



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
7/08/10
Item #

MEMORANDUM – Special Exception

DATE: June 7, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division
Ralph Wilson, Zoning Supervisor

RK

RW

FROM: Carlton W. Gilbert, Planner Coordinator
(301) 495-4576

CG

SUBJECT: **Board of Appeals No. S-2769 (Special Exception):** TJW Dogs of Silver Spring, LLC, applicant, - requests a special exception to permit the operation of an animal boarding place; CBD-2 Zone; located at 8122 Georgia Avenue, Silver Spring, MD

MASTER PLAN: Silver Spring CBD Sector Plan

PUBLIC HEARING: July 19, 2010

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. All evidence, testimony and exhibits of record shall bind the petitioners.
2. Hours of operation for the pick-up and drop-off of dogs are limited to 7:00 a.m. to 7:00 p.m., Monday thru Sunday.
3. The special exception is limited to a maximum of four (4) employees.
4. There must be no outdoor exercising of dogs on site.
5. The applicant obtains a commercial kennel license to operate the animal boarding place.

The animal boarding use at the proposed location satisfies the specific special exception requirements of 59-G-2.02. With the recommended conditions, the proposed use will not constitute a nuisance because of traffic or physical activity and will not adversely affect the surrounding properties.

PROJECT SUMMARY

The applicant is requesting a special exception to provide animal boarding, day care, and grooming services in a building located at 8122 Georgia Avenue in Silver Spring, Maryland. The proposed animal boarding business will operate in an existing, one-story building consisting of 5,285 square feet. The facility will be divided into four large rooms. Two rooms will be used for dog day care. A third room will be used as a boarding room that will include crates. The fourth room will be used for grooming. All activities of the animal boarding place will occur entirely within the building. There will be no use of the external areas.

The animal boarding place will operate between the hours of 7:00 a.m. and 7:00 p.m. The applicant anticipates that the business will have up to four full-time employees, including a receptionist, a small dog handler, a large dog handler, and a groomer. There are no changes proposed to the exterior of the existing building. All windows and doors will be kept closed at all times unless the dogs are leaving or arriving. The lease for the business includes the use of eight parking spaces. In addition, there are public parking facilities in the vicinity of the site.

Site Description

The subject property is comprised of one parcel and contains 0.97 acres. The legal description is Parcel 763, Tax Map JN 342. The site is located on the west side of Georgia Avenue, north of its intersection with Blair Mill Road in Silver Spring. The property is zoned CBD-2. The property is improved with a one-story metal building that will provide boarding, dog day care, and grooming and training services for dogs. The building is located behind commercial buildings that house a karate school and a corset shop and front on Georgia Avenue. Other businesses include a hair salon and office space. The subject building is setback approximately 180 feet from Georgia Avenue and adjacent to the WMATA train tracks.

Neighborhood Description

The neighborhood in which the subject property is located is defined by Ripley Street to the north, Georgia Avenue to the east, WMATA train tracks to the west, and the Silver Spring firehouse to the south. Two high-rise condominium buildings are located across the train tracks to the west of the subject property. At its closest points, the residential buildings are approximately 2,100 feet from the subject property. The surrounding properties to the north, west, and south are zoned CBD-2. The properties across Georgia Avenue are zoned CBD-1.

Elements of Proposal

As previously stated, the applicant is proposing to lease approximately 5,285 square feet of space in an existing building to operate an animal boarding, day care, and grooming business. All services will be inside the building in four large rooms for specified activities: small dog day care; medium and large dog day care; a boarding room with crates; and a grooming room. Two designated dog litter areas with odor absorbing litter material will be provided, including dog waste disposal bags that can be placed in sealed receptacles. The use will only need one access point, utilizing the door located on the north side of the building.

The pick-up and drop-off hours of operation for the business will be between 7:00 a.m. and 7:00 p.m., seven days a week. Pick-up and drop-offs will occur on the driveway and parking areas at the side entrance of the building. There will be a maximum of four employees on-site and only one overnight employee.

Master Plan

The proposed development is in conformance with the 2000 Approved and Adopted Silver Spring Central Business District Sector Plan. The site falls within the Sector Plan's Ripley District section. On page 45, the Plan envisions the Ripley District becoming a revitalized transit-oriented mixed use community:

The Ripley District is envisioned as a revitalized, mixed use district with its primary focal point a high density commercial development....Expanding the range of uses and adding market responsive commercial density near Metro will stimulate development and allow both commercial and high rise residential uses.

The proposed animal boarding place is consistent with this recommendation. The Plan recommends expanding the land uses in the area and an animal boarding facility would be a new use for the area. The Plan also recommends residential development not only in the Ripley District but throughout the Silver Spring Central Business District. An animal boarding facility will support the needs of Silver Spring's growing residential community and their pets.

Transportation

Transportation Planning staff has not recommended any transportation-related conditions to support granting of the subject special exception request, since the application meets the transportation-related requirements of the APF test. The proposed use will not have an adverse effect on the transportation network within the immediate local area.

The facility is proposed to primarily serve existing/future residential communities in the immediate walkable area along the East-West Highway and Fenton Street corridors of Silver Spring. The structure previously accommodated a child day-care center.

Vehicular access to the site is from Georgia Avenue, which has sidewalks on both sides. No off-site improvements are proposed as part of this special exception petition. The subject use, therefore, will not affect pedestrian accessibility and will not have an adverse effect on pedestrian access or safety in the area.

Metrobus routes 70, 71, and 79, and RideOn bus route 28 (Downtown Silver Spring VanGo Shuttle) serve the area and have stops near the proposed use. The site is also within 2,000 feet of the Silver Spring Metrorail Station. The proposed animal boarding place will have 8 parking spaces for the exclusive use of the facility.

Local Area Transportation Review

According to the petitioner's Statement of Operations and Transportation Statement for the proposed animal boarding facility and related services, the facility will be open to the public for drop-off and pick-up of dogs between 7:00 a.m. and 7:00 p.m. The petitioner anticipates the facility to have up to four employees, including a receptionist, a small dog handler, a large dog handler, and a groomer.

It is anticipated that there will be an average of 30 dogs at the facility daily and that dogs participating in the day-care activity will be dropped off daily. In general, dogs will be dropped off between 7:00 a.m. and 10:00 a.m. and picked-up between 4:00 p.m. and 7:00 p.m., (i.e., over a period of three hours in the morning and three hours in the evening). Assuming one-fourth of the dog owners have more than one dog (as stated in the applicant's Statement of Operations/Transportation Statement), the animal boarding place is estimated to generate 16 inbound and associated outbound trips during the weekday morning and evening street peak-hours (i.e., 2 times [30 x 0.75] divided by 3). The petitioner estimates an additional two drop-off's or pick-up's per hour for training and/or grooming services (estimated to generate 4 inbound plus outbound trips {i.e., 2 times two drop-offs or pick-ups} during the morning and evening street peak-hours) and four drop-off's or pick-up's per hour for animal boarding (estimated to generate 8 inbound plus outbound trips {i.e., 2 times four drop-off's or pick-up's} during the morning and evening street peak-hours). The above results in an estimated total of 28 inbound plus outbound trips at the facility during the morning and evening peak-hours. In addition to the above trips, it is assumed that one inbound or outbound employee trip could occur during the morning and evening street peak-hours. The proposed animal boarding place was thus estimated to generate a total of 29 inbound plus outbound trips during the morning and evening street peak-hours.

According to the petitioner, typically, 90 percent or more of the trips generated by an animal boarding place are "pass-by" trips, which are trips that are already on roadways adjacent to site, oriented to another primary destination. The petitioner states that a pet owner typically drops-off pets on their way to work, travel, or some other

engagement and picks them up on their return trip home. Given the proximity of the proposed facility to several existing/future high-rise residential communities along the East-West Highway and Fenton Street corridors and the site's proximity to the Silver Spring Metrorail Station, it is anticipated that many of the customers could be "walkers" as well (which is not reflected in the trip generation estimate above). Staff believes that it is reasonable to assume that approximately 90 percent of customers at the proposed facility will be "pass-by" trips.

