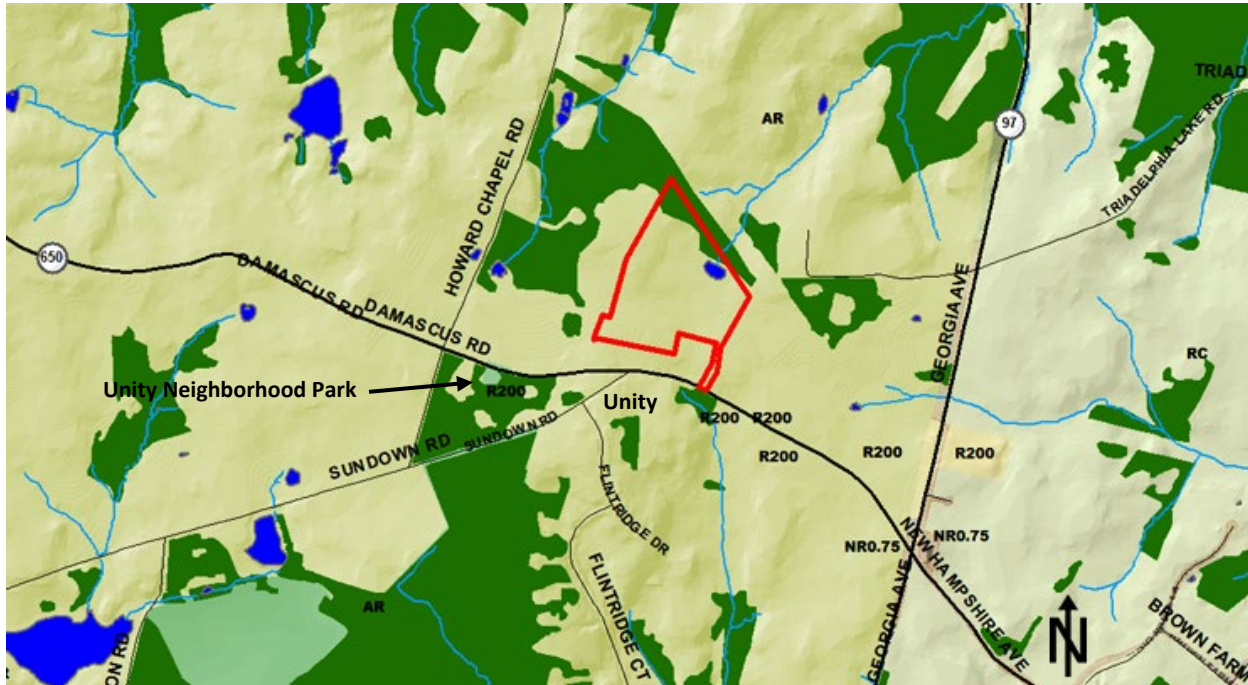


Figure 1– Vicinity

Site Vicinity

Surrounding properties, which also include the rural community of Unity, are predominantly agricultural with single-family detached residential homes on large estate lots, farms and unimproved parcels in the AR and R-200 zones. The Subject Property is surrounded by a small enclave of R-200 zoned residential properties to the south, a large farm property to the east in the AR Zone, a 350-foot wide PEPCO power line right-of-way to the north and northeast in the AR Zone and four agricultural properties to the west, also in the AR Zone. Farther south beyond the small R-200 zoned properties, across Damascus Road, are additional AR-zoned land. The Unity Neighborhood Park and the Rachel Carson Conservation Park are located approximately 850 feet and 1,000 feet respectively from the southwestern corner of the Property, immediately outside of the defined neighborhood.

Site Description

The Property is zoned Agricultural Reserve (AR), and is 31.58 acres in size. The south side of the Property is developed with several buildings and gravel parking as well as operational parking areas that are used for the existing landscape contracting business. The east side of the Property has two additional buildings and a gravel parking area. The Property is accessed from Damascus Road via a pipestem that is approximately 75 feet wide and includes a gravel driveway leading to the parking areas. The southern Property line abuts the rear yards of the R-200 properties fronting on Damascus Road.

