



Carl Douglas Lord Medical Clinic Conditional Use, CU 16-10

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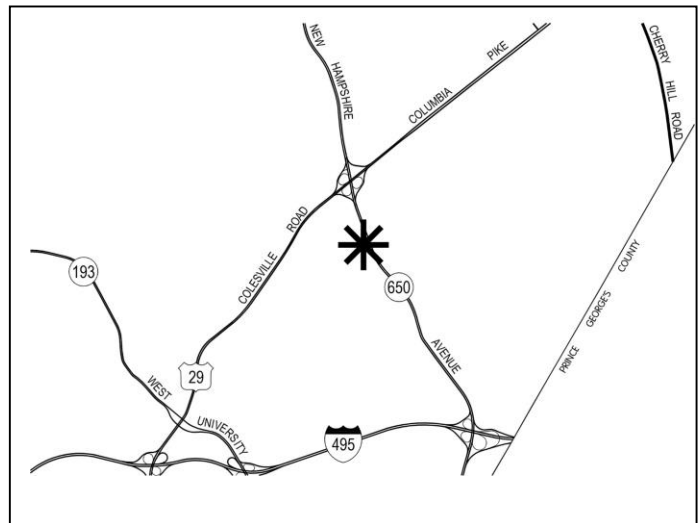
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Completed: 04/15/16

Description

- Request for a Medical Clinic with up to 4 Medical Practitioners;
- Located at 11016 New Hampshire Avenue, Silver Spring;
- R-90 Zone, *White Oak Science Gateway Master Plan*;
- Lot area: 18,591 square feet;
- Applicant: Carl Douglas Lord;
- Filing Date: January 20, 2016;
- Public Hearing by the Hearing Examiner: May 16, 2016.



Summary

- Staff recommends **approval with conditions**.
- The Applicant requests Conditional Use Approval to validate an existing medical clinic use.
- The Application satisfies the requirements for approval under Chapter 59, the Montgomery County Zoning Ordinance, subject to approval of parking waivers and alternative compliance.
- Staff recommends parking waivers for relief from the following requirements of Division 6.2: number of required vehicle parking spaces, drive aisle width, parking setbacks, parking lot landscaped area, tree canopy coverage, and perimeter planting.
- Staff recommends the alternative method of compliance for the screening requirements under Division 6.5.

STAFF RECOMMENDATION

Staff recommends approval for CU 16-10 subject to the following conditions:

- 1) The medical clinic is limited to a maximum total of three doctors. A maximum of seven employees, including two doctors, may be on-site at any given time.
- 2) The maximum number of patients allowed per day is 50.
- 3) The hours of operation are limited to Monday-Friday 9:00 a.m.- 5:00 p.m.
- 4) The north and west sides of the Site must be enclosed with a six-foot-high board-on-board privacy fence.
- 5) The Applicant must request a parking waiver to provide fewer than the required number of vehicle parking spaces under Section 6.2.4.B, and must issue notice for the parking waiver as required under Section 6.2.10.
- 6) Each compact parking space must be clearly marked.
- 7) Physical improvements are limited to those shown on the site plan and landscape plan submitted with the application (Attachments 1 and 2).
- 8) The Applicant must provide certification from a lighting specialist that the parking area will have adequate lighting to promote safety during evening hours, while also ensuring that illumination at the lot line will not exceed 0.1 footcandles as required under Section 6.4.4.E.

PROJECT DESCRIPTION

Site Description

The 18,591-square-foot Site is located on the west side of New Hampshire Avenue (MD 650) approximately 100 feet north of the intersection with Northwest Drive, across from the U.S. Food and Drug Administration campus (Figure 1). The Site comprises two lots, identified as Lots 10 and 11, Block B, in the Burnt Mills Subdivision in the R-90 Zone (Figure 2). The Site is rectangular in shape, and has approximately 147 feet of frontage on the service road along the west side of New Hampshire Avenue. Paved drive aisles connect the Site with the property to the south, which is also owned by the Applicant but is not part of this Application. Paved parking areas for 21 vehicles are located on the north, west, and east sides of the existing building.

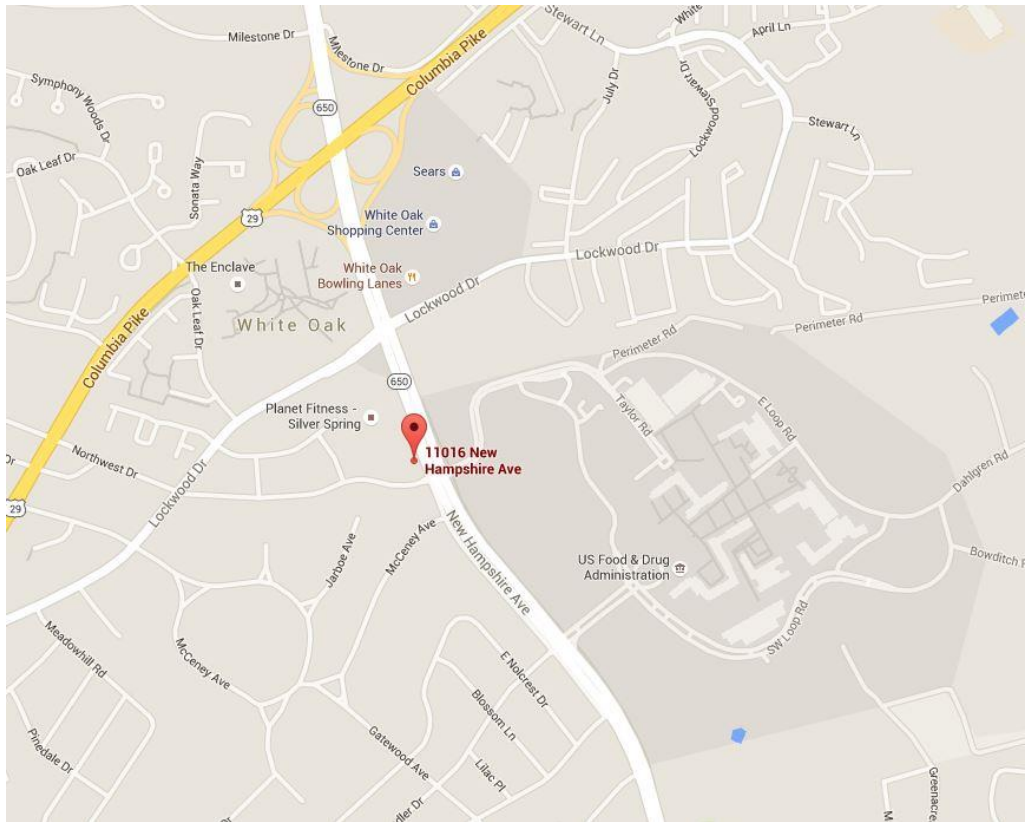


Figure 1: Vicinity Map

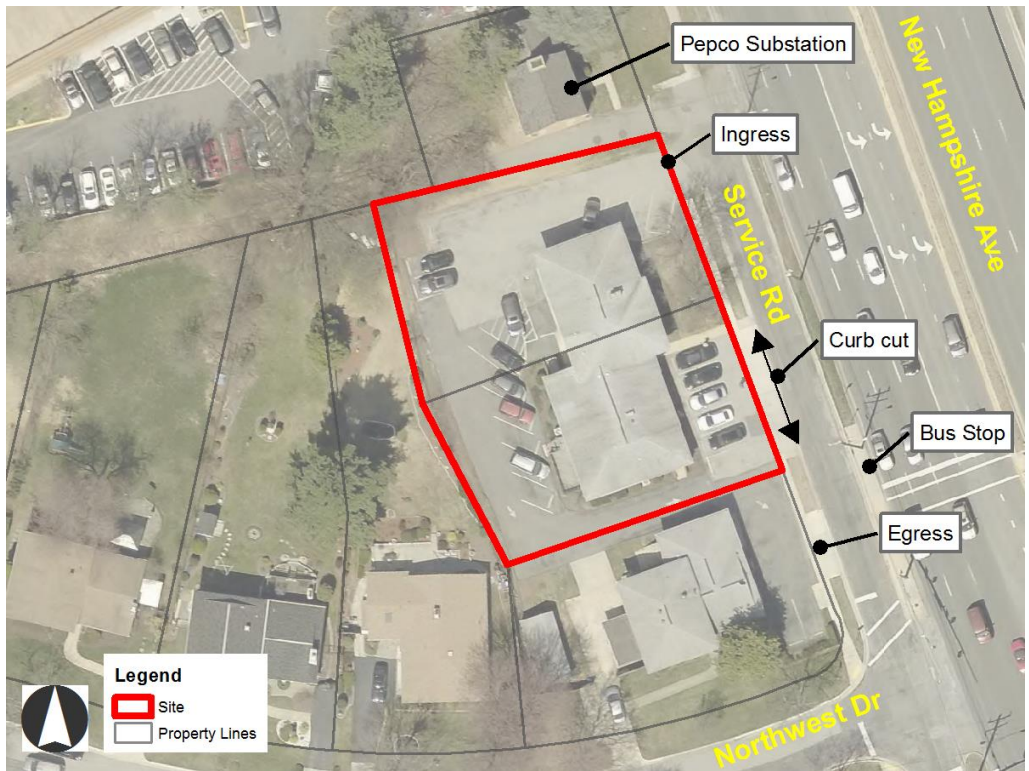


Figure 2: Site Map

The Site is improved with a 6,500-square-foot building that straddles the lot line. The building was originally constructed as a split-level residential house. Faced with brick and siding, the building is generally similar in character to the nearby single-family homes (Figures 3 and 4). A black-and-white sign in the front window identifies the building as an obstetrics and gynecology clinic, and the interior space includes waiting areas, exam rooms, offices, and a staff break room (Attachment 3). At present, the existing practice has four doctors, with three doctors on-site at any given time.

Foundation plantings consisting of evergreens and perennials line the front and the southern side of the building. A chain link fence is located along the Site's rear (western) boundary (Figure 6). Waste receptacles are stored in the rear of the building (Figure 7).

A photometric plan submitted with the application indicates that twelve light fixtures are attached to the perimeter of the building; eight are wall-mounted LED full cutoff sconces, the other four are small motion-sensitive LED floodlights (Attachment 4).

Two curb cuts provide access to the Site from the southbound service road. From the northern curb cut, a one-way circulation route allows vehicles to park in one of the 15 spaces on the north side or behind the building. One handicapped space is located behind the building. Arrows on the pavement direct vehicles that park on the side or behind the building to exit the Site from a curb cut on the adjacent property to the south, also owned by the Applicant. Vehicles can also pull directly from the service road into one of the six parking spaces in front of the building. Parking is prohibited on the east side of the service road, but there are no parking restrictions on the west side of the service road adjacent to the Site.

The Site is relatively flat in grade, and there are no streams, forests, wetlands, or other significant environmental features present.



Figure 3: Front view of building



Figure 4: Medical clinic sign



Figure 5: View of the rear of building (facing north)



Figure 6: View from rear of building facing west showing chain link fence and adjacent single-family property



Figure 7: Trash receptacles stored in rear of building

Neighborhood Description

For the purposes of analyzing this application, the defined neighborhood is generally bound by Lockwood Drive to the north, New Hampshire Avenue to the east, Gateway Drive and Schindler Drive to the south, and Burnt Mills Avenue and Hoyle Avenue to the west (Figure 8). A commercial area is located in the northeastern section of the neighborhood and includes a townhouse-style office park, an office building, an office supply store, a drive-through restaurant, and a gas station. The drive-through restaurant, and the parking lot associated with the office building were approved by special exception.

The balance of the neighborhood consists of single-family homes in the R-90 and RE-2 Zones, with the exception of a strip of non-residential uses along the New Hampshire Service Road between McCeney Avenue and the commercial area. South of the commercial area and north of the Site on the New Hampshire Service Road is a Pepco substation housed within a building with a residential appearance. The property to the south of the Site, 11012 New Hampshire Avenue, is also owned by the Applicant and was approved in 1971 for special exception use as a non-resident medical practitioner's office (BA-3082). The special exception was revoked as abandoned in 2008, and the building is not used for residential purposes (Attachment 5). On the south side of Northwest Drive, at 921 Northwest Drive, a special exception application for a day care with up to 30 children (SE 13-02) was denied in 2013. The Hearing Examiner determined that the proposed day care use did not substantially comply with the 1997 *White Oak Master Plan*, and found that it would be incompatible with the residential character of the neighborhood. A sign outside 921 Northwest Drive indicates that a day care, presumably a family day care with no more than 8 children, is now located in the building. South of the daycare, at 11000

New Hampshire Avenue, is a property that was approved for special exception use as a non-resident medical practitioner’s office in 1995 (BA 2150). Another non-resident medical practitioner’s office, approved by special exception in 1966 (BA-2118), is located on the opposite side of McCeney Avenue, at 10928 New Hampshire Avenue.