With a 90 percent "pass-by" trip percentage, the proposed animal boarding place is estimated to generate three (3) "new" peak-hour trips (i.e., 10 percent of 28 peak-hour trips) during the morning and evening street peak-hours. With the one inbound or outbound employee trip during the morning and evening street peak-hours, the proposed use is estimated to generate four (4) "new" peak-hour trips during the morning and evening street peak-hours.

Since the proposed special exception use will generate fewer trips than the threshold that requires a Local Area Transportation Review (LATR) traffic study (30 or more peak-hour trips during the weekday morning and evening peak periods), the subject use satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

As described above, the animal boarding facility and related services proposed for the site are estimated to generate a total of four "new" peak hour trips during the weekday morning and evening peak periods. The 10% PAMR requirement for the Silver Spring CBD Policy Area thus results in a requirement to mitigate 0.4 or 0 (zero) peak-hour trips. Therefore, the subject use has no PAMR mitigation requirement and satisfies the PAMR requirements of the APF test.

Environment

Environmental Planning staff recommends approval of the above referenced Special Exception #S-2769 for the TJW Dogs of Silver Spring, LLC site.

Environmental Planning staff states that application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, and will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity. A Sound Insulation Analysis (Acoustical Design Collaborative, LTD, issued February 23, 2010) was included that finds the existing building does not need modifications, and that exterior noise levels will not exceed 40 dBA at a distance of 10 feet from the building.

The building is described as a "quiet" structure constructed with dryvit and 1" dryvit foam, 4" core dense foam insulation; 5/8"-rated drywall over metal studs; and a metal frame anchored on a concrete slab on grade with a metal roof.

A Sound Insulation Analysis of the existing structure was conducted by Acoustical Design Collaborative, LTD, with the report issued February 23, 2010. Measured kennel noise activity from previous projects was used to determine probable noise levels from the building at 8122 Georgia Avenue. Because dog noise varies due to breed, temperament, and number of dogs, noise levels will likely range from 88 to 98 dBA inside any of the rooms to be used for dog boarding. The high end of the range was used for calculations and analysis (worst case scenario). The building was constructed with sound transmission class (STC)-rated materials.

The analysis concludes that exterior noise levels at ten feet from the building as it now exists will not exceed 40 dBA, assuming 100 dogs of various sizes and breeds are in the building. In discussion with the acoustical consultant on April 27, 2010, it was assumed that much of the glass along the front of the structure was to have drywall installed on the interior side of the windows, increasing the STC rating at least another 13 decibels over the windows alone. No further building modifications are necessary based on the existing STC-rating of the building materials.

The site is exempt from submission of a forest conservation plan per #42010130E confirmed by staff on February 23, 2010. The site is in the Lower Rock Creek watershed, designated as class I / I-P waters. There are no streams, wetlands, floodplain or environmental buffers on-site. The *Countywide Stream Protection Strategy (CSPS)* identifies this subwatershed (Lower Mainstem E/W Highway) as having poor water quality.

No changes or alterations are proposed to the existing parking lot or exterior of the building. Stormwater will drain into the existing drainage system.

Development Standards

The subject property is located in an existing building that satisfies the development of the CBD-2 zone. The special exception is for a use in an existing temporary structure. When the site is redeveloped, mixed use will be required.

Parking – The proposed animal boarding facility has 8 parking spaces for its exclusive use. The eight spaces are located directly in front of the building adjacent to a 6-foot high fence. In addition, there is a public parking lot located to the north of the facility.

Landscape and Lighting – There is no landscaping proposed and currently there is only one small tree, located behind the building. There is adequate lighting on the site. The applicant intends to retain the existing exterior lighting which consists of three lights (two in the front and one in the rear) on the building. Two street lights that face the homeless shelter parking lot provide light for the parking area. No new lighting is proposed.

Sign: The display of a sign must comply with Article 59-F. The applicant proposes to install an 8-foot by 8-foot banner on the front of the building.

Community Concerns – Staff has not received any written or oral comments regarding the proposed animal boarding place.

Inherent and Non-Inherent Adverse Effects

The Zoning Ordinance specifies a standard of review for evaluating compliance with general and specific conditions that requires an analysis of inherent and non-inherent adverse effects.

The first step in analyzing the inherent and non-inherent adverse effects of a special exception or modification is to define the boundaries of the surrounding neighborhood.

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent adverse effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

Applying the above analysis to this case, staff finds:

The inherent, generic physical and operational characteristics necessarily associated with an animal boarding place include: (1) vehicular trips to and from the site; (2) noise and odor of animals; (3) deliveries of mail and small parcels; and (4) drop-off and pick-up of dogs in parking areas.

The animal boarding use in this application is approximately 5,285 square feet and is located in an existing one-story building. The use will occur entirely within the building. Staff finds that the size, scale, and scope of the proposed use is minimal and is not likely to result in any unacceptable noise, traffic, or environmental impacts. There are no non-inherent adverse effects associated with this use.

General and Specific Special Exception Provisions

The application, as conditioned by staff, satisfies all of the general and specific requirements for an animal boarding place found in Sections 59-G-1.21 and 59-G-2.00 of the Zoning Ordinance.

59-G-1.21. General Conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

The subject property is zoned CBD-2. An animal boarding place is an allowed special exception in the CBD-2 Zone.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

Staff finds that the requested use satisfies the standards and requirements prescribed in Section 59-G-2.02 of the Zoning Ordinance.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

Staff finds that the use will be consistent with the recommendations of the 2000 Approved and Adopted Silver Spring Central Business District Sector Plan.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

While the animal boarding facility would be a new use for the area, the use will be in harmony with the general character of the surrounding commercial neighborhood. The use will be located entirely within the existing building and will not require construction of an addition to provide additional floor space. There is adequate parking. Traffic conditions will not be affected adversely. Staff does not find an excess of similar uses in the defined neighborhood.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

There is no indication that the use will be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not create any noise inconsistent with noise levels that now exist in the area. The building is sound proofed and will not have exterior noise levels above 40 db, ten feet from the building. Operation of the animal boarding will not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical or activity at the site.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

Staff finds the special exception will not increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely. No new construction is proposed.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

There is no evidence to support a finding that the animal boarding use would have an adverse effect on residents, visitors, or workers in the area. It is more likely that the proposed use will benefit the community by occupying vacant space and providing a useful service.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

The subject site is already subdivided and will continue to be adequately served by public facilities. As previously indicated, staff also finds that the requested use satisfies the transportation-related requirements of the APF test.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

The application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic because the existing driveway is large enough to accommodate the drop-off and pick-up of animals.

Sec. 59-G-2.02. Animal Boarding Place.

- (a) In any central business district, commercial, or transit station zone where permitted by special exception, an animal boarding place must comply with the following conditions and requirements:

- (1) Exterior runs, exercise yards, or other such facilities for the keeping of animals are not permitted.

All services will be provided within the interior of the building. There will be no use of the external areas for the exercise of animals.

- (2) All interior areas for the keeping of animals must be soundproofed.

As noted in the attached environmental comments, the proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity. Additionally, a sound insulation analysis was done that concluded that the existing building does not need modifications and that

exterior noise levels will not exceed 40 dBA at a distance of 10 feet from the building.

- (3) In the C-1 zone, an animal boarding place must be located at least 75 feet from the nearest residentially-zoned land, and must be operated in conjunction with a veterinary hospital.

Not applicable.

