



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

Memorandum

TO: Rose Krasnow, Acting Planning Director

VIA: John Carter, Chief *JAC*
Area 3 Planning Team

FROM: Benjamin Berbert, Senior Planner *BB*
Area 3 Planning Team

RE: Correction of typographical errors on the Preliminary Plan Resolution for the Fairland Animal Hospital, Preliminary Plan No. 120120120

DATE: August 16, 2012

Pursuant to Section 4.11.4 of the Montgomery County Planning Board Regulation on Rules of Procedure (Correcting Errors in Resolutions), typographical errors may be corrected by issuance of a corrected Resolution approved by the Planning Director.

On July 19, 2012, the Planning Board approved Preliminary Plan No. 120120120 for the Fairland Animal Hospital. The Resolution reviewed by the Legal Department and subsequently approved by the Planning Board on July 26, 2012 contained typographical errors pertaining to the PAMR payment required. Condition number 5 was amended at the Board Hearing on July 19, 2012 to require \$93,600 of PAMR payment, while the finding number two "*Public facilities will be adequate to support and service the area of the approved subdivision.*" retained the previous statement on page four that a PAMR payment of \$94,770 was required. The Planning Boards intent was to adopt the resolution requiring the PAMR payment of \$93,600 and the failure to change the monetary payment on page four was an oversight. Staff recommends correction of these typographical error(s); no further changes are required or recommended.

ACCEPTED & APPROVED BY:

Rose Krasnow, Acting Planning Director

8-16-12

Date Approved



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-88
Preliminary Plan No. 120120120
Fairland Animal Hospital
Date of Hearing: July 19, 2012

SEP 12 2012

CORRECTED RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board (“Planning Board” or “Board”) is authorized to review preliminary plan applications; and

WHEREAS, on January 20, 2012, Fairland Animal Hospital, Inc. (“Applicant”), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.43 acres of land in the R-90 zone, located on the east side of Old Columbia Pike, approximately 600 feet north of Fairland Road (“Subject Property”), in the 1997 Fairland master plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120120120, Fairland Animal Hospital (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 06, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 19, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below;

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120120120 to create one lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

1. Approval under this Preliminary Plan is limited to one lot for one dwelling unit and a 3,802 square foot veterinary hospital.
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 19, 2012 with revisions on July 05, 2012 and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDOT Letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Applicant must satisfy the provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its letter dated September 27, 2011, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDPS Letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. To meet Policy Area Mobility Review mitigation requirements for the Fairland Policy Area, the Applicant must construct a five-foot wide sidewalk along the 165 feet of Property frontage and make a lump sum payment of \$93,600 to MCDOT prior to issuance of the building permit.
6. The Applicant must comply with all conditions of the Montgomery County Board of Appeals Special Exception Case Number S-2820, approving the use of a veterinary hospital.
7. Prior to issuance of building permits, a landscape and lighting plan must be submitted for review and approval by M-NCPPC technical staff.
8. The record plat must show necessary easements.
9. The certified Preliminary Plan must contain the following note :

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks,

building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

10. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

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

Old Columbia Pike is designated in the Master Plan as a Primary Road, with an 80 foot right-of-way, two travel lanes, and a sidewalk. The Master Plan also specifically recommends a continuous off-road sidewalk/path along the east side of Old Columbia Pike across the Property, and to maintain the residential character of the road to the extent possible. The Applicant will construct a five-foot wide sidewalk across the Property frontage. The Preliminary Plan also leaves the existing one-family detached dwelling, constructing the new animal hospital building to the rear of the dwelling. This layout buffers the animal hospital from Old Columbia Pike and the one-family detached homes opposite the Subject Property, helping maintain that areas residential character.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

The Subject Property is located on Old Columbia Pike which is a Primary Road with a recommended right-of-way of 80 feet. The Subject Property has no dedication across its frontage because Old Columbia Pike was recently relocated as a result of construction of the ICC, and adequate frontage was acquired by MDSHA from the Property's owner during the reconstruction. The Applicant will

construct a five-foot sidewalk along the Property frontage as part of their Policy Area Mobility Review ("PAMR") requirement. The existing driveway location will serve as the Application's access point, with significant upgrades provided to accommodate Fire and Rescue vehicles and the increased vehicle trips.

The Traffic Statement submitted by the Applicant indicates that the Veterinary Hospital will generate 16 a.m. and 18 p.m. peak-hour trips. Because the Application does not generate 30 or more vehicle trips during the morning or evening peak-hours, it is not subject to the Local Area Transportation Review guidelines. The Property is located within the Fairland Policy Area under the PAMR guidelines, which is subject to a 45% trip mitigation requirement. The required PARM mitigation is 8 trips; this equates to a ~~\$94,770~~ \$93,600 lump sum payment, which needs to be made to MCDOT prior to issuance of the building permit.

The Property is in water and sewer categories W-1 and S-3. The existing house has a public water connection and a private septic system. There is an existing 12-inch water main paralleling Old Columbia Pike that will provide water service to the expanded uses in the Application, and an eight-inch sewer will be connected to both the Veterinary Hospital and the existing house. All utilities including telecommunications and electricity providers have adequate service available to the Property. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policies currently in effect.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

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

The Preliminary Plan was reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, and width. The Special Exception Case No. S-2820 granted relief from the minimum

setback requirements of a fenced outdoor dog walking area, therefore the buildings can meet the setbacks in that zone.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A Forest Conservation Plan Exemption (42011183E) was confirmed for the Subject Property by Planning staff on May 16, 2011 under 22A-5(s)(1) of the County Forest Conservation Law. The Exemption is for an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. The Application will not remove any forest or specimen trees.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.*

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

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 12 2012 (which is the date that this Resolution is mailed to all parties of record); and


BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution,~~this Resolution~~ consistent with

the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor of the motion, with Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, September 6, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
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