The northern portion of the Property drains to the Patuxent River Watershed; this portion of the watershed is classified by the State of Maryland as Use Class III-P waters. The southern portion drains to the Hawlings River Watershed, which is classified as Use Class IV waters. The Hawlings River is a tributary of the Patuxent River. Approximately 73% of the Property is located within the Patuxent River Watershed Primary Management Area (PMA). There is an existing farm pond near the north-central Property line. The pond discharges into a perennial stream channel that flows offsite at the northeastern corner of the Property. The associated stream buffer and nontidal wetland are partially located on the Property. The land surrounding the pond is maintained as open field, with a few scattered trees. There is also an offsite perennial stream to the south that originates on the south side of Damascus Road. The stream buffer for this stream does not encroach on the Property. There is no mapped 100-year floodplain on the Property. The Property contains approximately 2.81 acres of forest. Fifty-six large trees were identified on the Property, including eleven specimen trees (≥ 30 inches Diameter at Breast Height (DBH)). The majority of these trees are located within the existing forest stand in the northwest corner of the Property. There are no steep slopes or highly erodible soils.



Figure 2 – Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Conditional Use 15-04

Conditional Use 15-04 was approved on January 11, 2016 for the continuation of a Landscape Contractor business (Attachment 12) that has been in operation on the Subject Property for the past 18 years. The Landscape Contractor consists of a maximum of 53 employees in multiple shifts and approximately 50 large pieces of equipment to support the operation of the business. The Conditional Use provides 85 on-site gravel parking spaces including handicapped parking.

Current Application



Figure 3 – Preliminary Plan

Preliminary Plan 120190110

The plan, designated as Preliminary Plan No. 120190110, Greenskeeper Landscaping (“Preliminary Plan” or “Application”), proposes to create one (1) platted lot from one unplatted parcel for a Landscape Contractor as defined by Section 59.3.5.5 of the Zoning Ordinance. This lot will contain multiple buildings used to support the operation of the business including parking for business vehicles and employees.

The Application proposes frontage improvements along Damascus Road (MD-650) which, based on guidance from the 2018 *Bicycle Master Plan*, include the construction of 4-foot wide bike shoulders across the frontage of the Property.

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building types (Landscape Contractor) use contemplated for the Property.

The lot was reviewed for compliance with the dimensional requirements for the AR zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area and frontage and can accommodate the Landscape Contractor which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

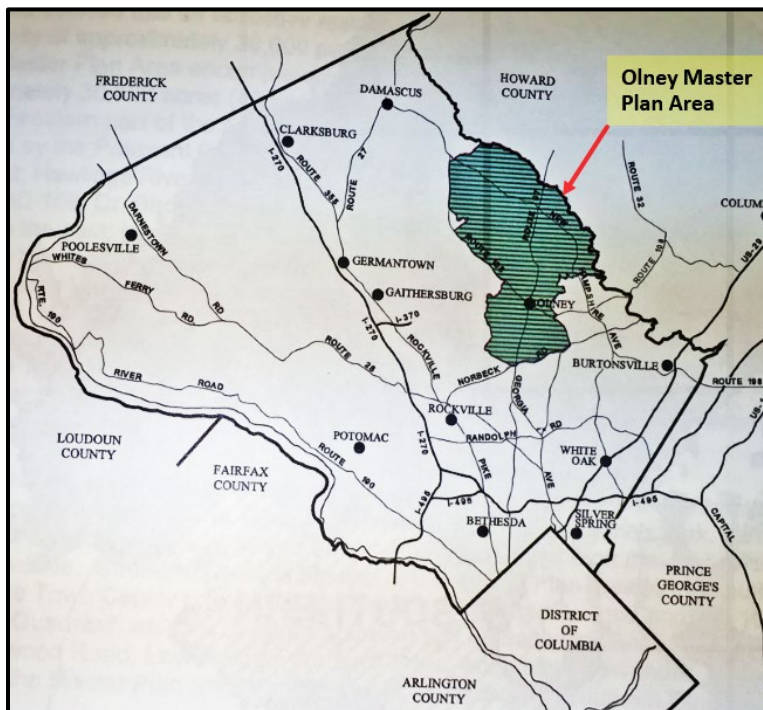
Table 1 – Development Standards Table – AR

