



Special Exception - Board of Appeals, S-2820: Fairland Animal Hospital, Inc.

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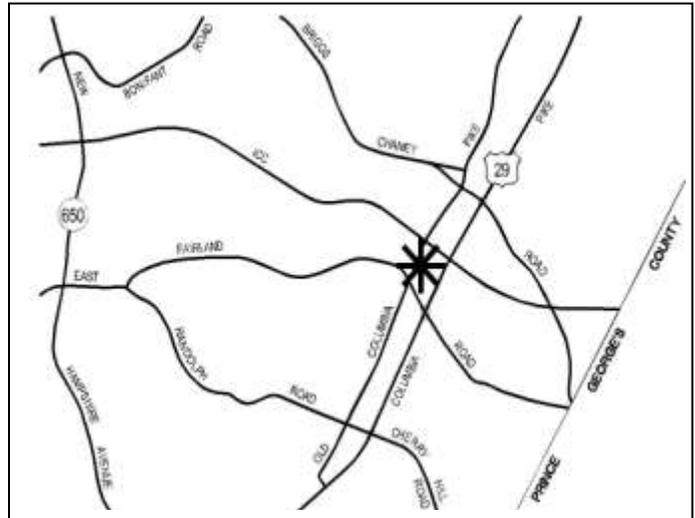
Revised: 11/30/11

Description

**Special Exception-Board of Appeals No. S-2820:
Fairland Hospital, Inc.**

- 13425 Old Columbia Pike, Silver Spring, MD
- R-90 zone, 1997 Fairland Master Plan, 1.42 acres
- Construction of a veterinary hospital on the rear portion of the property.
- Application Date: 7/21/11
- Public Hearing Date: 12/16/11

This application for a special exception is also paired with a petition for a variance request. Section 59-G-2.32(b)(1) states, that in the R-90 zone, the property on which a veterinary hospital is located cannot exceed one-half acre of land. The subject property contains 1.42 acres.



Summary

Staff recommends Approval with Conditions.

The veterinary hospital use at the proposed location satisfies the specific Special Exception requirements of 59-G-2.32. 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. The applicant has met the burden of proof by showing that the proposed veterinary clinic would be operated without detriment to the neighborhood and would serve the surrounding community's pet care needs by providing a larger facility with minimal disruption to the neighborhood. The new building (3,802 square feet) will be designed to maintain the natural setting and existing residence while adding fencing and landscaping to help screen the use from confronting properties on Old Columbia Pike in order to minimize the impact upon the nearby residences. There are no unacceptable noise, environmental, illumination or traffic impacts associated with the application. No comments have been received from the community either in support or in opposition to the proposal.

With the recommended conditions, the proposed use conforms to all applicable requirements and regulations for approval of a Special Exception for a veterinary hospital.

RECOMMENDATION

Staff recommends approval of Special Exception S-2820, subject to the following conditions:

1. All evidence, testimony and exhibits of record shall bind the petitioners;
2. Hours of operation are limited to Monday through Friday, 7:30 a.m. to 7:00 p.m., and Saturday, 8:00 a.m. to 1:00 p.m.;
3. The special exception is limited to a maximum of 10 employees, consisting of three veterinarians and seven support staff on-site at any one time;
4. Per Section 59-G-2.32(b)(7) of the Montgomery County Zoning Ordinance, dogs must not be walked or exercised in outdoor areas that are off-site;
5. Per Section 59-G-2.32(b)(10) of the Montgomery County Zoning Ordinance, no animals may be boarded, except in instances for overnight medical purposes, exercised, walked or kept in runs or similar areas;
6. The applicant must keep a written log of all appointments, drop-ins and emergency client activities that make it available for inspection by Montgomery County.
7. The applicant must make a lump sum payment of \$93,600 to mitigate the PAMR required eight (8) peak-hour trips. The timing of payment will be determined at the time of Preliminary Plan.

Background/Project Description

The applicant is requesting a Special Exception to relocate its current veterinary hospital operation to a new location in the Old Columbia Pike corridor. Since 1989, the applicant has operated the practice at 12711 Old Columbia Pike located in the C-1 zone. According to the applicant, the growth of Fairland Animal Hospital over the years has been significant. There are five times more clients and the parking lot servicing the hospital has remained unchanged since 1989 and contains only five spaces. Due to the limited parking and space needs, the applicant proposes to construct a new “state of the art” facility and relocate the business to nearby 13425 Old Columbia Pike. The applicant believes that the new facility would satisfy the needs of their clients in a modern and accessible structure. The proposed one-story building will consist of 3,802 square feet and will be designed to look like a barn related to the current residence. All activities of the veterinary hospital will occur entirely within the building. There will be no use of the external areas.

Site Description

The subject property is a rectangular shaped parcel of land comprised of one parcel and contains 1.42 acres. The legal description is Parcel 918 in the Deer Park Subdivision. The site is located on the east side of Old Columbia Pike, approximately 600 feet north of its intersection with Fairland Road. The property has approximately 195 feet of frontage on Old Columbia Pike. The property is presently improved with a single-family detached dwelling located in the front portion of the site, which is proposed to remain. The existing dwelling will continue as a residence use for one of the staff members

of Fairland Animal Hospital to reside in the house and help maintain the property. The site is generally flat, however, it slopes gently downward on the rear portion of the property, behind the existing residence. The site contains many oak and evergreen trees. These trees are generally mature and are located along the northern and southern boundaries. The existing driveway will be widened and extended to the rear of the property leading to 19 total parking spaces for clients and employees.

Neighborhood Description

The neighborhood in which the subject property is located is defined by Ed Finn Road to the north, Columbia Pike to the east, Old Columbia Pike to the west, and Fairland Road to the south. Properties within the area are mostly zoned R-90. Adjacent property to the north, south and east is owned by the State of Maryland and is Maryland Right-of-Way land for Route 29 and the ICC interchange (MD Route 200). The two properties located directly across the street are zoned R-200 and are developed with single-family homes. A gasoline station is located at the northwest intersection of Old Columbia Pike and Fairland Road. A special exception (CBA-1527-A) was approved in 1990 for a major modification (rebuild) of this site.

Elements of Proposal

As previously stated, the applicant is proposing to construct a new 3,802 square foot facility in order to operate a veterinary hospital for the care of small animals. The proposed veterinary hospital will be constructed on the rear portion of the property. Services offered will include, but not limited to, routine examinations, holding areas, treatments and surgery. The sale of pet food and medicine and supplies is anticipated, but will not exceed 20% of the gross receipts. All services will be inside the building. The hours of operation will be Monday through Friday, 7:30 a.m. to 7:00 p.m. and Saturday, 8:00 a.m. to 1:00 p.m. Staffing will vary according to the demands for services and at maximum periods of utilization will be no more than ten employees (three veterinarians, five veterinary technicians, and two receptionists). According to the applicant, client scheduling will be steady throughout any given day with a modest increase in traffic activity for surgery/procedure drop-offs from 7:30 a.m. thru 9:00 a.m. and pick-ups from 5:00 p.m. to 7:00 p.m.

Master Plan

The property at 13425 Old Columbia Pike is surrounded by land in Analysis Area 5A of the Fairland Road West district in the 1997 Fairland Master Plan, but this individual property is not included in the Analysis Area. At the time of the plan's development, a single-family house, with an occupant, sat on the subject property. The analysis area was undeveloped. The 1997 Plan anticipated substantial use of the property in connection with construction of the US 29/ICC interchange, and recommended retaining the existing R-90 Zone for the property. The Plan encouraged cluster development "to provide adequate setbacks along Fairland Road, US 29, and the proposed ICC interchange (p. 54)." The subject property contained a residence at the time of the 1997 Plan. This property remained in the R-90 Zone, so the Plan's intent for the property was that it remains for uses available in that zone. Because the proposed animal hospital is an allowable special exception use in the R-90 Zone, this proposal is consistent with the 1997 Fairland Master Plan.

Transportation

Area 3 transportation planning staff reviewed the materials submitted for the Special Exception request and recommends the following condition as part of the APF test for transportation requirements related to approval of the subject Special Exception application.

1. The applicant must make a lump sum payment of \$93,600 to mitigate the PAMR required 8 peak-hour trip. The timing of payment will be determined at the time of Preliminary Plan.

Based on the information contained in the Traffic Statement submitted by the applicant, the site would generate 16 a.m. and 18 p.m. peak-hour trips during the weekdays peak periods. Therefore, it is meeting the Local Area Transportation Review (LATR) requirements because the site is generating less than 30 peak-hour trips with granting the subject Special Exception.