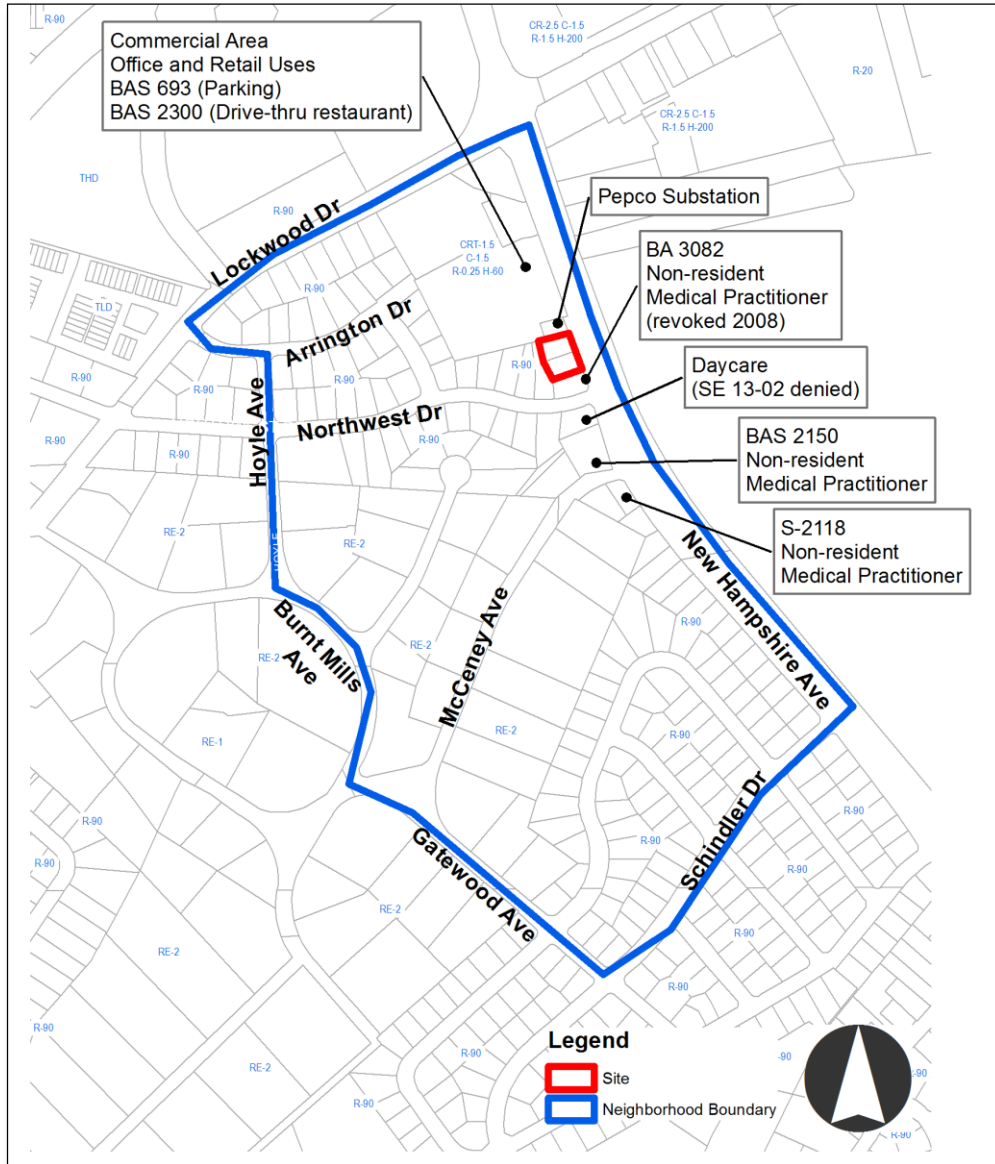


Figure 8: Staff Defined Neighborhood

Zoning and Land Use History

At the time of the 1954 comprehensive rezoning of the County, the Site was classified in the R-90 zone. The R-90 zoning classification was confirmed in three subsequent master plans: the 1981 *Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak Plan*; the 1997 *White Oak Master Plan*; and the 2014 *White Oak Science Gateway Master Plan*.

The Applicant indicates that the Site has been used as a medical practitioner's office since 1957. A Certificate of Use and Occupancy was issued for a resident medical practitioner's office in 1985 (Attachment 6). The Applicant purchased the property in 1990, at which time a small portion of the existing building contained residential uses. Since that time, the clinic's operations have evolved and the building no longer contains residential uses. The clinic no longer qualifies as a resident medical practitioner's office and it has been operating without the required conditional use approval.

Proposed Use

The Applicant seeks conditional use approval to validate the existing use of the Site as a medical clinic. The proposed medical clinic will operate between 9 a.m. and 5 p.m. Monday through Friday, year round. A maximum of three doctors will practice at the clinic, with a maximum of two doctors on-site at any given time. A maximum of seven employees, including two doctors, will be on-site at a given time, and a maximum of 50 patients will be seen on a given day.

The Applicant plans to reconfigure and restripe the vehicle parking areas and provide 18 total parking spaces on-site. Four parking spaces, including one handicapped accessible space, would be located in front of the building, seven spaces on the north side of the building, and six to the rear of the building. Two of the proposed parking spaces on the northern side of the building would be for compact vehicles (Figure 9). The proposed parking configuration would remove two parking spaces from the Site to improve circulation. Vehicles that park on the side or in back of the building would have a means of egress from the Site's southern curb cut.

The Applicant proposes to add a 6-foot-high board-on-board wooden fence along the north and west lot lines, and to add a landscape screen along the western side of the Site (Figure 10). No modifications to the existing building, signage, or lighting are proposed.

Deliveries to the site are made via UPS, FedEx, and postal service during office hours. Trash and recycling pick-ups will occur a maximum of twice a week.

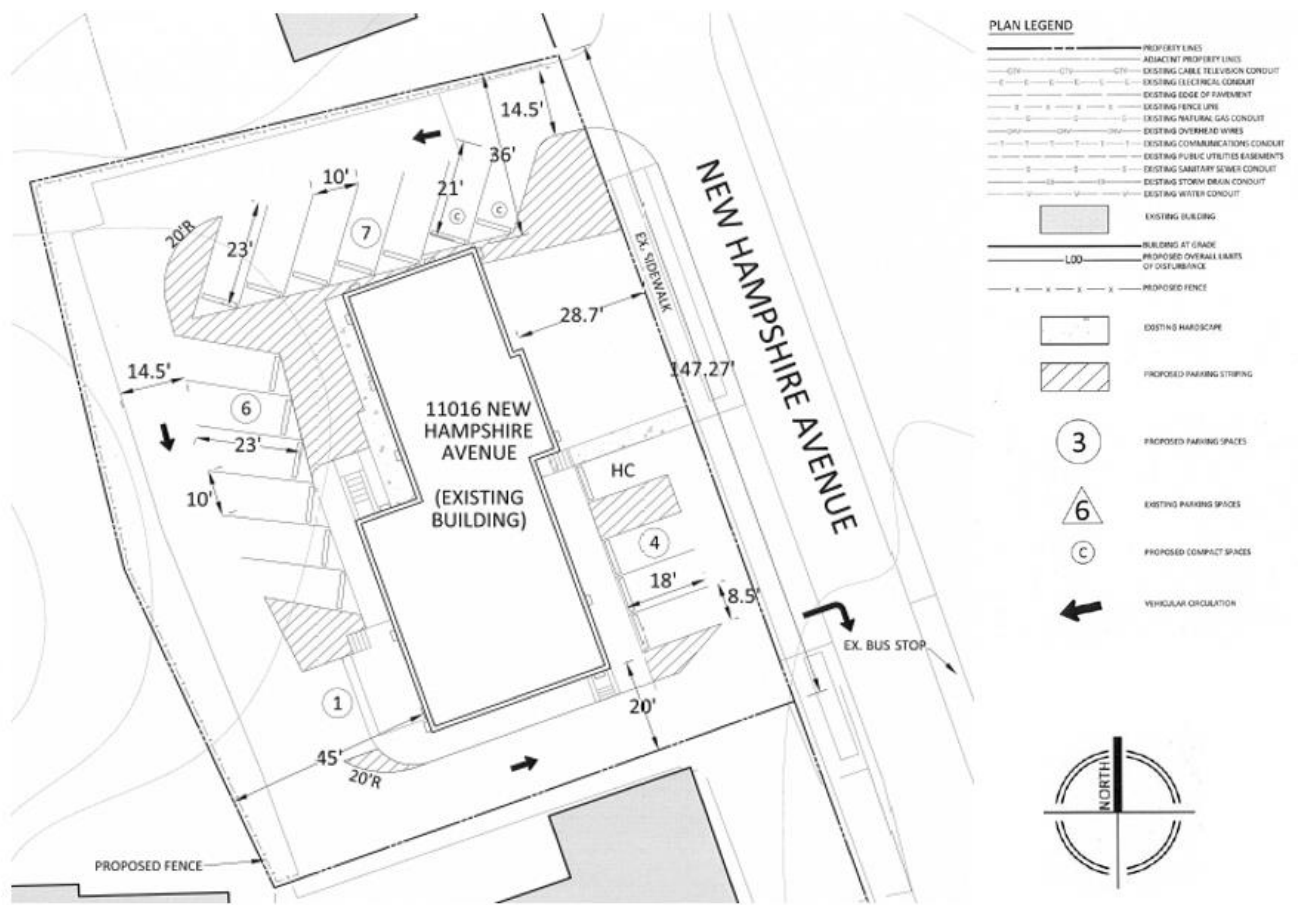


Figure 9: Conditional Use Site Plan

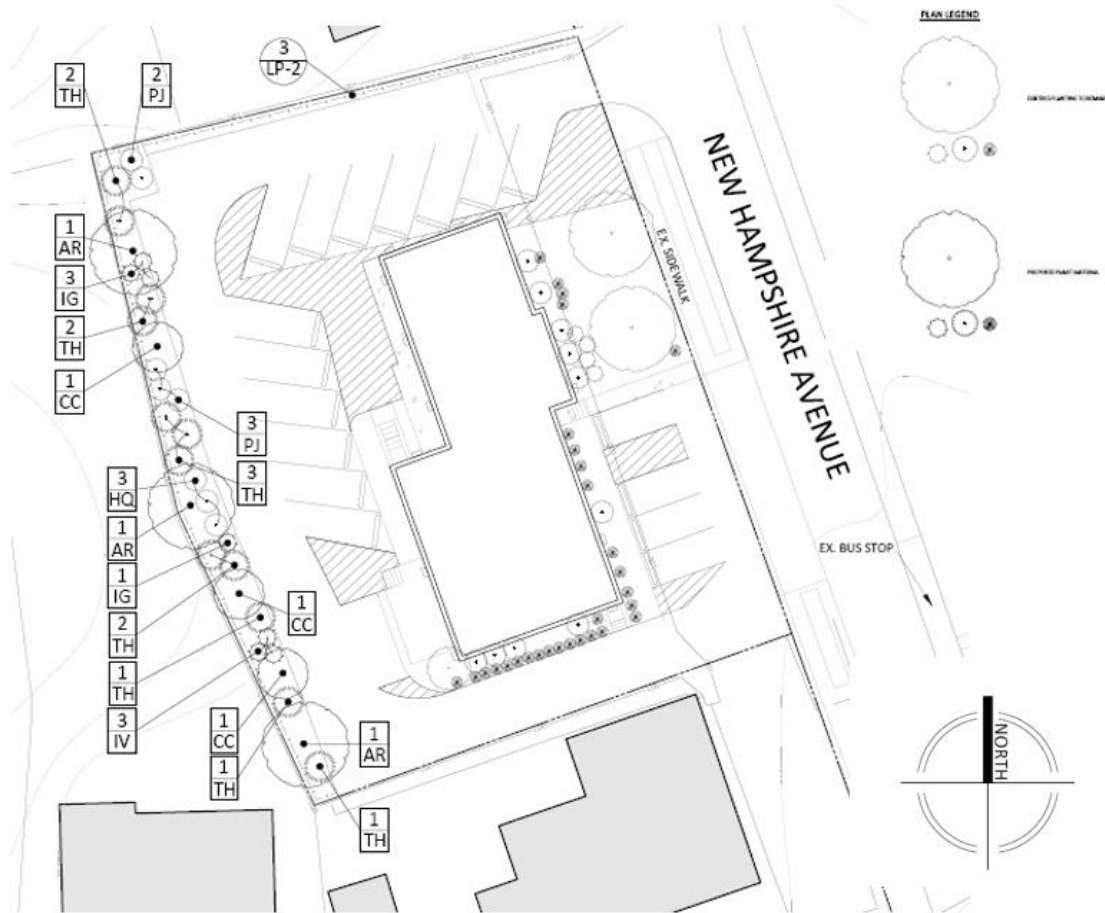


Figure 10: Landscaping Plan

ANALYSIS

Master Plan

The Site is within the limits of the 2014 *White Oak Science Gateway Master Plan* (Master Plan). The Plan does not provide specific language for this property, but one of its goals is “to protect the character of the single-family neighborhoods by confirming existing use and zoning” (p. 30). The application proposes to confirm an existing use that is allowed in a residential zone as a conditional use, and to improve the efficiency of existing vehicular areas on the Site. The application does not propose any expansion of the existing structure or its use, so the character of the surrounding residential neighborhood will not change as a result. Further, a medical clinic in a renovated residential structure provides an appropriate transitional use between the adjacent single-family residential neighborhood, New Hampshire Avenue, and the commercial center to the north. Staff finds this application is consistent with the goals of the Master Plan.