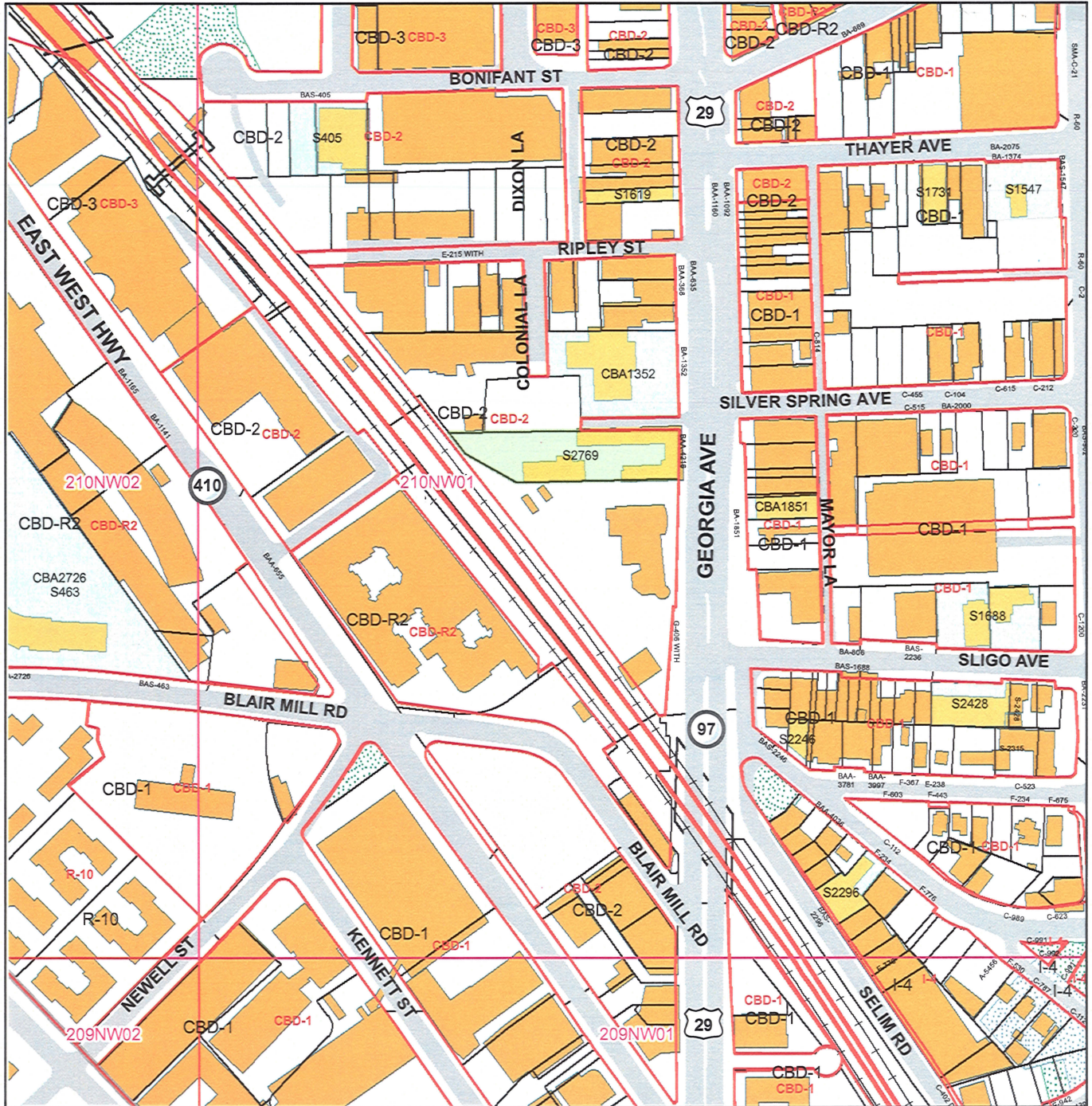
Conclusion

Based on the foregoing analysis, staff recommends approval of the application subject to the conditions found at the beginning of the technical staff report.






LIST OF ATTACHMENTS

1. Location Map
2. Zoning Map
3. Survey Plat
4. Exterior Lighting Photograph
5. Photographs of Site
6. Lease Authorization Letter
7. Sound Insulation Analysis
8. Vision Division Memo
9. Transportation Planning Memo
10. Environmental Planning Memo

General Location Map



LEGEND

-  Special Exception Request
-  Zone Boundary
-  Parcel
-  Lake and Pond
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

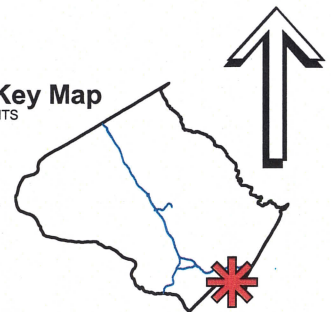
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 300 feet
Address: 8122 Georgia Avenue, Silver Spring

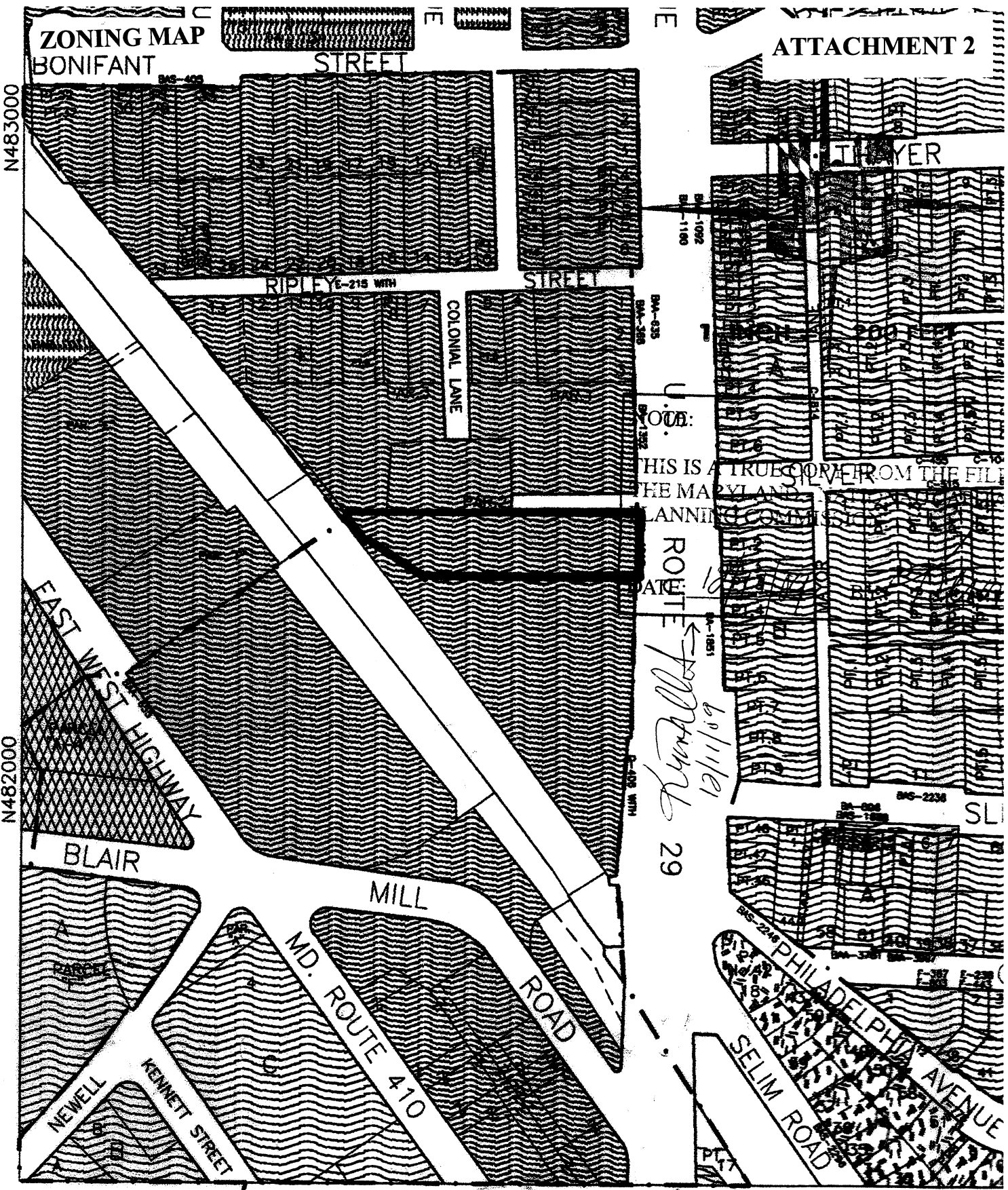
Key Map

NTS



required. Use of this map, other than for general planning purposes. Please report any errors or omissions to the Mapping/Graphics Section, Montgomery County Planning Department. (301) 495-2178 or (301) 495-1327.

known or to be invented, without permission in writing from the Montgomery County Planning Department.



