



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

MCPB
Item #
November 5, 2009

MEMORANDUM

DATE: October 25, 2009

TO: Montgomery County Board of Appeals

FROM: Renée M. Miller, AICP, Senior Planner *RM*
Development Review Division (301-495-4723)

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph D. Wilson, Zoning Supervisor *RDW*

SUBJECT: Special Exception Request (S-2752 Diamond Veterinary Hospital) for the continuation of a veterinary hospital

MASTER PLAN: Gaithersburg Vicinity Master Plan

FILING DATE: June 16, 2009

PLANNING BOARD: November 5, 2009

PUBLIC HEARING: November 16, 2009

STAFF RECOMMENDATION: Approve special exception application S-2752, for operation of a veterinary hospital, subject to the following conditions:

- (1) The special exception is limited to a maximum of six employees, consisting of two veterinarians and 4 support staff on-site at any one time;
- (2) Hours of operation are limited to 8:00 A.M – 6:00 P.M., Monday thru Saturday;
- (3) Per §59-G-2.32(b)(7) of the Montgomery County Zoning Ordinance, dogs must not be walked or exercised in outdoor areas that are off-site.
- (4) Per §59-G-2.32(b)(10) of the Montgomery County Zoning Ordinance, no animals may be boarded, except in instances for overnight medical purposes (§59-G-2.32(b)(14)), exercised, walked or kept in runs or similar areas;

- (5) Per § 59-G-2.32(b)(11) of the Montgomery County Zoning Ordinance, the applicant must keep a written log of all appointments, drop-ins and emergency client activities that make it available for inspection by the County; and
- (6) Per §59-G-2.32(b)(12) of the Montgomery County Zoning Ordinance, accessory operations, such as the sale of pet food and supplies, must not exceed 20% of revenue.
- (7) The applicant must restripe one of the provided parking spaces and post a sign for an accessible parking space.

I) APPLICATION SUMMARY

Site Size and Location: The site consists of a total of 3.0 acres. The site is located on the southwest corner of Marmary Road and Longdraft Road. (See Circle Page 1.)

Current Use and Zone: The site is in the RE-2 Zone. The property contains a single-family detached dwelling, which is being used as a veterinary clinic. The veterinary clinic operates as a registered home occupation.

Proposed Use: The applicant proposes to continue the current veterinary clinic, which provides routine examinations, treatments, and surgeries. No more than six employees will be on-site at any one time. Client visits are scheduled by appointment only, and hours of operation will be Monday through Saturday, 8:00 A.M. – 6:00 P.M.

Master Plan: The site is located in the Gaithersburg Vicinity Master Plan.

Applicant: Meredith A. Miklozek, DVM

II) BACKGROUND

The applicant, Meredith A. Miklozek, has operated a veterinary clinic at 17000 Longdraft Road for approximately 20 years. Dr. Miklozek purchased the property in 1987, and has operated the veterinary hospital since about that time as a registered home occupation.

However, Dr. Miklozek no longer lives in the residence, but she wishes to continue to operate the veterinary hospital on the property, so she has applied for a special exception. Services offered will include routine examinations, treatments, wormings, and surgeries, such as spays, neuters, dentistry and growth removals. The sale of pet food, medicine and supplies is anticipated, but will not exceed 20% of the gross receipts. The hours of operation will be Monday through Saturday 8:00 A.M. to 6:00 P.M. The

veterinary hospital will be staffed with no more than six employees (two veterinarians and four support staff) at any one time.

The applicant is not proposing any additions or alterations to the main dwelling, nor to the existing parking and driveway in order to accommodate the special exception request. The applicant applied for this special exception in order to expand the operational aspects of the veterinary services.

III) **SITE DESCRIPTION AND SURROUNDING AREA**

The site contains an existing single-family detached house and two accessory structures owned by the applicant. The site is generally flat; however, it slopes downward toward Marmary Road and contains many oak and evergreen trees. These trees are generally mature and are along the northern and western boundaries. (See Circle Pages 2-3.)

The surrounding area is generally defined by Longdraft Court to the north, a private drive to the west, Pavilion Drive to the east, and Great Seneca Highway to the south. (See Circle Page 4.) Properties within the surrounding area are mostly zoned RE-2 (Residential, one-family); however, a sliver of R-200 and R-90 (Residential, one-family) exists. Two special exceptions have been approved within the surrounding area. (See Circle Page 1.)

The property immediately to the north of the site is zoned RE-2 and is a single-family residential dwelling; however, Marmary Road separates this parcel from the subject site. The property immediately west operates under a home occupation special exception. South of the site is a single-family detached house and Great Seneca Highway. To the east of the site and across Longdraft Road is Seneca Creek Estates, a subdivision of single-family detached homes.