Transportation

Pedestrian Facilities

A four-foot wide sidewalk along the west side of the service road leads to the front entrance of the existing building. The east side of New Hampshire Avenue has an eight-foot wide shared-use path with a 2.5-foot wide green panel.

Master-Planned Roadway, Bikeway, and Transitway

New Hampshire Avenue (MD 650) is designated as a six-lane divided major highway, M-12, with a recommended 130-foot wide right-of-way in the Master Plan. Bike lanes and a shared-use path on the east side is recommended in the Master Plan as well as the 2005 *Countywide Bikeways Functional Master Plan*. Currently, the right-of-way for this segment of New Hampshire Avenue is approximately 144 feet wide including a six-foot wide median.

Northwest Drive is not listed in the Master Plan but it is a residential street with a right-of-way varying from 47 to 68 feet wide with no sidewalks or bikeway.

The 2013 *Countywide Transit Corridors Functional Master Plan* for the Bus Rapid Transit (BRT) recommends a BRT station along New Hampshire Avenue (Corridor No. 5), with one additional transit lane and a BRT station near the White Oak Transit Center.

Available Transit Service

A stop for southbound Metro and Ride On buses is located on New Hampshire Avenue directly in front of the Site, and a stop for northbound passengers is on the opposite side of New Hampshire Avenue. Ride On bus routes 10 and 22, and Metrobus routes C8 and K6 operate along New Hampshire Avenue as follows:

1. Ride On Route 10 operates between the Twinbrook Metrorail Station and the Hillandale Shopping Center with 30-minute headways on weekdays and weekends.
2. Ride On Route 22 operates between the Glenmont Shopping Center and the Hillandale Shopping Center with 30-minute headways on weekdays only.
3. Metrobus Route C8 operates between the White Flint Metrorail Station and the College Park-University of Maryland Metrorail Station with 30-minute headways on weekdays and Saturdays.
4. Metrobus Route K6 operates between the White Oak Shopping Center and the Fort Totten Metrorail Station with 30-minute headways on weekdays and weekends

Adequate Public Facilities (APF) Review

Local Area Transportation Review (LATR) Test

The medical clinic will have a maximum of seven employees, including two doctors, on the site at any time, and will operate between 9:00 a.m. to 5:00 p.m. on weekdays (within the weekday morning peak

period of 6:30 to 9:30 a.m., and the evening peak period of 4:00 to 7:00 p.m.). Using the Institute of Transportation Engineers' trip generation rates for medical clinics, the proposed medical clinic will generate 16 morning and 25 evening peak-hour trips.

A traffic study is not required because the proposed medical clinic generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods.

Transportation Policy Area Review (TPAR) Test

The TPAR test typically requires an Applicant to pay 50% of the transportation/ development impact tax for new development in the White Oak Policy area since the policy area fails both the transit and roadway capacity tests. In this case, however, the Applicant is not proposing to increase the square footage of the existing building, so no TPAR payment is required.

Environment and Forest Conservation

The Site contains no forest, streams, wetlands, 100-year floodplains, steep slopes, or known habitats of rare, threatened or endangered species. The Application is not subject to the Forest Conservation Law under Chapter 22A because no clearing or grading is proposed (Attachment 7).

Community Outreach

The Applicant must notice a request for a waiver of the required number of parking spaces under Section 6.2.10. The Applicant has satisfied all other noticing and posting requirements. To date, Staff has not received any community comments.

FINDINGS

Conditions for Granting a Conditional Use

Section 7.3.1.E Necessary Findings

To approve a conditional use application, the Hearing Examiner must find that the proposed development:

Section 7.3.1.E.1.a. *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

No applicable previous approvals exist.

Section 7.3.1.E.1.b. *satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds it necessary to ensure compatibility, meets applicable general requirements under Article 59-6;*

The application satisfies the use standards for a medical clinic under Article 59-3, the development standards for the R-90 Zone under Article 59-4, and the applicable general requirements under Article 59-6 as follows:

Use Standards for a Clinic (Up to 4 Medical Practitioners) in Article 59-3

Section 3.5.7.A.2.

Where a Clinic (Up to 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. *The minimum lot width at the front lot line is 100 feet.*

The lot width at the front lot line is approximately 147 feet.

- b. *The minimum setback from a lot that is vacant or residentially improved is 40 feet. The minimum setback from all other abutting lots is 20 feet.*

The setback from the abutting lot to the rear (west) of the Site, which is improved with a residential use, is 45 feet. The setback from the abutting lot to the north, the Pepco substation, is 30 feet. The setback from the abutting lot to the south, which was improved for use as a medical clinic, is 20 feet. Although the special exception for a medical clinic on this property was revoked as abandoned, Staff does not consider this property residentially improved because it operated for many years as a commercial property and is unlikely to ever revert to a residential use.

- c. *The site must front on and have direct access to a business district street or higher classification; however, access to a corner lot may be from an abutting street built to primary residential standards, if the Hearing Examiner finds the access to be appropriate and not detrimental to existing residential uses on the primary residential street.*

The Site fronts on New Hampshire Avenue, which is classified as a major highway.

- d. *Office space suitable for the practice of the profession must be unavailable in either the nearest Commercial/Residential or Employment zone or the nearest medical clinic office building constructed.*

The Applicant submitted a letter from Fraser Forbes Real Estate Services indicating that the closest Commercial/ Residential zone and medical clinic office building are both located at 11120 New Hampshire Avenue. The building at this address is managed by Zalco Commercial, and Fraser Forbes reports that the property is "Fully Leased" with no space available (Attachment 8). Staff confirmed that the building has no vacancies using the CoStar website.

e. A maximum of 4 additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

No additional medical practitioners are proposed.

Development Standards for the R-90 Zone under Article 59-4

	Required (59-4.4.8.B)	Proposed
Minimum Lot Area	9, 000 sf	18,591sf
Minimum Lot Width <ul style="list-style-type: none"> • At front building line • At front lot line 	75' 25'	150' 147.27'
Maximum Density	1.84 units/ acre	N/A
Maximum Lot Coverage	30%	23.6%
Minimum Building Setback <ul style="list-style-type: none"> • Front • Side • Sum of Sides • Rear 	30' 8' 25' 25'	28.7' * 20' 56' 45'
Maximum Building Height (measured between eaves and ridge of a hip roof)	30'	20'

* Under Section 59-7.7.1.1 of the Zoning Ordinance: “A legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming.” The subject lot was platted in 1954 (plat 3931) and the existing building satisfied the 25’ front setback required for the R-90 Zone under the 1954 Montgomery County Zoning Ordinance (Attachments 9 and 10). Section 59-B-5.3 of the Zoning Ordinance in effect on October 30, 2014 establishes that the building legally existed on October 30, 2014 by stating:

Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building. The dwelling may be altered, renovated, enlarged, or

replaced by a new dwelling on the single lot, under the zoning development standards in effect when the lot was recorded.

General Development Requirements under Article 59-6

The Application has been reviewed for conformance with Article 6, General Development Requirements. Specifically, Staff has found the following Divisions apply: Division 6.2 Parking, Queuing and Loading, Division 6.4 General Landscaping and Outdoor Lighting, and Division 6.5. Screening. Unless otherwise noted, any sub-sections not listed were considered not applicable to the Application. The zone and the proposed use do not require the review of Division 6.1 Site Access, Division 6.3 Open Space and Recreation, Division 6.6 Outdoor Storage, or Division 6.7 Signs.

Division 6.2. Parking, Loading, and Queuing

Due to the existing configuration of the Site, the Application does not satisfy several of the prescribed parking standards under Division 6.2:

- Number of required vehicle parking spaces (Section 6.2.4)
- Drive aisle width (Section 6.2.5.G)
- Parking setbacks (Section 6.2.5.K.2)
- Parking lot landscaped area (Section 6.2.9.C.1)
- Parking lot tree canopy (Section 6.2.9.C.2)
- Parking lot perimeter planting (Section 6.2.9.C.3)

In lieu of these requirements, Staff recommends the approval of parking waivers under Section 6.2.10, Parking Waiver:

The deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 6.2.4.B requires application notice under Section 7.5.2.D.

Section 6.2.4. Parking Requirements

	Required	Proposed
Vehicle Parking Spaces	26 (4 per 1,000 sf of GFA)	18
Bicycle Parking Spaces	1 long term (0.5 per 5,000 sf of GFA; 85% long term)	1 long term

Staff calculates the parking requirement, 26 spaces, based on the entire gross floor area of the existing 6,500-square foot building, as prescribed in the Zoning Ordinance. The Applicant asserts that only 4,500 square feet of the building will be devoted to the provision of medical services, and the balance of the space in the building will be used for a staff break-room, mechanical rooms, and storage. At a rate of 4 spaces per 1,000 square feet, the parking requirement based on 4,500 square feet is 18 spaces. The Department of Permitting Services (DPS) concurs with the Applicant’s approach to the calculation (Attachment 11).

Staff agrees that a reduction in the parking requirement for this Application is justified, but recommends that the Hearing Examiner grant a parking waiver for this requirement rather than relying on a non-standardized DPS practice. A parking waiver is the most transparent process for reducing the parking requirement, and will negate the need for the Hearing Examiner to place a restriction on the use of any particular space within the building. Staff finds that a waiver for the required number of parking spaces is justified because the 18 proposed spaces are sufficient to ensure adequate parking for the proposed medical clinic. The medical clinic doctors and staff will use up to seven parking spaces daily. Assuming the clinic is closed an hour each day for a lunch break, the 50 patients that are allowed to visit the practice daily will likely arrive to the clinic at a rate of approximately seven patients per hour. The proposed 18 spaces would provide enough parking capacity for the seven staff and up to 11 additional vehicles at any one time. Given the limitation on the number of patients per day (50) and the number of staff on-site at one time (seven), staff finds the proposed number of parking spaces will be adequate to accommodate the use. To qualify for the parking waiver, the Applicant must issue notice regarding the parking waiver under Section 7.5.2.D.

The Applicant proposes 18 vehicle parking spaces, including 1 handicapped and 2 compact spaces. One long-term bicycle parking space will be provided on the first floor of the building, satisfying the bicycle parking requirement.

Section 6.2.5 Vehicle Parking Design Standards

The proposed parking spaces are all within ¼ mile of the entrance to the medical clinic (Section 6.2.5.B), and each space has access to a street or alley open to use by the public (Section 6.2.5.C). The proposed pavement striping satisfies the marking requirements (Section 6.2.5.D). The sizes of the proposed perpendicular and angular parking spaces satisfy the minimum dimensional requirements under Section 6.2.9.E:

Minimum Dimensional Requirements

	Standard Space		Compact Space	
Parking Angle	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'

The Applicant requests a parking waiver for relief from the drive aisle requirement of Section 6.2.5.G, which requires a minimum 18-foot one-way drive aisle width for 60-degree angled parking spaces. Although the proposed drive aisle width of 14.5 feet does not satisfy the minimum aisle width under Section 6.2.5.G., it meets the standards specified in The American Planning Association’s (APA) *Planning and Urban Design Standards, 2006*, for the type of spaces provided in a parking lot with relatively low turnover. The proposed drive aisle width will provide safe and efficient circulation around the parking areas of the Site based on the specifications provided in a commonly used urban design reference guide.

The proposed parking configuration satisfies the location criteria under *Section 6.2.5.K, Facilities for Conditional uses in Residential Detached Zones*, and Staff recommends a parking waiver to deviate from rear and side parking setbacks requirements, as described below.

Section 6.2.5.K. Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:

1. Location

Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.

The Applicant proposes to reduce the number of parking spaces in the front of the building (from six to four), thus enhancing the residential character of the front of the building and improving the pedestrian experience on the adjacent sidewalk. The balance of the required spaces will be provided on

the side and the rear of the building, and will be screened from adjacent properties by a 6-foot-high board-on-board fence. A proposed planting strip on the east side of the fence will provide an additional buffer between the Site's rear parking area and the adjacent residential property to the west.