14
Y/SOUTH SILVER
R OVERLAY ZONE

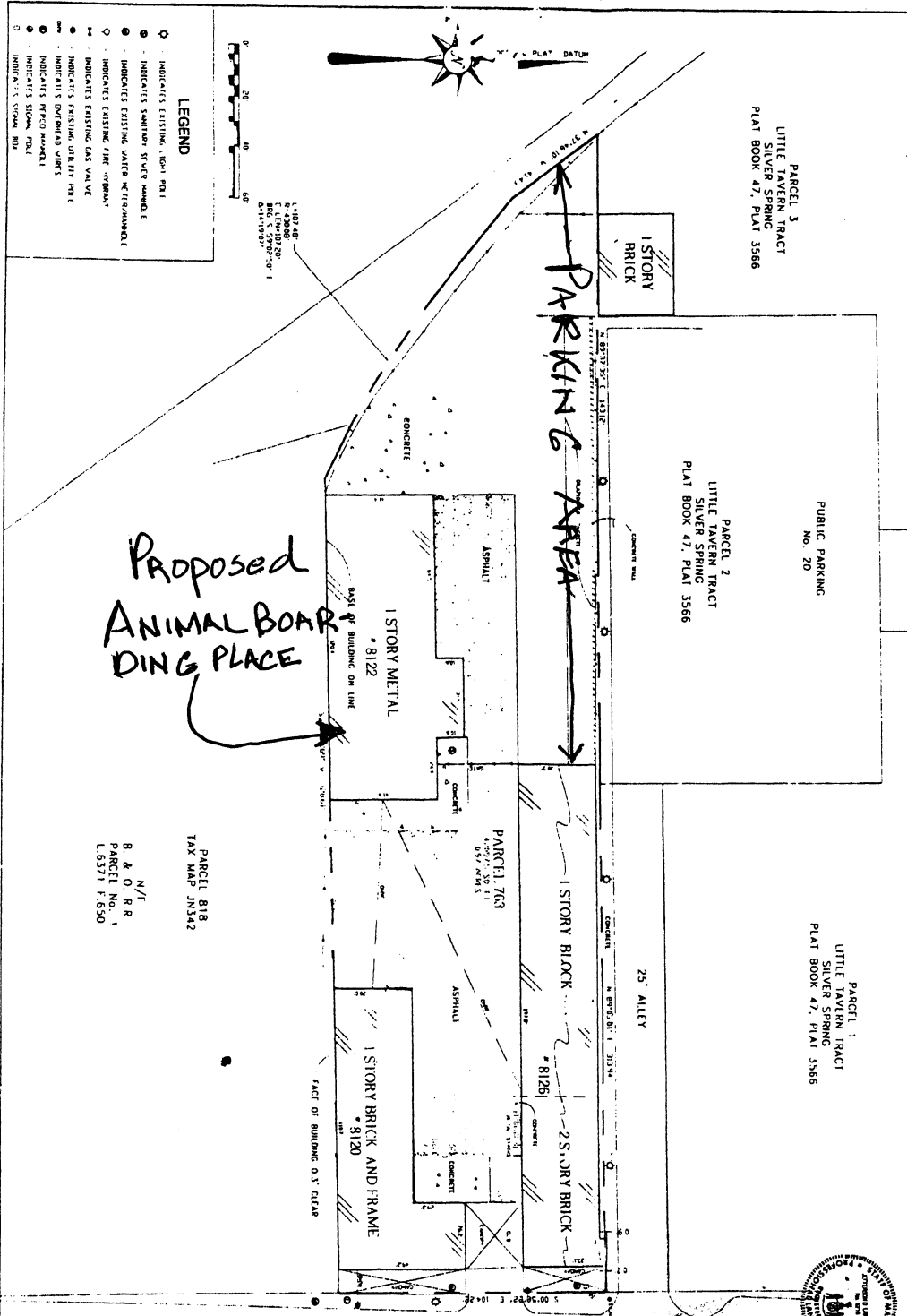
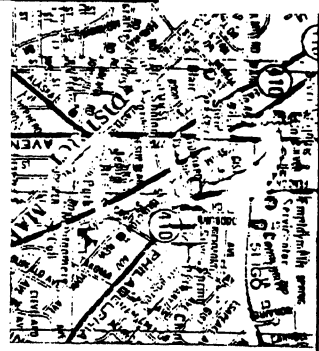
Montgomery County

The Maryland National Capital Park and Planning Commission

210NW01

PROPERTY UPDATES

ZONING UPDATES



- LEGEND**
- INDICATES EXISTING TOWN MAIL
 - INDICATES EXISTING WATER MAINS
 - INDICATES EXISTING WATER RETICULATION
 - INDICATES EXISTING FIRE HYDRANT
 - INDICATES EXISTING GAS VALVE
 - INDICATES EXISTING UTILITY POLE
 - INDICATES OPENED VAULTS
 - INDICATES OPENED MANHOLE
 - INDICATES STORM MAIN
 - INDICATES STORM BOX

PARCEL 818
TAX MAP JN542
N/I
B. & O. R.R.
PARCEL No. 1
L. 6371 F. 650

256014

GEORGIA AVENUE (MARYLAND ROUTE No.97)



John J. Lawrence
Surveyor General
STATE OF MARYLAND
DEPARTMENT OF ASSESSMENTS AND TAXATION
1000 BANKERS BUILDING
BALTIMORE, MARYLAND 21202
TELEPHONE (410) 528-1000
FACSIMILE (410) 528-1001
MAILING ADDRESS: 1000 BANKERS BUILDING, BALTIMORE, MARYLAND 21202