IV) **ANALYSIS**

A. Master Plan Compliance. The site is located within the 1999 Gaithersburg Vicinity Master Plan. The Master Plan does not specifically address the site other than for residential use, under the standards of the RE-2 zone. Community-Based Planning staff concludes that the proposed special exception is consistent with the Master Plan and would not adversely affect the surrounding community. (See Circle Pages 5-6.)

B. Transportation Review. There are no transportation impacts that would result from the proposed use. The site would generate less than 30 peak hour trips and less than 3 new peak hour trips; therefore the special exception application is not subject to either Local Area Transportation Review (LATR) or Policy Area Mobility Review

(PAMR). The existing vehicular access and pedestrian circulation system on the nearby road system would not be affected by the proposal. (See Circle Page 7.)

- C. Environmental Review.** The application has been reviewed by Environmental Planning staff to determine if it meets the requirements of Chapter 22A of the Montgomery County Code, the Environmental Guidelines, Noise Guidelines, and other related requirements. Environmental staff concluded that there are no environmental impacts associated with the application and that the applicant qualifies for a forest conservation plan exemption, since the proposed use will not result in the clearing of existing forest or trees. A tree save plan is not required because no existing trees will be affected by the proposed change. (See Circle Pages 8-9.)

D. REVIEW OF ARTICLE 59-G

1. §59-G-1.2.1. Standard for Evaluating.

The standard for evaluation under 59-G-1.21 requires consideration of the inherent and non-inherent effects of the proposed use at the proposed location. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects, alone, are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are the physical and operational effects not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent effects, are a sufficient basis to deny a special exception.

The inherent characteristics of the veterinary hospital include: (1) the daily arrival and departure of veterinary staff and intermittent entry and exit of customers; (2) noise and odors of animals; (3) deliveries of mail and small parcels; (4) specialty medical equipment needing servicing, mostly by technicians in regular vehicles; and (5) the transport of pets to and from the parking area into the veterinary hospital.

There are no non-inherent adverse effects that are likely to result from the activities associated with the application. The residential character of the dwelling will be retained. Staff finds that the size, scale, and scope of the proposed expansion are minimal and are not likely to result in any unacceptable noise, traffic, or environmental impacts.

2. §59-G-1.2.1 General Conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

Staff Analysis: A veterinary hospital is a permissible special exception in the RE-2 zone.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

Staff Analysis: The proposed use complies with the relevant provisions of §59-G-2.32, which are discussed in Section IV.D.3. of this report.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

Staff Analysis: The proposed veterinary hospital is consistent with the general plan and the land use objectives of the Gaithersburg Vicinity Master Plan.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. The Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.

Staff Analysis: The special exception will be in harmony with the neighborhood. There are no proposed exterior modifications to the existing structure, driveway and parking areas. The operation of the veterinary hospital as conditioned by staff would not have an adverse impact on the neighborhood.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff Analysis: The proposed veterinary clinic should not have a detrimental effect on the use, peaceful enjoyment, economic value, or development of the general neighborhood. All activities related to the proposed use will take place within the interior of the building.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff Analysis: The proposed veterinary clinic satisfies all relevant zoning standards and, as such, would not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site. There is no new lighting proposed and all activities related to the proposed use will be interior to the building.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

Staff Analysis: Two special exceptions have been previously approved within the defined neighborhood. The special exceptions include a home occupation and a landscape contractor. The addition of this special exception will not result in an excessive concentration of special exception uses and will not adversely affect the area or alter its residential character.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff Analysis: The operations and activities of the proposed veterinary hospital are typical of other similarly sized veterinary hospitals and would not adversely

affect the health, safety, security morals or general welfare of the residents, visitors or workers.

(9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

(A.) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.

(B.) If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Management Policy standards in effect when the application was submitted.

(C.) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

Staff Analysis: The special exception application will not require approval of a preliminary plan and, therefore, this application must be analyzed under subsection (B) above. The site is adequately served by public facilities and will continue to be adequately served under the growth management policies in effect when the application was filed. Vehicular safety will not be diminished, since only a minimal increase in traffic is expected and no visual obstructions from the driveway onto the street are apparent.

2. §59-G-1.23 General Development Standards (applicable subsections only)

(a) **Development Standards.** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.

Staff Analysis: This site is located in the RE-2 zone. A comparison of the proposed special exception with the development standards of the RE-2 is shown in Table 1 below. The application satisfies the development standards of the RE-2 zone. (See Circle Page 10.)

Table 1: Development Standards, RE-2 Zone.