2. *Setbacks*

- a. *The minimum rear parking setback equals the minimum rear setback required for the detached house.*

The minimum rear setback required in the R-90 Zone is 25 feet. The rear parking area will be reconfigured according to the parking lot design guidelines specified in APA's Planning and Urban Design Standards, and Staff recommends approval of a parking waiver from the 25-foot parking setback requirement. The drive aisle will be setback a minimum of 6 feet and the parking spaces will be a minimum of 22 feet from the rear property line. The proposed configuration will improve the circulation and pedestrian access, and provide the safest and most efficient layout of the parking area given the dimensions of the Site. The parking configuration necessary to accommodate the 25-foot setback would require a less desirable tandem parking configuration that would not be as safe or efficient. The proposed fence and landscape bed will provide screening to the parking area from the adjacent property, mitigating the effects of the decreased setback. Therefore, Staff recommends a waiver for this requirement.

- b. *The minimum side parking setback equals 2 times the minimum side setback required for the detached house.*

The minimum side setback for a detached house in the R-90 Zone is 8 feet, so the minimum side parking setback is 16 feet. The parking area on the Site's northern side will be reconfigured according to APA's Planning and Design Standards, and Staff recommends approval of a parking waiver in lieu of the required 16-foot setback. The proposed drive aisle will be setback a minimum of 1 foot from the property line and the parking spaces will be setback approximately 16 feet from the property line. Given the placement of the existing building, Staff finds that the proposed layout is the safest and most efficient option to provide adequate parking. In addition, the property to the North is an unoccupied building owned by Pepco, and the reduction in the parking setback will have no adverse impact on anyone. The addition of the 6-foot wooden fence will also mitigate the decreased setback. Staff recommends a waiver for this

requirement. The necessary 16-foot setback is met on the southern side of the Site where there are no parking spaces along the drive aisle.

Section 6.2.6. Bicycle Parking Design Standards

The bicycle parking space will be located on the first floor of the building, and will satisfy the bicycle parking design requirements.

Section 6.2.9. Parking Lot Landscaping and Outdoor Lighting

The Applicant requests a parking waiver for relief from several requirements of Section 6.2.9.C, Parking Lot Requirements for 10 or more spaces, as detailed below.

Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.*

The existing trees in the front of the house will be retained, as will the existing foundation plantings. A new landscaped area will be added adjacent to the rear parking area. No expansion of the parking area is proposed, and requiring landscaped islands would constitute a financial burden disproportionate to the limited scope of this application. Further, there is not sufficient space on the Site to provide the required number of parking spaces in a safe and efficient manner, while also satisfying the requirement for the landscaped islands. Staff finds that a waiver for the landscaped islands is justified in order to provide safe and adequate parking and circulation.

- b. A maximum of 20 parking spaces may be located between islands.*

Not applicable. Only 18 parking spaces are proposed.

- c. A landscaped area may be used for a stormwater management ESD facility.*

The Applicant is not proposing to use any landscaped area for a stormwater management ESD facility.

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.

The Applicant proposes to plant three canopy trees and three understory trees in the planting bed along the Site's rear lot line. While the proposed trees will not completely satisfy the tree canopy coverage requirement, staff finds that the proposed planting design represents the best compromise between increasing the Site's canopy coverage and improving the safety and efficiency of the parking areas. Staff recommends a waiver from strict compliance with this requirement.

3. Perimeter Planting

a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:

- i. be a minimum of 10 feet wide;*
- ii. contain a hedge, fence, or wall a minimum of 6 feet high;*
- iii. have a canopy tree planted every 30 feet on center; and*
- iv. have a minimum of 2 understory trees planted for every canopy tree.*

This standard applies along the Site's rear (western) parking area, where the adjacent property is improved with a single-family home. The existing planting bed will be improved with a 6-foot-high wooden fence and new plantings to include three canopy trees, three understory trees, evergreens, and deciduous shrubs. The planting design deviates from the specific requirement of this section, but is appropriate based on the proposed size of the planting bed. The width of the planting bed will be less than 10 feet to allow sufficient space for the adjacent drive aisle. Staff finds that a waiver from the required planting bed width and specific tree planting requirement is appropriate because the parking area will be sufficiently screened from the adjacent residential property, and the parking area will be safe, adequate, and efficient.

b. The perimeter planting area for a property that abuts any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:

- i. be a minimum of 6 feet wide;*
- ii. contain a hedge or low wall a minimum of 3 feet high; and*
- iii. have a canopy tree planted every 30 feet on center; unless*
- iv. the property abuts another parking lot, in which case a perimeter planting area is not required.*

This standard applies to the perimeter of the parking areas in the front (east) and on the side (north) of the house. The property to the south has a paved drive aisle along the shared lot line, and a perimeter planting area is not required. The perimeter of the Site's side (northern) parking area will be improved with a six-foot-high wooden fence, but adding a 6-foot planting bed would require removing the drive aisle. A right-of-way abuts the front (eastern) parking area and a perimeter planting would require removing these parking spaces. Staff finds that a waiver for the perimeter planting requirements is appropriate because adhering to the standards would render the existing parking areas useless.

4. Lighting

Parking lot lighting must satisfy Section 6.4.4, General Outdoor Lighting Requirements.

Parking lot lighting is discussed below.

General Landscaping and Outdoor Lighting (Division 6.4)

The application includes a landscape plan that details the proposed fence, planting design, and plant specifications. Also included is a photometric plan detailing the location and intensity of the proposed outdoor lighting.

Section 6.4.3 General Landscaping Requirements

The proposed six-foot-high fence complies with the limitations on fence height under Section 6.4.3.C, Fences and Walls.

Section 6.4.4. General Outdoor Lighting Requirements

A note on the Applicant's photometric plan indicates that the Site does not meet minimum Illuminating Engineering Society of North America (IESNA) recommendations for an open outdoor parking lot. Approval of this application is conditioned on certification by a lighting specialist that the parking area will have adequate lighting to ensure safety during evening hours.

Section 6.4.4.B. Design Requirements

1. Fixture (Luminaire)

To direct light downward and minimize the amount of light spill, any outdoor lighting fixture must be a full or partial cutoff fixture.

With the exception of four small motion-sensitive floodlights, all the outdoor fixtures are full cutoff according to the fixture specifications submitted with this application.

2. Fixture Height

Not Applicable. The Applicant is not proposing to add any freestanding lighting fixtures.

3. Light Source (Lamp)

A light source must use only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium, unless the applicable deciding body approves an alternate light source based on new technology.

According to the Applicant's fixture specifications, all light sources are LED.

Section 6.4.4.E. Conditional Uses

Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.

As demonstrated by the Applicant's photometric plan, the illumination at the rear (western) property line, which abuts a property with a detached house, is 0.1 footcandles or less.

Screening Requirements (Division 6.5)

In the R-90 Zone, Section 6.5.2.B requires that "a conditional use in any building type must provide screening under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use." In this Application, screening is required along the rear (western) lot line where the Site abuts a property, also in the R-90 Zone, improved with a residential use. Screening is not required for the properties to the north and south of the Site because they are both improved with non-residential uses.

Section 6.5.3.C.7 provides two screening options for a conditional use in a Residential Detached zone. Option A requires an 8-foot planting bed and a 4-foot wall or fence in addition to trees and shrubs. Option B requires trees and shrubs planted in a 12-foot planting bed. The location requirements for the screening are as follows:

Section 6.5.3. Screening Requirements

A. Location

- 1. Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use.*
- 2. Screening may be placed within any required setback. If the required setback is less than the screening width required for the building type in Section 6.5.3, the property must satisfy the required screening width in Section 6.5.3.*
- 3. Screening must be placed between the lot line and the subject structure or use and extend along the lot line. The screening must extend along the full length of the subject structure or use plus an additional 50% in length in each direction or to the end of the shared lot line, whichever is less.*
- 4. Screening is not required between a lot line and the subject structure or use if the structure or use is separated from the lot line by a surface parking lot. Instead, landscaping must be provided under Section 6.2.9.*

The proposed screening will satisfy the location requirements because it will extend along the entire length of the lot line. However, In lieu of the options under Section 6.5.3.C.7, the Applicant proposes the alternative method of compliance, as allowed under Section 6.8.1, in the form of a six-foot-high board on board fence and a planting design that will fit within the existing planting bed.

Given the location of the existing building and the configuration of the Site, strict adherence to the screening requirements would impede safe and efficient circulation around the Site's parking areas, or cause such a significant reduction of parking spaces as to render the Site unusable for the proposed use. The proposed fence and planting will satisfy the intent of Division 6.5, "to ensure appropriate screening between different building types and uses." The plantings will be provided without removing any paving or impacting the drive aisle. The six-foot-high fence will provide sufficient mitigation to screen the views of the parking lot from the adjacent neighborhood to the west. The alternative method of compliance is in the public interest to preserve safe and efficient circulation around the medical clinic's parking areas as described below:

Section 6.8.1. Alternative Method of Compliance

The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it determines that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line. The applicable deciding body must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

- A. satisfy the intent of the applicable Division;*
- B. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*
- C. provide necessary mitigation alleviating any adverse impacts; and*
- D. be in the public interest.*

The proposed alternative design:

- A) Satisfies the intent of the applicable division (Division 6.5, Screening Requirements) which is to ensure appropriate screening between different building types and uses. The proposed six-foot-high wooden fence and landscape strip will provide a sufficient screen between the Site and the single-family residential use to the west.
- B) Modifies the screening requirements only to the extent necessary to accommodate a safe drive aisle and parking area.
- C) Provides necessary mitigation to any impacts caused by the reduced planting bed width by increasing the height of the fence above the required height in Option A of Section 6.5.3.D.7.
- D) Serves the public interest by maintaining a safe and efficient parking lot configuration.

Section 7.3.1.E.1.c.

substantially conforms with the recommendations of the applicable master plan;

As discussed on page 10 of this report, the Site is located within the boundaries of the 2014 *White Oak Science Gateway Master Plan* area, and the Application substantially conforms with the recommendations of the Master Plan.

Section 7.3.1.E.1.d.

is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The existing building is residential in appearance and reflects the architectural style of the surrounding residential neighborhood. The reduction in the parking area in the front of the building will enhance the residential appearance of the Site. The parking areas on the north and west sides of the building will be screened with a six-foot-high wooden fence to shield the views to the parking areas from the neighboring residential properties making it more harmonious with the surrounding neighborhood. In addition, the Applicant is proposing to scale down the current operations, which will reduce any impact on the character of the surrounding neighborhood. Although the clinic has been operating without the appropriate approval, it is already integrated into the surrounding neighborhood. Confirming the existing use by granting it a conditional use status will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.

Section 7.3.1.E.1.e.

will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;

Within the defined neighborhood, there are two existing and approved special exceptions/conditional uses that are in a Residential Detached Zone. Both existing special exceptions are medical practitioner's offices, one at 11000 New Hampshire Avenue (BA 2150), and the other at 10928 New Hampshire Avenue (S-2118). Both special exceptions are in buildings with a residential appearance that are consistent with the character of the surrounding residential neighborhood. Approving this Application will increase the number of approved conditional uses in the neighborhood, but validating the use of this Site as a medical clinic will not adversely affect the area or alter its predominantly residential nature.

Section 7.3.1.E.1.f.

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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*

- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and*

The Site consists of two recorded lots, and no modifications are proposed as part of this Application. A preliminary plan of subdivision is not required.

The proposed use will be served by adequate public services and facilities. The neighborhood is served by public utilities including electricity, telephone, water, and sewer service. The Site is classified in the W-1/ S-1 water and sewer service categories. The closest police station is the 3rd District Station located in the northern quadrant of the New Hampshire Avenue and Columbia Pike (US 29) interchange, approximately 0.57 miles away. The nearest fire station, Station 12, is located to the south on New Hampshire Avenue, approximately 0.58 miles away. Metrobus and Ride On stops are located directly in front of the Property. School facilities are not relevant to this application due to the commercial nature of the use. As the medical clinic is an existing use, it will not increase impacts on public services and facilities.

Section 7.3.1.E.1.g

will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*
- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

As established by the Board of Appeals in previous cases, inherent physical and operational characteristics of a medical clinic include: (1) buildings for conducting the use on-site; (2) parking facilities to accommodate employees, patients, and visitors; (3) lighting of walkways and parking areas for safety and security; and (4) traffic to and from the property by staff, patients, and visitors. Non-inherent adverse effects may result from a situation unique to the physical location, operation, or size of a proposed use. Staff considers the footprint of the existing building in relation to the size and configuration of the Site a non-inherent effect that results in the need for the parking waivers discussed in this report. However, there is no expected undue harm to the neighborhood either as a result of the non-inherent adverse effect alone, or a combination of inherent or non-inherent adverse effects.

The proposed medical clinic will not disturb the use, peaceful enjoyment, economic value, or development potential of abutting and confronting properties or the general neighborhood. No modifications are proposed to the existing building, and the proposed operational characteristics of the medical clinic will be less intensive than current operations. Parking facilities will be screened from the abutting residential property with the addition of a six-foot-high wooden fence and landscaping.