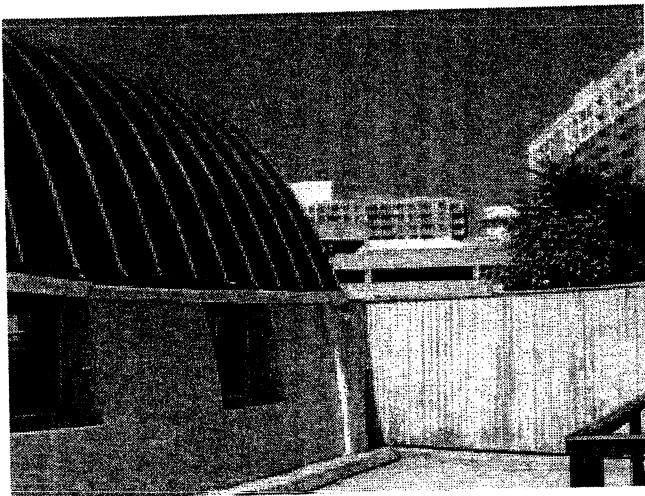
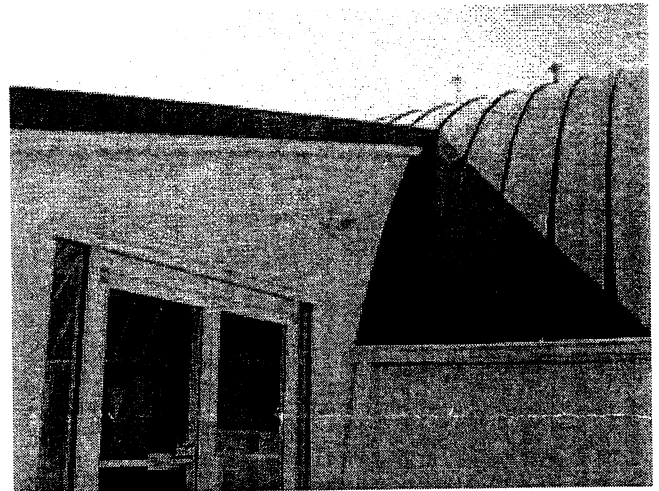
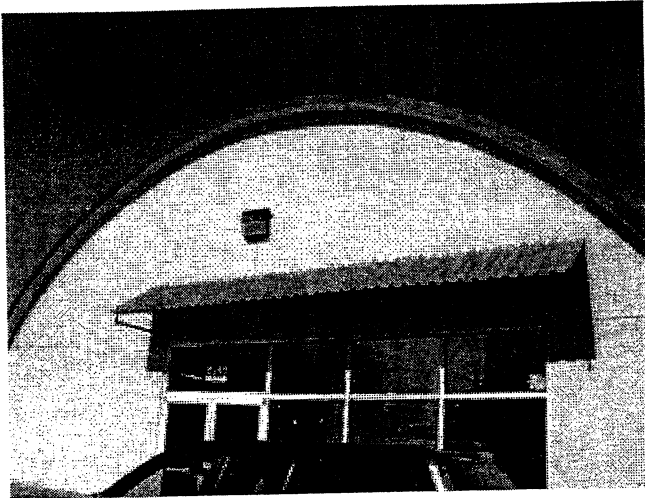
TITLE: ALTA/ACSM TITLE SURVEY	
PARCEL 763, TAX MAP JN 342	
LIBER 11793, FOLIO 184	
ELECTION DISTRICT No 13 - MONTGOMERY COUNTY, MARYLAND	
DATE: 11/20/97	SCALE: 1" = 20'
BY: J. J. LAWRENCE	APP'D: J. J. LAWRENCE
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Maryland at Baltimore, Maryland, this 11th day of November, 1997.	

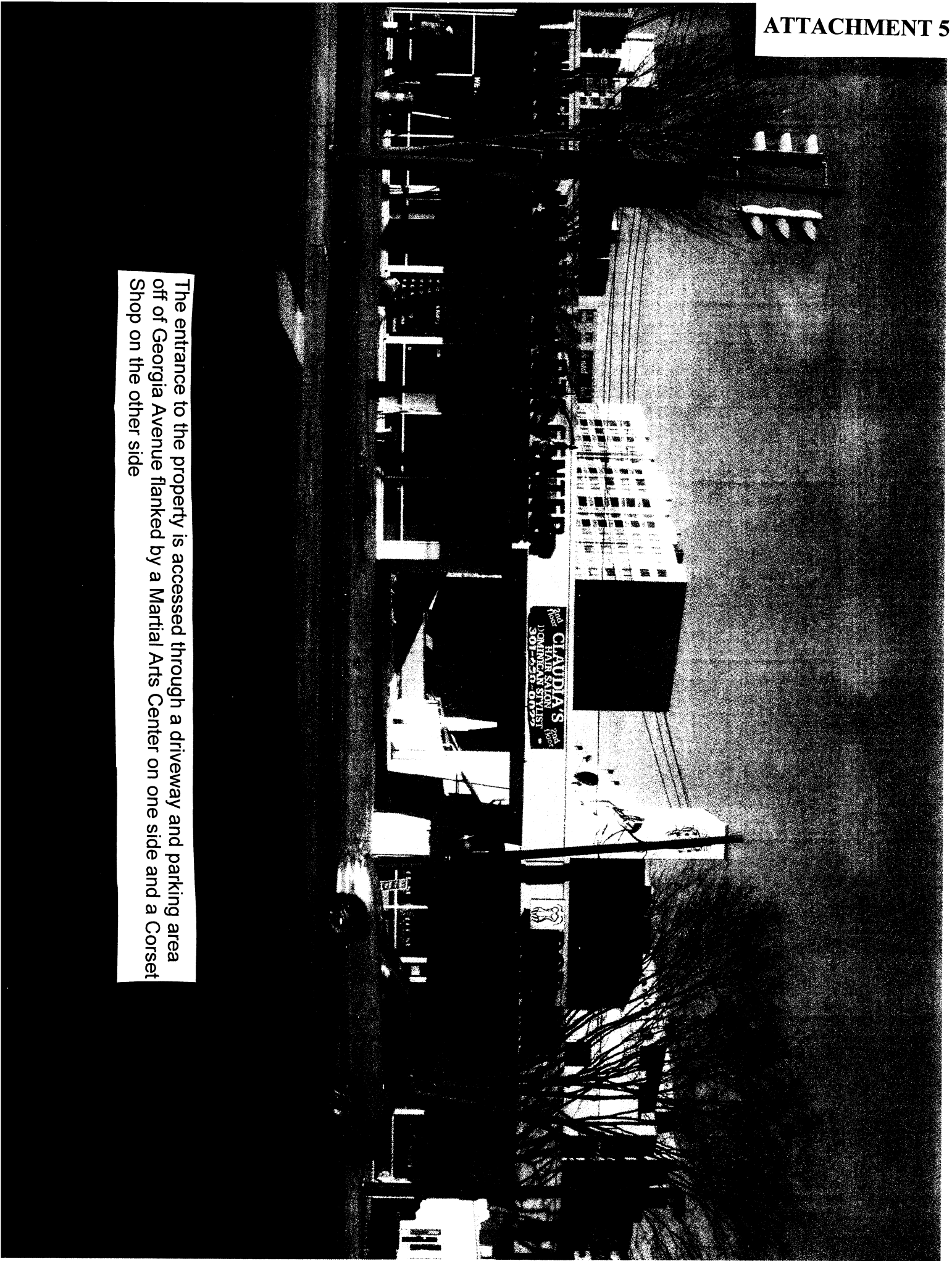
O'CONNELL & LAWRENCE, INC.
ENGINEERS, SURVEYORS & LAND PLANNERS
1700 Georgia Avenue, Suite 202, Silver Spring, Maryland 20910
Tel: 301-591-0070 • Fax: 301-591-0072

Special Exception Application S-2769 TJW Dogs of Silver Spring, LLC

Exterior Lighting:

The applicant plans to retain the existing exterior lighting. The three lights on the building are shown below:



