

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: July 02, 2004
SITE PLAN REVIEW: #8-04024
PROJECT: Bethesda View

Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 4-0, Commissioners Berlage, Bryant, Robinson, and Wellington voting for. Commissioner Perdue was necessarily absent.

The date of this written opinion is July 02, 2004 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before August 02, 2004 (which is thirty days from the date of this written opinion. If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-04017 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On May 6, Site Plan Review #8-04024 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the zone;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan 8-04024 for 125,383 square feet general retail, including 81,237 square feet existing retail and 44,146 square feet new retail space, 92 residential housing units, including 12 MPDUs provided per the applicant's agreement with DHCA and 386 garage parking spaces subject to the following conditions:

1. Stormwater Management

Conditions of MCDPS stormwater management concept approval dated December 17, 2003.

2. Transportation Planning

a. Conditions of MNCPPC Transportation Planning Division memo dated April 29, 2004, including:

- i. **Limit the development** to 92 housing units and 125,383 sf retail space;
- ii. Dedicate (confirm previous) 50 feet of **right-of-way (ROW)** and provide an additional 10 feet of **easement** (for Bethesda Streetscape sidewalk and amenities) for a total of 60 feet from the centerline of Wisconsin Avenue to the building façade for the length of Parcel 923 and part of Lot 1, Block 2;
- iii. Dedicate (confirm previous) 50 feet of **ROW** and provide an additional 10 feet of **easement** (for Bethesda Streetscape sidewalk and amenities) for a total of 60 feet from the centerline of Bradley Boulevard to the building façade for the length of part of Lot 1, Block 2;
- iv. Reconstruct prior to issuance of occupancy permit, the **intersection** on the northwest side of the project site, subject to final review and approval of the Maryland State Highway Administration (MSHA), the Montgomery County Department of Public Works and Transportation (DPWT) and the Montgomery County Department of Permitting Services (DPS): Bradley Boulevard, public alleyway and Strathmore Street, as delineated in the plan dated April 22, 2004; redesign the Bradley Boulevard median to prevent outbound left turning movements onto Bradley Boulevard from the alleyway.

b. Conditions of Montgomery County Department of Permitting Services communication, dated April 23, 2004, including:

- i. Provide **signage** on Bradley Boulevard as follows:
 - a. At the Vehicular lay-by: "No Parking";
 - b. At the Vehicular Lay-by: "Drop Off Area".
- ii. Coordinate with MSHA regarding signage for the bike path on Bradley Boulevard;

c. Bicycle Planning:

- i. Coordinate **signage** for the Bradley Boulevard Class III bike path with MSHA;
- ii. Provide **bicycle parking** as follows: 1 bike rack on Wisconsin Avenue; 1 bike rack on Bradley Boulevard; 10 bike lockers rack within the garage for residents.

3. Environmental

Conditions of MNCPPC Environmental Planning, dated December 3, 2003, including:

- a. Demonstrate that the **interior noise level** is less than or equal to 45 dBA Ldn based on noise generated from Wisconsin Avenue, Bradley Boulevard, the public alleyway, and the on-site loading dock;
- b. Provide program and/or details for **controlling noise levels** generated by stationary sound sources such as heating/ventilation systems, fresh air intakes, and commercial exhaust systems to acceptable levels; show garage exhaust as separate from residential air intake and adequate distance from outdoor amenity space; provide location and performance specification for electronic garage gate prior to building permit.

4. Signature Set

Prior to signature set approval of the site/landscape plans, the following revisions shall be made and/or information provided, for review and approval by planning staff:

a. General Information

Provide dimensions and materials for roof top mechanical space. A note shall be added to the

plans which states that all roof-mounted mechanical equipment shall be screened from view of nearby buildings and that noise associated with such equipment shall be mitigated to within the limits set forth in the noise ordinance.

