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## Special Exception Application No. 4481; Alternative Compliance Application No. 03034

Application	General Data
<b>Project Name:</b> Triangle 7 Farm  <b>Location:</b> Southwest corner of Enterprise Road and Belvidere Road, known as 3800 Enterprise Road.  <b>Applicant/Address:</b> John E. Singletary 3800 Enterprise Road Mitchellville, Maryland 20721	Date Accepted: 12/5/03
	Planning Board Action Limit: N/A
	Plan Acreage: 3.79
	Zone: R-R
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area: 73
	Tier: Developing
	Council District: 05
	Municipality: N/A
	200-Scale Base Map: 205NE10

Purpose of Application	Notice Dates
Nursery and Garden Center, Alternative Compliance for Location of a Landscape Strip	Adjoining Property Owners Previous Parties of Record Registered Associations: 10/15/2003 (CB-12-2003)
	Sign(s) Posted on Site: N/A

Staff Recommendation		Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	SE-4481	AC-03034	

March 17, 2004

**TECHNICAL STAFF REPORT:**

TO: The Prince Georges County Planning Board  
The Prince Georges County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4481**  
**Alternative Compliance Application No. 03034**

REQUEST: **Nursery and Garden Center**  
**Alternative Compliance for the location of a landscape strip and a bufferyard**

RECOMMENDATION: **APPROVAL of the Nursery and Garden Center, with conditions; DENIAL of**  
**Alternative Compliance**

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NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS:

- A. **Location and Field Inspection:** The subject site is located at the southwest corner of the intersection of Enterprise Road (MD 193) with Belvidere Road, approximately 400 feet south of John Hanson Highway (US 50). It is an irregularly shaped tract, 3.79 acres in size, which has been carved out of a larger 7.3-acre parcel. The balance of the parcel is developed with an early 20th century farmhouse and outbuildings. The subject property is the site of a small nursery and garden center, consisting of a greenhouse, a small flower shop, planting areas, and mulch and topsoil piles. The business on the site also includes several trucks and a large trailer, which is used for the temporary storage of landscape materials of various kinds.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Nursery and garden center	Nursery and garden center
Acreage	3.79	3.79
Square Footage/GFA	Outdoor sales and display area—11,431; Greenhouse—2,891	Proposed office and retail sales—1,001

- C. **History:** The subject property has been in the R-R Zone since the property was brought into the Regional District, and was retained in that zone by the 1990 sectional map amendment for Largo-Lottsford. There has been no zoning activity on the site. The current owner has lived on the property since 1980 and has operated a small farm and produce stand, which has grown to a nursery business, without the benefit of appropriate permits. The applicant did obtain a huckster's license to sell produce and plants, and the statement of justification indicates that he was not aware that additional permits were required.
- D. **Master Plan Recommendation:** The 2002 General Plan locates this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The 1990 Largo-Lottsford master plan places the site in the Enterprise community and recommends low suburban residential uses with a density of 1.6 to 2.6 dwellings per acre. The master plan also recommends that future improvements to Enterprise Road be consistent with a parkway-type roadway. (See design considerations on page 42 of the master plan.) A trail is also proposed along MD 193.
- E. **Request:** John Singletary, who is the applicant in this case, requests approval of a nursery and garden center on a portion of a 7-acre farm on which he lives. The site plan shows a proposed sales building to replace an existing “flower shop,” a greenhouse, display areas, areas devoted to growing stock, as well as storage areas for mulch and other landscape materials. A “staging area,” “shredding area,” and area to store vehicles are also shown on the plan. A parking lot for 38 vehicles is shown as well. The applicant’s residence, several sheds, and several garden plots are shown on the balance of the property not included in the special exception.

Mr. Singletary has indicated to staff that he has lived on the site since 1980 and that he began a business of selling seasonal produce and azalea plants around 1985. At that time he acquired a huckster’s license, but was not aware of any other permits or permit requirements. Since that time the business has expanded to include the sale of bedding plants, shrubs, some ornamental trees, and

seasonal sales of Christmas trees, poinsettias and the like.

One full-time and one part-time worker are employed on the site. The applicant owns three trucks, including two one-ton Ford 350s (small dump trucks), as well as a smaller pick-up truck. Tractor-trailers make mulch deliveries to the site about six to eight times per year. Mr. Singletary uses his own trucks to pick up the Christmas trees he sells. He does install some of the plants and trees sold on the property. Mulch is sold in bags and by the truckload. It can be either picked up or delivered.

- F. **Neighborhood and Surrounding Uses:** The subject property is located in a neighborhood defined by the following boundaries:

North—John Hanson Highway (US 50)

East—Enterprise Road (MD 193)

South—The Newton White Mansion/Enterprise Golf Course

West—Lottsford Branch

The neighborhood is generally characterized by suburban single-family residential development in the R-R and R-80 Zones with most of the neighborhood included in the Enterprise Estates Subdivision. A few large-lot parcels in the R-R and R-E Zones are scattered amongst the suburban residential lots.