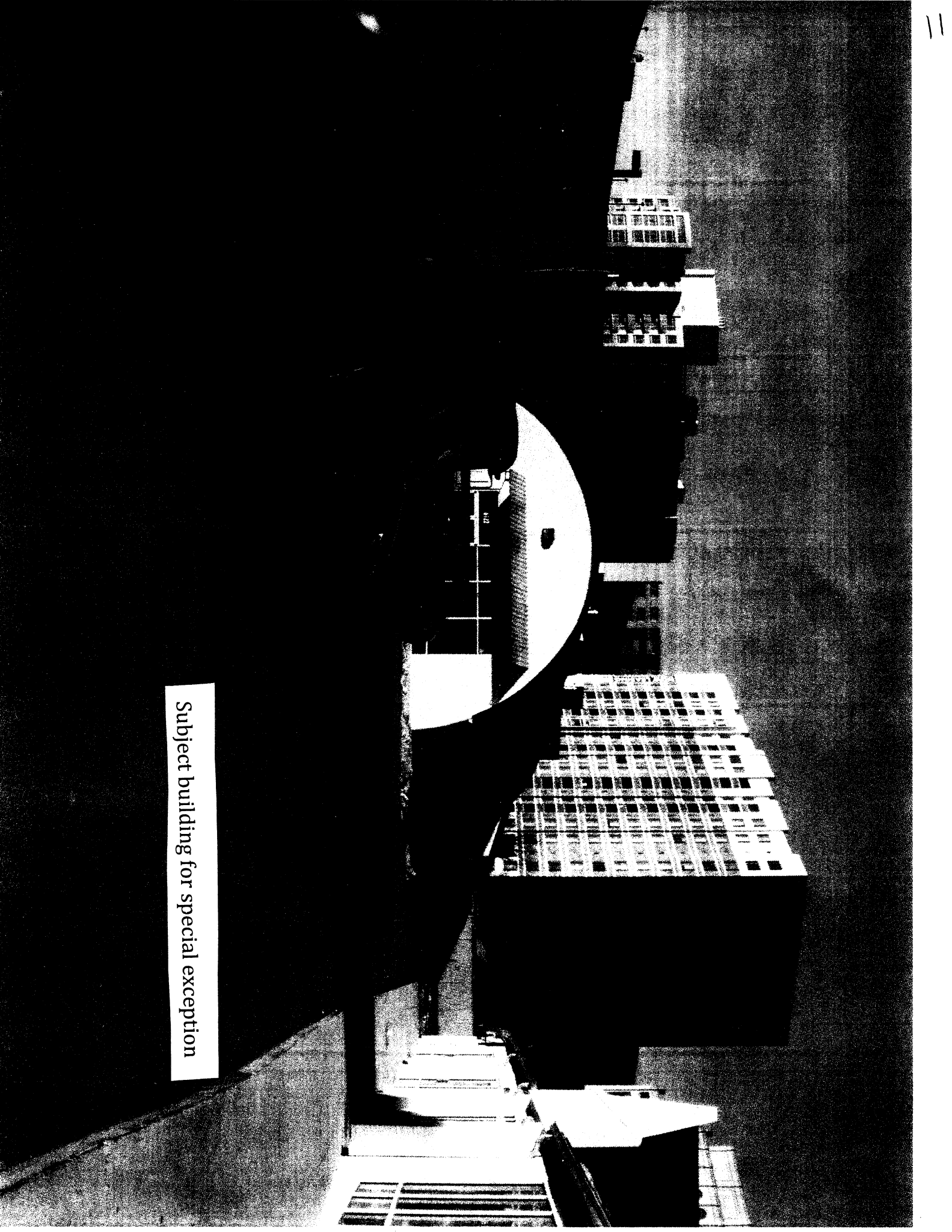


The entrance to the property is accessed through a driveway and parking area off of Georgia Avenue flanked by a Martial Arts Center on one side and a Corset Shop on the other side

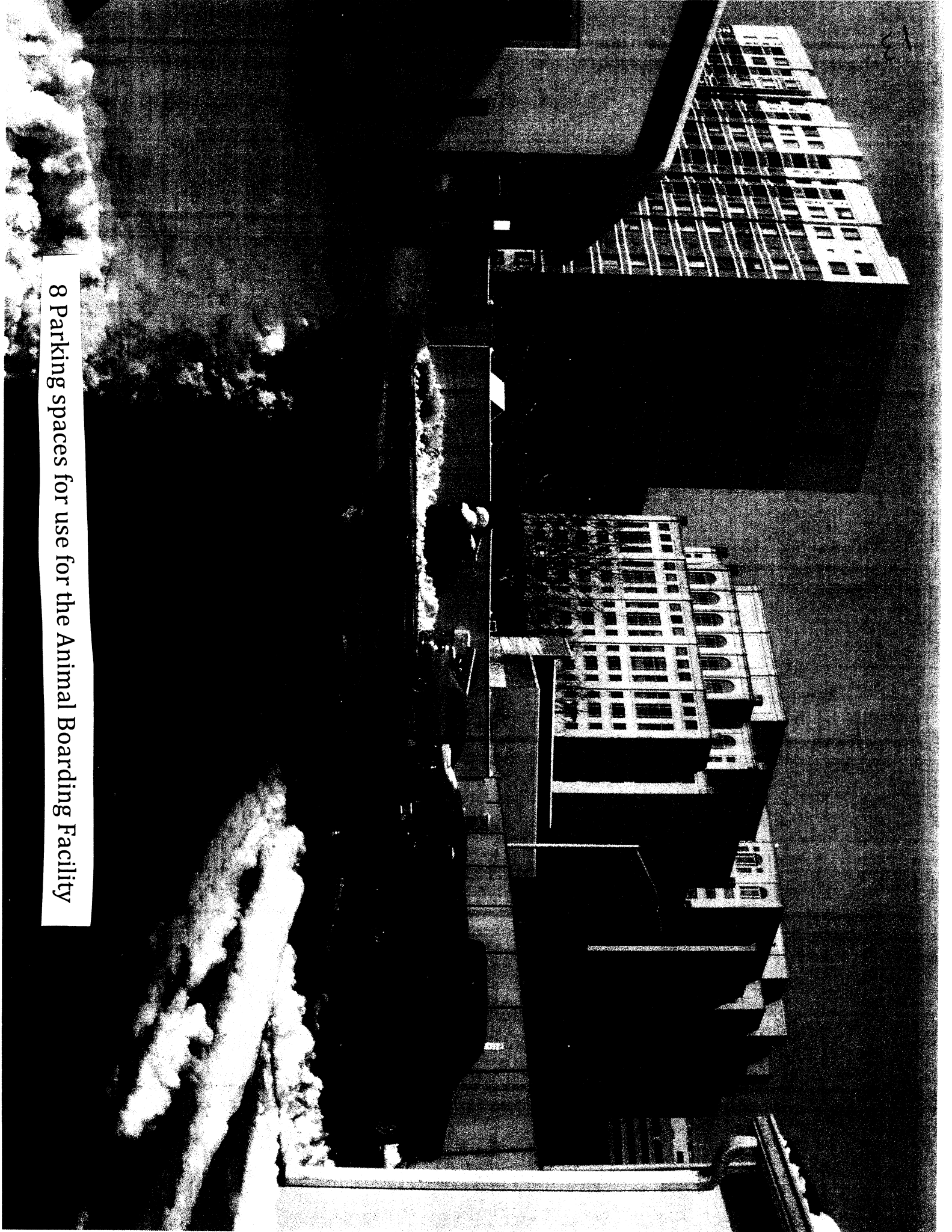


Subject building for special exception

Subject building for special exception



13



8 Parking spaces for use for the Animal Boarding Facility

8120, LLC
1109 Spring Street
Suite 602
Silver Spring, MD 20910

February 1, 2010

To Whom It May Concern:


8120, LLC is the owner of the property located at 8122 Georgia Avenue, Silver Spring, Maryland 20910 (the "Property"). 8120, LLC has entered into a lease for the Property with TJW Dogs of Silver Spring, LLC.

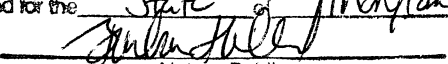
8120, LLC hereby authorizes Terry Whitehouse, acting on behalf of TJW Dogs of Silver Spring, LLC, to apply for a Forest Conservation Exemption and Special Exception to zoning with respect to the Property.

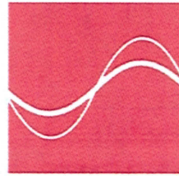
Best regards,

8120, LLC

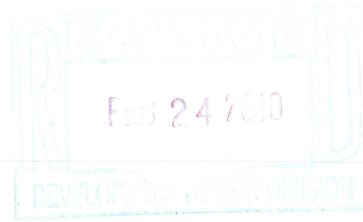
By:


Theo Margas
Managing Member

Subscribed and sworn to before me, in my presence, this
3 day of Feb, 2010, a Notary Public
in and for the state of Maryland.

Notary Public
My commission expires 4-27, 2010



**ACOUSTICAL DESIGN
COLLABORATIVE, LTD**



e-MEMO

DATE: 23 February 2010
TO: Terry Whitehouse
COPY: File
PAGES: Two (2)
FROM: Neil Thompson Shade
SUBJECT: 8122 Georgia Avenue Kennel Facility
Sound Isolation Analysis

Acoustical Design Collaborative, Ltd has completed a sound isolation analysis for the 8122 Georgia Avenue Kennel facility. The purpose of this analysis was to determine exterior noise levels due to kennel activity noise.

Outlined below are the results of our analysis and recommendations.

Acoustical Design Criteria

The Maryland National Capitol Park and Planning Commission (MNCPPC) requires that noise levels for animal boarding facilities not exceed 40 dB(A) at a distance of 10 ft from the exterior of the building.

