



**Fairland Animal Hospital, Preliminary Plan, 120120120**

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**Completed: 07/06/12**

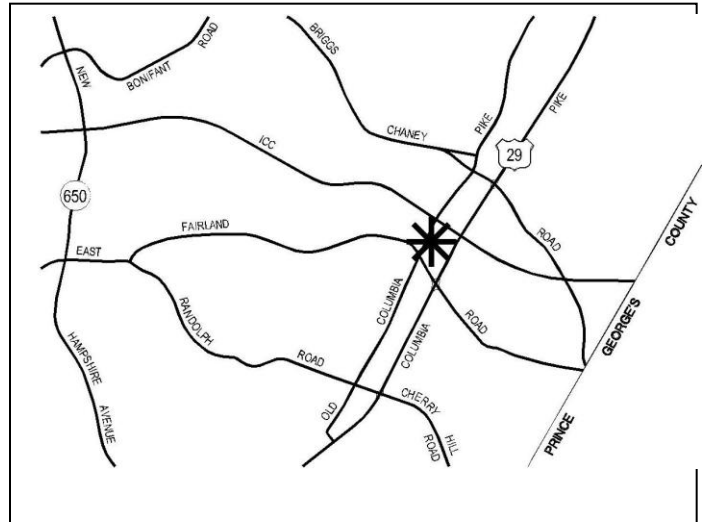
**Description**

Request to create one lot from Parcel 918 (13425 Old Columbia Pike), to construct a 3,802 square foot veterinary hospital pursuant to Special Exception Case S-2820; Located on the east side of Old Columbia Pike, approximately 600 feet north of Fairland Road; 1.43 acres; R-90 Zone; Fairland Master Plan.

**Review Basis:** Chapter 50

**Submittal Date:** 01/20/2012

**Applicant:** Fairland Animal Hospital, Inc. ("Applicant")



**Summary**

Staff recommendation: **Approval with conditions**

- Subdivision for one 1.43 acre lot in the R-90 zone for a new 3,802 square foot veterinary hospital and an existing one family detached dwelling for hospital related uses
- Pursuant to the conditions of Special Exception Case No. S-2820
- PAMR requirement to mitigate for eight peak hour trips, lump sum payment of \$94,770

## RECOMMENDATION

Approval, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for one existing dwelling unit and a 3,802 square foot veterinary hospital.
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 19 2012 with revisions on July 05, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDOT Letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Applicant must satisfy the provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its letter dated September 27, 2011, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDPS Letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. To meet Policy Area Mobility Review mitigation requirements for the Fairland Policy Area, the Applicant must construct a 5 foot wide sidewalk along the 165 feet of Property frontage and make a lump sum payment of \$94,770 to MCDOT prior to issuance of the building permit.
6. The Applicant must comply with all conditions of the Montgomery County Board of Appeals Special Exception Case Number S-2820, approving the use of a veterinary hospital.
7. Prior to issuance of building permits, a landscape and lighting plan must be submitted for review and approval by M-NCPPC technical staff.
8. The record plat must show necessary easements.
9. The certified Preliminary Plan must contain the following note :  
"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
10. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

## SITE DESCRIPTION

The Subject Property is a rectangular shaped 1.43 acre unplatted parcel located on the east side of Old Columbia Pike, approximately 600 feet north of the intersection of Fairland Road and Old Columbia Pike (Parcel 918 Tax Map KR342), known as 13425 Old Columbia Pike ("Property" or "Subject Property"). The Property is currently improved with an existing one-family detached dwelling. The Property is zoned R-90 and is located in the Fairland Master Plan area (Figure 1).