- b. Streetscape:
 - i. General
 - a. Provide plan and section(s) showing final dimensions, grading and materials for public use areas: sidewalks, tree boxes, steps, cheek walls, and tree spacing;
 - b. Verify **ADA compliance** for public space and rights-of-way;
 - c. Show the location of bus stops/shelters;
 - c. Show details of **loading** and delivery **entrances** and garage/loading doors (Bradley Boulevard);
 - d. Provide **details** for the public use space: show materials and dimensions for **planters**, seat walls, furnishings, fixtures, paving, etc;
 - e. Show locations of all utilities associated with the site frontage.
 - ii. Wisconsin Avenue
Provide plan and sections of the terrace(s) showing materials and dimensions and grading; delineate changes in pavement materials and banding; show final locations of Bethesda Streetscape lighting, trees, and benches, to be coordinated with SHA, DPS, and DPWT.
 - iii. Bradley Boulevard
 - a. Provide plan and sections of public use space within the ROW, easement area, and the project site showing materials and dimensions and grading; delineate changes in pavement materials and banding; show final locations of Bethesda Streetscape lighting, trees, and benches, subject to review and approval by MNCPPC staff, in coordination with DPS (and SHA, DPWT as necessary) .
 - b. Coordinate the final design of the seat walls and planters within the public use space with the curbing and paving for the vehicular lay-by, subject to review and approval by MNCPPC staff.
- c. Landscaping
 - i. Substitute a minimum of 12 Holly trees instead of Leyland Cypress for screening the apartment façade on the north side of the public alley, with sight distance, species selection, spacing, location, and soil mix to be determined prior to signature set.
 - ii. Install one bollard on the adjacent apartment property which adjoins the west and north sides of the public alley, with such bollard to be maintained by the apartment property owner.
- d. Other
 - i. Provide the development program inspection schedule;
 - ii. Show street trees along all public streets.

5. Public Art

Provide an illustrative plan showing the scale and extent of the public art as part of the Signature Drawing Set; Significant change to the public art program or artist will require Site Plan Amendment.

6. Lighting, Power, Signage

Provide specifications for exterior building lighting at garage entrances, loading docks, and building entrances;

- a. Provide **lighting distribution** plans for the garage prior to building permit;
- b. Provide documentation on hours of operation of **night lighting** within the public alleyway and the public use space; provide photometric lighting plan showing light distribution with max/min ratios; demonstrate that the lighting provided will not trespass to housing units above or neighboring residences.

- c. Install a fence up to 10 feet in height or to such a height as allowed, as of right, by the Department of Permitting Services for the period of construction for the protection of the adjacent apartment property to the northwest of the public alleyway.

7. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents (if applicable) for review and approval prior to approval of the signature set as follows:

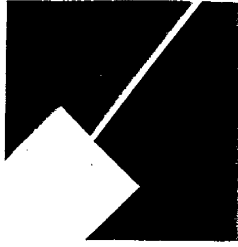
- a. Development Program to include a phasing schedule as follows:
 - i. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Landscaping associated with each building shall be completed as construction of each is completed;
 - iv. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed;
 - v. Coordination of each section of the development and roads;
 - vi. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
- c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

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ANALYSIS: Conformance to Development Standards REVISED 5/4/04

Bethesda View 8-04024	CBD-1 Zone Standard Method	CBD-1 Zone Proposed
<u>Development Standard</u>	<u>Permitted/Reqd</u>	<u>Proposed Site Plan</u>
Gross Tract Area	22,000 sf minimum	75,925.0 (1.74 ac.)
Public Dedication (ROW)		1,471.5 (0.33 ac.)
Net Lot Area		74,427.80 (1.70 ac.)
<u>Density</u>		
§ 59-C-6.23		
<u>Commercial</u>	3.00 FAR (227,989 sf)	2.88 FAR (218,870 sf)
Commercial	2.00 FAR (67%) maximum	1.65 FAR (32%)
Existing Retail Space		44,146 sf 81,237 sf
New Retail Space		81,237 sf 44,146 sf
Total Retail Space		125,383 sf (32%)
<u>Residential</u>	1.00 FAR minimum (33%)	150,800 sf (68%) 152,900 sf (69%)
Residential	125 units/acre	52 units/acre
Green Area (§59-C-4.354)	10% min (10,894 sf)	12.7% (13,814 sf)
MPDUs	12.50%	12 MPDUs ¹
Public Use Space	20.00%	20.00%
Building Height (§59C-6.235)	60 feet ²	79.5 feet
<u>Residential Unit Type</u>		
1 Bedroom		27 units
2 Bedroom		44 units
3 Bedroom		<u>21 units</u>
Total units		92 units
<u>Commercial Parking</u>		
General Retail: 5 spaces/1,000 sf	627 spaces	115 spaces
<u>Residential Parking</u>		
1 Bedroom: 27 units	1.25 space/unit = 34 spaces	
2 Bedroom: 44 units	1.50 space/unit = 66 spaces	
3 Bedroom: 21 units	2.00 space/unit = 42 spaces	
Subtotal Requirement	142 spaces	
CBD Residential Parking Credit	-10%	- 14 spaces
Total Residential Parking Req'd	128 spaces	136 spaces
Total Commercial Parking	5 spaces/1000sf = 627 spaces	253 spaces ³ 250 spaces
Total Parking	N/A ³	389 spaces 386 spaces
<p>³ 253 250 spaces will be provided in accordance with the Parking Lot District Policy §59-E-5.2.</p> <p>² Building may be increased to 90 feet if approved by the Planning Board at site plan. The sector plan recommends 75 feet. ** Per § 59-E-3.33</p> <p>¹ The requirement for the provision of 12 MPDUs will be provided per the applicant's agreement with DHCA (See attachment).</p>		