Kennel Noise Levels

We have used measured kennel activity noise from previous projects to determine probable noise levels that will occur in the 8122 Georgia Avenue building.

Dog noise will vary due to breed, individual temperament, and number of dogs. Noise levels will likely range from 88 to 98 dB(A) inside any of the rooms that will be used for boarding activities. The lower limit is representative of 40 smaller dogs and the upper limit is for 100 dogs, both large and small breeds.

A noise level of 98 dBA has been used for the calculations described below.

7509 L'Hirondelle Club Road
Ruxton, MD 21204-6418

v: 410.821.5930

e: nts@akustx.com

www.akustx.com

Existing Building Construction

The 8122 Georgia Avenue building is a single story structure with five (5) boarding rooms plus several other rooms (office, vestibule, and toilet rooms).

The building is constructed of the materials described in Table 1. The sound isolation properties, in terms of sound transmission class (STC) ratings, are listed in the table. Higher numerical STC values correspond to better sound isolation.

Element Type	STC Rating	Authority
Exterior Wall – 2 inch Dryvit [®] EIFS, exterior sheathing, R-13 cavity insulation, 3-5/8 inch metal studs at 16" O.C., and ½ inch GWB	45	Manufacturer's Test Data
Windows – ⅝ inch fixed thermopane windows	32	IBANA Sound Isolation Software
Door – 1-¾ inch hollow metal door	32	IBANA Sound Isolation Software
Roof – Metal roof, plywood sheathing, R-30 insulation, and mineral fiber acoustic tile ceiling	43	IBANA Sound Isolation Software

Calculations and Analysis

Computer calculations of the building were performed to determine the exterior noise levels at 10 ft from the building for each of the five (5) rooms used for boarding activities. The exterior noise levels are as follows:

- Room #1 – 39 dB(A)
- Room #2 – 40 dB(A)
- Room #3 – 39 dB(A)
- Room #4 – 40 dB(A)
- Room #5 – 40 dB(A)

The calculations indicate the noise levels at 10 ft from the building will not exceed the MNCPPC limit of 40 dB(A).

Conclusions

An acoustic analysis has been completed for the 8122 Georgia Avenue building.

The analysis indicates the exterior noise levels at 10 ft from the building will not exceed the MNCPPC limit of 40 dB(A) based on the existing building construction and the assumption of 100 dogs of various sizes and breeds are in the building. No modifications are necessary to the building.

Please call me at 410.821.5930 or neil@akustx.com if you have any questions.




MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: May 25, 2010

TO: Carlton Gilbert
Build Division

VIA: Bill Barron, South Central Team Leader
Vision Division

FROM: Crystal Myers 
Vision Division

SUBJECT: Special Exception S-2769

Staff recommendation:

The proposed development is in conformance with the *2000 Approved and Adopted Silver Spring Central Business District Sector Plan*.

Discussion:

The Applicant is requesting an Animal Boarding Place special exception for a 5,285 sq ft. existing Quonset hut building at 8122 Georgia Avenue. It is located at the back end of a property that currently has a commercial building that houses a karate school and a corset shop fronting on Georgia Avenue. This site is zoned CBD -2 and is within the Ripley District Overlay zone. The special exception would permit the Applicant, who is leasing the building space, to open a business that will provide boarding, dog day care, and grooming and training services for dogs. The site is within the 2000 Approved and Adopted Silver Spring Central Business District Sector Plan.

The site falls within the Sector Plan's Ripley District section. On page 45 the Plan envisions the Ripley District becoming a revitalized transit-oriented mixed use community:

Ripley District envisioned as revitalized, mixed use district with its primary focal point a high density commercial development...Expanding the range of uses and adding market responsive commercial density near Metro will stimulate development and allow both commercial and high rise residential uses.

The proposed animal boarding facility is consistent with this recommendation. The Plan recommends expanding the land uses in the area and an animal boarding facility would be a new use for the area. The Plan also recommends residential development not only in the Ripley

District but throughout the Silver Spring Central Business District. An animal boarding facility will support the needs of Silver Spring's growing residential community and their pets. Near the site in South Silver Spring there are five apartment communities along the East West Highway corridor that permit residents to own dogs. There is also an animal hospital near Sligo Avenue and Silver Spring Street in the Fenton Village area.

The Plan's land use map recommends that a mix of uses be located on the site when the site is redeveloped. However, the special exception is for a use in a temporary structure. The Applicant is leasing the space in a Quonset hut. Quonset huts were originally built to be temporary structures for military use but are now used for a variety of reasons. As the Webster New Collegiate Dictionary states a Quonset structure is a "...prefabricated shelter set on a foundation of bolted steel trusses and built of a semicircular arching roof of corrugated metal insulated with wood fiber." The materials used are not meant to be permanent. Mixed use will be required in the future when the site redevelops. An animal boarding facility could be one of the uses on the site when it redevelops. It would still be compatible with the Plan's vision for the area having expanded mixed uses and a high density residential community.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 17, 2010

MEMORANDUM

TO: Carlton Gilbert, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division
301-495-4525

SUBJECT: Special Exception Case No. S-2769
Proposed Animal Boarding Place
TJW Dogs of Silver Spring, LLC ("Petitioner")
8122 Georgia Avenue, Silver Spring
Silver Spring CBD Sector Plan – Ripley District
Silver Spring CBD Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition to permit an animal boarding place and related services, including a dog day-care, grooming, and training business, at 8122 Georgia Avenue in Silver Spring, within the Silver Spring CBD Policy Area. The Petitioner, TJW Dogs of Silver Spring, LLC, as part of this special exception petition, is not proposing any new construction or enhancements on the CBD-2 zoned property. All on-site services will be provided within the building; there will be no use of external areas.

RECOMMENDATION

Transportation Planning staff recommends no transportation-related conditions to support granting of the subject special exception request, since the application meets the transportation-related requirements of the APF test. The proposed use will not have an adverse effect on the transportation network within the immediate local area.

DISCUSSION

Site Location, Vehicular and Pedestrian Access, Public Transportation, and Parking

The proposed animal boarding place will be located at 8122 Georgia Avenue within an existing 5,285 square-foot stand-alone shed-like structure located to the southwest corner of

Georgia Avenue (MD 97) and Silver Spring Avenue in Silver Spring. The facility is proposed to primarily serve existing/future residential communities in the immediate walkable area along the East-West Highway and Fenton Street corridors of Silver Spring. The structure previously accommodated a child day-care center.

Vehicular access to the site is from Georgia Avenue, which has sidewalks on both sides. No off-site improvements are proposed as part of this special exception petition. The subject use therefore will not affect pedestrian accessibility and will not have an adverse effect on pedestrian access or safety in the area.

Metrobus routes 70, 71, and 79, and RideOn bus route 28 (Downtown Silver Spring VanGo Shuttle) serves the area and have stops near the proposed use. The site is also within 2,000 feet of the Silver Spring Metrorail Station.

The proposed animal boarding place will have 8 parking spaces for the exclusive use of the facility. In addition, there are public parking facilities in the vicinity of the site.

Master Plan Roadways and Bikeways

The 2000 Approved and Adopted *Silver Spring CBD Sector Plan* describes the following master-planned roadways and bikeways:

1. Georgia Avenue (MD 97), to the east of the site, as a six-lane divided major highway (M-8) with a minimum right-of-way width of 140 feet between Wayne Avenue to the north and CSX railroad tracks to the south.
2. Dixon Avenue, to the north of the site, as a Business District Street with a minimum right-of-way width of 80 feet between Wayne Avenue to the north and Silver Spring Avenue to the south and with a bike path (Route #4) along the west side of the roadway.
3. Silver Spring Avenue, to the north and east of the site, as a Business District Street with a minimum right-of-way width of 70 feet between Dixon Avenue to the west and to the east of Fenton Street and with an on-road bikeway (Route #13).