AR	Required by the Zone	Approved with Conditional Use	Proposed for Approval
Minimum Site Area	25 acres	31.58 acres	1,375,510 sq. ft. (31.58 acres)
Minimum Lot Area	40,000 sq. ft.	31.58 acres	1,375,510 sq. ft. (31.58 acres)
Density (max)	1/25	1/25	1/25
Minimum Lot Frontage	25 ft.	75 ft.	75 ft.
Minimum Lot Width at B.R.L.	125 ft.	960 ft.+	960 ft.
Maximum Lot Coverage	10%	1.28%	0.8%
Min. Principle Building Setbacks (for all lots)			
Front setback	50 ft.	800+ ft.	50 ft. or greater
Side street setback	50 ft.	N/A	N/A
Side setback	50 ft.	200+ ft.	50 ft. or greater
Rear setback	50 ft.	1040+ ft.	50 ft. or greater
Min. Accessory Structure Setbacks			
Front setback	50 ft.	80.35 ft.	50 ft. or greater

AR	Required by the Zone	Approved with Conditional Use	Proposed for Approval
Side Street Setback	50 ft.	N/A	N/A
Side setback	50 ft.	95+	50 ft. or greater
Rear setback	50 ft.	81.93+	50 ft. or greater
Max. Building Height	50 ft.	25+ ft.	50 ft. or less
Parking	60	85	60 ¹
Site Plan Required	No	No	No

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

The Property is located within the 2005 Olney Master Plan area. It is west of the Sunshine area, within the area known as Unity Village. This area falls within the part of the Olney Master Plan designated as "Northern Olney" and "Rural Communities." The Master Plan identifies the Villages of Sunshine and Unity along with the Mount Zion Community as an integral part of the Rural Heritage



of Northern Olney. On pages 18-19 of the Master Plan, the Land Use Recommendation calls for discouraging residential development by maintaining rural zoning designations and protection of forested areas and wetlands. The land use recommendation for rural communities (p 20) is to: "Maintain the character and existing scale of development in the rural communities in Northern Olney. Prohibit additional zoning for commercial uses or expansion of commercially zoned areas in these communities." The Applicant does not propose any new construction or expansion of existing improvements on the

Subject Property, and therefore, with the continuation of the subject Conditional Use, the character and existing scale of development in the rural communities will remain unaffected. The Conditional Use was found to be compatible with the existing rural character of the surrounding area. The existing character and scale of development in the rural communities of the Villages of Sunshine and Unity would not be negatively impacted by the proposed use.

¹ Conditioned to be revised to match CU 15-04 prior to Certified Preliminary Plan

The Subject Property is in the Upper Patuxent River watershed and subject to the Patuxent Primary Management Area (PMA) guidelines to protect water quality. The PMA guidelines seek to restrict uses with high impervious levels in close proximity to all tributaries of the Patuxent. As further discussed below, the Property meets the PMA requirements for limiting impervious surfaces.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Master-Planned Roadway and Bikeways

The 2018 *Master Plan of Highways and Transitways* identifies Damascus Road (MD 650) as a country arterial with two travel lanes (one lane in each direction) with a right-of-way of 80 feet. The Application will provide an additional 40 ft. of ROW dedication along the frontage as measured from the centerline in support of this recommendation. The 2018 *Bicycle Master Plan* recommends bikeable shoulders along Damascus Road; 4-ft wide shoulders will be provided along the frontage.