- G. **Specific Special Exception Requirements: Sec. 27-385. Nursery and garden center.**

- (a) **A nursery and garden center may be permitted, subject to the following:**

- (1) **The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall involve not more than twenty-five percent (25%) of the total gross display and sales area on the subject property;**

A schedule for sales and display of items not grown on the premises is provided on the site plan. The schedule lists the square footage of display areas for seasonal items including Christmas trees, poinsettias, and mums as well as potted plants, which are available all year. The maximum percentage of display of items not grown on the premises occurs in December and does not exceed 25 percent. During the remainder of the year that percentage ranges from 1.6 to 4.7 percent of the total display area.

- (2) **The display, sale, or repair of motorized nursery or garden equipment shall not be permitted;**

The site plan notes indicate that the display, sale or repair of motorized garden equipment will not occur on the site.

- (3) **The subject property shall contain at least one (1) acre;**

The area of the proposed special exception is 3.7 acres.

- (4) **All sales and loading areas shall be located at least twenty-five (25) feet from any abutting street right-of-way.**

The site plan indicates that all sales and loading areas are over 25 feet from both Enterprise Road and Belvidere Road.

#### H. **Parking Regulations:**

The proposed site plan correctly notes that 38 parking spaces are required and provided. The parking needs are based upon one space for every 150 square feet of retail and office space and one space for every 1,000 square feet of outdoor sales and display area. One loading space is required and provided.

To conform to the requirements of the Part 11, the following must be addressed:

1. Access to the loading and parking spaces are provided by a gravel drive a minimum of 22-feet in width. A dirt driveway located between the greenhouse and outdoor sales and display area does not meet the standards for access to parking or loading spaces and should not be used for vehicular access to the parking or loading areas.
2. The two spaces for the handicapped must be shown closer to the proposed office/retail building and an access ramp must be provided between the building and those spaces.
3. The method for identifying the compact parking spaces in the field must be shown on the site plan.

#### I. **Landscape Manual Requirements:**

The subject Special Exception proposes a development that involves more than a ten percent increase in the gross floor area on site; and thus, is subject to Section 4.2, Commercial and Industrial Landscaped Strip; Section 4.3, Parking Lot Requirements, and Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*.

The Urban Design Section staff notes that:

1. The proposed SE, a nursery and garden center, is a nonresidential use in a residential zone. Per Section 4.2, the applicant should provide a minimum 10-foot-wide landscaped strip to be planted with a minimum of one shade tree and ten shrubs per 35 linear feet of frontage, excluding driveway openings. Alternative Compliance has been requested to substitute the existing trees within the ultimate right-of-ways of both Belvidere Road and Enterprise Road to meet the Section 4.2 requirements.
2. The application is also subject to Section 4.3(b) due to the proposed parking lot location adjacent to the public rights-of-way. Alternative Compliance has been requested for this section as well.
3. The subject site abuts an existing single-family detached residence in the R-80 Zone to the south. Since the proposed SE is defined as a medium impact use per Section 4.7, a Type “C”

bufferyard of 30 feet in width is required to be planted with 120 plant units per 100 linear feet of property line. The landscape plan indicates that the existing wooded strip and a strip of the proposed planting ground will be used to fulfill the requirements. The Urban Design staff recommends that bufferyard be clearly delineated from the nursery's planting areas.

The Alternative Compliance Committee has recommended denial of the request for alternative compliance for the location of the landscape strip to meet the requirements of Sections 4.2 and 4.3 of the *Landscape Manual*. It recommended that the proposed landscape plan be revised to show the required landscape strips outside of the ultimate rights-of-way for Enterprise Road and Belvidere Road. It is also recommended that the required bufferyard abutting the single-family home to the south be clearly delineated and that a planting schedule in accordance with a Type C bufferyard be provided.

- J. **Zone Standards:** The proposed use meets the standards of the R-R Zone for lot coverage and setbacks. A building that does not meet the front yard setback is proposed to be removed.
- K. **Sign Regulations:** There are no signs proposed on the site plan. If a freestanding sign is proposed, it must be shown on the site plan and conform to the location standards of Part 12 of the Zoning Ordinance.
- L. **Other Issues:** Improvements to Enterprise Road

The State Highway Administration (SHA) has reviewed the requested special exception and has determined that on-site improvements or expansion of the existing use required the upgrading of the site's ingress and egress. (See the January 13, 2004 letter from Kenneth McDonald to Tom Lockard.) These comments indicate that the SHA Access Manual, Section 11.0, requires that the proposed site improvements will require an acceleration and deceleration lane, the construction of traffic islands and curb and gutter to control traffic patterns along the property. SHA comments also indicate the need to coordinate with long-term highway plans as well as local master plans.

As noted previously, the 1990 Largo-Lottsford master plan recommends that future improvements to Enterprise Road be consistent with a parkway-type roadway. Among other things, the master plan guidelines require consideration of extensive landscaping and the preservation of existing landscaping, visual barriers between highways and existing subdivisions, minimization of the number of access points, and minimization of concrete outside of roadway needs, such as shoulder widths.

