



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Brian Shepter, Acting Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of May 10, 2023

Case No./Petitioner: BA-23-002C – Mario A. Guzman and Victor Guzman Argueta

Request: Conditional Use for Landscape Contractors (Section 131.0.N.32)

Location: 1242 Long Corner Road
Tax Map 6, Grid 10, Parcel 241
(the "Property")

Conditional Use Area: 6.46-acres

Zoning RC-DEO (Rural Conservation – Density Exchange Option overlay)



I. **CONDITIONAL USE PROPOSAL**

The Petitioner is proposing a landscape contractor use consisting of 13,206 square feet of commercial vehicle parking/equipment, materials/supplies storage, including a 5,000 square feet in a pole barn. The Petition indicates that there would be 11 employees who will arrive on-site in the mornings and afternoons to pick up or drop off commercial vehicles/equipment. The proposed hours of operation are 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturdays. The use will not operate on Sunday.

II. **BACKGROUND INFORMATION**A. Site Description

The Property consists of a residential dwelling and a brick parking garage. The site descends from an elevation of 844 feet at the southern boundary line to 792 feet at the northern boundary line.

B. Vicinal Properties

Direction	Zoning	Land Use
North	RC-DEO	Undeveloped
South	RC-DEO	Single-Family Detached
East	RC-DEO	Single-Family Detached
West	RC-DEO	Single-Family Detached

C. Roads

Long Corner Road has two travel lanes within a 40-foot right-of-way. The speed limit is 30 miles per hour.

According to the State Highway Administration, the traffic volume on Long Corner Road in the general vicinity of the Property was 1,251 (AADT) Annual Average Daily Traffic in 2018.

D. Water and Sewer Service

The Property is not within the Public Service Area for water and sewer. The Property is served by private well and septic facilities.

E. General Plan

The Property is designated Rural Resource on the Designated Place Types Map of *PlanHoward 2030*.

Long Corner Road is a Major Collector.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

The Department of Planning and Zoning does not have record of any prior zoning petitions for the Property.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.0.B of the Zoning Regulations (general criteria for Conditional Uses):

1. *The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.*

While *PlanHoward 2030* policies are not directly related to the Landscape Contractor use, operations that are properly sited and appropriately scaled are generally compatible with rural residential areas.

2. *The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.*

The 6.46-acre property exceeds the 5-acre minimum lot size requirement for Landscape Contractors in an RC district. The combined indoor and outdoor storage areas is 13,206 square feet, which is approximately 4.7% of the total acreage and does not exceed the 5% maximum allowed. Additionally, all existing and proposed structures and areas used for material and equipment storage comply with the 100-foot setback requirements. The proposed hours of operation are 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturdays.

Long Corner Road is a Major Collector, which is an appropriate classification for the number and types of vehicles associated with the landscape contractor use.

Therefore, the nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the use are appropriate.

3. *The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:*
 - a. *The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

The Property is 6.46 acres and all structures and use areas are over 100 feet from adjacent properties. On-site activities will be limited to workday preparation for offsite jobs in the mornings and evenings, with limited trips otherwise during the day. Existing and proposed vegetation and landscaping on the Property along with a proposed fence and entrance gate will screen the proposed use from adjacent properties

The adverse effects associated with the proposed use, such as noise, dust, fumes, odors, vibrations, increased lighting, hazards or other physical conditions will not be greater at the subject site than generally elsewhere in the RC zoning district.

- b. *The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.*

The proposed buildings and structures comply with all setback and height requirements in Sec. 131.0.N.32 and the bulk requirements of the RC district. All internal paths, parking areas and proposed driveway expansions will be a paved with a dustless material. Due to the location, nature and height of structures, walls and fences, the proposed use will be effectively screened from adjacent properties. Therefore, the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than generally elsewhere in the RC-DEO zoning district.

- c. *The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.*

Section 133.0 of the Zoning Regulations does not contain a specific parking requirement for the Landscape Contractor use.