Local Area Transportation Review

As conditioned, the proposed 53 employee landscaping contractor use on the Subject Property does not require review under the LATR as confirmed with driveway counts, dated September 22, 2015, in the AM and PM peak periods as part of the earlier 2015 Conditional Use approval. The Subject Property will generate 24 AM and 9 PM peak period person trips as per the Transportation Statement (Attachment 11), which is below the 50-person threshold for additional LATR review.

Table 2: Site Vehicle Trip Generation

Use	Measure	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
53 Employee Landscape Contractor	Driveway Count	10	14	24	0	9	9

Source: Lenhart Traffic Consulting, Inc Traffic Statement; Driveway counts collected on September 22, 2015

Circulation and Connectivity

The driveway access for the Subject Property is located approximately 750 feet to the east of the intersection of Sundown Road and Damascus Road. It is the only vehicular access for the Property, which backs up against an easement for power lines owned and operated by Pepco. A previous connection to a private driveway in the rear of the Subject Property will be removed. Vehicle parking is to be provided on-site. There are no sidewalks on Damascus Road (MD 650/MD108) from Georgia Avenue (MD 97) to MD 124 in Damascus, a distance of nearly ten miles.

The proposed use is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and the 2005 *Olney Master Plan*.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-6 and S-6 water and sewer service categories, respectively, and utilize on-site water and sewer. The Montgomery County DPS – Well and Septic division issued an approval letter on November 19, 2020 accepting the Application with conditions (Attachment 16).

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on January 26, 2018 (Attachment 15). The Fire Department Access Plan provides a fire code compliant driveway to adequately access all existing and proposed structures. The driveway meets all the required turning radii, widths, and turnaround requirements for fire trucks serving the Subject Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the time that the Application was submitted.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

The Subject Property is in compliance with all of the applicable requirements of the Forest Conservation Law.

Previous FCP Approvals

Final FCP CU201504 was approved as part of the Conditional Use No. 15-04 in a Planning Board Resolution dated November 17, 2015. There was no disturbance proposed as part of this FCP, therefore all of the existing forest was retained. Based on the land use category and the forest conservation worksheet, the FCP resulted in a 3.51-acre forest planting requirement that was satisfied on-site within the stream buffer and adjacent to existing forest. Overall, the approved FCP resulted in the retention of 2.81 acres of existing forest, planting of 3.51 acres of forest, and protection of these areas as well as the stream, stream buffer and pond in a Category I conservation easement.

A revision to Final FCP CU201504 was approved by M-NCPPC Staff in a letter dated June 10, 2016. The Final FCP was revised per the previous approval to update the size of the planting stock used to meet the on-site planting requirements. There was no disturbance proposed as part of this FCP.

All forest conservation requirements for this Property, including the forest planting and recordation of the conservation easement have been satisfied as part of these previous approvals.

Final FCP 120190110 (Amending FCP CU201504)

The Application includes an amendment to the Final FCP to include the limits of disturbance for the proposed stormwater management features to treat the existing development on the Property (Attachment 5-7). The proposed disturbance will not impact any forest or trees subject to the variance provision of the Forest Conservation Law; therefore, no additional forest planting or tree planting is required. The Final FCP submitted with this Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

Patuxent River Primary Management Area

The Subject Property is in the Upper Patuxent River watershed and subject to the Patuxent Primary Management Area (PMA) guidelines to protect water quality. The PMA guidelines seek to restrict uses with high impervious levels in close proximity to all tributaries of the Patuxent. This Application must meet two requirements related to the impervious surface limits for the Patuxent River Primary Management Area (PMA) as follows:

1. The Hearing Examiner's approval of the Conditional Use included a condition that the Applicant provide an Impervious Surface Plan that demonstrates that impervious surfaces do not exceed 10.9% of the net tract area and 7.5% of the area within the Primary Management Area (PMA) (Attachment 12).
2. The M-NCPPC *Environmental Guidelines* limits impervious surfaces within the PMA to no more than 10%.