The proposed use will not have an adverse impact due to traffic, noise, dust, illumination, or a lack of parking. Traffic will be accommodated by the adjacent roadway network, with direct access to the Site from the New Hampshire Avenue Service Road. The use will generate minimal noise, odors, or dust. As demonstrated by the Photometric and Lighting Plan, illumination is typical of residential fixtures and will be shielded to ensure that only the walkways and parking areas are illuminated. Parking is sufficient to accommodate employees, patients, and visitors.

There will be no undue harm to the health, safety, or welfare of neighboring residents, visitors, or employees because the proposed Conditional Use meets all applicable development standards, has adequate and safe circulation in and around the site, and will be adequately served by public services and facilities. Further, the proposed medical clinic will offer medical services on an out-patient basis for the surrounding neighborhood.

Section 7.3.1.E.2

Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

The applicant does not propose any construction, reconstruction, or alteration of any structure on the Site. The existing building is residential in appearance and compatible with the character of the residential neighborhood.

Section 7.3.1.E.3

The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.

Staff is recommending approval with conditions.

Section 7.3.1.E.4.

In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.

Not applicable. The applicant is requesting approval for a commercial use in a Residential zone.

Section 7.3.1.E.5

The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- a. Filling Station;
- b. Light Vehicle Sales and Rental (Outdoor);
- c. Swimming Pool (Community); and

- d. *the following Recreation and Entertainment Facility use: swimming pool, commercial.*

Not applicable. The applicant is requesting approval for a medical clinic.

Section 7.3.1.E.6

The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:

- a. *Funeral Home; Undertaker;*
- b. *Hotel, Motel;*
- c. *Shooting Range (Outdoor);*
- d. *Drive-Thru;*
- e. *Landfill, Incinerator, or Transfer Station; and*
- f. *a Public Use Helipad, Heliport or a Public Use Helistop.*

Not applicable. The applicant is requesting approval for a medical clinic.

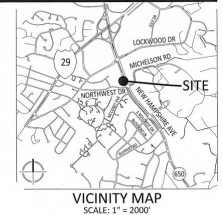
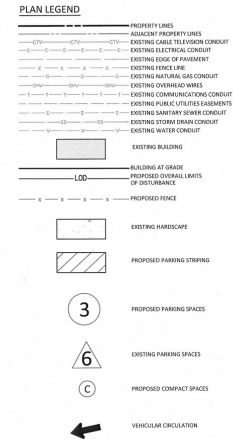
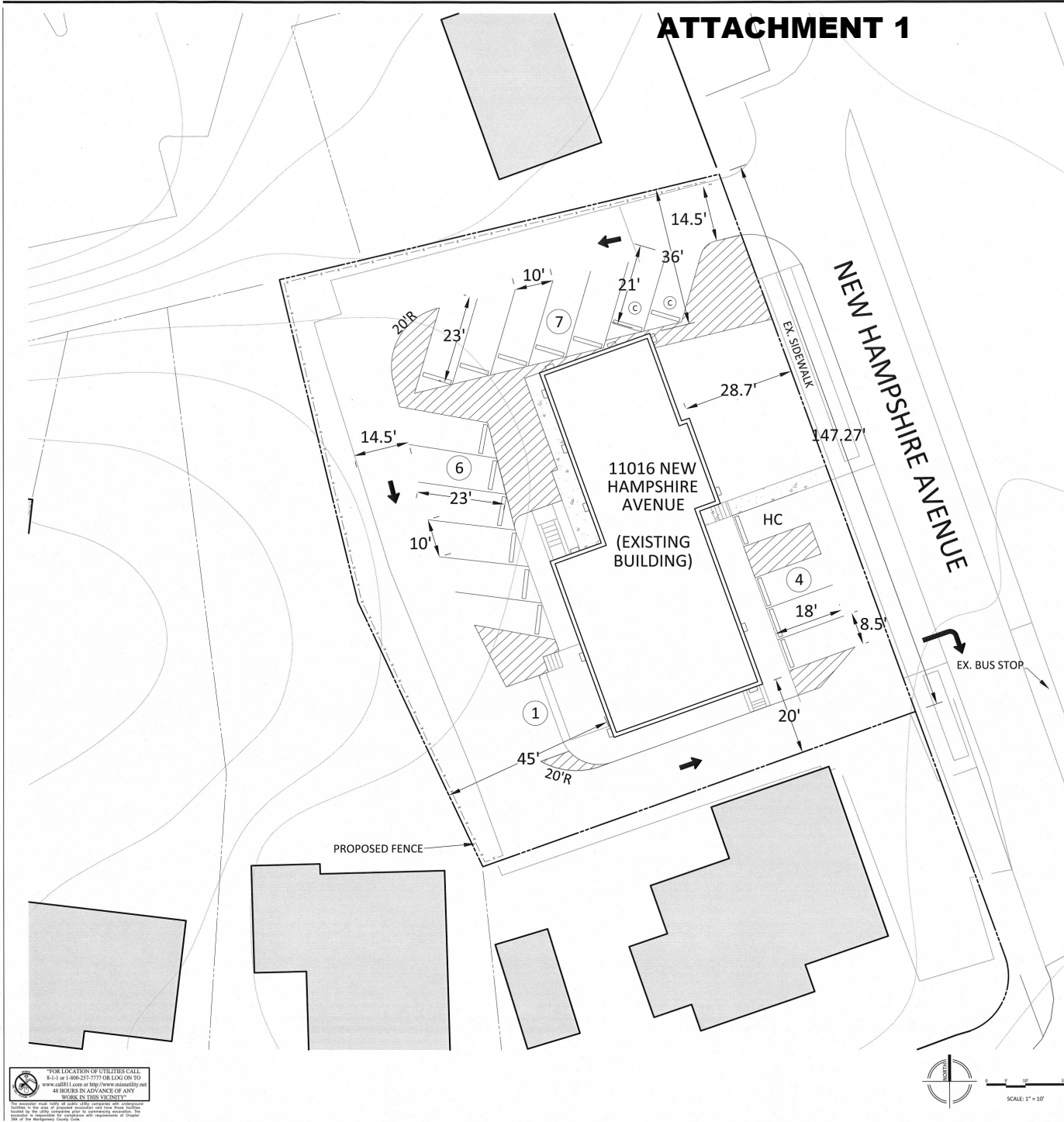
CONCLUSION

The proposed Medical Clinic (up to 4 Medical Practitioners) complies with the general conditions and standards for a conditional use. The proposed use is consistent with the goals and recommendations of the 2014 White Oak Science Gateway Master Plan, and it will not alter the residential character of the surrounding neighborhood. Further, it will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

ATTACHMENTS

1. Conditional Use Site Plan
2. Landscape Plan
3. Floor Plan
4. Photometric Plan
5. BA- 3082 Revocation Notice
6. 1985 Use and Occupancy Permit
7. Forest Conservation Law Applicability for Special Exception
8. Fraser Forbes Letter re: Availability of Office Space
9. Plat 3931
10. 1954 Zoning Ordinance
11. Parking Calculation Letter

ATTACHMENT 1



VKA
 ENGINEERS PLANNERS
 LANDSCAPE ARCHITECTS SURVEYORS
 2025 CENTURY BOULEVARD SUITE 4000
 GERMANTOWN, MARYLAND 20874
 PHONE: (301) 956-4000
 FAX: (301) 956-0002
 GERMANTOWN, MD. NICELAN, VA.

PREPARED FOR:
 DR. DOUGLAS LORD
 15314 THISTLEBRIDGE
 ROAD
 ROCKVILLE, MD, 20853
 301.300.5546
 DR. DOUG LORD

DESIGN CONSULTANTS

ATTORNEY
DROWES & BLOCHER LLP
 7300 WOODSON AVE
 SUITE 300, MD, 20814
 301.961.5149
 PHILIP@DROWES.COM

PLANNER, CIVIL ENGINEER, &
 LANDSCAPE ARCHITECTS
VICKI MARSHLAND, LLC
 2025 CENTURY BOULEVARD
 SUITE 400
 GERMANTOWN MD, 20874
 301.956.4000
 WILLIAM@VICKI.COM

Standard Method Development Standards REQUIRED PROPOSED

Lot and Density - 59-4.4.8.B		
Lot (min)		
Lot area	9,000 SF	18,591 SF
Lot width at front building line	75'	150'
Lot width at front lot line	25'	147.27'
Coverage (max)		
Lot	30%	30%

Placement - Principal Building Setbacks - 59-4.4.8.B

	REQUIRED	PROPOSED
Front setback [1]	30'	28.7'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'	n/a
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	n/a
Side setback	8'	20'
Sum of side setbacks	25'	56'
Rear setback	25'	45'

Height (maximum) - 59-4.4.4

	REQUIRED	PROPOSED
Principal building [2]	30'	20'

Parking setbacks- Conditional Uses - 59-6.2.5.K.2

a. Rear parking setback (same as rear setback required for principal building) [3]	25'	6'
b. Side parking setback (2 times min side setback required for principal building) [3]	16'	1'

Parking - 59-6.2.4B

Parking required for a Medical Clinic is as follows: Automobile spaces: 4.00 spaces per 1,000 SF of GFA	18	18
---------------------------------------------------------------------------------------------------------	----	----

[1] It is likely that the building was originally built in conformance with the applicable front setback requirements at the time and that the existing condition is a result of a subsequent taking by the State Highway Administration for right-of-way for New Hampshire Avenue.

[2] Principal building (measured to mean height between eaves and ridge of a hip roof).

[3] As allowed by section 6.2.10, a waiver may be granted and is requested.

General Notes:
 1 Per section 59.3.5.7.A.2, the minimum lot width at the front lot line is 100 feet; the minimum setbacks from a lot that is vacant or residentially improved is 40 feet; the minimum setback from all other abutting lots is 20 feet; the site must have access to a business district street or higher. Refer to discussion in land use report for conformance to these standards.

REVISIONS	DATE



11016 NEW HAMPSHIRE AVENUE

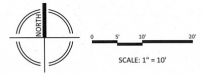
S14 ELECTION DISTRICT
 MONTGOMERY COUNTY,
 MARYLAND
 WSSC GRID-214NE01
 TAX MAP-30561

DETAILED SITE PLAN

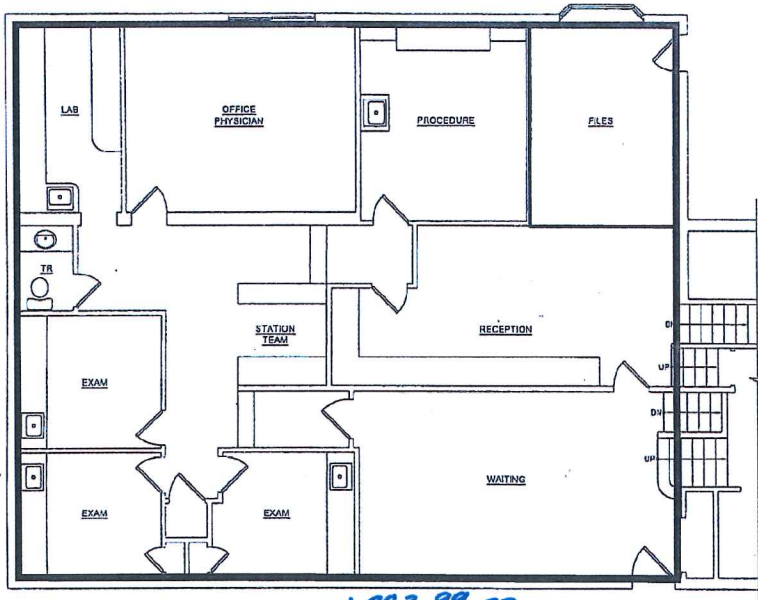
DRAWN BY: CC
 DESIGNED BY: HLL
 DATE ISSUED: 12/18/2015
 VEA PROJECT: 1977A
 DRAWING NO.:
 SHEET NO.: SP-2

*FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-327-7777 OR LOG ON TO www.811.com or http://www.maryland.gov 48 HOURS IN ADVANCE OF ANY WORK IN THIS UTILITY.

The information on this plan was prepared by the engineer and is based on information furnished to him by others. The engineer is not responsible for the accuracy of the information furnished to him by others. The engineer is not responsible for the accuracy of the information furnished to him by others. The engineer is not responsible for the accuracy of the information furnished to him by others.