The site is located in the Fairland Policy Area where there is a 45% Policy Area Mobility Review (PAMR) trip mitigation requirement according to the County's Growth Policy. In order to meet this PAMR trip mitigation requirement, the applicant offered to make a lump sum payment of \$93,600 to mitigate 8 peak-hour trips which represent 45% of new trips generated by the proposed development. Staff recommends that the timing of payment be determined at the time of Preliminary Plan.

The vehicular access point, commercial driveway, will be provided from Old Columbia Pike which was built as a primary residential street with 80-foot-wide right-of-way. Staff finds that the proposed access point and on-site vehicular and pedestrian circulation system shown on the site plan are adequate. The existing road system in the vicinity of the site would not be affected by the proposal. Staff has not recommended any transportation-related conditions to support granting of the subject Special Exception, 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.

Environment

Area 3 environmental planning staff finds that the application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 42011183E was approved for this site on May 16, 2011. There are no existing streams, wetlands, 100-year floodplains or environmental buffers on the site. There are no steep slopes or highly erodible soils on the property. The property is located within the Little Paint Branch Watershed, which is designated Use I waters by the State of Maryland. The property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Forest Conservation Plan Exemption (42011183E) was confirmed for this site by planning staff on May 16, 2011 under 22A-5(s)(1) of the County Forest Conservation Law. The Exemption is for an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion

tree, and the afforestation requirements would not exceed 10,000 square feet. The project does not propose the removal of any forest or specimen trees.

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a). Required finding (6) 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.

Staff finds that the operation of the proposed use would not be considered objectionable in the areas cited above, so long as County regulations regarding noise (Chapter 31B) and trash/dumpster pickup (Chapter 48-21) are followed.

Landscape – The subject site will be well landscaped with a mix of shade, ornamental and evergreen trees. A variety of shrubs, ornamental grasses and ground covers will also be provided to help retain the residential character of the property. The property will be fenced with a new 3-rail, vinyl paddock to provide attractiveness as well as to provide security.

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.

The inherent, generic physical and operational characteristics necessarily associated with a veterinary hospital include: (1) vehicular trips to and from the site; (2) noise and odor of animals; (3) deliveries of mail and small parcels; (4) specialty medical equipment needing servicing, mostly by technicians in regular vehicles and; (5) drop-off and pick-up of pets in parking areas.

The veterinary hospital use in this application is approximately 3,802 square feet and will be located in a new one-story building located behind an existing single-family dwelling. An employee of the proposed

business will reside in the existing dwelling. The use will occur entirely within the building. The proposed size, scale and scope of the one-story building will be designed as a structure compatible with the residential character of the neighborhood. The animals will be kept inside and will not generate unacceptable noise. The traffic generated meets the LTR and on-site circulation requirements. The project meets the environmental standards. The proposed new building will be setback over 200 feet from the Old Columbia Pike. 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 that are sufficient to deny this Special Exception.

General and Specific Special Exception Provisions

The application, as conditioned by staff, satisfies all of the general and specific requirements for a veterinary hospital found in Sections 59-G-2.32 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 R-90. A veterinary hospital is an allowed special exception in the R-90 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-2.32 of the Zoning Ordinance, provided that the variance request pertaining to maximum lot size is granted.

(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 Fairland Master 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.

Although the veterinary hospital would be a new use for the area, the use will be in harmony with the general character of the surrounding neighborhood. The adjoining properties north, south and east of the subject property are owned by the State which acquired the land for highway right-of-way purposes. The new building will be setback approximately 220 feet from the street and approximately 65 feet from the rear of the existing dwelling. Adequate parking is proposed. Traffic conditions will not be affected adversely. Staff finds that the operation of a veterinary hospital would not have an adverse impact on the 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.

Staff finds that the use will not be of 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.

Staff finds that the proposed use will not create any noise inconsistent with noise levels that now exist in the area. According to the acoustical study submitted by the applicant, the exterior walls will be constructed in a manner that would place the sound levels well within the requirements of the Zoning Ordinance. There will be no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject 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. An accessory apartment (S-2017) was previously approved on the subject property in 1993. Staff's understanding is that the accessory apartment is no longer active at this location.

- (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 veterinary use would have an adverse effect on residents, visitors, or workers in the area.

- (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 property will proceed through the subdivision process for platting purposes and not for creating two separate lots. At that time, the issues of adequacy of public facilities will be addressed. Staff has indicated that there is no adverse impact on utilities or other public facilities, particularly traffic.

- (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.

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.

59-G-1.23 General Development Standards

- (a) **Development Standards.** The special exception is subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The proposed new building has been designed to comply with the standards of the R-90 Zone and to comply with the requirements of Sections G-1.23 and G-2. Staff finds that the

proposed special exception satisfies the development standards of the R-90 zone would comply with all development standards as shown in the following table:

Development Standards Table

	Required	Proposed
Minimum lot area	N/A	62,191 sq. ft.(1.42 acres)
*Maximum lot area	21,780 sq. ft. (one-half acre)	*62,191 sq. ft. (1.42 acres)
Maximum lot coverage (59-C-1.32)	30%	11%
Minimum Lot Width	75 feet	195 feet (approx.)
Maximum building height	35 feet	18 feet
Minimum setbacks (59-C-1-322)		
Front	50 feet	220 feet (approx.)
Side	50 feet	51 feet
Minimum rear setback	50 feet	51 feet

*Section 59-G-2.32(b)(1) states that in the R-90 zone, a property on which a veterinary hospital is located cannot exceed one-half acre of land. The subject property contains 1.42 acres of land. Therefore, the applicant is also requesting a variance from the strict application of the ordinance to allow a veterinary hospital to be established on the subject property of land.

(b) Parking requirements. Special exceptions are subject to all relevant requirements of Section 59-E.

The proposed special exception satisfies all relative requirements of Section 59-E. Section 59-E-2.32(b)(9) requires the following for a veterinary hospital: a minimum of five (5) parking spaces and two (2) parking spaces for the existing residence for a total of seven(7) spaces. Per the proposed site plan, a total of nineteen (19) parking spaces, including one (1) handicapped accessible parking space are provided for clients and employees for the proposed use veterinary hospital. The parking will be located in the rear of the property adjacent to the southern lot line that adjoins State owned right-of-way property. Two parking spaces will be retained for the existing residence.

(c) Minimum frontage.

Not Applicable.

(d) Forest conservation. If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

The proposed special exception is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code. The Forest Conservation Law is not applicable because the subject property is less than 40,000 square feet in size and no champion trees are affected.

(e) Water quality plan.

A water quality plan is not required for the proposed special exception. The subject property is not located within a designated Special Protection Area (SPA). However, a stormwater management concept plan must be approved by Montgomery County. To date, staff has received a SWM concept approval letter from the Department of Permitting Services (DPS) dated September 27, 2011.(see attached letter)

(f) Signs. The display of a sign must comply with Article 59-F.

The applicant is proposing one (1) monumental sign in the front of the property along Old Columbia Pike. The dimensions of the sign are 6 feet wide by 4 feet high and mounted with a stone base. The sign will be setback from the roadway in manner that its visibility and function will not adversely affect traffic or the neighborhood.

(g) Building compatibility in residential zones.

The site in a residential zone and the proposed new building has been designed to be residential in appearance, scale, bulk, and height. Staff finds that the proposal is compatible with the character of the neighborhood. The proposed veterinary hospital will be constructed in the rear of the subject property, behind the existing residence, and will be designed to look like a barn related to the current residence.

(h) Lighting in residential zones. All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into adjacent residential properties.

The Lighting Plan submitted with the special exception application demonstrates that the application achieves the required standards. The site is in a residential zone, and the lighting plan adequately and efficiently covers the main vehicular access to the site, as well as the parking, areas in order to create a safe vehicular and pedestrian environment. There is no residential property adjacent to the proposed special exception. A photometric plan prepared for the project demonstrates that light levels along the side and rear lot lines will not exceed 0.1 footcandles.

Sec. 59-G-2.32. Hospital, veterinary

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

- (1) There must be no runs, exercise yards, or other facilities for the keeping of animals in any exterior space.
- (2) All areas for the keeping of animals must be soundproofed.

Not applicable. The subject property is located in a residential zone.

(b) In any residential or rural zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:

- (1) In the R-150, R-90, and R-60 zone, the maximum lot size is one-half acre. In the R-60 zone a veterinary hospital must be located along a major highway with an existing right-of-way width of no less than 90 feet, and be adjacent to or confronting a central business district or a property zoned for commercial use.