M-NCPPC


MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

 THE MARYLAND-NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760
 301-495-4500, www.mncppc.org

August 17, 2004

MEMORANDUM

TO: Margaret Rifkin, Planner Coordinator/Urban Designer
 Community Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
 Transportation Planning

FROM: Shahriar Etemadi, Coordinator
 Transportation Planning

SUBJECT: Board Of Appeal Petition No. S-2610, 2611 and 2612
 To permit an animal boarding, pet shop, and a veterinary hospital, 4605 Bradley
 Boulevard, Bethesda

This memorandum is Transportation Planning staff's Adequate Public Facilities review of the subject application.

RECOMMENDATION

Transportation planning staff recommends no condition to support approval of this application as it meets the requirements of the Local Area Transportation Review (LATR) and Policy Area Review as part of the approval of Site Plan #8-04024 for Bethesda View. Staff finds that this action will have no adverse effect on the area roadway conditions. We have attached a copy of Transportation Planning staff memorandum for Site Plan #8-04024.

Local Area Transportation Review

The site plan # 8-04024 for this site was approved on May 6, 2004. The approved plan is for 92 housing units and a total of 125,383 square feet of retail use at this location. The applicant had submitted a traffic study to determine the impact of this development on the area transportation system. Staff concurred with the conclusion of the study that all intersections in the study area will operate within the congestion standard of 1,800 Critical Lane Volume for Bethesda Central Business District (CBD) policy area. Therefore, the site plan application approved by Planning Board meets the requirements of LATR.

Staff compared the estimated trip generation of the retail use in the Site Plan # 8-04024 with the portion of that proposed for the PetsMart operations. The proposed 32,921 square feet use of the PetsMart on the site is broken into the following specific uses of the store:

1. Veterinarian 2,053 square feet
2. Pet shop 21,436 square feet
3. Pet hotel 9,432 square feet

Staff applied available traffic data from three animal clinic sites in Montgomery County to arrive at an estimated trip rates for the 2,053 square feet of the veterinarian portion of the PetsMart. Staff used an average of the highest trip rates (whether AM or PM peak hour) per 1,000 square feet of animal clinics to arrive at an estimated trip rate for this site. We concluded that approximately 0.39 trips would be generated for each 1,000 square feet of veterinarian use on this site. As compared with 0.65 and 2.50 trips for each 1,000 square feet of general retail use in the morning and evening peak hours, the veterinarian trips are significantly lower than general retail trips.

Staff believes that the remaining pet shop and pet hotel portions of the site will not generate a greater number of trips than the approved general retail use for this site. Staff, therefore, finds that the proposed PetsMart uses meet the requirements of LATR.

Road Classifications

According to the Bethesda CBD Sector Plan:

Wisconsin Avenue is a six-lane divided Major Highway on a 120-foot right-of-way.

Bradley Boulevard is a four-lane divided Major highway on a 120-foot right-of-way with a Class II (on-road) bikeway.

Chevy Chase Road is a two lane Residential Street on a 50-foot right-of-way.

Strathmore Street is a two lane Residential Street on a 60-foot right-of-way with a Class II (on-road) bikeway.

Site Access, Circulation and Pedestrian Facilities.

All changes to the site access, circulation and pedestrian movements will be in accordance with the conditions stated in the Planning Board approval of Site Plan #8-04024. Accordingly, the future vehicular pedestrian access and circulation and safety will be improved as compared to what exists today.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Bethesda CBD policy area, which has a remaining capacity of 4,986 housing units, and 57 jobs, as of June 30, 2004. These jobs and housing capacity includes what is allocated for this development. The petition therefore passes the Policy Area Review test.