The Petition indicates that there will be a maximum of 11 employees on-site and 12 parking spaces will be provided. The use will not be open to the public and company trucks will be used to go to jobsites, not the vehicles belonging to employees. As shown in the Conditional Use Plans, all parking areas and loading areas are properly located and screened from public roads and residential uses. The Petition does not indicate whether there will refuse areas located on the site.

- d. *The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.*

The ingress and egress for the Property is achieved via an existing driveway connecting to Long Corner Road. In its review of the petition, the Division of Land Development indicated that an existing “access restriction” along the site’s frontage would need to be addressed.

A sight distance analysis was conducted and indicates that location of the driveway intersecting with Long Corner Road provides adequate intersection sight distance. Long Corner Road is a County owned Major Collector.

- e. *The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.*

The Property does not contain any environmentally sensitive areas such as streams, wetlands or their associated buffers. The nearest off-site sensitive environmental feature is located over 250 feet away. Therefore, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

- f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.*

The closest historic site (HO-939) is located approximately 0.25-mile northwest of the Property. The structure was demolished in 2007 and a single-family dwelling constructed in its place. The Resource Conservation Division reviewed the proposal and had no objection to the proposed use. Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

- B. Evaluation of petition according to Section 131.0.N.32 (Specific Criteria for Landscape Contractors):

A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:

- a. The site is at least 5 acres in area.*

The Property is 6.46 acres.

- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.*

The proposed pole barn and outdoor areas that will be used for parking, loading and storage exceed the required 100-foot minimum setback from lot lines and public roads.

- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.*

All structures and outdoor storage areas are located within the interior of the site and are greater than 100 feet from adjacent properties. All surrounding properties are residential and are screened by distance and existing and proposed fencing and landscaping. The closest residence is over 200 feet from the use areas.

- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.*

A proposed 25-foot tall, 5,000 square foot pole barn will be constructed on the Property and is compatible in scale and character with other structures in the vicinity. All other existing structures related to the proposed use are screened from neighboring properties by existing and proposed fencing, landscaping vegetation.

- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.*

Existing and proposed vegetation, landscaping and fencing on the Property will screen the parking and storage areas from adjacent properties and Long Corner Road.

- f. *Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.*

The Petitioner proposes to perform any necessary minor repairs within the proposed pole barn. No body work, engine rebuilding, engine reconditioning, painting or other similar work will take place on the Property.

- g. *The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.*

The total area that will be used for parking and storage of commercial vehicles, equipment, materials and supplies is 13,206 square feet or 4.7% of the 6.46-acre Property.

- h. *The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.*

The proposed hours of operation are from 6:00 a.m. to 7 p.m. Monday through Friday, and 7:00 a.m. to 5 p.m. on Saturdays. The Petitioner has indicated that there will be a maximum of 11 employees that will be on the Property at any given time.

- i. *A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.*

The Petitioner is proposing to provide snow removal services during the winter months. The snow removal activities would consist of the landscape contractor vehicles being outfitted with vehicle mounted snowplow equipment and salt spreaders, and will only be performed for already existing customers during approved times.

- j. *On an ALPP purchased or dedicated easement property, the following additional criteria are required:*
- (1) *The use shall not interfere with farming operations or limit future farming production.*
 - (2) *Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.*

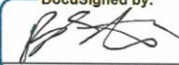
There are no ALPP purchased or dedicated easements on the Property; therefore, this criterion does not apply.

Case No.: BA-23-002C

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Petitioner: Mario A. Guzman and Victor Guzman Argueta

Approved by:

DocuSigned by:


4/24/2023

Brian Shepter, Acting Director

Date



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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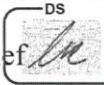
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Subject: BA-23-002C – Larsen’s Point
Conditional Use

To: Geoff Goins, Chief
Division of Public Service and Zoning Administration

From: Anthony Cataldo, AICP, Chief 
Division of Land Development

Through: Derrick Jones, Division of Land Development

Date: February 21, 2023

The Division of Land Development has reviewed the above referenced Conditional Use Petition for a proposed landscape contractor business at 1242 Long Corner Road in Mt Airy MD.