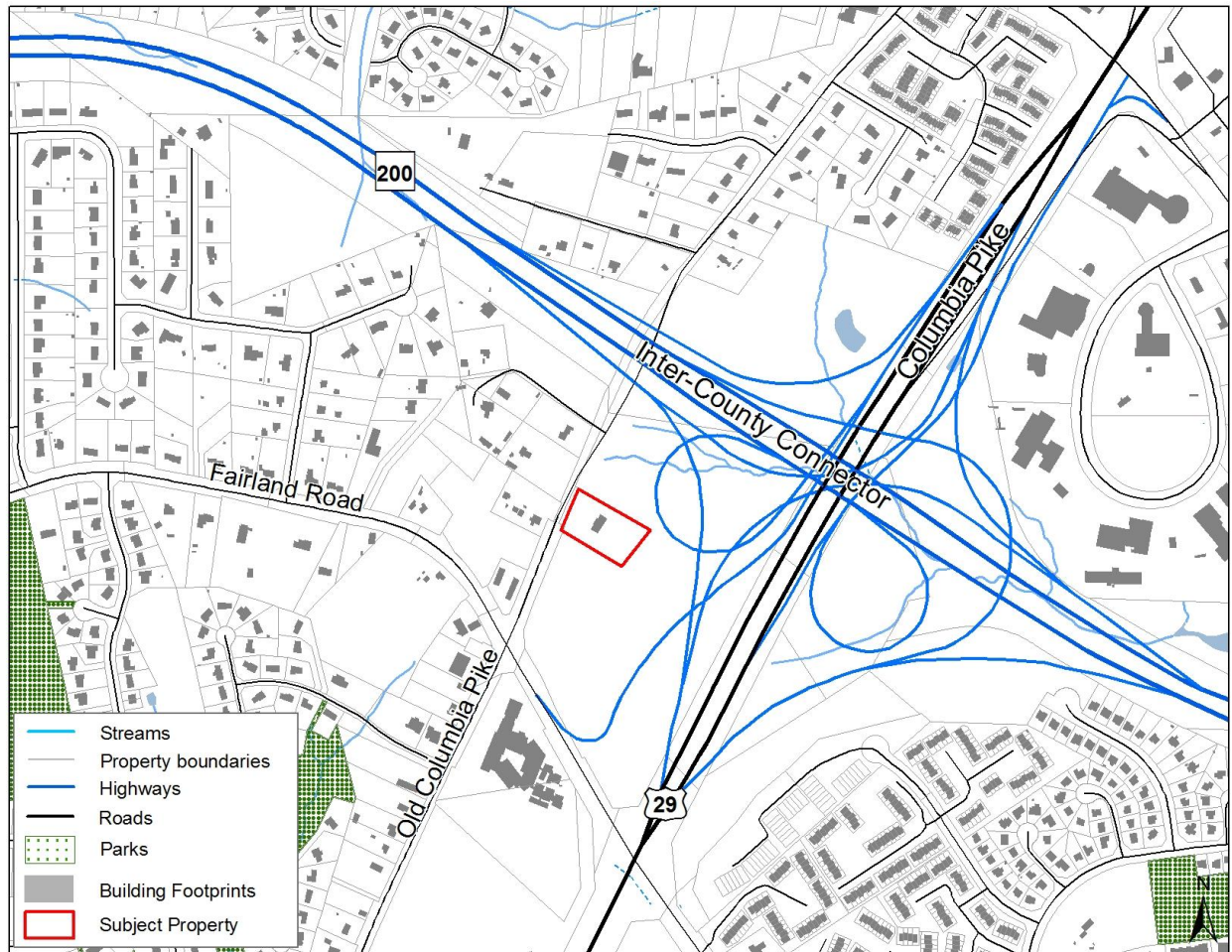


Figure 1

The Property is surrounded on three sides by land owned by the Maryland State Highway Administration ("MDSHA"). Columbia Pike (US 29) is located to the east, the Inter-County Connector (MD 200) is located to the north, and excess land used as a staging area during construction of MD 200 is to the south. West of the Subject Property across Old Columbia Pike are one-family detached homes and a religious institution. The land east of Old Columbia Pike including the Property is zoned R-90 and land west of Old Columbia Pike is zoned R200. The Property is generally flat, with a slight slope down in elevation toward the back. There are a few existing trees on the Property, located mainly along the northern and southern edges. There are no streams or sensitive environmental features located on the Property. The Subject Property is in the Little Paint Branch watershed, a state designated Use I-P watershed (Figure 2).



Figure 2

## PROJECT DESCRIPTION

### Background

On July 21, 2011, the Applicant submitted an application with the Montgomery County Board of Appeals for a Special Exception, (Case Number S-2820), to allow a 3,802 square foot Veterinary Hospital on the Subject Property (“Special Exception”). The Special Exception was brought before the Montgomery County Planning Board (“Planning Board”) on December 08, 2011. The Planning Board recommended approval of the Special Exception and transmitted comments to the County. The Special Exception hearing date with the Board of Appeals was on December 16, 2011, and it was approved with the Opinion of the Board of Appeals adopted on May 2, 2012 (Attachment A).

### Preliminary Plan Submittal

Preliminary Plan 120120120, Fairland Animal Hospital (“Application” or “Preliminary Plan”) was submitted on January 20, 2012 by the Applicant for the Subject Property. The Application proposes a single 1.43 acre lot to accommodate a new veterinary hospital building and the existing one family residential structure which will be used as housing for one of the clinic staff members. (Attachment B).

## **ANALYSIS AND FINDINGS**

### **Conformance to the Master Plan**

Staff finds that the Preliminary Plan substantially conforms to the recommendations of the 1997 Fairland Master Plan (“Master Plan”). There are no specific recommendations for the Property in the Master Plan, and it was assumed during the master planning process the Property would be acquired by MDSHA for right-of-way purposes when constructing the Inter-County Connector. The Master Plan recommended the area retain the R-90 zoning. Animal Hospitals are allowed by Special Exception in the R-90 Zone (59-C-1.3) under the provisions of section 59-G-2.32 Hospital, veterinary. With the Property being surrounded on three sides by MDSHA land and roadways, this location is well suited for a special exception use such as a veterinary hospital.

Old Columbia Pike is designated in the Master Plan as a Primary Road, with an 80 foot right-of-way, two travel lanes and a sidewalk. The Master Plan also specifically recommends a continuous off road sidewalk/path along the east side of Old Columbia Pike across the Property, and to maintain the residential character of the road to the extent possible. This Application proposes constructing a 5 foot wide sidewalk across the Property frontage to satisfy the Master Plan recommendation. The Preliminary Plan also leaves the existing one-family detached dwelling, and proposes constructing the new animal hospital building to the rear of the dwelling. The designs submitted during the Special Exception case for the animal hospital show the building looking like a barn from the exterior. This layout and design buffers the animal hospital from Old Columbia Pike and the one-family detached homes opposite the Subject Property, helping maintain that areas residential character.

### **Public Facilities**

#### **Roads and Transportation Facilities**

The Property is located on Old Columbia Pike, which as stated above, is a Primary Road with a recommended right-of-way of 80 feet. The Application shows no dedication across its frontage because Old Columbia Pike was recently relocated as a result of construction of the ICC, and adequate frontage was acquired by MDSHA from the Property’s owner during the reconstruction. The Applicant will construct a five (5) foot sidewalk along the Property frontage as part of their Policy Area Mobility Review (PAMR) requirement. The existing driveway location will serve as the Application’s access point, with significant upgrades provided to accommodate Fire and Rescue vehicles and the increased vehicle trips.