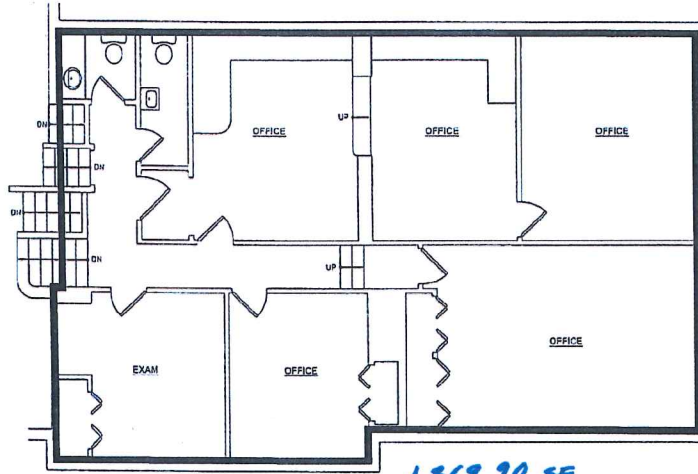


ATTACHMENT 3



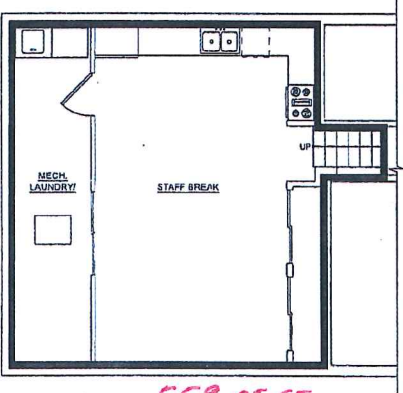
1,883.99 SF

1 LEVEL 3 - CLINICAL WAITING
A1.1 1/4" = 1'-0"



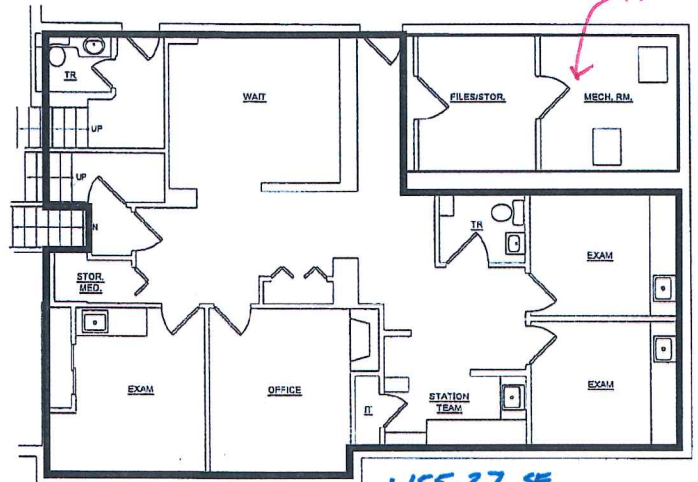
1,369.90 SF

2 LEVEL 4 - OFFICE
A1.1 1/4" = 1'-0"



559.05 SF

3 LEVEL 1 - STAFF BREAK
A1.1 1/4" = 1'-0"



1,155.27 SF

4 LEVEL 2 - CLINICAL
A1.1 1/4" = 1'-0"

AREA COUNTED
1,883.99
1,369.90
1,155.27

4,409.16 SF TOTAL

AREA NOT COUNTED
559.05
193.28

752.33

193.28 SF



SOUTH FROST, LLC
1110 NEW WOOD DRIVE
ROCKVILLE, MD 20851-1516
PH: 202-897-7448 FAX: 202-820-1643

CONSULTANT:

EDUCATIONAL AGENCY:

PROJECT:

11016 NEW HAMPSHIRE AVE.

DRG. TITLE:

FLOOR PLANS

NO.	DATE	DESCRIPTION

ENCLOSURE:

DESIGN BY:	CHECKED BY:
SD	VIN
SCALE:	PROJECT NO.:
1/4" = 1'-0"	1301.06
DATE:	FILE NAME:
10/17/2013	-
SHEET NO.:	

A1.1

ATTACHMENT 4

Luminaire Schedule							
Symbol	Qty	Tag	Description	Lum. Watts	LLF	Lum. Lumens	BUG Rating
⊞	2	A	121-4-18LA-NW	72.6	1.000	1609	B1-U0-G1
⊞	1	B	121-3-18LA-NW	18	1.000	1707	B1-U0-G1
⊞	1	C	121-4-50LA-NW	50	1.000	5365	B1-U0-G1
⊞	2	D	121-4-35LA-350-NW	35	1.000	3523	B1-U0-G1
⊞	3	E	CSFS-16L-350-NW-A33-120V	19.6	1.000	2174	B1-U0-G0
⊞	1	F	CSFS-16L-350-NW-RM-120V	20	1.000	2100	B1-U0-G1
⊞	1	G	111L-2-20LA-NW	18	1.000	1683	B1-U0-G1
⊞	1	H	LPW7	14	1.000	1154	B1-U0-G0

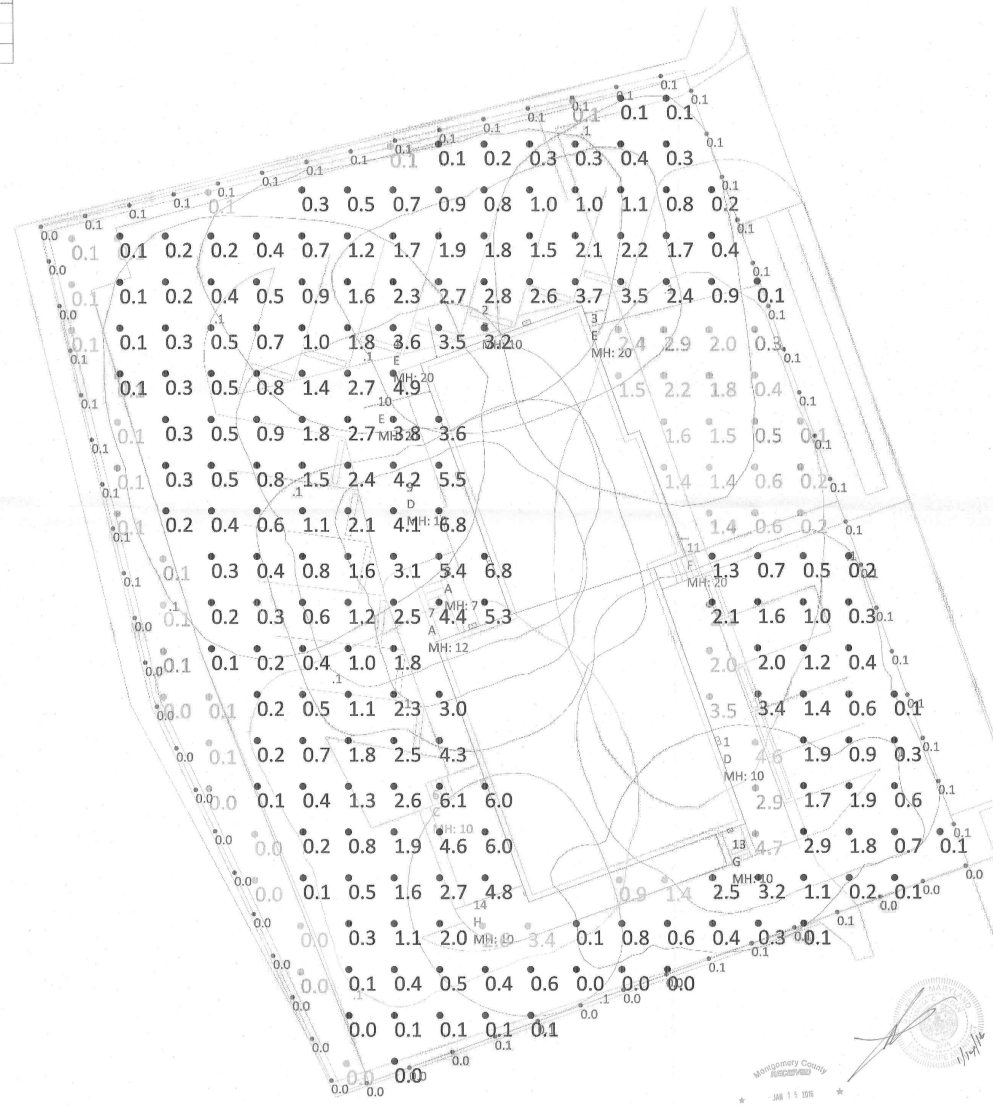
Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Pavement_Eh @ Grade	Illuminance	Fc	1.41	6.8	0.0	N.A.	N.A.
Property Line - Eh @ Grade	Illuminance	Fc	0.06	0.1	0.0	N.A.	N.A.
Site - Eh @ Grade	Illuminance	Fc	1.02	4.7	0.0	N.A.	N.A.

Luminaire Location Summary								
LumNo	X	Y	Z	Orient	Tilt	X-Aimpt	Y-Aimpt	Z-Aimpt
1	125.09	62.792	10	19.75	0	125.09	62.792	10
2	91.556	135.721	10	110.435	0	91.556	135.721	10
3	101.86	137.402	20	8.332	9.462	105.158	137.885	0
4	75.739	129.756	20	101.814	19.051	74.325	136.516	0
6	83.921	55.3	10	202.122	0	83.921	55.3	10
7	82.025	82.779	12	109.448	0	82.025	82.779	12
8	84.919	94.148	7	199.645	0	84.919	94.148	7
9	79.502	108.954	10	200.265	0	79.502	108.954	10
10	74.553	123.737	20	193.816	31.029	62.87	120.864	0
11	118.666	97.892	20	358.761	3.968	120.053	97.862	0
13	127.223	47.143	10	290.606	0	127.223	47.143	10
14	91.08	36.035	10	201.361	0	91.08	36.035	10

All values shown are horizontal initial footcandles at grade. Fixture distribution templates are shown at 0.1 fc for reference use only. Values do not include contribution from adjacent street or property lighting.

This plan reflects results using existing fixture locations as requested by the client. As shown, this plan does not meet minimum IESNA recommendations for an open outdoor parking lot due to low minimum values and poor max:min uniformity.

County codes allow for 0.1fc or less at the property line.



Scale: 1 inch= 10 Ft.

Montgomery County
Planning Department
JUL 15 2015
Sheet LP-3
24"x 36"

Project #:	111815-2eR1	Date:	11/19/2015
Revision #:	2	Page #:	1 of 1
Created By:	M. Pette	Size:	ARCH D
Project:	Medical Clinic (Up to 4 Medical Practitioner)	Location:	11016 New Hampshire Ave Silver Spring, MD 20904
Agent:	Victoria Fields Lighting Environments	Specifier:	Vika Engineering
Disclaimer:	The calculations and footcandle values are based on product specifications provided to PHILIPS. Actual results may vary due to site conditions, component performance, measurement techniques and lighting fixture conditions such as, but not limited to, site voltage, temperature, fixture type, room dimensions, reflectance, furniture and architectural elements within the space may vary. PHILIPS Lighting Environments, Inc. and its representatives shall not be held responsible for the accuracy, and compliance with applicable lighting codes is the responsibility of PHILIPS Lighting Environments, Inc. and its representatives, or owners representatives, as applicable. Please refer to pertinent product literature for fixture data. (U) Certain codes in the calculations.		
Rev #	Description	Date	
R1	Adjusted luminaire locations and types for the larger site.	11/20/15	
R2	Used new background and altered cast grids based on error traced areas.	1/9/16	
R3			
R4			
R5			

PHILIPS
<http://www.usa.lighting.philips.com>
outdoorlightingapplications@philips.com

ATTACHMENT 5

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

(240) 777-6600

Hours of Operation: 8:30 a.m. – 4:00 p.m.

Case No. CBA-3082

PETITION OF KATZEN AND HOTCHKISS, D.P.M., P.C.

RESOLUTION TO REVOKE SPECIAL EXCEPTION

(Resolution Adopted March 19, 2008)

(Effective Date of Resolution: May 2, 2008)

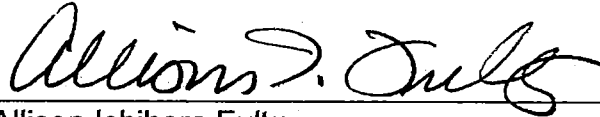
The Board of Appeals has received a memorandum, dated February 21, 2008, from Barbara J. Piczak, Permitting Services Inspector. Ms. Piczak informs the Board that the captioned special exception has been abandoned. She attaches a statement from Larry S. Hotchkiss, D.P.M., which confirms the abandonment. The Board of Appeals granted Case No. CBA-3082 to Dr. Melvin Carver on October 26, 1971, to permit a non-resident medical practitioner's office. In a Resolution effective June 15, 1989, the Board transferred the special exception to Katzen and Hotchkiss, D.P.M., P.C.

The subject property is Lot 12, Block ^BA, Burnt Mills Subdivision, located at 11012 New Hampshire Avenue, Silver Spring, Maryland 20904-2612, in the R-90 Zone.