SE:gw

mno to Rifkin re S2610 S2611 S2612



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Margaret Rifkin, Community Based Planning

VIA: Mary Dolan, Environmental Planning *MD*

FROM: Michael Zamore, Environmental Planning *MZ*

DATE: August 30, 2004

SUBJECT: Board of Appeals Petition No. S-2610, S-2611, S-2612
 Veterinary Hospital within PetsMart, 4605 Bradley Boulevard, Bethesda

The Environmental Planning staff has reviewed the abovementioned Board of Appeals Petition. Staff recommends **approval**.

Forest Conservation Law Compliance

The project is exempt from Forest Conservation Law because it is a special exception use within an existing building. Work will be done entirely within the building and no exterior alterations will be made to the building in connection with this use. There is an existing project plan/preliminary plan and site plan approved for the property but there is no prior special exception for the property.

Environmental Guidelines

The site is not located within a Special Protection Area (SPA), in a stream buffer, or in a flood hazard area. There are no wetlands or other sensitive environmental features onsite. A Tree Save Plan is not required because there are no specimen trees or forests onsite.

Water and Sewer

Public water and sewer serve the site.

Imperviousness

The site is zoned CBD-1 and lies in one of the oldest developed areas in the County. The property is highly urbanized and almost totally impervious.

Noise

The CBD-1 zoning does not require a noise study for a Special Exception use. However, the applicant volunteered to conduct a noise study and the results indicate that the potential noise level associated with the use is lower than the 65dBA limit for residential areas. Additionally, all rooms where animals will be kept are being soundproofed according to Montgomery County Department of Environmental Protection guidelines.

Watershed Protection

The site lies within Willet Branch of the Little Falls Watershed. The Little Falls Watershed is one of the County's most urban stream systems, with part of its drainage from the northwest portion of the District of Columbia. Most of the development in the watershed occurred before today's requirements for natural stream buffer, wetland and floodplain protection, and stormwater runoff controls. The original drainage pattern has been extensively altered and much of the original headwaters and tributaries are either channelized or enclosed in storm-drain pipes. What remains of the headwaters now receives drainage from highly impervious areas in the Bethesda Central Business District and Friendship Heights. A study conducted in 1976 found no aquatic life in Little Falls. The *Countywide Stream Protection Strategy* (CSPS) rates stream and habitat conditions in the watershed as 'poor'.

HOLLAND & KNIGHT LLP

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Providence	
St. Petersburg	*Holland & Knight LLC
San Antonio	**Representative Office

July 19, 2004

STACY P. SILBER
301-664-7621
stacy.silber@hklaw.com

Via Hand Delivery

Ms. Margaret Rifkin
Maryland-National Park & Planning
Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: PETsMART
Special Exception Nos. S-2610, S-2611, S-2612

Dear Ms. Rifkin:

I am writing to provide you with additional information about the ventilation system, waste disposal system and sound attenuation measures that will be utilized within the subject PETsMART store. As discussed herein, and in the attached documents, PETsMART utilizes sophisticated mechanisms in its stores to eliminate odors or sounds that may be emitted within the structure.

I. Ventilation System

A. Ventilation.

As discussed within PETsMART's Applications (Statement of Justification) PETsMART utilizes a sophisticated ventilation system. Each use within the PETsMART store is on a separate ventilation system. Thus, the grooming area, retail/customer space, PETsHOTEL, and veterinary area all run on separate ventilation systems.

B. Filter Usage and Maintenance.

PETsMART uses a double filtration system: A fiberglass filter (see: "AIRGUARD - Continuous Fiber Glass Media, attached hereto as Attachment "1") is located in the interior

return air vent (in each of the grooming, veterinary, PETsHOTEL, and retail sales floor areas) and a 2" high efficiency pleated charcoal filter is located in the Roof Top Unit ("RTU") that services the grooming, veterinary, PETsHOTEL and retail sales floor. As described in the filter spec (Attachment "2"), the filter is designed to remove a diverse set of odors, including waste products, and pet odors.

A routine schedule for filter exchange is also maintained per PETsMART operations. The schedule is as follows:

- | | |
|---|---------------------------|
| - All RTU 2" high efficiency unit filters: | Changed quarterly minimum |
| - PETsHOTEL all filters: | Changed quarterly minimum |
| - Interior 1" fiberglass filters in sales floor: | Changed monthly minimum |
| - Interior 1" fiberglass filters in Vet Services: | Changed monthly |
| - Interior 1" fiberglass filters in grooming: | Changed weekly |

C. Electronic Ventilation Monitoring System.

In addition to PETsMART's regular maintenance of its filters, all PETsMART stores are on an electronic, ventilation monitoring system. If a filter becomes clogged, the ventilation system will become unbalanced, and an alarm will sound in PETsMART's Facilities Management office in Arizona. A service technician will be immediately dispatched to fix the system.