An Impervious Surface Plan was submitted as part of this Application (Attachment 8-10). Table 3 includes the impervious surface calculations that demonstrate conformance with the applicable conditions of the Conditional Use approval as well as the requirement of the Patuxent River PMA as outlined in the *Environmental Guidelines*.

Table 3 - Impervious Surface Calculations

TOTAL SITE AREA: 1,375,510 Square Feet
TOTAL EXISTING IMPERVIOUS AREA ON-SITE: 148,384 Square Feet
NEW IMPERVIOUS AREA: 3,000 Square Feet
EXISTING IMPERVIOUS AREA TO BE REMOVED: 8,190 Square Feet
TOTAL IMPERVIOUS AREA: 143,194 Square Feet
TOTAL SITE IMPERVIOUSNESS: 10.41%
TOTAL AREA OF PMA TRANSITION ZONE ON-SITE: 912,438 Square Feet
TOTAL EXISTING IMPERVIOUS AREA WITHIN
PMA TRANSITION ZONE: 64,649 Square Feet
EXISTING IMPERVIOUS AREA TO BE REMOVED
WITHIN PMA TRANSITION ZONE: 8,190 Square Feet
NEW IMPERVIOUS AREA WITHIN PMA
TRANSITION ZONE: 3,000 Square Feet
TOTAL SITE IMPERVIOUS AREA IN PMA ZONE: 59,459 Square Feet
PERCENT OF AREA THAT IS IMPERVIOUS: 6.52%

NOTES:

1) IMPERVIOUS AREAS FOR POLE BARNs INCLUDE ROOF OVERHANGS.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Preliminary Plan received an approved stormwater plan approval from the Montgomery County Department of Permitting Services, Water Resources Section on July 23, 2020 (Attachment 14). The Application will meet stormwater management goals through the use of dry wells, rain gardens, infiltration.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

The Application is in conformance with the conditions of Conditional Use 15-04.

SECTION 5 – COMMUNITY CORRESPONDENCE

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed Application was posted along the Subject Property's frontage. A pre-submission meeting was held at 3309 Damascus Road, the Subject Property, on July 2, 2018.

As of the date of this report, Staff has received one letter regarding this Application from the adjacent property owner (Attachment 17). This letter requests screening for the Landscape Contractor business from the adjacent property. This property owner's land is located adjacent to the southwest corner of the Subject Property, between the Subject Property and Damascus Road/MD650. There are trees that provide screening from the Subject Property, which has been in operation for nearly 20 years. None of these trees will be removed as part of this Application. Furthermore, the compatibility of land uses and appropriate screening were found to be adequate and met all the requirements of County Code during Conditional Use 15-04 in 2015.

SECTION 6 – CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, and the proposed use substantially conform to the recommendations of 2005 *Olney Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

ATTACHMENTS

Attachment 1 – Statement of Justification
Attachment 2 – Preliminary Plan, Sheet 1
Attachment 3 – Preliminary Plan, Sheet 2
Attachment 4 – Preliminary Plan, Sheet 3
Attachment 5 – Final Forest Conservation Plan, Sheet 1
Attachment 6 – Final Forest Conservation Plan, Sheet 2
Attachment 7 – Final Forest Conservation Plan, Sheet 3
Attachment 8 – Impervious Surface, Sheet 1
Attachment 9 – Impervious Surface, Sheet 2
Attachment 10 – Impervious Surface, Sheet 3
Attachment 11 – Traffic Statement
Attachment 12 – Conditional Use 15-04 Hearing Examiner's Report and Decision, January 11, 2016
Attachment 13 – MCDOT Approval Letter, July 20, 2020
Attachment 14 – MCDPS Approval Sediment Control Plan, July 23, 2020
Attachment 15 – Approved Fire Department Access Plan, January 18, 2018
Attachment 16 – DPS – Well and Septic Approval Letter, November 19, 2020
Attachment 17 – Community Correspondence