The Traffic Statement submitted by the Applicant indicates that the proposed use would generate 16 a.m. and 18 p.m. peak-hour trips. Because the Application does not generate 30 or more vehicle trips during the morning or evening peak-hours, it is not subject to the Local Area Transportation Review (LATR) guidelines. The Property is located within the Fairland Policy Area under the PAMR guidelines, which is subject to a 45% trip mitigation requirement. The Applicant must mitigate 8 trips as set by PAMR; this equates to a \$94,770 lump sum payment prior to issuance of the building permit.

#### **Other Public Facilities and Services**

The Property is in water and sewer categories W-1 and S-3. Currently the existing house has a public water connection and a private septic system. There is an existing 12 inch water main paralleling Old Columbia Pike that can provide water service to the expanded uses in the Application, and an 8 inch sewer will be connected to both the animal hospital and the existing house.

All utilities including telecommunications and electricity providers have adequate service available to the Property. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policies currently in effect. The Application does not include new residential units; therefore a school facility payment is not required.

### **Environment**

A simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 42011183E was approved for this site on May 16, 2011. . The 2003 update of the “Countywide Stream Protection Strategy”, by the Montgomery County Department of Environmental Protection, identifies this part of Little Paint Branch as having “fair” water quality. There are no 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 not located within a Special Protection Area, nor is it located within the Patuxent River Primary Management Area. The Environmental Guidelines do not apply to this Property.

### **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 the Property by Planning staff on May 16, 2011 under 22A-5(s)(1) of the County Forest Conservation Law (Attachment C). 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. Staff finds that the proposed project is in compliance with Chapter 22A, the Montgomery County Forest Conservation Law.

### **Stormwater Management**

A Stormwater Management concept for the Application was approved by MCDPS on September 27, 2011 (Attachment D). The concept proposes to meet the required stormwater management goals through flow disconnection of water coming from the driveway, landscaped infiltration of water from the parking areas, a grassed swale between the two buildings, and dry wells to capture roof runoff.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections of the Chapter. The proposed lot size, width, shape and orientation are appropriate for the location of the Property. The proposed lot is the last remnant parcel east of Old Columbia Pike in the area after MDSHA acquired the surrounding land. The existing dwelling on site has been there since 1965, and the parcel is similar in size to residential parcels across the street. Veterinary Hospitals are an allowed Special Exception in the Zone. The resulting lot in its size and location is appropriate for the proposed use.

The Preliminary Plan was reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width and the buildings can meet the setbacks in that zone. The Special Exception Case No. S-2820 granted relief from the minimum setback requirements of a fenced outdoor dog walking

area. A summary of this review is included in Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

**Data Table for the R-90 Zone**

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum Lot Area	9,000 Sq Ft	62,191 Sq Ft
Lot Width	75 ft.	191 ft.
Lot Frontage	25 ft.	191 ft.
Setbacks		
Front	50 ft. Min.	195 ft.*
Side	8 ft. house/ 50 ft. clinic	50 ft. house/ 51 ft. clinic*
Rear	25 ft. house/ 50 ft. clinic	173 ft. house/ 50 ft. clinic*
Height	35 ft. Max.	19.2 ft.*
Max Resid'l d.u. or Comm'l s.f. per Zoning	30% lot coverage	11% lot coverage
MPDUs	No	No
TDRs	No	No
Site Plan Req'd?	No	No

*\*To be finally determined at building permit by MCDPS*

**Compliance with prior approvals**

The Application complies with all applicable conditions of Board of Appeals Opinion, adopted May 2, 2012, approving Special Exception S-2820.

**Citizen Correspondence and Issues**

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. A sign referencing the Application was posted along the Property frontage on Old Columbia Pike. A presubmission meeting was held at the current location of the Fairland Animal Hospital, at 12711 Old Columbia Pike, Monday September 19, 2011, at 7pm. Four people were in attendance at the meeting. According to the minutes of that meeting no major issues were raised. Staff to date has received no citizen comments or correspondence regarding this application.

**CONCLUSION**

The proposed lot in this Application meets all requirements established in the Subdivision Regulations the Zoning Ordinance and the Special Exception, and substantially conforms to the recommendations of the Fairland Master Plan. Access and public utilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary plan. Therefore, approval of the Application with the conditions specified above is recommended.

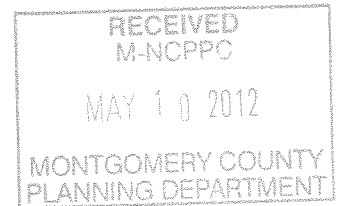
## **ATTACHMENTS**

- Attachment A – Board of Appeals Opinion
- Attachment B – Preliminary Plan
- Attachment C – forest conservation exemption
- Attachment D – MCDPS stormwater concept approval
- Attachment E – Fire and Rescue approval
- Attachment F – MCDOT approval
- Attachment G – MCDOT revision e-mail



# Attachment A

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**



Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Case No. S-2820**

## **PETITION OF FAIRLAND ANIMAL HOSPITAL, INC.**

OPINION OF THE BOARD  
(Opinion Adopted May 2, 2012)  
(Effective Date of Opinion: May 7, 2012)

Case No. S-2820 is an application for a special exception under Section 59-G-2.32 of the Zoning Ordinance to allow construction and operation of a veterinary hospital. The Hearing Examiner for Montgomery County held a hearing on the application on December 16, 2011, closed the record in the case on January 13, 2012 and on January 31, 2012, issued a Report and Recommendation for approval of the special exception.