D. Location of Outtake Vents.

PETsMART is planning on utilizing the existing building ventilation system as much as possible. Because of the complexity of the proposed separate use, ventilation system, however, PETsMART will need to make significant enhancements and improvements thereto. Currently, the existing outtake vents are located on the roof of the existing structure towards the intersection of Bradley Boulevard and Wisconsin Avenue. PETsMART will final the location of its outtake vents as part of the permit set, mechanical drawings.

II. Waste Disposal.

As discussed within the Statements of Justification, PETsMART has an established protocol for waste disposal. The protocol is in place to ensure there is no odor emitted within the interior retail/customer area, and also in the more removed exterior of the building.

A. Pet waste disposal.

Pet waste disposal is handled as follows:

In the PETsHOTEL: **Liquid** waste will be disposed of in the sewer system via trench Drain.

Solid waste will be disposed of in the sewer system via manual pick-up by an employee and then flushed down a plumbing fixture located in the relief room.

General Discussion:

When animals are in the pet hotel room, liquid waste will be washed down the trench drain system into the sewer. An employee will regularly collect solid waste and dispose of such waste within the plumbing fixture in the relief room. Both solid and liquid waste are disposed within the sanitary sewer system.

When pets are outside of their hotel room (i.e., in the playroom), the pet will be taken to the relief room to go to the bathroom. At this point, liquid waste will be washed down the trench drain into the sewer system and solid waste will be scooped up and disposed of in the plumbing fixture located within the relief room.

In Grooming:

Liquid waste will be disposed of in the sewer system via trench Drain.

Solid waste will be disposed of in the sewer system via manual pick-up by an employee and then flushed down a plumbing fixture located within the relief room.

In Vet. Services:

Liquid waste will be disposed of in the sewer system via trench drain.

Solid waste will be disposed of in the sewer system via manual pick-up by an employee and then flushed down a plumbing fixture dedicated to this use in the relief room.

In the retail/customer Area:

Liquid waste will be cleaned up by pet parents or store employees via the "Oops Stations," and bagged and disposed of at the Station.

Solid waste will be cleaned up by pet parents or store employees via the "Oops Stations," and bagged and disposed of at the Station.

B. Dumpster Usage.

PETsMART will primarily use its dumpster for typical dry waste, including paper trash, and product packaging material. Minimal pet waste will be disposed within the dumpster. As discussed above, PETsMART uses a sophisticated drain system where pet waste is disposed directly into the sewer system. The only solid waste that will be disposed within the dumpster is that which has been bagged and sealed by pet parents or employees at the "Oops Station."

PETsMART employees collect the waste at the "Oops Station" on a regular basis and dispose of the bags in the dumpsters.

C. Dumpster Service.

The dumpsters for Bethesda View are located within an existing dumpster area within the Bethesda View building. The dumpsters are not visible from the street. Each user within the Bethesda View project will have a dedicated dumpster. As such, there will be a dedicated, separate dumpster for PETsMART, the residential condominiums¹, Staples and other retail uses. All dumpsters will be emptied every day but Sunday. Sunday service is not offered by the major trash disposal companies, including Waste Management, Affordable and Garcia, because landfills and transfer stations are closed on Sundays. Given the benign nature of its dumpster waste, however, PETsMART has found that Sunday service is not necessary.

III. Disposal of Deceased Animals.

PETsMART (and Banfield, the company which runs PETsMART's veterinary practice) has an established practice of taking care of animals if they should happen to die within the veterinary area. They contract with a state licensed company that physically picks-up the deceased animals and disposes such animals in a State approved off-site location. If an animal dies in the PETsMART veterinary area, the animal is bagged and stored in a deep freezer, located in the veterinary services area, until the disposal service retrieves the animal (usually on the same day). Deceased animals are NEVER disposed of within a store dumpster.

IV. Relation between Existing Building where PETsMART will locate, and new Residential Highrise.

For your reference, I have attached a building cross section, which shows the existing building (where PETsMART will locate) as compared with the new retail and residential tower. Attachment "3". I have also enclosed an illustrative, preliminary fixture floor plan, which shows the proposed layout of the store. Attachment "4". As is evident from these plans, the PETsHOTEL, veterinary, and grooming areas are located away from existing and proposed residential uses in the area.