Development Standards	Requirement	Provided
Minimum Tract Area (§59-C-1.321(a))	Not applicable	
Lot Area (§59-C-1.322(a))	87,120 sq. ft.	130,680 sq. ft.
Lot Width (§59-C-1.322(b)): @ Front of Bldg Line @ Street	150-feet 25-feet	435-feet 435-feet
Yard Requirements (main building): From Street (§59-C-1.323(a)) Corner lot From Adjoining Lot Side Yards (§59-G-2.37(b)(3)) Rear Yard (§59-C-1.323(b))	50-feet 20-feet 17-feet (one side) 35-feet (both sides) 35-feet	65-feet 175-feet 175-feet 405-feet 175-feet
Yard Requirements (accessory building)(§59-C-1.326(a)): An accessory building or structure must be located in a rear yard and must not occupy more than 20% of the rear yard Setback (minimum) from the street line from a rear lot line from a side lot line	20% 80-feet 10-feet 15-feet	<1% 145-feet 405-feet 185-feet
Building Height (maximum) (§59-C-1.237)	50-feet	<50-feet
Coverage (maximum net lot area) (§59-C-1.328)	25%	±2%

(b) **Parking Requirements.** Special Exceptions are subject to all relevant requirements of Article 59-E.

Staff Analysis: Parking and Loading facilities for a special exception use in a residential zone (§59-E-2.83) require each parking and loading facility, including each exit and entrance driveway, to be setback not less than the applicable building (or structure) front and rear yard setbacks and twice the building side yard setback of the zone. The application satisfies the setback requirement of §59-E-2.83.

Under §59-G-2.32(b)(9)), no less than five parking spaces are required for a veterinary Hospital special exception. The applicant is providing 10 parking spaces, which is ample given the number of employees on the maximum shift, the number of doctors practicing simultaneously, and the number of appointments and deliveries. The parking area is well screened with many white pines; however, in addition to the existing trees, the applicant is including an

additional 9 white pines to the front and 19 white pines, to the rear of the parking area. (See Circle Page 11.)

(c) **Minimum Frontage.** In the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of Section 59-G-1.21:

- (1) Rifle, pistol and skeet-shooting range, outdoor;
- (2) Sand, gravel, or clay pits, rock or stone quarries;
- (3) Sawmill;
- (4) Cemetery, animal;
- (5) Public utility buildings and public utility structures, including radio and TV broadcasting stations and telecommunication facilities;
- (6) Equestrian facility;
- (7) Heliport and helistop.

Staff Analysis: Not applicable. The application satisfies the minimum frontage requirements of the RE-2 zone.

(d) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

Staff Analysis: This property has received an exemption from the requirements of Chapter 22A Montgomery County Forest Conservation Law. (See Circle Page 7.)

(e) **Water quality plan.** Not applicable.

(f) **Signs.** The display of a sign must comply with Article 59-F.

Staff Analysis: No new signage is proposed with this special exception request. A sign permit, S-12142, has been issued for the existing sign.

(g) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

Staff Analysis: The applicant is not proposing to reconstruct or alter the existing single-family house or accessory buildings in order to accommodate this request. The structure's scale, bulk and materials currently have and will maintain a residential appearance. Therefore, the proposed veterinary hospital building is compatible in this setting. (See Circle Pages 2-3.)

(h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

- (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.
- (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.

Staff Analysis: The applicant is not proposing additional outdoor lighting for this special exception request. Currently, the main entrance is lit with one, 150-watt metal halide lighting fixture ceiling-mounted on the overhang above the main entrance. The light emitted from the fixture is not anticipated to spillover onto the adjacent property, given that the fixture is located approximately 230-feet from the side and over 180 feet from the rear property line. Existing pine trees along the front property line prevent any light from spilling over onto the street.

3. Section 59-G-2.32. Hospital, veterinary.

(a) In any commercial, central business district or transit station zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:

- (1) There must be no runs, exercise yards, or other facilities for the keeping of animals in any exterior space;
- (2) All areas for the keeping of animals must be soundproofed.

Staff Analysis: The proposed application is not located in the central business district or transit station zone and, therefore, this requirement is not applicable to this application request.

(b) In any residential or rural zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:

- (1) In the R-150, R-90 and R-60 zone, the maximum lot size is one-half acre. In the R-60 zone, a veterinary hospital must be located along a major highway with an existing right-of-way width of no less than 90-feet and adjacent to or confronting a central business district or a property zoned for commercial use.

Staff Analysis: The proposed application is not located in the in the R-150, R-90 or R-60 zones and therefore, this requirement is not applicable to this application request.

- (2) Exterior areas used to exercise, walk or keep animals must be setback from any property line 200-feet and screened from adjacent residential properties. All exterior exercise areas and runs must be fenced for the safe confinement of animals.

Staff Analysis: No exterior areas are proposed to be used for exercising, walking or keeping of animals.