The Board of Appeals initially considered the Report and Recommendation at its Worksession on February 29, 2012. The Board also had before it a request for Oral Argument on the Report and Recommendation from Jody S. Kline, on behalf of the Petitioner. The Board granted Oral Argument and heard it on May 2, 2012.

The subject property is Parcel P918, located at 13425 Old Columbia Pike, Silver Spring, MD 20904 in the R-90 Zone.

Decision of the Board: **Special Exception **Granted** Subject to  
The Conditions Enumerated Below.**

The Board heard Oral Argument on two issues:

1) How a proposed outdoor exercise area in connection with the veterinary hospital special exception would be operated in a manner consistent with the intent and purpose of the 200-foot separation requirement specified in Section 59-G-2.32(b)(2) of the Zoning Ordinance; and

2) How a reasonable and logical interpretation of Section 59-G-2.32(b)(2), taking into account the unique circumstances under which this site is located, would allow for the proposed outdoor exercise area.

Section 59-G-2.32(b)(2) provides: "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 areas and runs must be fenced for the safe confinement of animals."

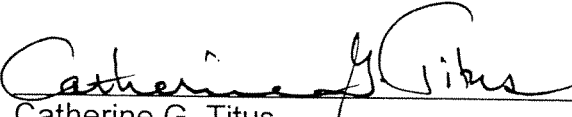
Mr. Kline noted that the property is adjoined to the north, south and east by Maryland State Highway right of way. The nearest residential property is more than 350 feet away, across Old Columbia Pike to the west. He further noted that the noise generated by the surrounding highways far exceeds any noise that might be generated by animals in the proposed outdoor exercise area.

Following the principle of parallel construction, Mr. Kline argued that the proper grammatical interpretation of Section 59-G-2.32(b)(2) is that the two requirements it contains, for setback and screening, both apply to residential properties.

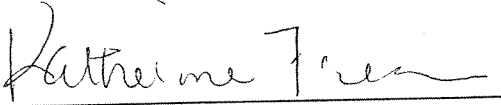
The Board agrees with Mr. Kline's reading of the statute and further finds that the application presents a unique situation in that the subject property is surrounded on three sides by state highways. Therefore, on a motion by David K. Perdue, Vice-Chair, seconded by Carolyn J. Shawaker, with Walter S. Booth and Catherine G. Titus, Chair, in agreement, and Stanley B. Boyd, necessarily absent, the Board adopts the Hearing Examiner's Report and Recommendation, with slight revision to Condition No. 5, and grants the special exception subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and the representations of its counsel identified in the Hearing Examiner's report and in this opinion.
2. 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.
3. Hours of operation are limited to Monday through Friday, 7:30 a.m. to 7:30 p.m., and Saturday, 8:00 a.m. to 5:00 p.m.
4. Per §59-G-2.32(b)(7) of the Zoning Ordinance, dogs must not be walked or exercised in outdoor areas that are off-site.
5. Per §59-G-2.32(b)(2), (10) and (14) of the Zoning Ordinance, no animals may be boarded (except for overnight medical purposes).
6. Client visits must be scheduled by appointment only, except in emergencies. Per § 59-G-2.32(b)(11) of the Zoning Ordinance, Petitioner must keep a written log of all appointments, drop-ins and emergency client activities, and make it available for inspection by the County.

7. Per §59-G-2.32(b)(12) of the Zoning Ordinance, accessory operations, such as the sale of pet food and supplies, must not exceed 20% of revenue.
8. Petitioner must maintain at least 21 parking spaces on site, unless the Board approves a change.
9. All litter and animal waste must be contained and controlled on the site.
10. Petitioner must comply with the requirements of the Amended Statement of Operations (Exhibit 18(a)).
11. A sign permit must be obtained for the proposed monument sign, and a copy of the permit for the approved sign must be submitted to the Board of Appeals before the sign is posted. If required by the Department of Permitting Services, Petitioner must obtain a sign variance for the proposed sign or amend the design of the proposed sign to have it conform with all applicable regulations. If the design is amended, a diagram showing the amended design must be filed with the Board.
12. Since the proposed use will require subdivision, in accordance with Zoning Ordinance §59-G-1.21(a)(9)(A), approval of this special exception is conditioned upon approval of a preliminary plan of subdivision by the Planning Board. If changes to the site plan or other plans filed in this case are required at subdivision, Petitioner must file a copy of the revised site and related plans with the Board of Appeals.
13. Petitioner must make a payment to the County to satisfy the requirements of Policy Area Mobility Review (PAMR), in an amount to be determined at subdivision, but it is currently calculated as \$93,600, to mitigate eight (8) peak-hour trips. The timing of the payment will be determined at subdivision.
14. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

  
Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 7<sup>th</sup> day of May, 2012.



