



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of November 19, 2024

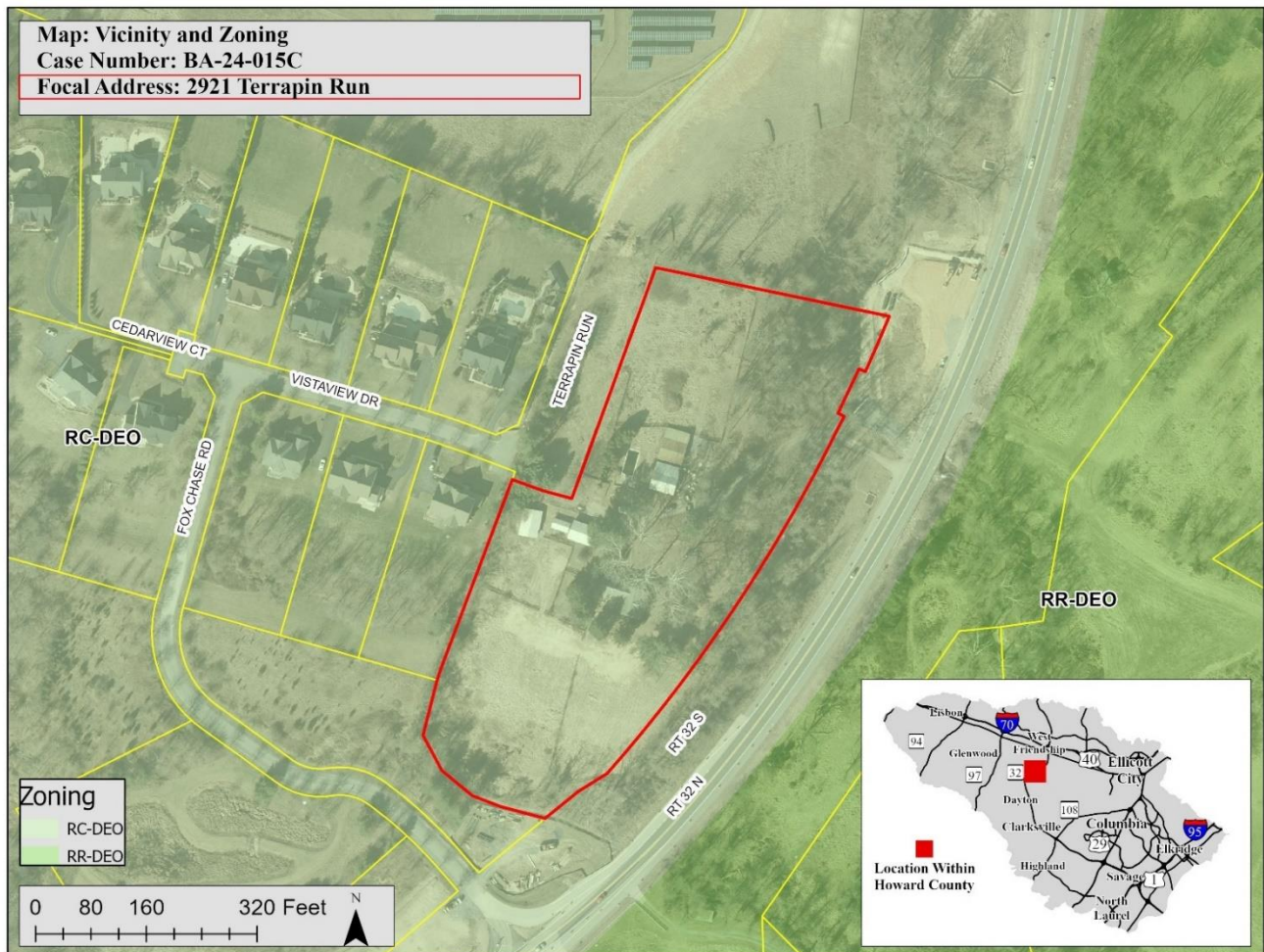
Case No./Petitioner: BA-24-015C/Blythewood Landscape Management, LLC

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

Location: 2921 Terrapin Run, West Friendship, MD 21794
Tax Map 15; Grid 23; Parcel 160 (the "Property")

Property Size: 5.48-acres

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



I. **CONDITIONAL USE PROPOSAL**

The Petitioner is seeking approval for an existing unpermitted landscape contractor’s business located on the Property. The use would consist of commercial vehicle and equipment parking, materials/supplies storage, and a 6,000 square foot pole barn. The petition indicated that there would be 18 employees who will arrive on-site in the mornings and afternoons to pick up or drop off commercial vehicle/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 Sundays.

II. **BACKGROUND INFORMATION**

A. Site Description

The site consists of an irregularly shaped 5.48-acre lot containing a residential dwelling and a proposed landscape contractor’s business. The residence at 2921 Terrapin Run is on the Historic Sites Inventory as HO-645, aka Milton Shipley House. The parcel is partially encumbered with a stream and buffer located in the northeast corner. The site rises from an elevation of 420 feet along the southern property line to 470 feet along the northwestern corner of the Property.

B. Vicinal Properties

Direction	Zoning	Land Use
North	RC-DEO	Commercial Solar Facility
South	RC-DEO	Single-Family Residential/MD Route 32
East	RC-DEO	MD Route 32
West	RC-DEO	Single-Family Residential

C. Roads

Terrapin Run has two travel lanes with varying right-of-way width and a pavement width of 28 feet. The speed limit is 25 miles per hour. There is no Average Annual Daily Trips data for Terrapin Run.