V. Sound Attenuation.

The Montgomery County Zoning Ordinance provides sound standards for animal boarding places and veterinarian hospitals located within residential and rural zones. There are no such specific standards when such uses are located in Central Business Districts. Although not required within a Central Business District Zone, PETsMART has hired Polysonics, a sound engineering company, to measure the sound levels of the PETsHOTEL, grooming and veterinary services areas. Polysonics utilized these residential restrictive standards to measure the potential sound generation at the PETsMART store. The Study, which will be transmitted under separate

¹ Residents have primary access to the trash dumpsters through a trash shoot.

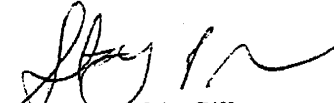
Ms. Margaret Rifkin
July 19, 2004
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cover, shows that sound generated from the PETsMART structure will be well below applicable County standards.

Please contact me should you have any questions.

Sincerely,

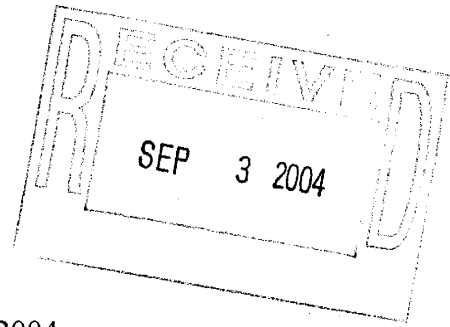
HOLLAND & KNIGHT LLP



Stacy Plotkin Silber

Enclosures (Not included in staff report - mncpc)

cc: Martin Grossman, Esq. (w/enclosures)
Marty Klauber, Esq. (w/enclosures)



September 2, 2004

MEMORANDUM

TO: Sandra L. Youla, Planner
Community Based Planning Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning *RW*

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

SUBJECT: Local Map Amendment/Zoning Application No. G-821
Lot 2, Seibel's Subdivision (Naylor Property)
3961 Greencastle Road
Fairland/White Oak Policy Area

INTRODUCTION

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Local Map Amendment/Zoning application request to rezone the subject property from R-60 to RT-8 in conformance with the *Fairland Master Plan* recommendations.

COMMENTS

Transportation Planning staff provides the following transportation-related comments for the Planning Board's information regarding the subject Local Map Amendment/Zoning application.

1. The rezoning requested for the subject property is in conformance with the *Fairland Master Plan*.
2. APF issues, if any, related to the subject property will be addressed at the time of subdivision (Preliminary Plan).

DISCUSSION

Site Location, Access, Circulation and Transportation Facilities

The site, Lot 2, Seibel's Subdivision (Naylor Property) was created as a 2.0-acre single-family residential lot in 1957, and is recommended in the Fairland Master Plan as suitable for RT-8 zoning. It is located along the west side of Greencastle Road to the south of Robey Road and has vehicular access to Greencastle Road. The Maryland-National Capital Park and Planning Commission Fairland Recreational Park is located to the east side of Greencastle Road. Land use along the west side of Greencastle Road to the north and south of the site is entirely residential.

In addition, the Planning Board approved for entities related to the applicant for this rezoning case Preliminary/Site Plans for properties located to the north (Greencastle Towns – 27 townhouses; Preliminary Plan No. 1-03102/Site Plan No. 8-03038; on October 2, 2003) and south (Day Property – 11 townhouses; Preliminary Plan No. 1-04020/Site Plan No. 8-04006; on December 18, 2003) of the site under the RT-8 zoning.

In the vicinity of the site, Greencastle Road is a two-lane roadway, with no paved shoulders and a rolling terrain. To the north of the site, a Class I bikeway exists along both Greencastle Road (to the north of Robey Road) and Robey Road. There are currently no on-road or off-road pedestrian/bicycle provisions along the section of Greencastle Road between Robey Road and the Prince Georges County Line. Greencastle Road has a posted speed limit of 30 mph in this area. Several bus routes serve Greencastle Road and Robey Road, to the north of the site.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted Fairland Master Plan describes the nearby master-planned roadways, pedestrian and bikeway facilities as follows:

- Greencastle Road, between US 29 to the northwest and the Prince Georges County Line to the southeast, is recommended as a four-lane Arterial (A-110), with a minimum right-of-way width of 80 feet. The Master Plan also recommends sidewalks and a Class I bikeway (PB-52) along Greencastle Road between Old Columbia Pike (to the west of US 29) and the Prince Georges County Line. (Note: The May 2004 Planning Board Draft of the *Countywide Bikeways Functional Master Plan* recommends for Greencastle Road, a Shared Use Path (SP-23) between Robey Road and the Prince Georges County Line to the east, and a Dual Bikeway (DB-11; existing) between Robey Road and US 29 to the west).

