



February 2, 2006

MEMORANDUM

TO: Joel Gallihue, Zoning Analyst
Development Review Division

VIA: Sue Edwards, I-270 Team Leader *Sue*
Community-Based Planning Division

FROM: Nellie Shields Maskal, Planner *Nellie*
Community-Based Planning Division

SUBJECT: Board of Appeals Petition S-2659 and S-2660: Request for Veterinary Hospital and Animal Boarding Facility on MD 355 in the Clarksburg Planning Area

STAFF RECOMMENDATION: APPROVAL with conditions:

1. No future use of the property located directly behind the subject property for any purpose related to the animal hospital and boarding facility.
2. Provide a double row of the proposed *Thuja Occidentalis* along the church property line and replace the *Viburnum Dentatum* with an evergreen hedge and five to six small flowering trees along the MD 355 frontage to mitigate the view of the building and parking area. The *Thuja Occidentalis* should be 12 to 14 feet in height.
3. Limit the practice to animals that are seen on an appointment basis.

BACKGROUND

The petitioners, Dr. Jeffrey B. Walcoff and Sheila Dearybury Walcoff, have requested a special exception for a veterinary hospital and animal boarding facility (known as Bennett Creek Animal Hospital). The subject property is located on MD 355 between Wims Road and Little Seneca Parkway (Newcut Road Extended) near Running Brook Drive. It is adjacent to John Wesley United Methodist Church and located directly across from scattered single-family detached homes. It is improved with a small, one-story frame house, shed, and trailer on a two-acre site. A number of large trees are located on the property.

The surrounding neighborhood includes a mix of residential and institutional land uses, such as the new Rocky Hill Middle School campus, the new Clarksburg Area High School (under construction), Clarksburg Local Park, a small church with cemetery, scattered single-family detached homes, and Clark Meadows Subdivision in the R-200 Zone.

RELATION TO THE 1994 CLARKSBURG MASTER PLAN

The subject property is currently zoned R-200 in accord with the recommendation of the 1994 Clarksburg Master Plan. It is located within the Transit Corridor District of the Clarksburg Master Plan area. "The Transit Corridor District includes properties fronting MD 355 which have developed over many decades in accord with traditional patterns found elsewhere in the "Up-County: single-family detached lots fronting the road. The most significant planning challenge in the Transit Corridor District is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355...." The Land Use Plan for the Transit Corridor is shown in Attachment 1.

The Master Plan objectives listed on pages 54 to 58 of the Plan are as follows:

- Continue the present residential character along MD 355.
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.
- Continue the present employment uses along I-270.
- Provide housing at designated areas along the transitway near significant employment uses.
- Allow small amounts of office and retail use at transit stop areas as part of a mixed-use development pattern.
- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway connections.
- Provide an open space system, which includes small civic spaces at the transit stops.

CONCLUSION

The Master Plan is silent on the issue of special exception uses for the subject property; however, staff believes that the proposed veterinary hospital and animal boarding facility would not adversely affect the recommendations of the Master Plan. The Master Plan confirms the R-200 Zone for the property. A veterinary hospital and animal boarding facility are allowed by special exception in the R-200 Zone.

The applicant has submitted a site plan in support of the application. Staff finds on the basis of a review of the site plan that the proposed one and a half-story, 7,000 square-foot facility will be compatible with the surrounding neighborhood. The size, scale, and scope of the use will be mitigated by the design of the proposed building. The architecture relieves the mass of the building and implies a residential character. Staff recommends extensive landscaping along the church property line and along the MD 355 frontage to mitigate the view of the proposed building and parking area. Along with the existing trees on the site, additional trees should sufficiently screen the facility from the church and to help maintain the present residential character along MD 355.

Staff finds the proposed lighting plan to be acceptable. A sign will be located in the front yard. The adjacent property to the rear is a single-family residence and is buffered by approximately 100 feet of a wooded area. The applicant currently owns this property. Staff recommends that this property not be used in the future for further expansion of the veterinary hospital and animal boarding facility to maintain the existing residential character of the neighborhood.