Katherine Freeman  
Executive Director

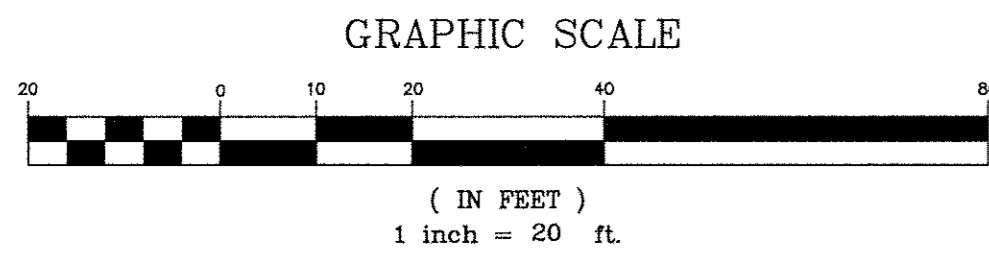
**NOTE:**

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

# Attachment B



PARCEL 840  
COVENANT OF PEACE  
PEIRRE, BEN  
L.2510 F.534  
ZONE: R-200

PARCEL 804  
COVENANT OF PEACE  
PEIRRE, BEN & M.C.  
L.4645 F.80  
ZONE: R-200

PROPOSED  
LOT 1

PARCEL 915  
STATE OF MARYLAND  
PLAT No. 56321  
ZONE: R-90

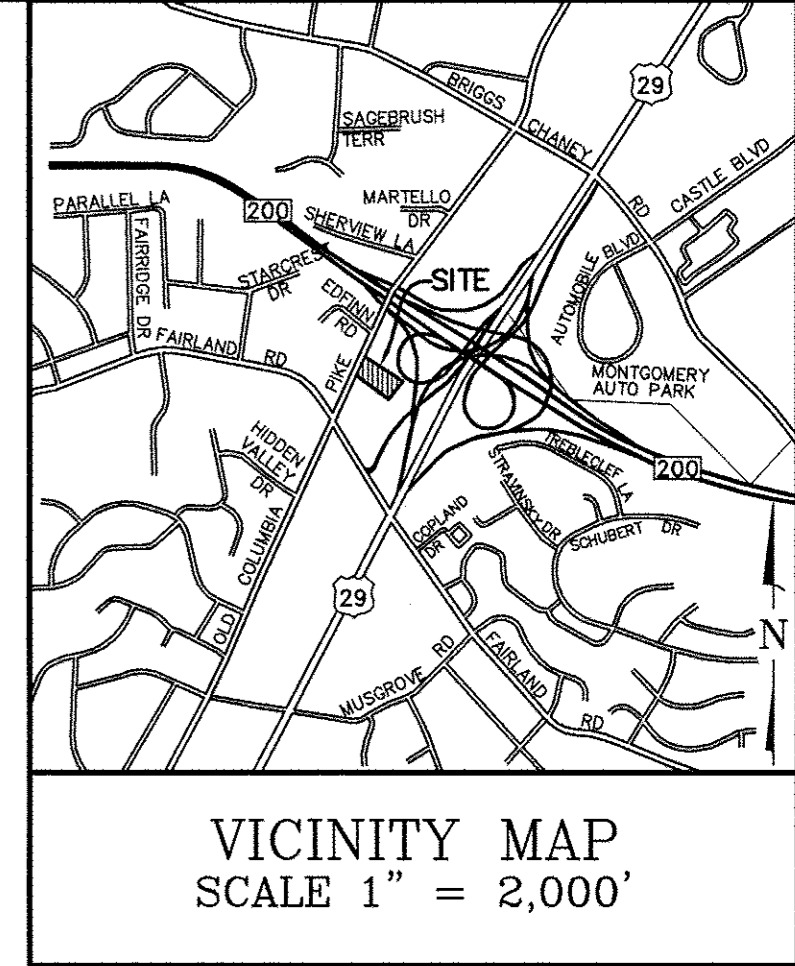
PARCEL 915  
STATE OF MARYLAND  
PLAT No. 56324  
ZONE: R-90

PROPOSED BUILDING  
FF = 416.90  
HEIGHT = 19.2 FT.  
GFA = 3,802 SQ. FT.

### 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-3, 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.
- A Stormwater Management Concept (SM File #240948) for this property was approved by MCDPS on September 27, 2011.
- This site is within the Fairland Master Plan Area.
- The site is tributary to Little Paint 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.
- Existing utility companies include:  
Water & Sewer: WSSC  
Natural Gas: Washington Gas  
Electric: Pepco  
Telephone: Verizon

EXISTING		PROPOSED	
	Asphalt Paving		Asphalt Paving
	Concrete		Concrete
	Curb & Gutter		Curb & Gutter
	Sign		Sign
	Utility Pole		Utility Pole
	Light Pole		Light Pole
	Electric		Electric
	Sewer		6" SEW. CLEAN OUT
	Storm Drain		24" RCP
	Water Line		6" WAT. VALVE
	Fire Hydrant		4" GAS
	Gas		4" GAS
	Telephone		TELE
	Buildings		Buildings
	Fence		Fence
	Limits of Disturbance		Limits of Disturbance
	Building Restriction Line		Building Restriction Line