The Board of Appeals considered Ms. Piczak's memorandum at its Worksession on March 19, 2008. Based upon the memorandum, and the letter from Dr. Hotchkiss, the Board finds that the special exception is abandoned. Therefore, on a motion by Caryn L. Hines, seconded by David K. Perdue, with Wendell M. Holloway and Allison Ishihara Fultz, Chair, in agreement:

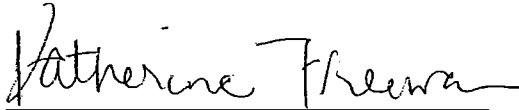
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-3082, Petition of Katzen and Hotchkiss, D.P.M., P.C. is re-opened to receive Barbara Piczak's February 21, 2008 memorandum, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case No. CBA-3082, Petition of Katzen and Hotchkiss, D.P.M., P.C. is **revoked**, as abandoned.



Allison D. Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 2nd day of May, 2008.



Katherine Freeman
Executive Director

NOTE:

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.

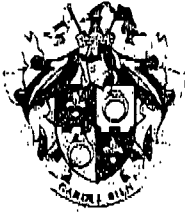
ATTACHMENT 6

25

Montgomery
County
Government

Department of
Environmental
Protection

101 Monroe Street
Rockville, MD 20850
(301) 251-2630



Certificate of Use and Occupancy

Date June 14, 1984

Certificate No. 18372

This certifies that the building located at 11014 New Hampshire Avenue

Silver Spring, Md., Suite No. - Name Rolando R. Perez

has applied for a certificate of use and occupancy under the provisions of the Montgomery County Building Code. The use for each floor, or part thereof, the live load (p.s.f.) and the fire grading must be as follows:

Floor	Use Group Class	Minimum Live Load	Fire Grading	Conditions
	B	50 P.S.F.	2 hrs.	

This certificate applies to the above described premises (and none other) and is valid until the permitted use changes, regardless of ownership. Changes in the use requires recertification of the building pursuant to Building Code.

Director

ATTACHMENT 7

Development Applications and Regulatory Coordination

Effective 9/30/2013

M-NCPPC • 8787 Georgia Avenue, Silver Spring, MD 20910 • 301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Special Exceptions

PROPERTY LOCATION

Street Address: 11016 New Hampshire Ave.

Subdivision: Burnt Mills Estate Parcel(s) # _____ Lot #(s): 10 + 11 Block(s): B

Property Tax Identification Number: 05-00331196, 05-00331208

Applicant (Owner or Contract Purchaser):

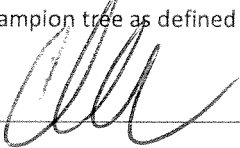
Name: C. Douglas Lord, M.D.
Street Address: 1 Thistlebridge Dr.
City: Rockville State: MD Zip Code: 20853
Phone No.: (301) 502-5566 Fax No.: _____

Total Area of Property: 9481 sf + 9110 sf = 18,591 sf ~~sq ft~~ square feet

APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION

Applicant attests that the following statements apply to the subject special exception:

- The application does not propose any clearing or grading activities on or near the special exception site. No clearing or grading proposed.
- OR, all of the following:
 - The application applies to a property of less than 40,000 square feet. —
 - The property is not subject to a previously approved Forest Conservation Plan. —
 - The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board. —

Signature of applicant (Owner or Contract Purchaser): 

Signature

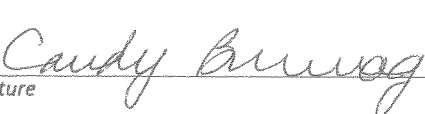
Date

FOR STAFF USE ONLY

M-NCPPC acknowledges that the special exception for the above property:

- is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code
- is exempt from the Forest Conservation Plan requirements under Section 22A-5 (q)(1) of the Forest Conservation Law

Signature of M-NCPPC Environmental Planning staff reviewer:

Signature: 

Date: 1/13/2014

ATTACHMENT 8

**FRASER
FORBES**
REAL ESTATE SERVICES

All Your Land and
Property Needs

6862 ELM STREET, SUITE 650
MCLEAN, VIRGINIA 22101

P 703.790.9400

F 703.790.9401

W FRASERFORBES.COM

March 4, 2016

Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Re: Case No. CU 16-10 – Lord Medical Clinic
11016 New Hampshire Avenue, Silver Spring


To Whom It May Concern:

Per Applicant's request in the above referenced conditional use application, we have investigated the availability of office space near 11016 New Hampshire Avenue, Silver Spring in order to determine conformance with the use standard from Section 59.3.5.7.A.2.d of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") for medical clinics (up to 4 medical practitioners).

Medical clinics (up to 4 medical practitioners) may be permitted as a conditional use in accordance with the use standards of Section 59.3.5.7.A.2 of the Zoning Ordinance. Section 59.3.5.7.A.2.d of the Zoning Ordinance requires that "[o]ffice space suitable for the practice of the medical profession must be unavailable in either the nearest Commercial/Residential or Employment zone or the nearest medical clinic office building constructed."

Based on the zoning map, the nearest Commercial/Residential zone and the nearest medical clinic office building are the same property in this case: 11120 New Hampshire Avenue. As you will see from the attached, 11120 New Hampshire Avenue is managed by Zalco Commercial, which is showing their property as "Fully Leased" with no space available. Thus, the above referenced conditional use application is in conformance with the use standard from Section 59.3.5.7.A.2.d of the Zoning Ordinance as office space suitable for a medical clinic is unavailable in both the nearest CR zone and the nearest medical clinic office building.

Best,


Thomas K. Bourke
Vice President

Zalco Commercial

Gil Weinbaum — (301) 466-2421

Office Property For Lease

White Oak Office Center

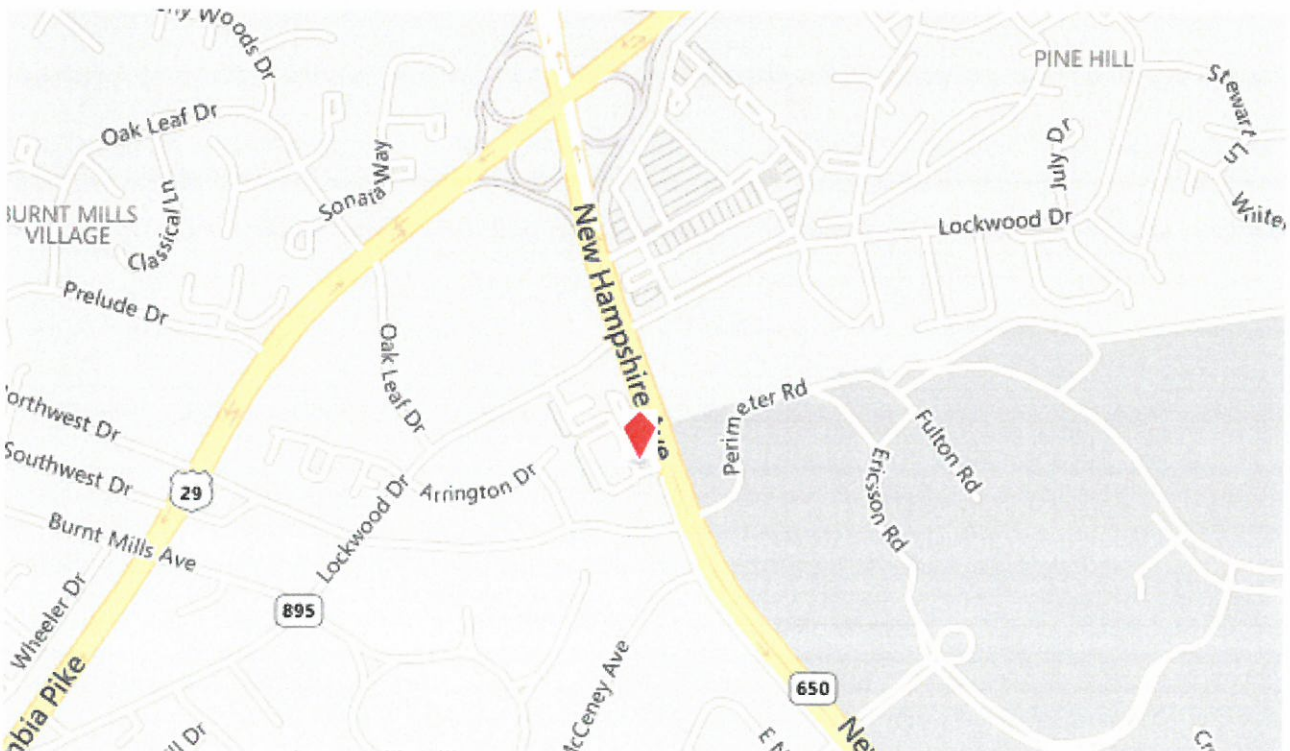
11120 New Hampshire Avenue, Silver Spring, MD 20904



Total Space Available:	Fully Leased
Rental Rate:	Negotiable
Min. Divisible:	Fully Leased ✓
Max. Contiguous:	Fully Leased
Property Type:	Office
Property Sub-type:	Office Building
Building Size:	53,000 SF
Building Class:	B
Listing ID	16820885
Last Updated	56 days ago

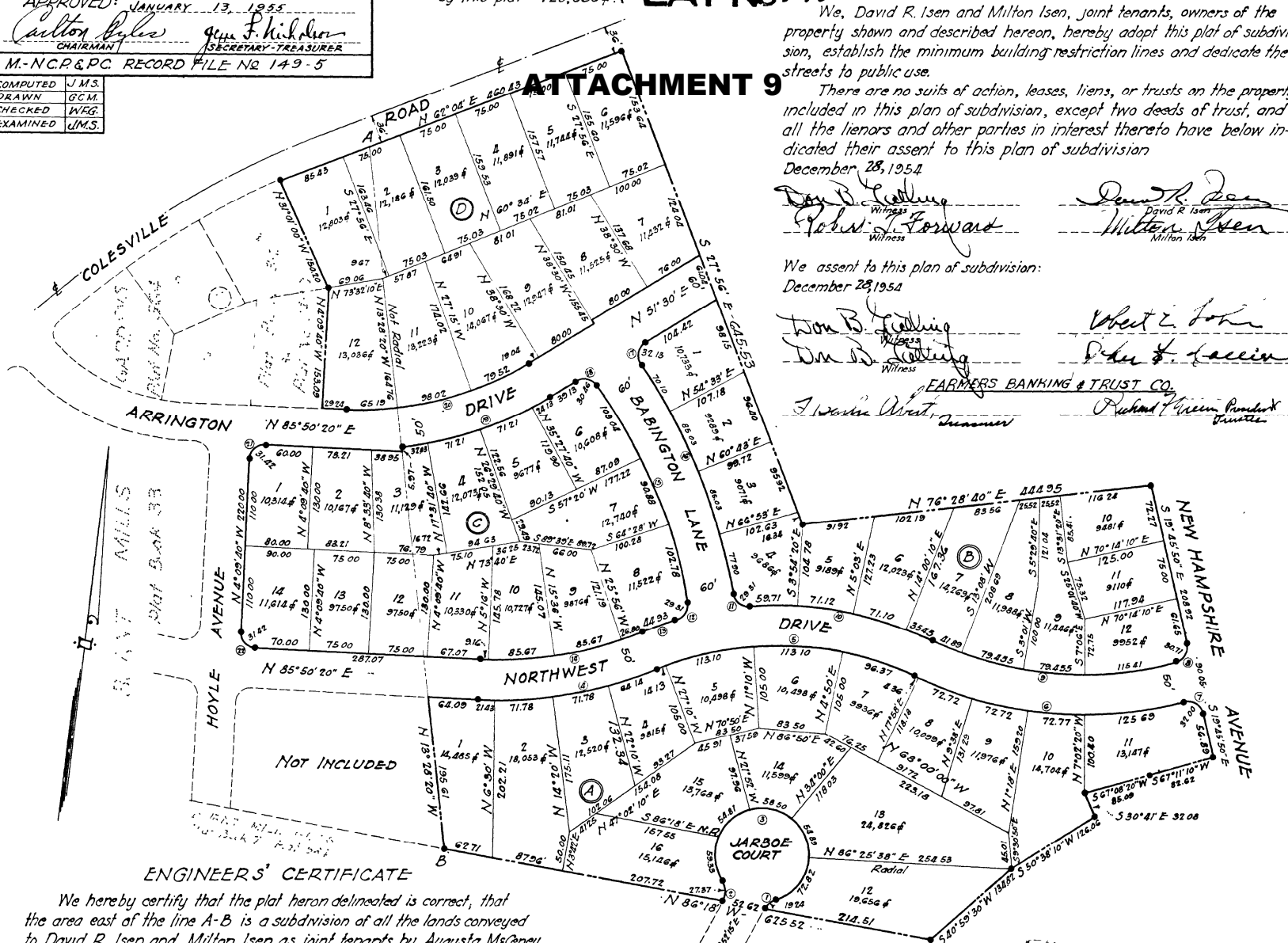
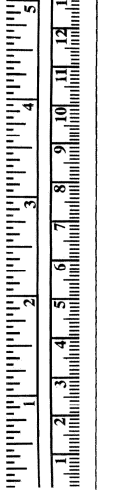
Find Out More...