In conclusion, the proposed use would not alter the character of the neighborhood if the following conditions were met:

1. No future building additions or expansion on the property located directly behind the subject property for any purpose related to the proposed use. This would help to maintain the existing residential character of the neighborhood and to help address compatibility issues.
2. Provide a double row of the proposed *Thuja Occidentalis* along the church property line and replace the *Viburnum Dentatum* along the MD 355 frontage with an evergreen hedge and five to six small flowering trees to mitigate the view of the building and parking area. The *Thuja Occidentalis* should be 12 to 14 feet in height.
3. Limit the practice to animals that are seen on an appointment basis.

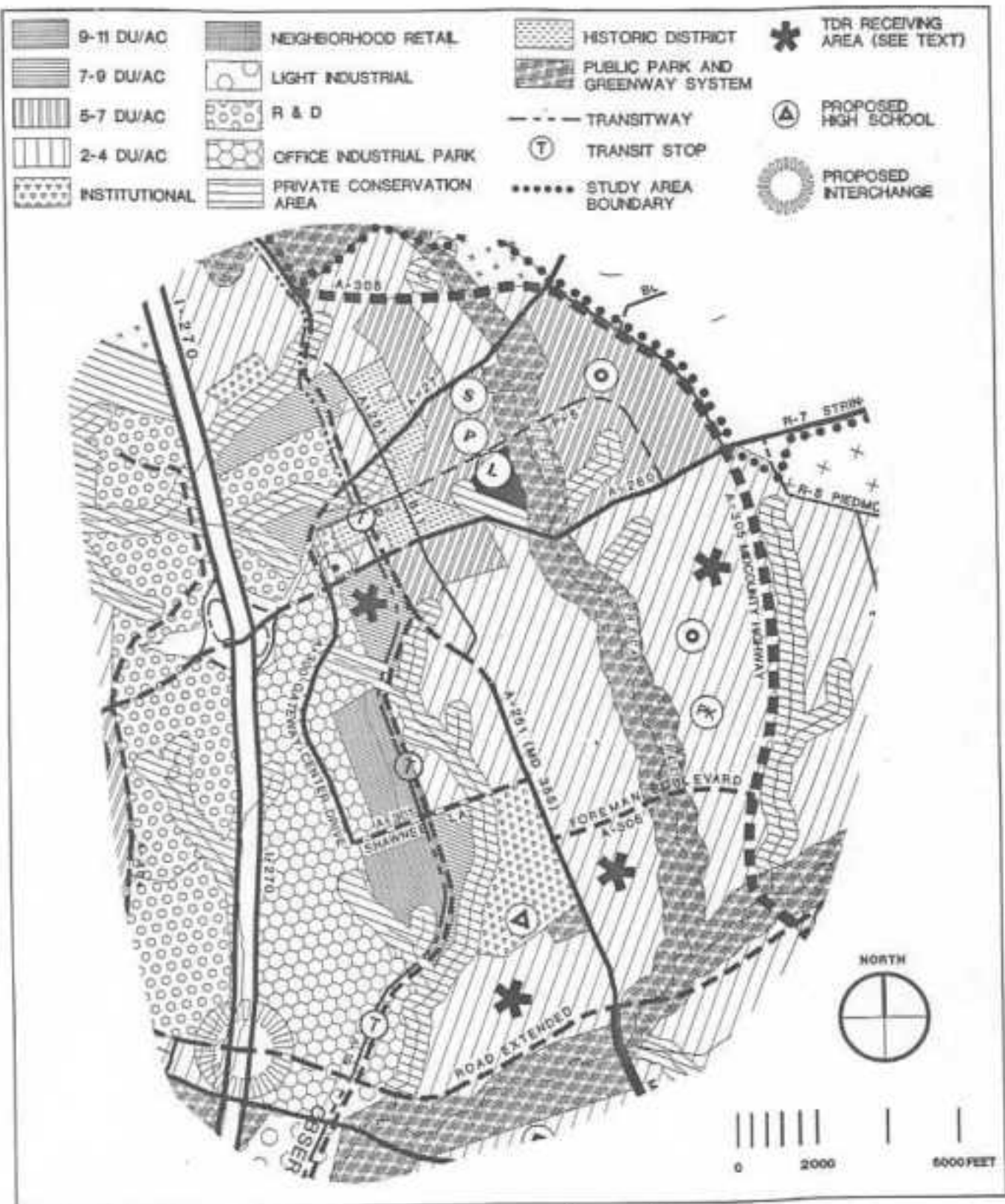
For the reasons stated above, staff recommends approval of this application.