The subject property contains 1.42 acres of land which is in excess of the one-half acre maximum lot size for this R-90 zoned parcel. The applicant has filed a request for a variance of 0.92 acres from the one-half acre requirement. If the variance is granted, the special exception will comply with this provision. The ~~purpose of reason~~ for this Zoning Ordinance provision is that the size of a veterinary hospital located on a tract of land greater than half an acre in size could be incompatible with surrounding residences ~~limiting to~~ located on lots as small as 9,000 square feet in size. ~~The rationale for the requested variance is consistent with the Zoning Ordinance limitation of keeping animals close to single-family detached residences.~~ In this case, the ~~subject~~ property is surrounded by public right-of way for the ICC interchange (MD 200) and not residences. Therefore, staff believes that because of the neighborhood context in which the subject property is located, the rationale for limiting the size of this property for a veterinary hospital to a one-half acre lot in the R-90 zone is not applicable.

- (2) Exterior areas used to exercise, walk, or keep animals must be set back from any property line 200 feet and screened from adjacent residential properties. All exterior exercise areas and runs must be fenced for the safe confinement of animals.

No exterior areas will be provided on-site. Indoor kennel runs will be used for dogs kept for emergency overnight hospitalization.

- (3) For all buildings in which animals will be present, maximum expected interior sound levels must be reduced to 40 dBA (A-weighted decibels) outside, measured at ten feet from the structure.

The exterior assembly of the walls has been designed for noise mitigation. The walls will be rated STC 64 which will result in a transmission loss of approximately 64 dB. Since a dog bark is considered 75 decibels, a wall that reduces that noise transmission by 64 dB places the sound level well within the requirement of 40 dBA set by the Zoning Ordinance.

- (4) All buildings and accessory structures must be set back from any property line a minimum of 50 feet.

All buildings and accessory structures exceed the minimum 50-foot setback from any property line.

- (5) No animal may be outdoors between 6 p.m. and 8 a.m.

There are no outdoor areas for the keeping of animals during any part of the day or night.

- (6) On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.

As stated above, the animals will be kept indoors in a facility with an exterior wall assembly that will reduce the exterior noise level below these maximum standards.

- (7) Dogs must not be walked or exercised in outdoor areas that are off-site.

The recommended approval of this special exception request is conditioned upon the applicant complying with this requirement.

- (8) In addition to the submittal requirements in Sec. 59-A-4.22, the applicant must submit the following information. Applications submitted without this information are incomplete and will not be accepted or assigned a case number:

- (i) acoustical engineering studies that demonstrate that the proposed use meets the standards in Sec. 59-G-2.02(b)(3) and (6) above. The studies must show the worst scenario sound level. The statement of operations must be sufficiently detailed to allow determination of how often the worst scenario sound level occurs.
- (ii) detailed floor plans that show all the interior areas and their use designations,
- (iii) site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.

The applicant has submitted an acoustical engineering study and the information provided indicates that the proposal is in compliance with the above standard. Additionally, the applicant has provided detailed floor plans, including use designations. No outdoor areas are to be used to be used to exercise, walk or keep animals and the site plan provided shows no area to be designated for such activity.

- (9) The Board must specify a minimum number of off-street parking spaces, taking into consideration the number of employees on the maximum shift, the number of doctors practicing simultaneously, and the number of appointments and deliveries. This number must in no case be less than 5.

A total of 21 parking spaces (including one ADA van accessible spaces) are proposed. Under Section 59-G-2.32, no less than five (5) parking spaces are required for a veterinary Hospital special exception. The applicant is providing 21 parking spaces, which is ample given the size of operation and the maximum number of employees on-site. Staffing will vary according to the demands for service. However, at the maximum period of utilization, this will include 3 veterinarians, 5 veterinarian technicians/veterinary assistants, and 2 receptionists/administrative aides for a total of 10 employees.

- (10)The Board may regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked, or kept.

Not applicable.

- (11)The Board may regulate the office hours and the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may

also occur, within office hours only and without prior scheduling: abuse of this exemption may lead to revocation of the special exception. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by County authorities.

The proposed hours of operation will be Monday through Friday, 7:30 a.m. to 7:00 p.m. and Saturday 8 a.m. to 1:00 p.m. Animals will be seen by appointment only, except for emergencies and for visits to pick up prescriptions and pet-related items, which may occur within office hours and without prior scheduling. A written log of all appointments and drop-in and emergency client activities will be maintained for inspection by County agencies.

- (12) Any accessory operation, such as grooming or the sale of pet food and supplies, must be set forth in the statement of operations and must be limited as an accessory activity to a percentage of sales not to exceed 20%.

The veterinary clinic will not provided grooming services. The clinic will sell special pet food usually sold to pet owners in accordance with a prescription issued by the veterinarian. The volume of sales is a very low percentage of the clinic's gross revenue and sales are almost always made at the time of the treatment of a pet.

- (13) All litter and animal waste must be contained and controlled on the site.

Trash pick-up will be handled by Waste Management. Animal litter and waste will be collected on the site and will be handled by a special company named "Stericycle" who will regularly pick-up the litter and waste and will dispose it in accordance with OSMA regulations. In the case of a euthanized animal or a deceased animal, the animals are promptly tagged and wrapped in double heavy duty plastic bags that will be placed in a freezer within the clinic building. Valley Pet Cemetery and Crematory picks up dead animals every Wednesday where they are transported to Valley Pet's facilities for services requested by the pet owner.

- (14) Animals may be kept overnight at the hospital only for medical purposes. If animals are kept for non-medical purposes, a separate application for an animal boarding place must be approved.

Animals will be kept overnight at the hospital only for in-patient overnight hospitalization. No animal boarding is proposed.

- (15) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect.

The facility will be served by public sewer and public water.

- (c) Any veterinary hospital lawfully existing prior to the effective date of this ordinance is a conforming use, and may be extended, enlarged or modified by special exception subject to the provisions set forth in this section.

