

IN RE:

HOWARD ECOWORKS, INC.

REQUEST FOR
CONDITIONAL USE
FOR LANDSCAPE CONTRACTORS

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BEFORE THE

HOWARD COUNTY

HEARING EXAMINER

Case No: _____

**NARRATIVE SUPPLEMENT TO
CONDITIONAL USE PETITION**



Petitioner, Howard EcoWorks, Inc., is an environmental nonprofit organization whose primary purpose is to engage and educate the community about environmental sustainability and restoration, while creating pathways to green jobs through its workforce development programs. Petitioner seeks conditional use approval to carry out its environmental sustainability outreach through a combination of charitable work, community education, and landscape contractor services throughout the community. Upon request, Petitioner consults local property owners on possible eco-friendly improvements, encouraging native plants and local flora. Petitioner also welcomes volunteer work and runs educational programs such as its Eco Ambassador Program for high school students.

This petition seeks conditional use approval for Landscape Contractor use on the subject property, 14270 Burntwoods Road, Glenwood, MD 21738 (the "Property"). The Property currently contains five existing structures: the main building, two sheds, and two barns. This petition is being filed in conjunction with a conditional use petition for charitable institution: office and educational program use on the Property. Petitioner proposes to use the existing structures and Property for office functions, areas for meetings, and educational programs related to its primary purpose of environmental sustainability and restoration. Part of the Property will be used to store landscape contractor equipment in support of Petitioner's primary purpose, environmental sustainability. Specific criteria and details about the current proposal are provided herewith and in the accompanying Conditional Use Plan (the "Plan").

Conditional Use Petition General Criteria (Section 131.0.B.)

B. General Standards Required for Approval

The Hearing Authority shall have the power to permit Conditional Uses, provided the following general standards are met:

- 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.*

The Howard County General Plan (the "General Plan") policies do not directly address Conditional Use requirements for Landscape Contractor uses on RR-zoned property. The

General Plan and its land use policies were, however, the guiding principles for the last Comprehensive Zoning Plan in 2013. That Comprehensive Zoning Plan permitted Landscape Contractor uses on RR-zoned properties subject to the satisfaction of certain general and specific criteria. Any proposal, including this proposal, that satisfies criteria as set forth in the Howard County Zoning Regulations is presumed to be in harmony with the land uses and policies in the General Plan. This proposed use can also create job opportunities and promote healthy jobs, which is a goal listed in the Economic Prosperity Chapter of the General Plan.

Given the nature and intensity of the operation, the size of the Property relative to the proposed use, and its location with respect to surrounding streets, the use is compatible with its rural surroundings and is in harmony with the land uses and policies outlined in the General Plan for this district.

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 Property, at approximately 16.4 acres, is a relatively large sized property in comparison to neighboring adjoining and confronting properties. The existing buildings, outdoor areas, and parking areas dedicated for Landscape Contractor Use are delineated on the Plan and are sufficient distances from lot lines and public roads. On-site activity, which will consist of landscape contractor storage, employee parking, and agricultural displays and nurseries, will be minimal. Given these facts, the intensity and scale 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 districts.*

The proposed use will not generate physical conditions such as noise, dust, fumes, odors, lighting, or vibrations that would be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts. Given the size of the site, the activity on the site, and the location of the existing structures, such adverse impacts are not discernible from abutting and vicinal properties. The primary purpose of this use is to permit the storage of landscaping equipment and supplies on this Property. On-site activity will be limited to storage of

landscape contractor equipment, employee parking, and agricultural displays and nurseries on the Property.

Existing exterior lighting is located on the two barns labeled on the Plan, is motion-censored, and is well screened by existing tree lines and vegetation. Petitioner is not proposing any additional outdoor lighting. Adjoining properties will not be adversely impacted. The proposed Conditional Use will not create any adverse impacts greater at the Property than elsewhere in the same zoning district or other similar zoning districts.