Local Area Transportation Review

According to the Petitioner's Statement of Operations and Transportation Statement for the proposed animal boarding facility and related services, the facility will be open to the public for drop-off and pick-up of dogs between 7:00 a.m. and 7:00 p.m. The Petitioner anticipates the facility to have up to four employees, including a receptionist, a small dog handler, a large dog handler, and a groomer.

It is anticipated that there will be an average of 30 dogs at the facility daily and that dogs participating in the day-care activity will be dropped off daily. In general, dogs will be dropped off between 7:00 a.m. and 10:00 a.m. and picked-up between 4:00 p.m. and 7:00 p.m., (i.e., over a period of three hours in the morning and three hours in the evening). Assuming one-fourth of

the dog owners to have more than one dog (as stated in Applicant's Statement of Operations/Transportation Statement), the animal boarding place is estimated to generate 16 inbound plus outbound trips during the weekday morning and evening street peak-hours (i.e., 2 times $[30 \times 0.75]$ divided by 3). The Petitioner estimates an additional two drop-off's or pick-up's per hour for training and/or grooming services (estimated to generate 4 inbound plus outbound trips {i.e., 2 times two drop-offs or pick-ups} during the morning and evening street peak-hours) and four drop-off's or pick-up's per hour for animal boarding (estimated to generate 8 inbound plus outbound trips {i.e., 2 times four drop-off's or pick-up's} during the morning and evening street peak-hours). The above results in an estimated total of 28 inbound plus outbound trips at the facility during the morning and evening street peak-hours. In addition to the above trips, it is assumed that one inbound or outbound employee trip could occur during the morning and evening street peak-hours. The proposed animal boarding place was thus estimated to generate a total of 29 inbound plus outbound trips during the morning and evening street peak-hours.

According to the Petitioner, typically, 90 percent or more of the trips generated by an animal boarding place are "pass-by" trips, which are trips that are already on roadways adjacent to site, oriented to another primary destination. According to the Petitioner, a pet owner typically drops-off pets on their way to work, travel, or some other engagement and picks them up on their return trip home. Given the proximity of the proposed facility to several existing/future high-rise residential communities along the East-West Highway and Fenton Street corridors and the site's proximity to the Silver Spring Metrorail Station, it is anticipated that many of the customers could be "walkers" as well (which is not reflected in the trip generation estimate above). Staff therefore believes that it is reasonable to assume that approximately 90 percent of customers at the proposed facility will be "pass-by" trips.

With a 90 percent "pass-by" trip percentage, the proposed animal boarding place is estimated to generate three (3) "new" peak-hour trips (i.e., 10 percent of 28 peak-hour trips) during the morning and evening street peak-hours. With the one inbound or outbound employee trip during the morning and evening street peak-hours, the proposed use is estimated to generate four (4) "new" peak-hour trips during the morning and evening street peak-hours.

Since the proposed special exception use will generate fewer trips than the threshold that require a Local Area Transportation Review (LATR) traffic study (30 or more peak-hour trips during the weekday morning and evening peak periods), the subject use satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

As described above, the animal boarding facility and related services proposed on the site is estimated to generate a total of four "new" peak hour trips during the weekday morning and evening peak periods. The 10% PAMR requirement for the Silver Spring CBD Policy Area thus results in a requirement to mitigate 0.4 or 0 (zero) peak-hour trips. Therefore, the subject use has no PAMR mitigation requirement and satisfies the PAMR requirements of the APF test.

CE:tc



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Carlton Gilbert, Planner Coordinator, Development Review

VIA: Stephen D. Federline, Master Planner, Environmental Planning

FROM: Lori Shirley, Planner Coordinator, Environmental Planning

DATE: April 13, 2010

SUBJECT: Special Exception #S-2769- TJW Dogs of Silver Spring, LLC

LOCATION: 8122 Georgia Avenue, Silver Spring

RECOMMENDATION AND FINDINGS

Environmental Planning staff recommends **approval** of the above referenced Special Exception #S-2769 for the TJW Dogs of Silver Spring, LLC site.

Environmental Planning staff believes this application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, more specifically, as it relates to the proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity. A Sound Insulation Analysis (Acoustical Design Collaborative, LTD, issued February 23, 2010) was included that finds the existing building does not need modifications and, exterior noise levels will not exceed 40 dBA at a distance of 10 feet from the building.

Background/Proposal

The site is comprised of one parcel and contains 0.97 acres. The site is located on the west side of Georgia Avenue and north of its intersection with Blair Mill Road in Silver Spring. The site is in the Ripley District Sector Plan of the Silver Spring CBD. The proposal is for an animal boarding, dog day care, grooming and training use in an existing free standing building. The building is more than 180 feet away from Georgia Avenue and adjacent to the active WMATA train tracks.

The purpose of this memo is for a determination to be made regarding required findings in Section 59-G-1.21(a)(6) of the Montgomery County Zoning Ordinance as these relate to the proposed special exception.

Special Exception Required Findings

Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance reads as follows:

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

A Petitioner's Statement of Operations is included in the application. The Statement addresses the required findings in Section 59-G-1.21(a) (6). The Statement specifies anticipated noise from daily dog activity will be confined to the interior of an existing one-story 5,250 square foot building. All services will be inside the building in four large rooms for specified activities: small dog day care; medium and large dog day care; boarding room with crates; and grooming room. Two designated dog litter areas with odor absorbing litter material will be provided; including dog waste disposal bags to be put in sealed receptacles.

The building is described as a "quiet" structure constructed with dryvit and 1" dryvit foam, 4" core dense foam insulation; 5/8"-rated drywall over metal studs; and a metal frame anchored on a concrete slab on grade with a metal roof.

A Sound Insulation Analysis of the existing structure was conducted by Acoustical Design Collaborative, LTD, with the report issued February 23, 2010. Measured kennel noise activity from previous projects was used to determine probable noise levels from the building at 8122 Georgia Avenue. Because dog noise varies due to breed, temperament, and number of dogs, noise levels will likely range from 88 to 98 dBA inside any of the rooms to be used for dog boarding. The high end of the range was used for calculations and analysis (worst case scenario). The building was constructed with sound transmission class (STC)-rated materials as shown in the attached table (Exhibit 1). Below the table in Exhibit 1 are the calculations and analysis by room and the projected exterior noise levels. For further details, reference to the full two page report is recommended.

The analysis concludes exterior noise levels at ten feet from the building will not exceed 40 dBA based on the existing building construction and the assumption of 100 dogs of various sizes and breeds are in the building. In discussion with the acoustical consultant on April 27, 2010, it was assumed that much of the glass along the front of the structure was to have drywall installed on the interior side of the windows, increasing the STC rating at least another 13 decibels over the windows alone. No further building modifications are necessary based on the existing STC-rating of the building materials.

Environmental Guidelines

The site is exempt from submission of a forest conservation plan per #42010130E confirmed by staff on February 23, 2010. The site is in the Lower Rock Creek watershed, designated as class I / I-P waters. There are no streams, wetlands, floodplain and these environmental buffers on-site. The *Countywide Stream Protection Strategy (CSPS)* identifies this subwatershed (Lower Mainstem E/W Highway) as having poor water quality.

Stormwater Management

No changes or alterations are proposed to the existing parking lot or exterior of the building. Stormwater will drain into the existing drainage system.

attachment

SDF:LS

The building is constructed of the materials described in Table 1. The sound isolation properties, in terms of sound transmission class (STC) ratings, are listed in the table. Higher numerical STC values correspond to better sound isolation.

**Table 1. STC Rating of Building Elements
8122 Georgia Avenue Building**

Element Type	STC Rating	Authority
Exterior Wall – 2 inch Dryvit [®] EIFS, exterior sheathing, R-13 cavity insulation, 3-5/8 inch metal studs at 16" O.C., and ½ inch GWB	45	Manufacturer's Test Data
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Computer calculations of the building were performed to determine the exterior noise levels at 10 ft from the building for each of the five (5) rooms used for boarding activities. The exterior noise levels are as follows:

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