Not Applicable

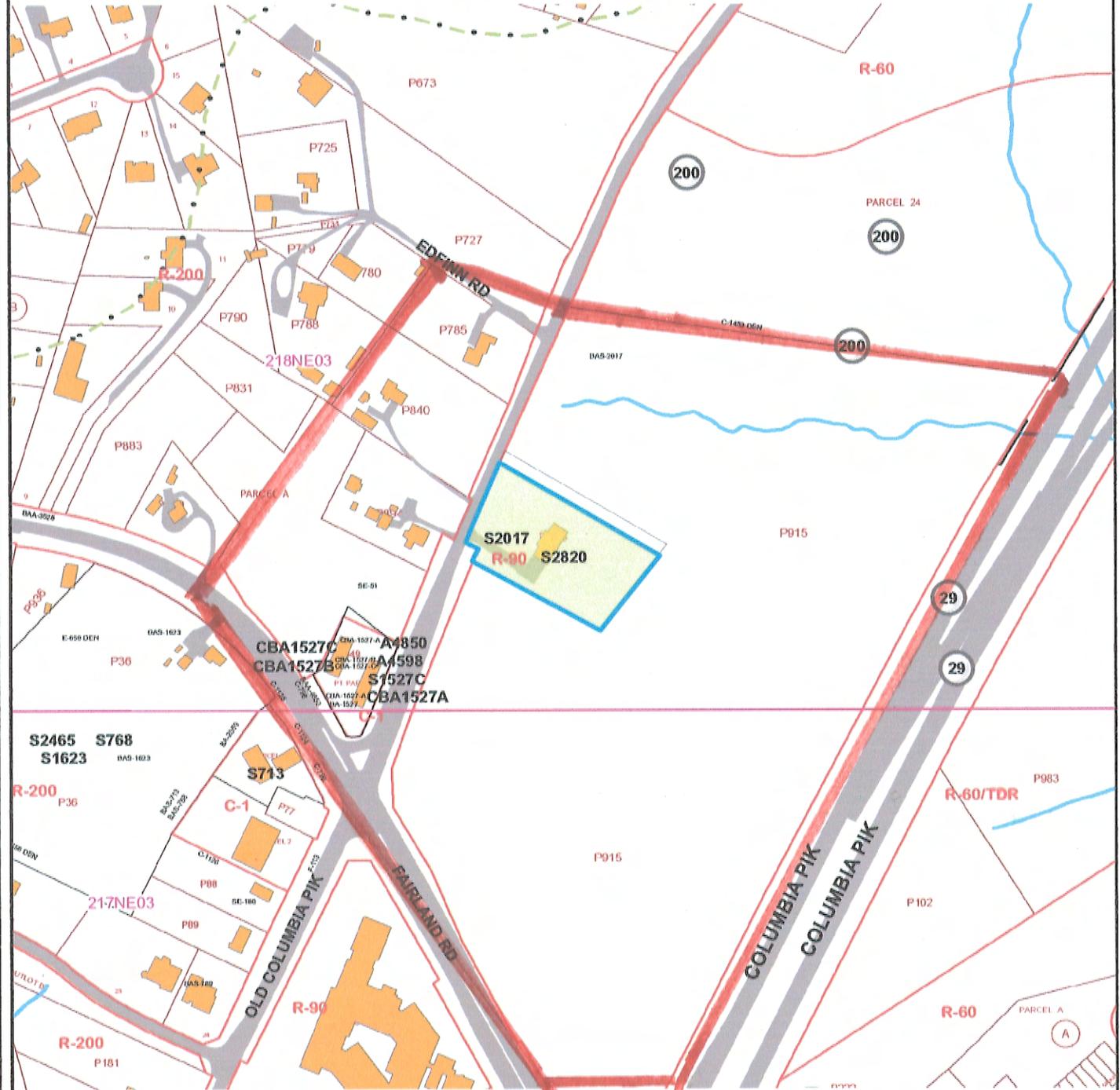
Conclusion

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

Attachments

1. Vicinity Map
2. Site Plan
3. Landscape Plan
4. Floor Plan
5. Proposed Building Elevations
6. Monument Sign Elevation
7. Acoustical Study
8. SWM Concept Approval Letter
9. Transportation Comments
10. Environment Comments
11. Urban Design Comments

General Location Map



LEGEND

-  Subject Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

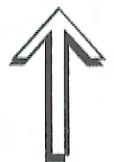
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

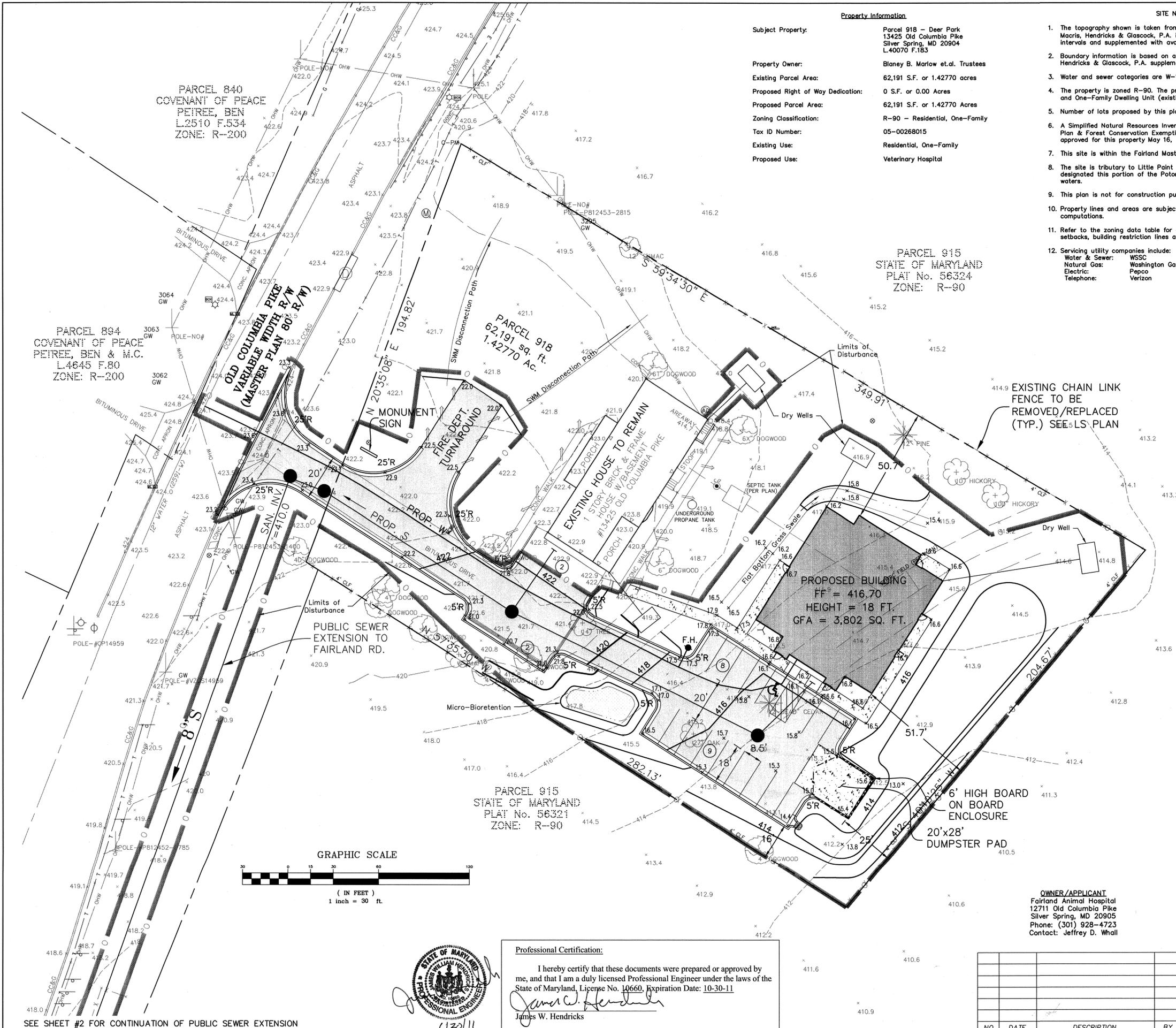
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14,400 scale aerial photography using stereo photogrammetric methods.

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: 13425 Old Columbia Pike, Silver Spring, MD 20904-4547

Key Map





Property Information

Subject Property: Parcel 918 - Deer Park
13425 Old Columbia Pike
Silver Spring, MD 20904
L40070 F.183

Property Owner: Blaney B. Marlow et al. Trustees

Existing Parcel Area: 62,191 S.F. or 1.42770 acres

Proposed Right of Way Dedication: 0 S.F. or 0.00 Acres

Proposed Parcel Area: 62,191 S.F. or 1.42770 Acres

Zoning Classification: R-90 - Residential, One-Family

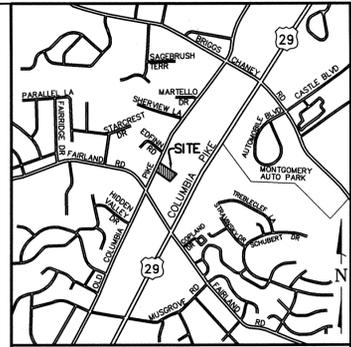
Tax ID Number: 05-00268015

Existing Use: Residential, One-Family

Proposed Use: Veterinary Hospital

SITE NOTES

- The topography shown is taken from a field run survey prepared by Macris, Hendricks & Glascock, P.A. in March 2011 with 2' contour intervals and supplemented with available utility records.
- Boundary information is based on a Boundary Survey prepared by Macris, Hendricks & Glascock, P.A. supplemented with recorded deeds & plats.
- Water and sewer categories are W-1 and S-1, respectively.
- The property is zoned R-90. The proposed land use is Veterinary Hospital and One-Family Dwelling Unit (existing to remain.)
- Number of lots proposed by this plan: 1 Lot
- A Simplified Natural Resources Inventory Map/Forest Stand Delineation Plan & Forest Conservation Exemption Request (#4201183E) was approved for this property May 16, 2011.
- This site is within the Fairland Master Plan Area.
- The site is tributary to Little Point Branch. The State of Maryland has designated this portion of the Potomac River watershed as Class I waters.
- This plan is not for construction purposes.
- Property lines and areas are subject to adjustment at final plat computations.
- Refer to the zoning data table for development standards such as, setbacks, building restriction lines and lot coverage.
- Servicing utility companies include:
Water & Sewer: WSSC
Natural Gas: Washington Gas
Electric: Pepco
Telephone: Verizon



VICINITY MAP
SCALE 1" = 2,000'