Nearby Transportation Improvement Project

The Montgomery County Department of Public Works and Transportation's Capital Improvement Program (CIP) includes the following nearby project:

- CIP Project No. 500100; Greencastle Road: This project will provide for the reconstruction of Greencastle Road from 400 feet south of Robey Road to Greencastle Ridge Terrace (a distance of approximately 2,100 feet). The improved roadway will be a two-lane arterial with concrete curb and gutter. The entire improved section of the roadway will have a separate eight-foot Class I bikeway along the west side of Greencastle Road. The section of Greencastle Road from Robey Road to Wildlife Lane (approximately 900 feet in length) will have 50-foot wide pavement and the remaining 1,200-foot section of the roadway from Wildlife Lane to Greencastle Ridge Terrace will have 34-foot wide pavement. The project is funded for design and construction, and is estimated to start construction by September 2005 and finish construction by January 2007.

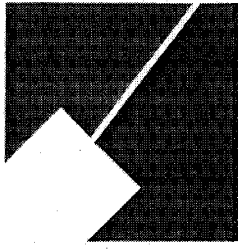
Adequate Public Facilities

APF issues, if any, related to the subject property will be addressed at the time of subdivision (Preliminary Plan).

CE:gw

cc: Carlton Gilbert ✓
Piera Weiss
Mary Goodman
Jeff Riese
Sarah Navid

mmo to youla re G-821 seibels-rev 090204

**MEMORANDUM**

TO: Sandra Youla, Community Based Planning

VIA: Mary Dolan, Environmental Planning

FROM: Michael Zamore, Environmental Planning

DATE: July 23, 2004

SUBJECT: Zoning Application No. G-821
Naylor Property at 3961 Greencastle Road, Burtonsville, MD

The Environmental Planning staff has reviewed the rezoning application and associated documents referenced above. Staff recommends **approval** of this request. The following comments qualify our support for the application:

1. No impervious surfaces within, or encroachment into, the stream valley buffer.

Discussion

The Naylor property (Lot No.2) is a two-acre parcel of land within Seibel's Subdivision on the west side of Greencastle Road near Burtonsville. The property is irregular in shape with the main, usable portion, along Greencastle Road being rectangular. The rear of the property slopes steeply towards a small stream that flows north to south, parallel to the property line. There is also a 100-year floodplain associated with that stream that impacts the rear of the property. The site is wooded and undeveloped except for a single-family house fronting on to Greencastle Road, with driveway access to Greencastle Road.

Staff believes that the proposed RT-8 zoning is desirable as the forest conservation requirements will preserve the floodplain, steep slope areas, and the wooded stream valley as part of the Stream Valley Buffer associated with the rear of the property. The proposed (town house) development will allow a large portion of the site to remain in permanent open space and provide an amenity that is normally associated with less dense zoning categories.

Forest Conservation

This application has an approved Natural Resource Inventory/Forest Stand Delineation. The site is not exempt from Forest Conservation Law. The large area of forested stream valley buffer on the property will meet the site's forest conservation requirements. Approval of the Preliminary Forest Conservation Plan will occur at the Preliminary Plan of Subdivision phase.

Water Quality

The property is located in the Greencastle North subwatershed of the Little Paint Branch watershed. The *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed and stream conditions as 'fair' and habitat conditions as 'good'. CSPS lists imperviousness in the subwatershed at 24%, based on data available at the time. Greencastle tributary is designated as a Watershed Protection Area. This designation generally applies to tributaries that are exhibiting problems from older development and previous land uses. In such areas remedial measures to address specific problem areas can help to ensure that conditions do not worsen. High-density development and imperviousness have influenced conditions in Greencastle subwatershed, and unstable banks and sediment deposition are common. Future development of the Naylor property should take the Environmental Guidelines, Forest Conservation Law, and stormwater management guidelines, into account to minimize impact to the stream.

Environmental Guidelines

The Little Paint Branch watershed is designated Use I-P by the Maryland Department of the Environment. Use I-P indicates that the waters are suitable for water contact recreation, protection of aquatic life, and public water supply. Stream resource conditions range from 'poor' in the lower tributaries of Little Paint Branch, 'fair' in the middle reaches below Greencastle Road, to 'good' above Greencastle Road. The Little Paint Branch drains into the Anacostia River. Maintaining and improving conditions in the Little Paint Branch is important to the overall Anacostia restoration effort, particularly in the efforts to improve water quality from high intensity uses.