### R-90 Zone/Special Exception Development Standards

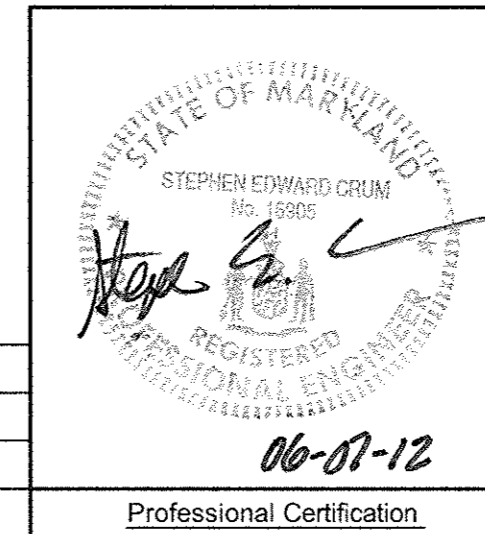
	Permitted/Required	Provided Per This Plan
Minimum Tract Area: 59-C-1.321(a)	Not Specified	62,191 S.F.
Maximum Density of Development: 59-C-1.731(b)	Not Specified	1 D.U. (Existing)
Maximum Net Lot Area: 59-G-2.32(b)(1)	21,780 S.F.	62,191 S.F.
Minimum Lot Width: 59-C-1.322(b)	75 Feet	191 Feet
Minimum Setback from Street: 59-C-1.323(a) [Existing House]	30 Feet	95 Feet
Minimum Setback from Street: 59-G-2.32(b)(4) [Veterinary Office]	50 Feet	195 Feet
Minimum Side Yard: 59-C-1.323(b)(1) [Existing House]	8 Feet	46 Feet
Minimum Side Yard: 59-G-2.32(b)(4) [Veterinary Office]	50 Feet	51 Feet
Sum of Both Sides: 59-C-1.323(b)(1) [Existing House]	25 Feet	114 Feet
Sum of Both Sides: 59-G-2.32(b)(4) [Veterinary Office]	100 Feet	128 Feet
Minimum Rear Yard: 59-C-1.323(b)(2) [Existing House]	25 Feet	173 Feet
Minimum Rear Yard: 59-G-2.32(b)(4) [Veterinary Office]	50 Feet	50 Feet
Maximum Building Height: 59-C-1.327 [All Structures]	35.0 Feet	19.2 Feet
Maximum Lot Coverage: 59-C-1.328 [All Structures]	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	18 Spaces 2 Spaces 1 Spaces
Provided Per Plan: Standard (8.5' x 18') Parallel (7' x 21') ADA Van Accessible (9' x 18' min. with 8' Access Aisle)		21 Spaces

OWNER/APPLICANT  
Fairland Animal Hospital  
12711 Old Columbia Pike  
Silver Spring, MD 20905  
Phone: (301) 928-4723  
Contact: Jeffrey D. Whall

### Property Information

Subject Property:	Parcel 918 - Deer Park 13425 Old Columbia Pike Silver Spring, MD 20904 L.40070 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 with Existing Residence to Remain

N 513600  
E 1324800



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. 15905, Expiration Date: 04/21/2014

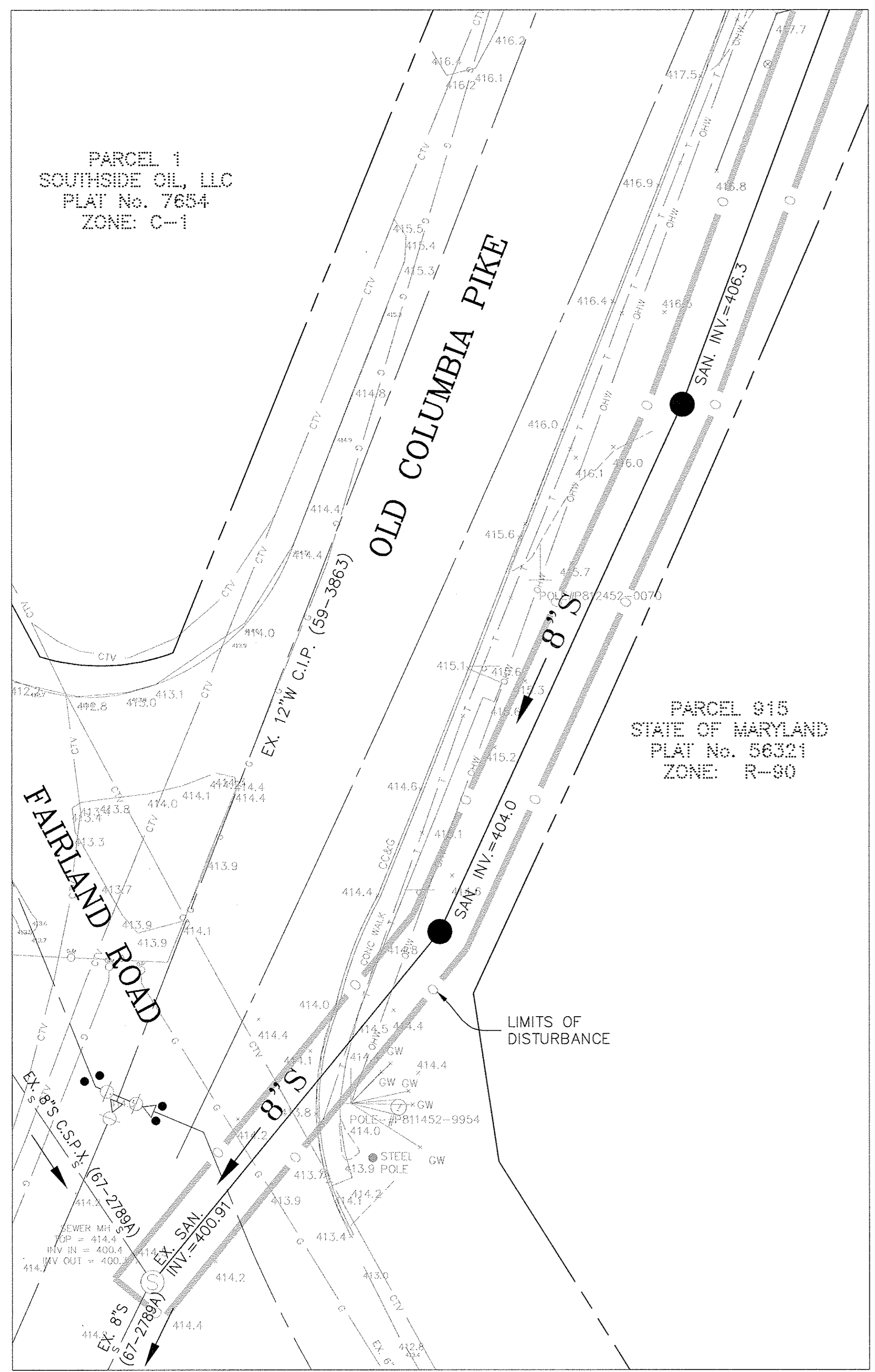
TAX MAP KR342 MC MAP PAGE: 5167 GRID: G-8 WSSC 218NE03