R-90 Zone/Special Exception Development Standards

	Permitted/Required	Provided Per This Plan
Minimum Tract Area: 59-C-1.321(a)	Not Specified	62,191 S.F.
Maximum Density of Development: 59-C-1.731(b)	Not Specified	1 D.U. (Existing)
Maximum Net Lot Area: 59-G-2.32(b)(1)	21,780 S.F.	62,191 S.F.
Minimum Lot Width: 59-C-1.322(b)	75 Feet	191 Feet
Minimum Setback From Street: 59-G-2.32(b)(4)	50 Feet	95 Feet
Minimum Side Yard: 59-G-2.32(b)(4)	50 Feet	51 Feet
Sum of Both Sides: 59-G-2.32(b)(4)	100 Feet	128 Feet
Minimum Rear Yard: 59-G-2.32(b)(4)	50 Feet	51 Feet
Maximum Building Height: 59-C-1.327	35 Feet	18 Feet
Maximum Lot Coverage: 59-C-1.328	30% or 18,657 S.F.	11% or 6,680 S.F.
Parking:		
Minimum Setback From Street: 59-E-2.83(b)	30 Feet	165 Feet
Minimum Side Yard 59-E-2.83(b)	16 Feet	16 Feet
Minimum Rear Yard 59-E-2.83(b)	25 Feet	25 Feet
Shading of Paved Areas 59-E-2.83(d)	30%	30%
Landscape Strip Adjacent to ROW 59-E2.71	10 Feet	N/A
Landscape Strip Adjacent to Res. Zone 59-E2.72	4 Feet	15 Feet
Internal Landscaping 59-E2.73	5%	22%
Number of Spaces 59-G-2.32(b)(9) 59-E-3.7	5 Spaces 2 Spaces	19 Spaces 2 Spaces
Accessible Parking: COMAR 05.02.02	1 Spaces	1 Spaces
Parking Distribution:		
Required Per 59-G-2.32(b)(9): Required Per 59-E-3.7	Board Specified with Minimum of 5 Spaces 2 Spaces Per Dwelling Unit @ 1 Dwelling Unit Total Required = 7 Spaces	
Provided Per Plan:		
Standard (8.5' x 18')		18 Spaces
Parallel (7' x 21')		2 Spaces
ADA Van Accessible (8' x 18' min. with 8' Access Aisle)		1 Spaces
ADA (Non-Van) Accessible Spaces (8' x 18' min. with 5' Access Aisle)		0 Spaces
Automobile Total		21 Spaces

TAX MAP KR342

WSSC 218NE03

SPECIAL EXCEPTION SITE PLAN
PARCEL 918
FAIRLAND ANIMAL HOSPITAL
L. 40070 F.183
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

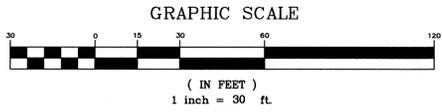
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhga.com

Proj. Mgr. PGL	Designer PGL
Date 06/30/11	Scale 1"=30'
Project No. 11,110,110	Sheet 1 of 2

Professional Certification:

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 10660, Expiration Date: 10-30-11

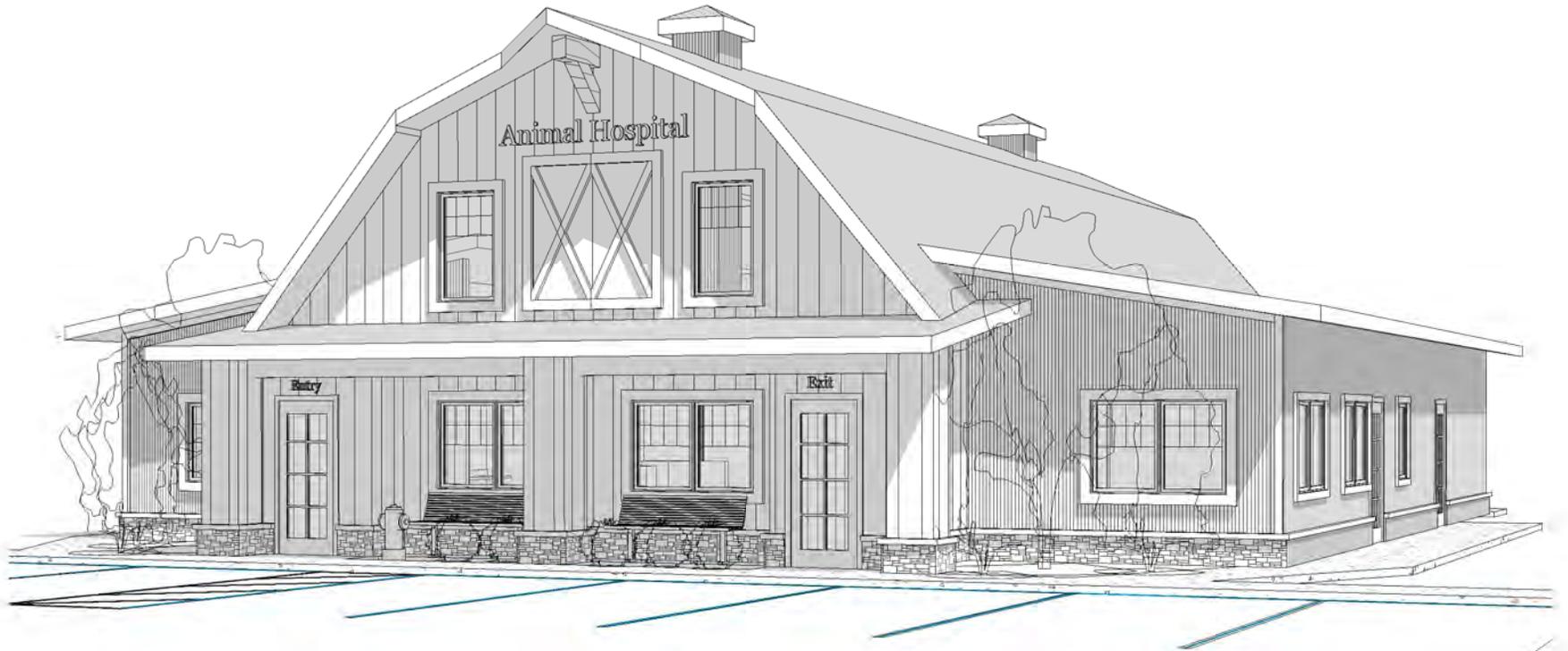
James W. Hendricks
James W. Hendricks



SEE SHEET #2 FOR CONTINUATION OF PUBLIC SEWER EXTENSION

NO.	DATE	DESCRIPTION	BY

F:\Projects\10-303 Fairland Animal Hospital - Silver Springs, MD\SD\10-303 Fairland Animal Hospital SD Model BUILDING.rvt



Perspective Elevation



15000 WEST 6TH AVE., SUITE 330
GOLDEN COLORADO 80401
303.984.9765 FAX 303.984.9947
email sholar@sholarco.com

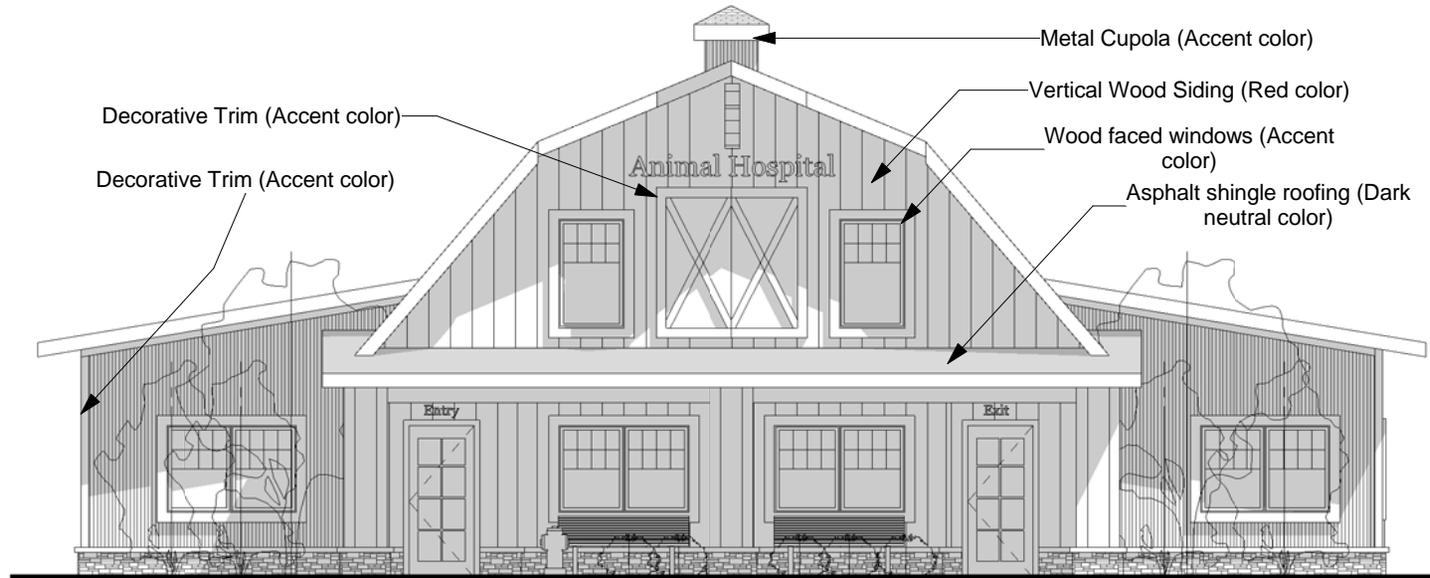
6/20/2011 11:51:58 AM

Fairland Animal Hospital

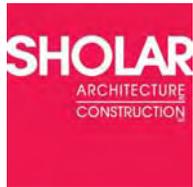
13425 Old Columbia Pike - Silver Spring, MD