The current access to the site from Enterprise Road is substandard. As a further indication of the need for access improvement, a letter from an adjoining property owner indicates that commercial vehicles, including tractor-trailer trucks, sometimes access the subject property through the residential property to the rear, using local residential streets to obtain access. It is not clear to what extent the Master Plan guidelines will affect the ultimate requirements of the State Highway Administration for approval of an access permit for the subject application. It may be that typical requirements for commercial entrances will be modified to meet the guidelines of the Master Plan. However, the continued use and upgrading of the business on the subject property will require access improvements consistent with both the SHA standards and the guidelines of the Master Plan, as well as elimination of the use of Venison Lane. (See also the March 9, 2004, memorandum from Tom Masog.)

M. **Required Findings:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The fundamental purposes of the Zoning Ordinance, as found in **Section 27-102**, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. With the recommended conditions, the proposed use will be compatible with the fundamental purposes of the Zoning Ordinance.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The proposed use meets the technical requirements for nursery and garden centers. The subject property is located in the R-R Zone, which permits the proposed special exception. With the recommended conditions to revise the site and landscape plans to meet the requirements of the *Landscape Manual* and to correct minor deficiencies in the proposed parking lot, the proposed use will conform to all applicable requirements and regulations of this Subtitle.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The proposal does not detract from the applicable goals and policies for the (General Plan) Developing Tier. While the existing use is essentially a commercial operation, it has a rural appearance, both because of the nature of the use and the particular setting of this site. It does not appear to detract from the existing suburban residential neighborhood. Further, it does not detract from planned commercial centers as community focal points because this type of use is not typically found in planned centers. Although not specifically addressed in the Largo-Lottsford master plan, the use is permitted in the R-R Zone via the approval of a special exception application. Therefore, the proposed use does not impair the integrity of the General Plan or the master plan.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The size and location of the site can support the proposed use without detriment to the health, safety or welfare of residents or workers in the area. However, the continuation and upgrading of the use will require improvements to the current access from Enterprise Road in accordance with the standards of the State Highway Administration and the master plan guidelines for an eventual four-lane parkway.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The proposed use is generally oriented toward Enterprise Road and with appropriate access improvements and adherence to *the Landscape Manual*, the use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed site plan indicates that the Venison Lane entrance to the residential property owned by the applicant will be for private residential use only. In order to ensure that commercial use of Venison Lane does not take place, it is recommended that vehicular access to the residence be closed either at Venison Lane or at the special exception boundary. It is also noted that the applicant intends to limit the hours of operation to 8:00 a.m. to 5:00 p.m., Tuesday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturday and Monday, avoiding operation during evening and night hours and on Sundays.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The Environmental Planning Section has granted an exemption from the Woodland Conservation Ordinance, based on the fact that the subject property contains less than 10,000 square feet of woodland. (See the October 9, 2003, memorandum from Jim Stasz.)

**CONCLUSION:**

The subject property is an appropriate location for a nursery and garden center, if the site plan is revised to meet all of the technical requirements of the Zoning Ordinance and the requirements of the State Highway Administration for access from Enterprise Road.

The property is large enough to accommodate the proposed use given the size and scope of the operation and the space on the site to meet appropriate landscaping and buffering requirements. Alternative Compliance Application AC-03034 is recommended for DENIAL because the site is large enough to accommodate the required landscaping outside of the proposed right-of-way. Access to the site from Enterprise Road is currently substandard, resulting in the use of residential streets to the rear for occasional access of commercial vehicles. Access improvements in accordance with the standards of the State Highway Administration and the guidelines of the Largo-Lottsford master plan are needed to improve safety and to reduce use of residential streets by commercial vehicles. Staff therefore recommends that Special Exception Application No. 4481 be APPROVED; subject to the following conditions:

The site plan shall be revised to show the following revisions:

1. Improvements to the access from MD 193 in accordance with the standards of the State Highway Administration and the Guidelines found on page 42 of the *Master Plan for Largo-Lottsford and Vicinity*.
2. A note to indicate that vehicular access is prohibited on the dirt driveway between the greenhouse and the outdoor sales and display area.
3. The parking spaces for the handicapped shall be relocated closer to the proposed office/retail building and an access ramp shall be provided between the building and those spaces.
4. The method for identifying compact parking spaces in the field shall be shown on the plan.
5. Vehicular access to the applicant's residence shall be closed either at Venison Lane or at the special exception boundary.



The landscape plan shall be revised to show the following:

1. The Type C bufferyard along the southern property line shall be distinguished from the plant growing areas and a schedule listing plant materials and quantities shall be provided.
2. The landscape strips required to meet Sections 4.2 and 4.3 of the *Landscape Manual* shall be provided outside of the proposed rights-of-way for Enterprise Road and Belvidere Road.