1. An Environmental Concept Plan for the site must be approved prior to the site development plan in order to identify any impacts to streams, wetlands and their buffers, floodplain, steep slopes and specimen trees on site which are protected from disturbance per the Land Development Regulations.
 - a. The natural environmental conditions of the subject site must be thoroughly assessed by an environmental professional and findings must be provided with the forthcoming site development plan.
 - b. Specimen Trees must be shown with their Critical Root Zones to evaluate the level of disturbance.
 - c. Storm water management and suitable drainage requirements will be reviewed at both the ECP and SDP stage.
2. A site development plan (SDP) for this landscape contracting business will be required should this conditional use be granted. Proposed site improvement and features shall be evaluated by DPZ staff and county agencies/offices as part of the SDP submission requirements.
 - a. The natural environmental conditions of the subject site must be reported by an environmental professional and findings must be provided with the forthcoming site development plan. If there are environmentally sensitive areas regulated by the County, they must comply with Sections 16.115 – 16.117 of the Subdivision and Land Development Regulations.
 - b. Parking for the use is subject to site development regulations and engineering design standards for access, spacing, and drainage purposes. In addition, the number of parking spaces required and provided will be reviewed upon the submission of the site development plan.
 - c. This development may be subject to public road improvements per Subtitle 1, Article III of the County Code.
 - d. Perimeter and internal landscaping will be required for this development with the SDP, in accordance with the Landscape Manual.
 - i. The perimeter landscape buffers as shown on the conditional use exhibit appear to comply

with the Landscape Manual requirements. A Type 'C' buffer for nonresidential development adjacent to residential land uses and a Type 'B' buffer for nonresidential development adjacent to a roadway.

3. Long Corner Road is a major collector road and pursuant to Section 16.119(f) of the Subdivision and Land Development Regulations the final plat (F-07-196) recorded an "access restriction" along the site's frontage, except for a 38-foot wide access easement along the western boundary of Lot 1 for shared use with Lot 2. The plan exhibit filed with this BA case application, shows an existing driveway that provides the ingress/egress to remain, although the subdivision plat required the access to be abandoned.
 - a. Alternative compliance will be needed to allow access at the existing location. If approved, a plat of revision will be needed to remove the access restriction.

4. This development is subject to the County's Forest Conservation requirements in accordance with Section 16.1200 of the County Code, because Lot 1 was excluded from forest conservation requirements per final plan, F-07-196.
 - a. Please be informed that approval of a Conditional Use plan and specific site design does not serve as unwarranted hardship justification for any potential alternative compliance requests to the Subdivision and Land Development Regulations. Future review of the site development plan for compliance with the Forest Conservation regulations may cause changes to the plan layout. If such changes do not constitute "minor modifications" as defined in Section 131.0.I.2.c, these changes may require a new hearing by the Hearing Authority, unless otherwise specified in the Decision and Order.
 - b. Approval of an alternative compliance application is required for the removal of any specimen tree. If approval is granted, the required mitigation will be determined as part of the alternative compliance application.

RE: BA-23-002C - DED Agency Comments

Edmondson, Chad <cedmondson@howardcountymd.gov>

Mon 3/12/2023 9:24 AM

To: Tyler, Justin <tyler@howardcountymd.gov>

Development engineer wants to remind the applicant that stormwater shall be managed for the entire limit of disturbance. As proposed, all internal drive lines shall be paved to create a dust free surface. DED recommends the landscape berm be extended to the limit of the storage area. Sight distance analysis should be submitted with the initial submission of the Site Plan that includes a speed study and both stopping sight and intersection sight distance. Verification of A/PF roads or any required study if the peak hour trips exceed 5 trips should be submitted with the initial submission of the Site Plan. Also, verify and provide improvements along the frontage of this commercial use in accordance with Complete Streets Manual.