11.12.10

Perspective 8x11



Proposed South Elevation
1/8" = 1'-0"



15000 WEST 6TH AVE., SUITE 330
GOLDEN COLORADO 80401
303.984.9765 FAX 303.984.9947
email sholar@sholarco.com

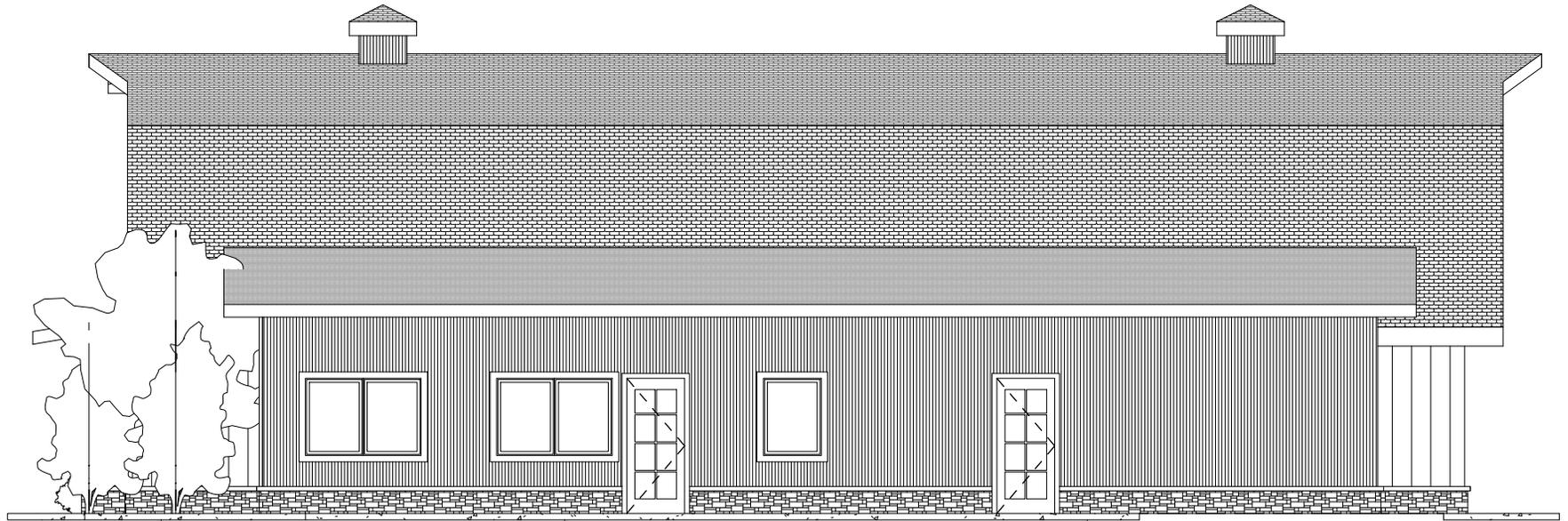
Fairland Animal Hospital

13425 Old Columbia Pike - Silver Spring, MD

11.12.10

South Elevation

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East Elevation

1/8" = 1'-0"



15000 WEST 6TH AVE., SUITE 330
GOLDEN COLORADO 80401
303.984.9765 FAX 303.984.9947
email sholar@sholarco.com

Fairland Animal Hospital

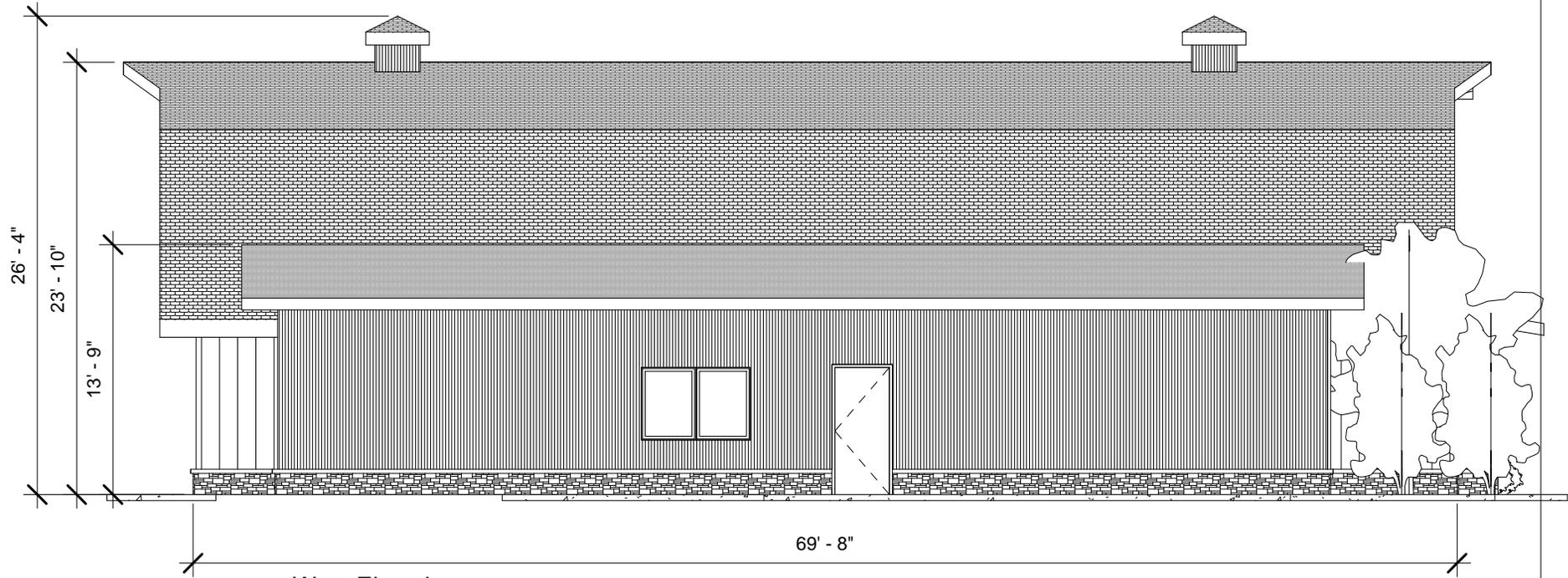
13425 Old Columbia Pike - Silver Spring, MD

11.12.10

East Elevation

6/20/2011 11:52:52 AM

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West Elevation
1/8" = 1'-0"

