

November 28, 2021

The Honorable Tom Hucker, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20856

Re: ZTA-21-08 Landscape Contractor -Use Standards

Dear Council President

I am writing to you in **opposition of ZTA 21-08**, introduced by Council President Hucker on October 19, 2021. This ZTA would establish a Limited Use Standard for Landscape Contractors and allow them to operate under a Limited Use in residential zones and circumvent the Conditional Use process currently in place.

I am extremely concerned about the negative impact Landscape Contractors have on neighboring residential uses, which are related to their operations and can only be properly mitigated through detailed analysis and the regulatory conditions currently imposed by the Conditional Use process.

As a resident of Holly Grove Road Silver Spring, in May 2017 our small residential neighborhood had an extremely negative experience with **FM Group dba Francisco Landscaping Inc. (CU 19-04)**. Francisco Landscaping illegally operated in Holly Grove under the disguise of a residential dwelling solely purchased by the owner of the company's wife as a Maryland First Time Home Buyer, which she was not. After complaints filed by adjoining and abutting neighbors, Francisco in 2018 applied for a Conditional Use and began the process **but continued to operate illegally** in Holly Grove causing undue hardship on the residents.

The application filed by Francisco had falsehoods which were revealed through the Conditional Use process. It showed that the property was not the primary residence of the owner Elba Argueta but instead housing employees of the landscape company and dumping of landscape waste. The traffic study report included in the application stated Holly Grove Road was a 20-foot-wide road with 7-foot shoulders, no pedestrian traffic, and a clear sight view from the owner's driveway to the entrance of Holly Grove Road. **All untrue when in fact the road is only 14ft wide had no shoulders and has no clear sight view and has pedestrian traffic including school children who walk to/from the bus stop at the entrance to Holly Grove.** In addition, applicants were averaging daily truck trips in and out over sixty times a day Monday -Sunday, including tractor trailer deliveries that competed with the resident's use. The trucks were too large and too much traffic for the narrow dead-end road.

If it were not for the careful review, residents' and community input, including testimony and appearances at every step of the process none of the true facts would have been revealed as traffic and safety were just the tip of the problem. Residents were not able to have a safe and peaceful enjoyment of their property where all homes in the neighborhood are on septic. In addition, a 30-space parking lot construction was also part of the applicant's request. **The impervious data for Holly Grove was of great concern adding to the ongoing flooding and runoff problems in the neighborhood based on Holly Grove's location in the Johnson Run sub watershed that feeds into the Northwest Branch.** This type of use inherently brought an increase in externalities that are incompatible with residential use.

A detailed, case-by-case scrutiny is vital and not available through a Limited Use standard. The existing Conditional Use process is the best way to ensure these impacts do not detract from surrounding residential properties. Currently East Montgomery County and specifically the Cloverly, Norwood Road, and New Hampshire Ave area is dramatically **over-saturated by Landscape companies** that come in and purchase residential property and immediately convert them to a commercial use.

Through these Limited Use standards, Landscape Contractors like **Francisco Landscaping** can on paper meet the Limited Use standards and would not need a Conditional Use approval process. Further, Francisco Landscaping, who OZAH denied a Conditional Use due to safety concerns and a sub-standard 14-foot-wide road among other issues raised by the neighbors, a Limited Use standard would allow them to operate legally in Holly Grove if this ZTA is approved.

This is egregious! Please do not set this precedent!

Thank you for your time and consideration of this particularly important matter.

Sincerely,

Judy Mauldin  
15520 Holly Grove Road  
Silver Spring Md 20905

cc: Marc Elrich, County Executive  
Mitra Pedoeem, Director, Department of Permitting Services