Map of 11120 New Hampshire Avenue, Silver Spring, MD 20904 (Montgomery County)



APPROVED: JANUARY 13, 1955
Carlton Byles CHAIRMAN
Gene F. Hickman SECRETARY-TREASURER

M-N.C.P. & P.C. RECORD FILE NO 149-5
 COMPUTED J.M.S.
 DRAWN G.C.M.
 CHECKED W.F.G.
 EXAMINED G.M.S.



ATTACHMENT 9

We, David R. Isen and Milton Isen, joint tenants, owners of the property shown and described hereon, hereby adopt this plat of subdivision, establish the minimum building restriction lines and dedicate the streets to public use.

There are no suits of action, leases, liens, or trusts on the property included in this plan of subdivision, except two deeds of trust, and all the lienors and other parties in interest thereto have below indicated their assent to this plan of subdivision
 December 28, 1954

David R. Isen Witness
Milton Isen Witness

We assent to this plan of subdivision:
 December 28, 1954

Tom B. Galtung Witness
Don B. Galtung Witness

Richard A. Green President
 FARMERS BANKING & TRUST CO.

ENGINEERS' CERTIFICATE

We hereby certify that the plat hereon delineated is correct, that the area east of the line A-B is a subdivision of all the lands conveyed to David R. Isen and Milton Isen as joint tenants by Augusta McConey Young and John O. Young, her husband, by deed dated December 14, 1954 and recorded among the Land Records of Montgomery County, Maryland in Liber 2002 at Folio 414; that the area west of the line A-B is a resubdivision of Lots 5 and 7, Block C and Lots 1, 2, 3, and 4, Block D, as shown on a plat entitled "Block D and Part of Block C, Burnt Mills Gardens" filed among the Land Records of said County in Plat Book 36 as Plat No 2439 which lots were part of the lands conveyed to David R. Isen and Milton Isen, as joint tenants, by Robert S. McConey and Ruth A. McConey, his wife, by deed dated December 23, 1954, and recorded among said Land Records in Liber 2006 at Folio 548, and that stones marked thus ♦ and pipes marked thus • have been placed where shown.
 December 30, 1954

SEYBOLT & GEORGE
James M. Seybolt
 Registered Professional Engineer

No	Radius	Δ	Arc	Chord	Chord Bearing
1	25.00	44° 05' 20"	19.24	18.77	N 85° 54' 55" E
2	25.00	62° 43' 40"	27.97	26.02	N 9° 28' 35" W
3	60.00	286° 49' 00"	300.36	71.53	N 77° 24' 55" W
4	525.00	2° 5' 00" 20"	229.15	227.91	N 73° 20' 10" E
5	505.00	47° 38' 00"	332.70	327.09	N 84° 39' 00" E
6	500.00	59° 54' 30"	328.24	321.27	N 88° 30' 45" E
7	20.00	31° 40' 40"	32.00	28.70	S 65° 36' 10" E
8	20.00	87° 58' 10"	30.71	27.78	N 24° 18' 15" E
9	450.00	40° 15' 40"	316.21	309.74	N 88° 20' 10" E
10	455.00	28° 53' 30"	237.38	234.69	N 86° 28' 45" W
11	20.00	85° 57' 30"	28.31	26.75	N 50° 26' 45" W
12	20.00	85° 57' 30"	28.31	26.76	S 24° 30' 45" W
13	456.00	5° 36' 30"	44.93	44.92	S 63° 35' 45" W
14	475.00	25° 00' 20"	207.30	205.66	S 73° 20' 10" W
15	730.00	23° 45' 30"	302.70	300.54	S 28° 20' 45" E
16	700.00	23° 04' 03"	318.06	315.91	N 29° 00' 02" W
17	20.00	92° 02' 03"	32.13	28.78	N 5° 28' 58" E
18	20.00	87° 14' 30"	30.46	27.60	S 84° 51' 45" E
19	255.00	25° 06' 25"	109.38	107.79	N 64° 03' 12" E
20	405.00	34° 20' 20"	242.75	239.11	N 68° 20' 10" E
21	20.00	90° 00' 00"	31.42	28.28	N 40° 50' 20" E

FILED
 JAN 25 1955

BLOCKS A, B, C, & D BURNT MILLS ESTATES

MONTGOMERY COUNTY, MD.
 SCALE: 1" = 100' DECEMBER 1954

SEYBOLT & GEORGE
 CIVIL ENGINEERS AND LAND SURVEYORS
 8404 RAMSEY AVENUE
 SILVER SPRING, MD.

ATTACHMENT 10

ZONING ORDINANCE

FOR THE
MARYLAND-WASHINGTON
REGIONAL DISTRICT

IN
MONTGOMERY COUNTY
MARYLAND

Reprinted from

LAWS
OF
MONTGOMERY COUNTY
1954

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Adopted: December 8, 1953

Effective: January 1, 1954

MICHIE CITY PUBLICATIONS COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

LAWS OF MONTGOMERY COUNTY 1954

e. *Lot frontage, minimum.*

Each lot shall have a minimum width at the front building line of one hundred feet.

f. *Building height limit.*

Fifty feet, except in the case of agricultural buildings, in which case there is no height limitation.

g. *Automobile off-street parking.*

Automobile off-street parking shall be provided, in connection with any use permitted in the R-R Zone, in accordance with the provisions of sec. 176-18.

SEC. 176-7. R-90 Zone. One-Family, Detached, Restricted Residential.

The following regulations shall apply in all R-90 Zones:

a. *Uses permitted.*

No building, structure, or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

All of the uses permitted in sec. 176-5a with the following change:

Off-street parking of not more than three motor vehicles, including farm vehicles and farm machinery used on the premises, in connection with any use permitted by this sec. 176-7a. Said three motor vehicles may include not more than one commercial vehicle which may not exceed two tons in capacity, and not more than one unoccupied trailer. Outdoor parking shall be limited to passenger vehicles, station wagons and not more than one commercial vehicle of the light delivery type. Any other type of commercial vehicle or any trailer may be parked only in a garage. One trailer may be used on a lot for dwelling purposes for a period not to exceed three days in any one month.

b. *Special exceptions.*

The following uses may be permitted as Special Exceptions, in accordance with the provisions of sections 176-21 through 176-28:

- (1) Educational institutions, private.
- (2) Eleemosynary and philanthropic institutions.
- (3) Golf courses, country clubs, private clubs including community buildings and similar recreational uses privately owned and/or privately operated.
- (4) Home occupations.
- (5) Hospitals, nursing and care homes, medical and dental clinics.
- (6) Medical practitioner's office for use of other than a resident of the building.

ORDINANCE

(7) Off-street commercial or industrial uses.

(8) Public utility radio and television broadcasting.

(9) Rifle or pistol range.

(10) Rooming houses.

(11) Temporary display or sale of farm products not to exceed three years.

(12) Two-family dwellings.

c. *Area requirement*

(1) *Net lot area.*

Each one-family lot together with its accessory building area of at least nine thousand square feet.

(2) *Lot coverage.*

No more than thirty per cent of the lot may be covered by buildings.

d. *Yards.*

(1) *Yard, front.*

Each lot shall have a front yard at least ten feet from, and parallel to the front street line. If such has been established with a front yard where the majority of lots local to the lot intersecting streets have been occupied, the front yard line different from the one above shall conform to the line previously established.

(2) *Yard, side.*

Each lot shall have a side yard at least five feet in width. The minimum width of the side yard. Each corner lot shall have a side yard at least ten feet and parallel to the side street line. If such has been established within the lot, the side yard shall conform to the line previously established. When the lot adjoining said corner lot is not front on the side street of the corner lot, the side building line and the side yard shall conform to the line previously established and be at least fifteen feet.

(3) *Yard, rear.*

Each lot shall have a rear yard at least ten feet depth. An accessory building shall be set back from the rear boundary line not over twenty-five feet and shall be set back from the front lot line at least ten feet.

...
 minimum width at the front building line
 ...
 the case of agricultural buildings, in which
 ...
et parking.
 parking shall be provided, in connection
 R Zone, in accordance with the provisions

One-Family, Detached, Restricted Residential.
 ... shall apply in all R-90 Zones:

... or land shall be used and no building or
 ... structurally altered, enlarged, or main-
 ... the following uses:
 ... permitted in sec. 176-5a with the following

... not more than three motor vehicles, in-
 ... machinery used on the premises, in connec-
 ... his sec. 176-7a. Said three motor vehicles
 ... commercial vehicle which may not exceed
 ... re than one unoccupied trailer. Outdoor
 ... ger vehicles, station wagons and not more
 ... re light delivery type. Any other type of
 ... may be parked only in a garage. One
 ... welling purposes for a period not to exceed

... may be permitted as Special Exceptions, in
 ... sections 176-21 through 176-28:

- ... institutions, private.
- ... and philanthropic institutions.
- ... country clubs, private clubs including
- ... recreational uses privately owned and/or
- ... tions.
- ... rsing and care homes, medical and dental
- ... itioner's office for use of other than a resi-

- (7) Off-street parking of motor vehicles in connection with commercial or industrial uses.
- (8) Public utility buildings and major structures, including radio and television broadcasting stations and towers.
- (9) Rifle or pistol range, indoor.
- (10) Rooming and boarding houses.
- (11) Temporary structures, including wayside stands for display or sale of farm products produced on the premises, for a period not to exceed three years.
- (12) Two-family dwellings.

c. *Area requirements.*

(1) *Net lot area.*

Each one-family detached dwelling, hereafter erected, together with its accessory buildings, shall be located on a lot having a net area of at least nine thousand square feet.

(2) *Lot coverage, percentage of.*

No more than thirty percent of the net area of the lot may be covered by buildings.

d. *Yards.*

(1) *Yard, front.*

Each lot shall have a front building line at least twenty-five feet from, and parallel to the front lot line or a proposed front street line, if such has been established within the lot, to provide a front yard. In cases where the majority of lots located on one side of a street between two intersecting streets have been occupied by buildings having a front building line different from the one above stated, any building hereafter erected shall conform to the line previously established by these buildings.

(2) *Yard, side.*

Each lot shall have two side yards totaling at least twenty-five feet in width. The minimum width of either side yard shall be ten feet. Each corner lot shall have a side building line at least twenty-five feet from and parallel to the side street line or a proposed side street line, if such has been established within the lot, to provide a side yard along the street side. When the lot adjoining said corner lot along the rear line thereof does not front on the side street of the corner lot or is in a nonresidential zone, the side building line and the side yard may be reduced to a minimum of fifteen feet.

(3) *Yard, rear.*

Each lot shall have a rear yard at least twenty-five feet in depth. An accessory building shall be located only in a rear yard and shall occupy not over twenty-five percent thereof, and shall be located not less than sixty feet from the front lot line or proposed front street line, nor less

ATTACHMENT 11



ENGINEERS ✪ PLANNERS ✪ LANDSCAPE ARCHITECTS ✪ SURVEYORS ✪ 3D LASER SCANNING

March 18, 2016

David Niblock
Montgomery County Department of Permitting Services
255 Rockville Pike
2nd Floor
Rockville, MD 20850

Re: 11016 New Hampshire Avenue

Dear Dave,

As we have discussed, an application for a conditional use has been recently filed with the Montgomery County Board of Appeals for a medical clinic (up to 4 medical practitioners) for property located at 11016 New Hampshire Avenue in Silver Spring, Maryland.

The property has been used as a medical practitioner's office for almost 30 years and as such there is existing parking located in the front and rear yards. The building is comprised of approximately 6,500 square feet, with approximately 4,500 square feet dedicated to the operations of the medical clinic. The balance of the space in the building is utilized for a staff break-room, mechanical rooms, and storage.

It is only the 4,500 square feet devoted to the provision of medical services which is being utilized for the calculation of parking. At a rate of 4.00 spaces per 1,000 square feet, that yields a requirement of 18 spaces and 18 spaces are being proposed. While this approach to the calculation of parking is not expressly described in the Zoning Ordinance, it is one that has been employed in the past for similar such uses and found acceptable. It should also be noted that as part of the request for a conditional use, the existing parking will be reconfigured to create a much safer and more efficient layout that improves the look and function of the site.

We hope you concur with our approach to the calculation of parking as described above. If so, please confirm by counter-signing this letter. Thank you very much for your attention to this matter.

Regards,

William R. Landfair
Associate

David Niblock
Permitting Service Specialist
Department of Permitting Services

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 ✪ Germantown, Maryland 20874 ✪ 301.916.4100 Fax 301.916.2262
Tysons, VA ✪ Germantown, MD ✪ Washington, DC
www.vika.com