6/20/2011 11:53:55 AM



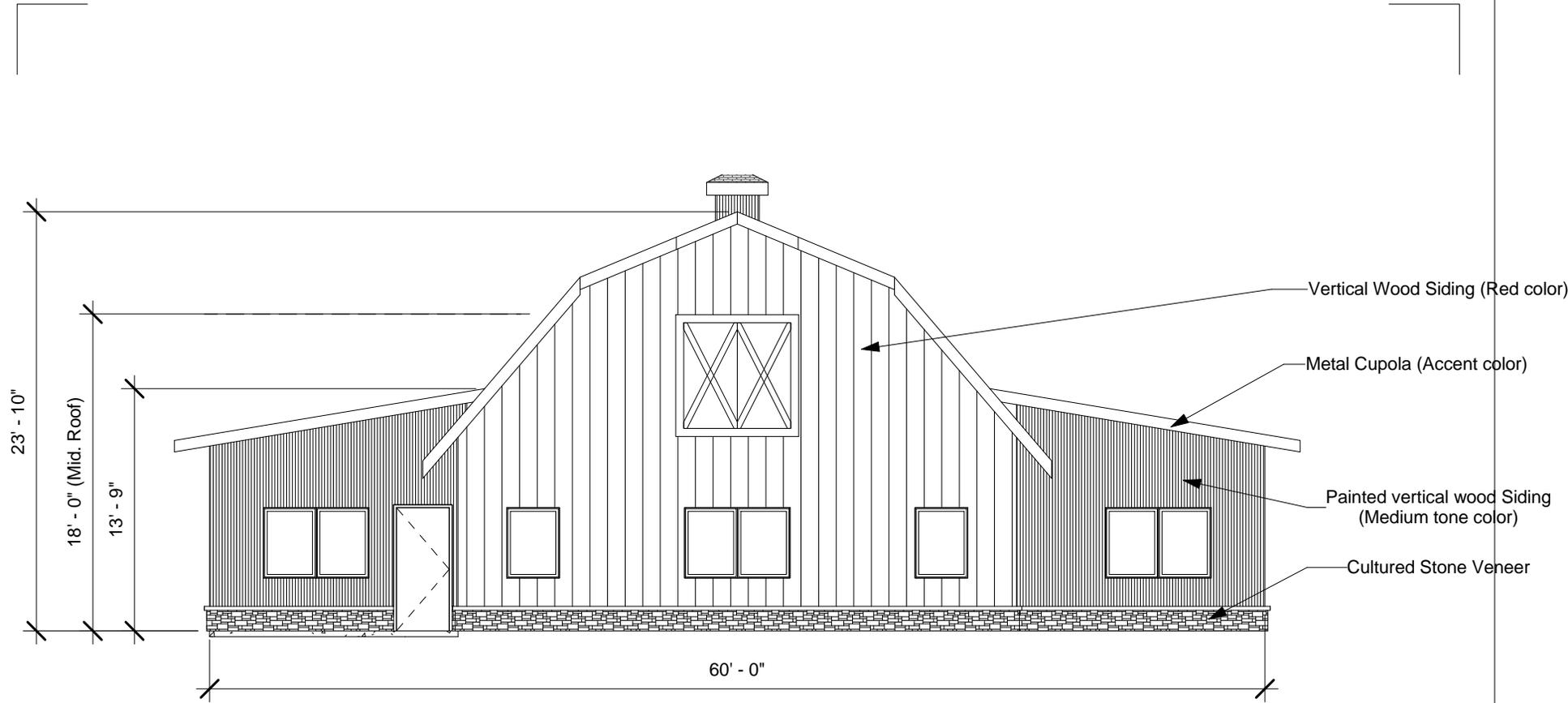
15000 WEST 6TH AVE., SUITE 330
GOLDEN COLORADO 80401
303.984.9765 FAX 303.984.9947
email sholar@sholarco.com

Fairland Animal Hospital

13425 Old Columbia Pike - Silver Spring, MD

11.12.10

West Elevation



North Elevation

1/8" = 1'-0"

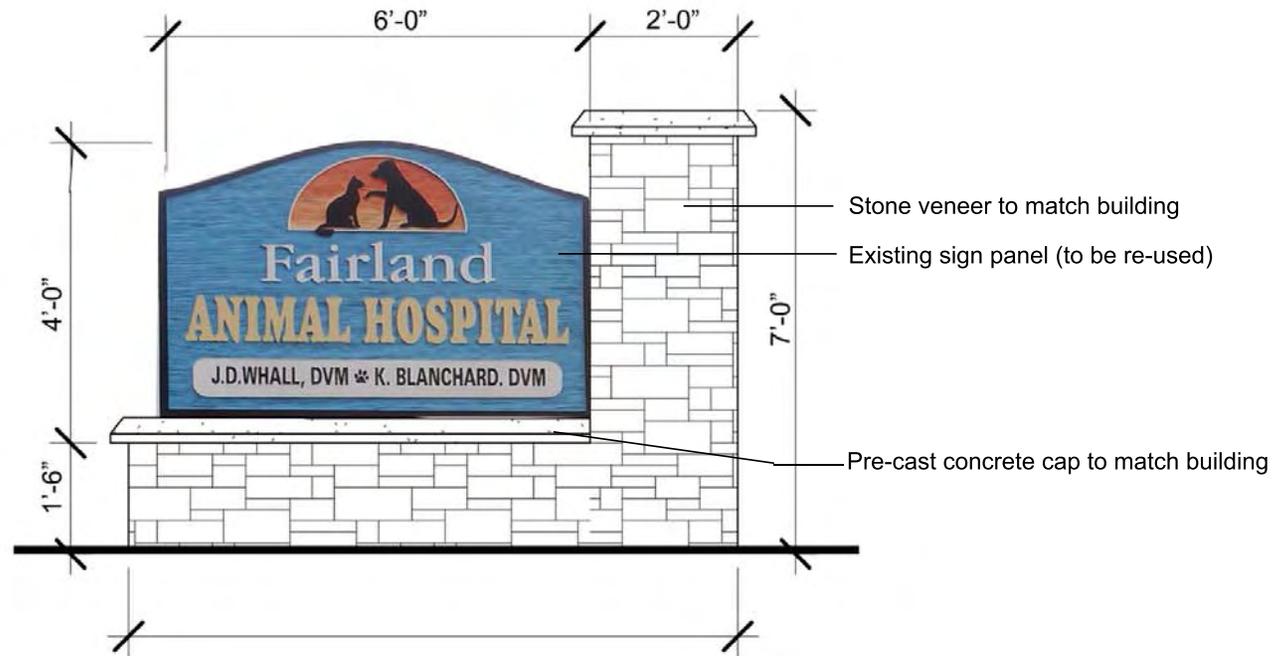


Fairland Animal Hospital

13425 Old Columbia Pike - Silver Spring, MD

11.12.10

North Elevation



Monument Sign Elevation



Memorandum

Date: November 15, 2011

To: Carlton Gilbert
Montgomery County Planning Dept.

From: Joe Wicentowich AIA

Project: Fairland Animal Hospital
13425 Old Columbia Pike
Silver Spring, MD

Re: Compliance with Montgomery County Zoning Ordinance Sec.- 59-G-2.32

This is a supplement to the floor plan and site plan document dated November 15, 2011 which indicates the extent of animal holding within the proposed facility.

The proposed sound enclosure to envelope the interior dog holding areas (Dog Ward and Isolation Ward) shall be constructed as an STC 64 rated assembly. This assembly test data is attached herein which indicates the laboratory test results indicating sound transmission loss weighted over six frequencies.

As the ordinance calls for a transmission drop to a maximum of 40 dBA measured at ten feet from the structure, in addition to a maximum of 50 and 60 dBA at the property lines (varied by time and distance), the STC 64 rated assembly would prove to be an effective application to achieve these requirements.

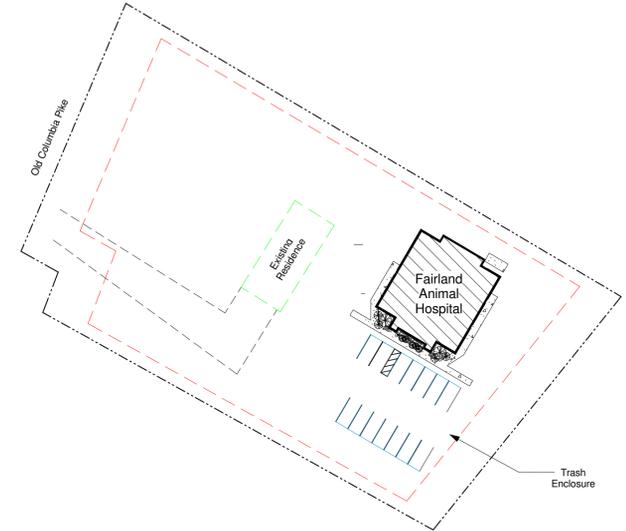
Laboratory studies have indicated that a barking dog may achieve up to 100 dBA in an enclosed environment ("Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure", by Crista L. Coppola, Journal of Applied Animal Welfare Science, 9(1), 1-7, 2006 Lawrence Erlbaum Associates, Inc., 2006).