D. Water and Sewer Service

The Property is outside of the Planned Service Area and is served by private water and septic facilities.

E. General Plan

The Property is designated Rural Conservation on the Future Land Use Map of HoCo By Design. Terrapin Run is a Local Road.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

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

IV. EVALUATION AND CONCLUSION

A. Evaluation of the 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 HoCo By Design 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 5.48-acre Property exceeds the 5-acre minimum lot size required for Landscape Contractors in an RC district. However, the combined indoor and outdoor storage area is 24,060 square feet, which is approximately 10% of the total acreage and exceeds the 5% maximum allowed. 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. The Petitioner should provide additional clarification regarding the specific area designated for the outdoor storage of commercial vehicles and equipment.

Terrapin Run is a Local Road, which is an appropriate classification for the number and types of vehicles associated with the landscape contractor use. The proposed landscape contractor's arrival and departure times are scheduled in a way that will minimize impact on the residents living on the same street. As a result, the local road should not experience any significant disruptions.

Therefore, the intensity and scale of the proposed use may not be appropriate for the site as currently designed, as it is non-compliant with the required limitations for indoor and outdoor storage areas as outlined in Sec. 131.0N.32.g. of the Regulations.

3. *The 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 not 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 5.48 acres and all proposed structures and uses would be over 100 feet from adjacent properties. On-site activities will be limited to workday preparation in the mornings and evenings for offsite jobs, with limited trips otherwise during the day. There is existing natural vegetation, fencing and landscaping on the Property that will screen the use from adjacent properties. However, the depicted outdoor and indoor storage areas and commercial vehicle parking exceed the permitted 5% coverage limitation. Additional landscaping may be required when evaluated at the SDP plan review stage.

The adverse effects associated with the landscape contractor use, such as noise, dust, fumes, odors, vibrations, increased lighting, hazards or other physical conditions would be greater at the subject site than generally elsewhere in the RC zoning district as designed, unless brought into compliance.

- 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 existing and proposed structures comply with all setback and height requirements in Section 131.0.N.32. and the bulk requirements of the RC district. All driveways and parking areas will be paved with dustless material. Due to the location, nature and height of structures, and buffering, 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 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 specific parking requirements for Landscape Contractor use.

The Petition indicates that there will be a maximum of 18 employees on-site with 4 company pickup trucks, 4 (6'x14') enclosed equipment trailers, 1 (6'x14') open equipment trailer and a tracked Bobcat. A total of 24 parking spaces will be provided. The Property will not be open to the public and company vehicles will be used to go to jobsites, not the vehicles belonging to employees. All parking and loading areas are properly screened from public roads and residential uses. The Petition does not indicate whether there will be 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 existing ingress entrance to the Property from Terrapin Run was approved during the construction of the existing dwelling and no changes are being proposed to this area. The Property does not share a driveway with other residential uses.

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

The Property is partially encumbered in the northeast corner by a stream buffer; however, all environmentally sensitive areas are outside the limit of disturbance associated with the proposed use of the Property. 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 residential structure at the Property is on the Historic Sites Inventory as HO-645, aka Milton Shipley House, dating to 1875. Since this property is outside of a historic district, and the planned service area, it does not require Historic Preservation Commission approval based on those location criteria. Since the proposal does require a Site Development Plan (SDP), then it would trigger County Code Section 16.603A - Review of Development Plans. In that case, HPC would need to provide Advisory Comments.

The proposed landscape contractor use of the Property with associated office spaces will be entirely within the proposed barn structure and will not alter the character of any historic structures located at the Property. The closest historic site in the vicinity (HO-775) is located 0.25-mile to the southwest of the Property and is screened by existing structures, distance/topography, and vegetation. Therefore, pending HPC advisory comments, the proposed use will not have greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

- B. Evaluation of the 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 5.48 acres. The Property meets this criterion.

- 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 the lot lines and public roads.*

The proposed pole barn and all 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 existing fencing and vegetation. The closest residence is over 250 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 27-foot tall, 6,000 square-foot pole barn will be constructed on the Property but will not be compatible in scale or character with other structures in the vicinity as no other properties in the vicinity have large accessory structures. However, the proposed barn is compatible in character with farming uses typically found in the area. All other existing structures related to the use are screened from neighboring properties by existing fencing and landscaping vegetation.

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

Existing landscaping vegetation and fencing on the Property will screen the parking and storage areas from adjacent properties and Terrapin Run.

- 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 to vehicles and equipment within the proposed structure. 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 24,060 square feet or 10% of the 5.48-acre site which exceeds the maximum 5% limit. The Petitioner should provide additional clarification regarding the specific area designated for the outdoor storage of commercial vehicles and equipment.

- 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 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 Petitioner has indicated that there will be a maximum of 18 employees that will be on the Property at any given time.

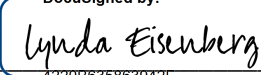
- i. *A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.*

The Petitioner is proposing to provide snow removal services during the winter months. The snow removal activities would consist of landscape contractor vehicles fitted with snowplow equipment and salt spreaders and will only be performed for 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.

DocuSigned by:

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Lynda D. Eisenberg, Director Date

NOTE: The file is available for review at the Public Service Counter in the Department of Planning and Zoning.