PRELIMINARY PLAN OF SUBDIVISION  
PARCEL 918  
**FAIRLAND ANIMAL HOSPITAL**  
L. 40070 F.183  
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

	Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	Proj. Mgr.	Designer
		Date	Scale
9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone 301.670.0840 Fax 301.948.0693 www.mhgap.com	06/05/12	1"=20'
		Project No.	Sheet
		11.10.11	1 of 2

NO.	DATE	DESCRIPTION	BY

SEE SHEET #2 FOR CONTINUATION OF PUBLIC SEWER EXTENSION



PUBLIC SEWER EXTENSION  
(CONTINUED FROM SHEET #1)  
1" = 20'

I:\11110\dwg\SP\_11\_01.dwg, Preliminary Plan 2 of 2, 8/7/2012 1:30:05 PM, Copyright © 2012 Macris, Hendricks & Glascock, P.A.

NO.	DATE	DESCRIPTION	BY

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. 15505, Expiration Date: 04/21/2014

TAX MAP KR342 WSSC 218NE03

**PRELIMINARY PLAN OF SUBDIVISION**  
PARCEL 918  
**FAIRLAND ANIMAL HOSPITAL**  
L. 40070 F.183  
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

<b>MHG</b> Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	Proj. Mgr. PGL	Designer PGL
	Date 06/05/12	Scale AS SHOWN
9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone 301.670.0840 Fax 301.948.0693 www.mhgpa.com	Project No. 11.110.11
		Sheet 2 of 2

# Attachment C



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

May 16, 2011

Dr. Jeffrey D. Whall  
12711 Old Columbia Pike  
Silver Spring, MD 20905

Re: Fairland Animal Hospital; Forest Conservation Exemption No. 42011183E

Dear Dr. Whall:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42011183E, Fairland Animal Hospital, is **confirmed**. The plan which was received by the Montgomery County Planning Department on April 27, 2001 is in compliance with Chapter 22A-5(s)(1) of the Forest Conservation Law. This exemption covers 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.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4581 or at [david.wigglesworth@montgomeryplanning.org](mailto:david.wigglesworth@montgomeryplanning.org)

Sincerely,

David Wigglesworth  
Sr. Planner  
Development Applications & Regulatory Coordination

CC: Frank Johnson, (MHG, P.A.)

# Attachment D



## 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 E



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## FIRE MARSHAL COMMENTS

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**DATE:** 22-Mar-12  
**TO:** Patrick La Vay - plavay@mhgpa.com  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** Fairland Animal Hospital  
120120120

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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **22-Mar-12**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* Performance-based review of building size and location allows extension from 50 ft to 150 ft distance from vehicular access to main side hinge door. \*\*\***

# Attachment F



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

June 19, 2012

Arthur Holmes, Jr.  
*Director*

Mr. Benjamin Berbert, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120120  
Fairland Animal Hospital

Dear Mr. Berbert:

We have completed our review of the updated preliminary plan dated June 7, 2012. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on February 27, 2012. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication along the Old Columbia Pike site frontage in accordance with the master plan. (We note the plan indicates a skewed right-of-way line at the southwest corner of the site.)
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve this site. Sidewalks are to be provided along the site frontage unless the applicant is able to obtain a waiver from the Department of Permitting Services.

### Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)



6. Correspondence in the file indicates this project is required to mitigate 18 peak-hour trips to satisfy Policy Area Mobility Review (PAMR) requirements. At \$11,700/trip, the applicant's PAMR payment would be \$94,770. We prefer the applicant construct nearby physical improvements – to promote non-automobile modes of travel – instead of making the payment. Prior to approval of the record plat, the applicant should coordinate with Planning Board and MCDOT Directors Office staff to identify potential mitigation sites and explore the feasibility of implementing same.
7. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct an off-site sidewalk along Old Columbia Pike to connect with the existing sidewalk at the Fairland Road intersection. The costs of this off-site construction may be creditable towards satisfying the applicant's PAMR mitigation requirement.
7. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
8. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Mr. Benjamin Berbert  
Preliminary Plan No. 120120120  
June 19, 2012  
Page 3

- 12 Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
- 13 Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Construct a five (5) foot wide concrete sidewalk with handicap ramps and plant street trees along the Old Columbia Pike site frontage in accordance with MCDOT Standard MC-212.01 (Primary Residential Road); modify same as appropriate to fit site conditions.
  - B. On Old Columbia Pike, construct a five (5) foot wide concrete sidewalk between the southwest corner of the site and the existing sidewalk at Fairland Road, if required as an off-site amenity by the Montgomery County Planning Board.
  - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
  - E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our new Development Review Area Engineer for this project at [andrew.bossi@montgomerycountymd.gov](mailto:andrew.bossi@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