- 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.*

As shown on the Plan, the use is well screened and buffered from all public roads and neighboring properties. Additionally, on-site activity, which will consist of storage of landscape contractor equipment, employee parking, and agricultural displays and nurseries, will be minimal. With minimal daily on-site activity, the use will not hinder or discourage the development and/or use of adjacent land and structures more at this Property than generally elsewhere in the zoning district or other similar zoning districts.

- 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.*

For home-based contractor uses, the minimum parking requirement is 1 space per nonresident employee working on the premises at the time of peak usage, plus 1 space for each visitor potentially present at the time of peak usage. Therefore, Petitioner is required to provide 20 parking spaces to accommodate parking for its 20 landscape contractor employees. The existing 12 asphalt parking spaces and 25 additionally proposed parking spaces, totaling 37 parking spaces, are appropriate to serve the on-site employee and potential visitor parking.

The parking associated with the use is located approximately 600 feet from the Burntwoods Road right-of-way and is not visible from Burntwoods Road. The proposed parking is also buffered by existing vegetation and well screened from neighboring residential uses.

- 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 driveway provides safe sight distance in both directions for ingress and egress. The existing driveway can safely accommodate the increased traffic generated by the proposed use. The majority of traffic will be generated during hours when equipment and supplies are retrieved and returned. Minimal and sporadic traffic will be associated with this use during the day and on weekends.

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

Petitioner will comply with all easements and the 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 to the proposed Conditional Use is HO-998, known as “Knock-Frizzell-Day Farm,” at 14347 Burntwoods Road. The proposed use is minor in scale, screened and buffered as not to be visible from Burntwoods Road, will not require significant renovations or alterations on the Property, and is located so as to be non-visible from this historic site, the proposed Conditional Use has no potential to diminish the character and significance of the Knock-Frizzell-Day Farm or other historic sites. It should be noted that the original primary structure on HO-998, a historic farmhouse, was demolished in 2009 to clear the site for new development.

Conditional Use Petition Specific Criteria (Section 131.0.N.32)

N. Conditional Uses and Permissible Zoning Districts

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

Section 131.0.N.32. 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 site, at approximately 16.4 acres, is of a sufficient size.

- 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 parking and storage for the use, and the existing barn used for storage and supply, are located at least 100 feet 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.*

The proposed use areas are well over 100 feet from neighboring residences. Since the primary purpose of the use is for storage for off-site activities, the Petitioner will not create noise, dust, or fumes to be a nuisance to neighboring properties.

- 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.*

No new structures are proposed. Existing structures related to the proposed use are screened from neighboring properties by existing tree lines and vegetation as shown on the Plan.

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

Outdoor parking and storage areas will be screened by existing tree lines and vegetation as shown on the Plan.

- 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 existing barn will be used for minor repairs to vehicles and equipment. Petitioner will not perform body work, engine rebuilding, engine reconditioning, painting and similar activities on-site.

- 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.*

As shown on the Plan, the existing barn (3,110 sq. ft.) and proposed parking areas (7,678 sq. ft.) labeled on the Plan as being related to the proposed Landscape Contractor Use encompass 10,788 sq. ft. or 0.248 acres of the 16.4 acre Property, equating to 1.6% of the Property.

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

Petitioner will have up to 20 employees, depending on the season, consisting of its landscaping/field crew and administrative staff. The field crew will be on-site to gather equipment for approximately 2 hours per day at the beginning and end of their workday, which is 7:00 a.m. to 3:30 p.m. Monday through Friday. Administrative staff will generally be on-site from 8:00 a.m. to 4:00 p.m. Monday through Friday.

- 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.*

A snow removal service is not included in this petition.

- 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.*

The Land Contractor use will not occur in areas where farming operations take place on the Property and will not impede such activities. The use will not interfere with farming operations or limit future farming production on this Property.

- (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.*

No new structures are proposed. As shown on the Plan, the existing barn (3,110 sq. ft.) and proposed parking areas (7,678 sq. ft.) labeled on the Plan as being related to the proposed Landscape Contractor Use encompass 10,788 sq. ft. or 0.248 acres of the 16.4 acre Property, equating to 1.6% of the Property.