



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

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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.

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

Bethesda View 8-04024	CBD-1 Zone Standard Method	CBD-1 Zone Proposed
Development Standard	Permitted/Reqd	Proposed Site Plan
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.)
Density		
§ 59-C-6.23		
Commercial	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%)
Residential	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
Residential Unit Type		
1 Bedroom		27 units
2 Bedroom		44 units
3 Bedroom		<u>21 units</u>
Total units		92 units
Commercial Parking		
General Retail: 5 spaces/1,000 sf	627 spaces	115 spaces
Residential Parking		
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 Reqd	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'.

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San Antonio	**Representative Office

July 19, 2004

STACY P. SILBER
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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.

HH

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
Page 5 of 6

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 - ~~micro~~)

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