Mr. Benjamin Berbert  
Preliminary Plan No. 120120120  
June 19, 2012  
Page 4

cc: Marguerite Whall; Fairland Animal Hospital, Inc.  
Marylee Davids; Blaney B. Marlow et al Trustees  
Patrick G. LaVay; Macris, Hendricks & Glascock, P.A.  
Jody S. Kline; Miller, Miller & Canby, Chartered  
Ki Kim; M-NCPPC Area 3  
Catherine Conlon; M-NCPPC DARC  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
Henry Emery; MCDPS RWPR  
Gary Erenrich; MCDOT DO  
Brett Linkletter; MCDOT DHS  
Dan Sanayi; MCDOT DTEO  
Bruce Mangum; MCDOT DTEO  
David Adams; MCDOT DTEO  
Andrew Bossi; MCDOT DTEO

# Attachment G

**Berbert, Benjamin**

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**From:** Berbert, Benjamin  
**Sent:** Friday, July 06, 2012 9:50 AM  
**To:** Berbert, Benjamin  
**Subject:** FW: 120120120, Fairland Animal Hospital - MCDOT responses to MHG's appeal requests

**Importance:** High

**From:** Leck, Gregory [mailto:Greg.Leck@montgomerycountymd.gov]  
**Sent:** Thursday, July 05, 2012 4:38 PM  
**To:** Patrick La Vay; Berbert, Benjamin; mkwhall@gmail.com; Jody Kline; Kim, Ki  
**Cc:** Panjshiri, Atiq; Farhadi, Sam; Emery, Henry; Erenrich, Gary; Linkletter, Brett; Sanayi, Dan; Mangum, Bruce; Adams, David; Bossi, Andrew; Jim Hendricks  
**Subject:** RE: 120120120, Fairland Animal Hospital - MCDOT responses to MHG's appeal requests  
**Importance:** High

Good morning everyone,

Hope you were able to survive the storms and power outages with relatively minor inconveniences.

This email is being provided in lieu of preparing an amendment letter to our June 19, 2012 preliminary plan review comments letter. All comments in that letter remain applicable unless specifically modified below. Attached are our responses to MHG's appeal requests:

Comment #3 – There are no new public streets, therefore no grade establishment plan should be required. Please remove this line item.

*Response: Agreed. This comment is a standard comment in our glossary letter. Although it is applicable to the construction of new sidewalks, I should have not included this comment in our letter since the roadway has curb and gutter across the site frontage and its profile will not be modified by this applicant. **Comment no. 3 is hereby deleted.***

Comment #6 – The PAMR payment was negotiated and reduced by Gary Erenrich due to the proposed public sidewalk along the property frontage. The revised sum was calculated by the Traffic Engineer (Craig Hedberg) and approved by Gary Erenrich at \$83,948. Attached is an email (6/1) from Gary Erenrich confirming this agreement.

*Response: **The reduced PAMR \$ amount (\$83,948) is acceptable so long as the sidewalk to be constructed across the site frontage is not being counted as a credit towards satisfying the PAMR mitigation requirement. Sidewalk is already required across the site frontage per Section 49-33 (e) of the Montgomery County Code.***

Comment ##7 – Same as above, the PAMR requirements were negotiated with Gary Erenrich and it was determined that construction of off-site sidewalk was not required. Also attached is an email chain (5/9) from Gary Erenrich confirming this agreement.

*Response: Understood. However, under the referenced Section of the Subdivision Regulations, the Planning Board has the authority to require “. . . construction by a developer of a reasonable amount of off-site sidewalks or sidewalk improvements. . . to provide for one or more necessary connections from the proposed development to an existing sidewalk, existing or proposed bus or other transit stop, . . . that the Planning Board finds will be used by residents or users of the development, or for handicapped access. . .” As noted in our letter, there is an existing bus stop [on the east side of Old Columbia Pike] near its intersection with Fairland Road. **The final decision on whether to require this sidewalk extension lies with the Planning Board. This recommendation will be null if the Planning Board agrees with the applicant.***

Comment #12 – Street trees were not proposed for this project, nor were they requested at DRC or any of the discussions following. There is no mention of street trees in MC-212.01. If this was included erroneously, please remove this new requirement.

*Response: The preliminary plan does not identify existing street trees across the site frontage nor do I recall noticing them in the field. Street trees are required on Montgomery County roads in accordance with Section 49-33 (j) of the Montgomery County Code. Locations of street trees are normally not delineated on the design standards for County-maintained roads – though we do have design standards for street tree placements and they are specifically addressed in Executive Regulation No. 31-08AM (Context Sensitive Road Design Standards). **This comment remains in effect.***

Comment #13A – Same as above, street trees were not requested, proposed or shown in MC\_212.01. Please remove the language related to street trees.

*Response: **See reply to comment #12.***

Comment #13B – Per discussions with Gary Erenrich regarding PAMR, off-site sidewalk extension not required. Please remove this language.

*Response: **See reply to comment #7.***

Comment #13E – Street lights were not proposed for this project, nor were they requested at DRC or any of the discussions following. If this was included erroneously, please remove this new requirement.

*Regarding comment #13E, I just met with Mr. Tommy Shoemaker, Senior Engineer Technician in our Division’s Streetlighting Unit, regarding the need for additional streetlights along the site frontage of Old Columbia Pike. Based on the information shown on the plan, it appears that additional streetlights are not needed at this location. **Comment #13E is hereby deleted.***

Greg

*Greg Leck, Manager  
Development Review Team  
Division of Traffic Engineering and Operations  
Montgomery County Department of Transportation*

*100 Edison Park Drive, 4th floor  
Gaithersburg, Maryland 20878*

[greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov)  
office: 240-777-2197