From: Tyler, Justin <tyler@howardcountymd.gov>

Sent: Thursday, March 9, 2023 12:52 PM

To: Edmondson, Chad <cedmondson@howardcountymd.gov>

Subject: BA-23-002C - DED Agency Comments

Afternoon Chad,

Not sure which DED Engineer is assigned to this one (is there a way in pdoc or somewhere I can check), but would DED have any objections/comments to this landscape contractors use. I have attached a copy of the petition and most recent plans/narratives. I was getting ready to accept this and realized I was still missing the comments... don't want to accidentally overlook something.

In talks with Anthony in D/D, they have been requested to proceed with the CU first before applying for an Alt. Compliance for the driveway easement issues.

Thanks,

Justin Tyler

Planning Specialist | Division of Public Service & Zoning Administration

410.313.4415 | jtyle@howardcountymd.gov

3430 Court House Drive, Ellicott City, MD 21043 | webdca





COMMENT FORM

Date:1/31/23 DPZ File No: BA-23-002c
1242 Long Corner Road

This request for comments has been distributed to the following Departments.

DPZ – Development Engineering Division	DPZ – Resource Conservation Division
DPZ – Research Division	Recreation and Parks
Department of Fire and Rescue Services	Office of Transportation
Department of Inspections, Licenses & Permits	Office of Community Sustainability
DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

We have no comments.

Paul Walsky

January 31, 2023

Print Name

Date



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Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Agency Comment Form

Conditional Use

Date: January 30, 2023
 Use Category: Landscape Contractor
 File No.: BA-23-002C
 Petitioner: Mario Guzman & Victor Guzman Argueta
 Property Address: 1242 Long Corner Road
 Map No: 6
 Parcel: 241

CONDITIONAL USE CRITERIA REVIEW BY AGENCY									
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x	x		x	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	x								
The Ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x							x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Design Advisory Panel review	x								

Comments Due: February 13, 2023

COMMENTS: We have no comments.

[Handwritten Signature]
 SIGNATURE RCD
 2/6/23



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 Case No: BA-23-002C
 Date Filed 01/31/2023

ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 01/31/2023 Comment Due Date: 02/19/2023 DPZ File No: BA-23-002C

Plan Name: Mario A Guzman and Victor Guzman Argueta

This request for comments has been distributed to the following Departments.

DPZ – Comprehensive & Community Planning	DPZ – Development Engineering Division
DPZ – Research Division	DPZ – Resource Conservation Division
Department of Fire and Rescue Services	Recreation and Parks
Department of Inspections, Licenses & Permits	Office of Transportation
DPW, Real Estate Services & Directors Office	Office of Community Sustainability
Health Department	Soil Conservation District
Public School System	State Highway Administration

COMMENTS:

Approved subject to: The petitioner shall be advised that the proposed storage building shall be accessible with accessible parking unless the exceptions are met in the Maryland Accessibility Code.

James Hobson
Print Name

10/18/2021
Date



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Amy Gowan, Director

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Agency Comment Form

Conditional Use

Date: January 30, 2023
 Use Category: Landscape Contractor
 File No.: BA-23-002C
 Petitioner: Mario Guzman & Victor Guzman Argueta
 Property Address: 1242 Long Corner Road
 Map No: 6
 Parcel: 241

CONDITIONAL USE CRITERIA REVIEW BY AGENCY										
GENERAL CRITERIA	DLD	DEI	RCD	DCCF	BEH	DRP	SHA	DILP	FD	
Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan studies of review.	X	X	X		X	X		X	X	
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	X									
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	X									
The Ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		X								X
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	X	X			X	X				
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			X							
Design Advisory Panel review	X									

Comments Due: February 13, 2023

COMMENTS: This property is served by onsite well and sewage disposal system. During Health Department review of building permit for either the change in use or the proposed building, we will need to verify a perc certification establishing a sewage disposal area. If one does not exist, perc testing leading to one will be required. Additionally, we will need to verify whether the existing disposal system is adequate to serve the existing and proposed use. If it is not, an upgrade or replacement system would be required. Finally, if the well construction is substandard, the well would need to be upgraded or replaced prior to Health approval of a building permit.

J. Williams 2/14/23

SIGNATURE