Stormwater Management

Most of the Little Paint Branch Watershed has received regional stormwater controls to mitigate the effects of high-density land uses, particularly above Briggs Chaney Road. The lower reaches of Little Paint Branch were developed prior to requirements for stormwater control. The high densities and lack of available land on which to place remedial facilities will make it difficult to mitigate degraded conditions in lower tributaries. As part of the development process the applicant will submit a stormwater management concept plan that must receive DPS approval prior to the Planning Board hearing on the preliminary plan of subdivision plan. Without a stormwater management concept at this time, it is unknown if and how all stormwater will be treated. However, it is likely that stormwater management for the site will be provided underground.

Water and Sewer

Public water and sewer serve the Greencastle Road area. There is an existing 12-inch sewer line in the stream valley that will provide adequate public sewer service to the homes proposed for the Property.

FAIRLAND MASTER PLAN CITIZENS ADVISORY COMMITTEE
2901 Greencastle Road Burtonsville MD 20866

August 4, 2004

Francoise M. Carrier
Administrative Hearing Examiner
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville MD 20850

RE: Zoning Application No. G-821 (Naylor Property)

Dear Ms. Carrier:

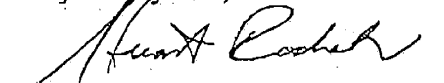
The purpose of this letter is to advise you of the Fairland Master Plan Citizens Advisory Committee's support for the above-referenced rezoning application.

As you may know, the Naylor Property, which is the subject of this application, is recommended as suitable for RT-8 townhouse zoning in the Fairland Master Plan (see Area 12 at pp. 42-44). During the Master Plan process, the owners of property along Greencastle Road where the Naylor property is located were approached about having their properties rezoned to townhouse during the Sectional Map Amendment. Most agreed. The owner-occupant of the Naylor Property did not, fearing a significant increase in real estate taxes. For this reason, the Naylor Property was not rezoned at the time, despite the recommendation in the Fairland Plan for townhouse zoning in this "Area 12" and the rezoning of several other surrounding properties whose owners consented to the Sectional Map Amendment.

The Master Plan Committee remains concerned about the cumulative impact of additional townhouse units in Fairland given the Plan's goal to achieve more high-end housing to balance the planning area's housing mix, and also the continuing and serious overcrowding of schools at every level in the planning area, but in this instance we believe the proposed RT-8 rezoning is justified.

Please place this letter in the file of Application No. G-821.

Very truly yours,


Stuart Rochester
Chair, Fairland Master Plan CAC

cc. Derick Berlage, Chairman, Planning Board
William Kominers, Esq.

MEMORANDUM

Date: Monday, 1 September 2004

To: Ms. Françoise M. Carrier, Esq.
Administrative Hearing Examiner
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue
Rockville, Maryland 20850

cc: Mr. William Barron
Hon. Derick P. Berlage
Mr. William Kominers, Esq.
Dr. Stuart Rochester
Ms. Sandra Youla



From: C. Patrick Zilliagus - e-mail CPZ@OS2BBS.COM
2931 Shepperton Terrace
Silver Spring, Maryland 20904-6716

Subject: **Zoning Application G-821 (Naylor Property),
Fairland Master Plan Area, Greencastle Road**

I am an at-large member of the Fairland Master Plan Citizens' Advisory Committee (CAC), and have served on the CAC since its inception in 1992, though I speak personally and not on behalf of the CAC in this memo.

I strongly endorse the proposed re-zoning of this small parcel (about 2 acres, Area 12 in the Master Plan, pp. 42-44) from the R-60 zone to the RT-8 zone, which is consistent with nearby townhome properties and should increase the stock of owner-

Ms. Françoise M. Carrier, Esq.
Monday, 23 August 2004

Page 2 of 2

occupied homes on the east side of U.S. 29 - a longtime personal goal of mine.

The Master Plan contains a recommendation for townhouse use and zoning in this area, using the RT-8 "floating" zone, and owners in the area were approached about having properties rezoned to allow townhomes during Sectional Map Amendment. Most of the owners agreed, but the owner and occupant of the Naylor property did not, fearing an increase in real estate taxes. For this reason, the Naylor parcel was not rezoned at that time, in spite of townhouse recommendation in the Master Plan, and even though surrounding owners in Area 12 agreed to the rezoning.

Please put me on record as supporting the RT-8 rezoning for G-821.

Thank you for your attention to this matter.

Please place a copy of this document in the record.

FC040823.WPD