NSM:tv: G:\Maska\NS-2659 & 2660

Attachment

A - 13 P 3

Transit Corridor District Land Use Plan



A-13 P4

H.E.

RECEIVED

Brian E. Unruh
12712 Running Brook Drive
Clarksburg, Maryland 20871

15 November 2005

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OFFICE OF ZONING AND
ADMINISTRATIVE HEARINGS

Board of Appeals
100 Maryland Avenue, Room 217
Rockville, Maryland 20850

Reference: Case No. S-2659 Veterinarian Hospital
Case No. S-2660 Animal Boarding Facility



Board of Appeals:

I learned recently of two Petitions for Exception under consideration by your Board that would have a dramatic effect on my family and my home. The proposals to allow construction of a veterinarian hospital and animal boarding facility (as noted in references) would dramatically change the atmosphere of our neighborhood in southern Clarksburg—by introducing the noise of dogs barking day and night.

My wife and I moved here more than 10 years ago because we were attracted to the peaceful setting of this small, well-established community that grew up around the historic United Methodist Church and cemetery on the corner of Running Brook Drive and Route 355. We are proud to live here, and we feel safe raising our children here. I find it difficult to believe that the Board would even consider allowing a commercial animal boarding facility in the middle of our cluster of homes.

We respect the peace here. Ours is a neighborhood where we know whose dogs are whose, and if a dog is barking at night, it does not take long before the owner receives a polite call from a neighbor... All that would change if these proposals were approved.

I urge the Board of Appeals to respect the historic nature of our close-knit community and our neighborhood's desire for peace and quiet—and deny the proposals to construct a veterinary hospital and animal boarding facility here.

Sincerely,

Brian E. Unruh

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EXHIBIT NO. 19
REFERRAL NO. S-2659

Gallihue, Joel

From: Maskal, Nellie
Sent: Friday, January 13, 2006 1:47 PM
To: Gallihue, Joel
Subject: FW: Proposed Veterinary Clinic and Boarding Kennel, Clarksburg

-----Original Message-----

From: Lfantle@aol.com [mailto:Lfantle@aol.com]
Sent: Friday, January 13, 2006 1:12 PM
To: Maskal, Nellie
Subject: Proposed Veterinary Clinic and Boarding Kennel, Clarksburg

January 13, 2006

Montgomery County Planning Board
 Attention: Nellie Shields-Maskal

Re: Proposed Veterinary Clinic and Boarding Kennel, 22414-6 Frederick Road, Clarksburg

I am writing in opposition to the granting of a Special Exception for the boarding kennel proposed for this site. It is an inappropriate use for this parcel, located in an entirely residential neighborhood, directly adjacent to an historic church.

I am not opposed to allowing a veterinary clinic on this site, with limitation on the ultimate size of the clinic so as to minimize disruption to the surrounding community. Further, it would be unfortunate to allow a precedent that would bring additional commercial development to this residential area in the future.

The applicant has put forth to the Clarksburg community many reasons as to why we should support this modification. I will briefly address several of them below:

1. The facility is an appropriate use for the site due to its location in a "primarily industrial" area.

This causes me to wonder why it was phrased in this fashion. The properties adjacent are residential or church properties, none of which would typically be characterized as "industrial." This clinic has an additional location in Frederick which is, indeed, located in an industrial area.

2. The facility would bring veterinary services to the "underserved" Clarksburg citizens

There are at least eight established veterinary clinics within an easy drive from the center of Clarksburg, and indeed, one is located in the historic district of Clarksburg. Additionally, there is a functioning emergency clinic located in Hyattstown, a short drive away. The proposed clinic/hospital would not serve as an emergency clinic, but rather as a standard veterinary practice with a huge amount of boarding for animals. Further, it has been stated that this will be a single-doctor practice. The lack of emergency care and single-doctor employment speak to the true function of this practice as mainly a boarding facility.

This building will be comparable in size to the Germantown Veterinary Clinic, which currently employs five veterinarians and has smaller boarding facilities. GVC is located next to a day care center and behind an office park, not next to an historic church.

3. The boarding facility is an appropriate use for this site

The boarding kennel will comprise the majority use for this facility, due to the small size of the veterinary practice and continued operation of the veterinarian's office in Frederick. Montgomery County currently has a 2-acre minimum for boarding kennels, which is a much more appropriate size and environment than this would

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