

March 5, 2024

Ms. Lynn Robeson Hannan, Director

Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, MD 20850

Subject: Request for a Conditional Use for a Landscape Contractor Service, located at 6412
Damascus Road, Gaithersburg 20882

Dear Director Robeson Hannan:

At its regular meeting on February 29, 2024, the Montgomery County Planning Board reviewed Conditional Use Application CU202410, for a Landscape Contractor. The Applicant, Jeffrey K. Juneau, proposes to establish a Landscape Contractor on approximately 4.62 acres, located at 6412 Damascus Road, in the AR Zone, and within the 2005 *Olney Master Plan* area. The Conditional Use Plan shows the proposed Landscape Contractor and the associated parking.

In its staff report dated February 16, 2024, technical staff recommended approval of the Conditional Use with conditions. During the Planning Board's review, the Applicant requested a revision to Condition No. 5. The Planning Board agreed and recommended an additional condition be added:

1. Modify Condition No. 5 to allow the hours of operation to end at 6:00 p.m. instead of 5:00 p.m.
2. Based on the proposed use, which is existing, the Board recognized a new non-inherent impact due to the existing development associated with the requested use on the subject property, which is believed to be the cause of uncontrolled runoff on the adjacent, downhill property. Therefore, the Board recommends providing mitigation for the non-inherent adverse impact to the neighbor, by requiring the applicant to provide stormwater management for all existing development on the subject property, to ensure there is not unreasonable runoff to the adjacent, downhill property.

With these revisions, the Planning Board concurred with the findings and recommendations of the staff report. The Planning Board agreed with staff's conclusion that the use is consistent with the recommendations of the 2005 *Olney Master Plan*. The application satisfies all the applicable requirements and regulations of the approval of a Conditional Use for a Landscape Contractor. The Applicant has also met the burden of proof by showing that operating the use at this location will not be a detriment to the neighborhood and will not adversely affect the public interest.

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On a motion by Commissioner Hedrick and seconded by Vice Chair Pedoeem, with Chair Harris, Commissioner Bartley, and Commissioner Linden voting in favor of the motion, the Planning Board voted 5-0 to transmit a letter recommending that the Hearing Examiner approve the Conditional Use with the conditions listed in the staff report.

The Planning Board appreciates the opportunity to review this project and looks forward to working with your staff on subsequent reviews. If you have any questions, please contact Mark Beall at 301-495-1330 or mark.beall@montgomeryplanning.org.

Sincerely,

A handwritten signature in blue ink that reads "Artie L. Harris". The signature is written in a cursive style with a large initial "A".

Artie L. Harris

Chair