Through extensive analysis it is has been determined that the sound transmission class (STC) rating of an acoustical barrier roughly indicates the weighted decibel drop through that assembly as an average of six test frequencies. ("Walls, Enclosures, and Barriers" and "Noise Insulation Ratings" – The Science and Application of Acoustics by Daniel R. Raichel, Springer, 2000)

Thus, it may be ascertained that the proposed STC 64 rated assembly to be implemented in the design and construction of the animal holding enclosure, would suffice to provide a decibel drop of 64 from a peak of 100 dBA, to 36 dBA outside of the enclosure. This would prove to be in compliance with the Zoning Ordinance.



1 Proposed Floor Plan
P-10 1/4" = 1'-0"



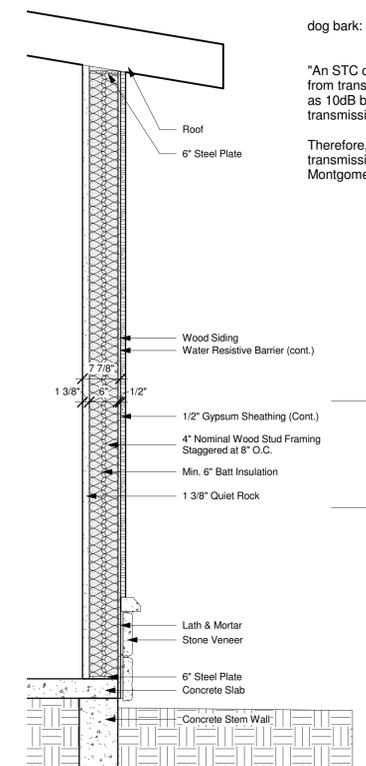
3 Site Plan
P-10 1" = 50'-0"

Acoustical Data:

dog bark: 75 decibels (www.controlnoise.com)

"An STC of 50 is a common building standard and blocks approximately 50 dB from transmitting through the partition. Constructions with a higher STC (as much as 10dB better - STC 60) should be specified in sensitive areas where sound transmission is a concern." (www.STCratings.com)

Therefore, an assembly that is rated STC 64 will have approximately a 64 dB transmission loss, placing the sound levels well within the requirements set by the Montgomery County Code Zoning Ordinance.



2 Typical Exterior Assembly
P-10 3/4" = 1'-0"

64 STC Rated Assembly (www.quietrock.com)

11/15/2011 11:27:13 PM F:\Projects\10-303 Fairland Animal Hospital - Silver Springs, MD\SD\10-303 Fairland Animal Hospital SD Model BUILDING.rvt
 © SHOLAR ARCHITECTURE PC



All design, documents and data prepared shall remain the property of SHOLAR ARCHITECTURE PC and shall not be copied, changed, or disclosed in any form without written consent. SHOLAR ARCHITECTURE PC shall not be responsible for any alterations or revisions made by anyone other than employees of SHOLAR ARCHITECTURE PC.

Fairland Animal Hospital
 13425 Old Columbia Pike - Silver Spring, MD
 11-15-11
 Floor Plan



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

September 27, 2011

Mr. Pearce Wroe
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20866-1279

Re: Stormwater Management **CONCEPT** Request
for Fairland Animal Hospital
Preliminary Plan #: NA
SM File #: 240948
Tract Size/Zone: 1.42 acres / R-90
Total Concept Area: 1.42 acres
Lots/Block: NA
Parcel(s): P918
Watershed: Little Paint Branch

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via flow disconnection, installation of Landscape Infiltration, a Grassed Swale, and installation of Dry Wells.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Modify the Landscape Infiltration typical section to conform to MCDPS draft requirements. Do not place planting media above a stone layer. The Landscape Infiltration areas will require landscape plans prepared by a Maryland Registered Landscape Architect.
5. Carefully design the inflow points from paving to the Landscape Infiltration areas to avoid erosion and scour.
6. The geotechnical report submitted with the stormwater concept is acceptable. Additional geotechnical investigation is not required for stormwater management.
7. All stormwater management elements must be covered by stormwater management easements.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla mce

cc: C. Conlon
SM File # 240948

ESD Acres:	1.4
STRUCTURAL Acres:	NA
WAIVED Acres:	NA

ATTACHMENT 9
TRANSPORTATION COMMENTS

November 2, 2011

MEMORANDUM

TO: Carlton Gilbert
Area 2 Division

FROM: Ki H. Kim, Transportation Planner-Coordinator
Area 3 Division

SUBJECT: Fairland Animal Hospital, Fairland
Special Exception Case Number: S-2820

This memorandum represents Transportation Planning staff's review and recommendation on the subject special exception application of the Fairland Animal Hospital to be located at 13425 Old Columbia Pike in the Fairland Policy Area.

RECOMMENDATION

Based on our review of the submitted traffic statement and site plan, Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of the subject special exception application.

1. The applicant must make a lump sum payment of \$93,600 to mitigate the PAMR required 8 peak-hour trip. The timing of payment will be determined at the time of preliminary plan.

DISCUSSION

Based on the information contained in the Traffic Statement submitted by the applicant, the site would generate 16 AM and 18 PM peak-hour trips during the weekdays peak periods. Therefore, it is meeting the Local Area Transportation Review (LATR) requirements because the site is generating less than 30 peak-hour trips with granting the subject special exception application.

The site is located in the Fairland Policy Area where there is a 45% Policy Area Mobility Review (PAMR) trip mitigation requirement according to the County's Growth Policy. In order to meet this PAMR trip mitigation requirement, the applicant offered to make a lump sum payment of \$93,600 to mitigate 8 peak-hour trips which represent 45% of new trips generated by

ATTACHMENT 9
TRANSPORTATION COMMENTS

the proposed development. Staff recommends that the timing of payment be determined at the time of preliminary plan.

The vehicular access point, commercial driveway, will be provided from Old Columbia Pike which was built as a primary residential street with 80-foot-wide right-of-way. Staff finds that the proposed access point and on-site vehicular and pedestrian circulation system shown on the site plan are adequate. The existing road system in the vicinity of the site would not be affected by the proposal.



MEMORANDUM

TO: Callum Murray
FROM: Mary Jo Kishter
DATE: November 03, 2011
SUBJECT: Special Exception S-2820
Fairland Animal Hospital, Inc.

STAFF RECOMMENDATION:

Planning staff recommends transmittal of the Special Exception with the following comments.

Description

The 1.43-acre property is located along the east side of Old Columbia Pike, approximately 600 feet north of its intersection with Fairland Road, in Silver Spring. The subject property is zoned R-90 and is covered by the *Fairland Master Plan*. The property is currently developed with existing features including a single story residence and driveway. The proposed Special Exception application is for a veterinary hospital. The Applicant proposes to construct a new building, associated parking lot and stormwater management features.

Analysis and Findings

Environment

The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 42011183E was approved for this site on May 16, 2011. There are no existing streams, wetlands, 100-year floodplains or environmental buffers on the site. There are no steep slopes or highly erodible soils on the property. The property is located within the Little Paint Branch Watershed, which is designated Use I waters by the State of Maryland. The property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA)

Forest Conservation

The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Forest Conservation Plan Exemption (42011183E) was confirmed for this site by Planning staff on May 16, 2011 under 22A-5(s)(1) of the County Forest Conservation Law. The Exemption is for an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. The project does not propose the removal of any forest or specimen

ATTACHMENT 10
ENVIRONMENT COMMENTS

trees.

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a). Required finding (6) 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.

Staff finds nothing inherent in the operation of the proposed use that would be considered objectionable in the areas cited above, so long as County regulations regarding noise (Chapter 31B) and trash/dumpster pickup (Chapter 48-21) are followed.

ATTACHMENT 11
URBAN DESIGN COMMENTS

October 25, 2011

MEMORANDUM

TO: Carlton Gilbert, Planner Coordinator, Area 2
FROM: Calvin Nelson, Jr., Planner Coordinator/Urban Designer, Area 3
SUBJECT: Fairland Animal Hospital – Special Exception

I have reviewed the plans for the proposed Special Exception and find that the animal hospital meets the building and parking setback development standards of the R-90 Zone. The graphic scale on the Special Exception Site Plan is incorrectly shown as 1 inch = 30 feet, the scale is actually 1 inch = 20 feet.

The subject site will be well landscaped with a mix of shade, ornamental and evergreen trees added to some of the existing trees and shrubs which will be saved on the property. A variety of shrubs, ornamental grasses and ground covers will also be provided to help retain the residential character of the property. The proposed lighting for the site is adequate, with full cut-off lighting fixtures proposed for the parking area.