- (3) For all buildings in which animals will be present, maximum expected interior sound levels must be reduced to 40 dBA ((A-weighted decibels) outside, measured at ten feet from the structure.

Staff Analysis: The applicant has submitted an acoustical engineering study and the information provided indicates that the proposal is in compliance with the above standard.

- (4) All buildings and accessory structures must be setback from any property line a minimum of 50-feet.

Staff Analysis: All existing buildings and accessory structures are setback from the properties lines a minimum of 74-feet. See Table 1 above for further information regarding setbacks.

- (5) No animal may be outdoors between 6:00 P.M. and 8:00 A.M.

Staff Analysis: The hours of operation for the veterinary hospital will be 8:00 A.M. to 6:00 P.M. All activities relating to this request are to be indoors; therefore, the applicant complies with this standard.

- (6) On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8:00 A.M. to 6:00 P.M. and 50 dBA between the hours of 6:00 P.M. to 8:00 A.M. On Saturdays, Sundays and federal holidays, the sound at the nearest receiving property line must

not exceed 60 dBA between the hours of 9:00 A.M. to 6:00 P.M. and 50 dBA between 6:00 P.M. and 9:00 A.M. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.

Staff Analysis: The applicant has submitted an acoustical engineering study and the information provided indicates that the proposal is in compliance with the above standard.

(7) Dogs must not be walked or exercised in outdoor areas that are off-site.

Staff Analysis: The approval of this special exception request is conditioned upon the applicant complying with this requirement.

(8) In addition to the submittal requirements in §59-A-4.22, that applicant must submit the following information. Applications submitted without this information are incomplete and will not be accepted and assigned a case.

- i. Acoustical engineering studies that demonstrate that the proposed use meets the standards in §59-G-2.02(b)(3) and (6) above. The studies must show the worst scenario sound level. The statement of operations must be sufficiently detailed to allow determination of how often the worst scenario sound level occurs.
- ii. Detailed floor plans that show all the interior areas and their use designations;
- iii. Site plans that show the layout of all exterior areas used to exercise, walk or keep animals.

Staff Analysis: The applicant has submitted an acoustical engineering study and the information provided indicates that the proposal is in compliance with the above standard. Additionally, the applicant has provided detailed floor plans, including use designations. No outdoor areas are to be used to exercise, walk or keep animals and the site plan provided shows no area to be designated for such an activity.

(9) The Board must specify a minimum number of off-street parking spaces, taking into consideration the number of employees on the maximum shift, the number of doctors practicing simultaneously, and the number of appointments and deliveries.

Staff Analysis: Under §59-G-2.32(b)(9)), no less than five parking spaces are required for a veterinary Hospital special exception. The applicant is providing 10 parking spaces, which is ample given the size of operation and the maximum number of employees on-site. The applicant must provide a minimum of one handicapped parking space, which is recommended as a condition of approval.

- (10) The Board may regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked or kept.

Staff Analysis: The applicant is not requesting to board animals, except for overnight hospital stays when necessary, nor does the special exception include exercise or run areas; therefore, this standard is not applicable.

- (11) The Board may regulate the office hours and the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick-up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling: abuse of this exemption may lead to revocation of the special exception. A written log of all appointments, drop-in and emergency client activities must be kept to be available for inspection by County authorities.

Staff Analysis: Staff supports the office hours proposed by the applicant. A veterinary hospital is permitted to have non-scheduled emergency visits and customers may pick up prescriptions and pet-related items, but only during office hours. The applicant is required under his special exception to keep a written log of all appointments and drop-in and emergency client activities that can be available for inspection by County authorities.

- (12) Any accessory operation, such as grooming or the sale of pet food and supplies must be set forth in the statement of operations and must be limited as an accessory activity to a percentage of sales, not to exceed 20%.

Staff Analysis: The applicant is proposing that no more than 20% of receipts be from the sale of pet food medicine and supplies. This is recommended as a condition of approval.

- (13) All litter and animal waste must be contained and controlled on the site.

Staff Analysis: The applicant has stated that all animal disposal, including waste products and surgically removed products, will be properly disposed through an agreement with two pet services.

- (14) Animals may be kept overnight at the hospital only for medical purposes. If animals are kept for non-medical purposes, a separate application for an animal boarding place must be approved.

Staff Analysis: The approval of this special exception is conditioned upon the applicant complying with this requirement.

- (15) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect.

Staff Analysis: This site is served by public water and sanitary sewer and, therefore, this requirement is not applicable to this application.

- (c) Any veterinary hospital lawfully existing prior to the effective date of this ordinance is a conforming use, and may be extended, enlarged or modified by special exception, subject to the provisions set forth in this section.

Staff Analysis: Not applicable, since this is not a pre-existing veterinary hospital special exception.

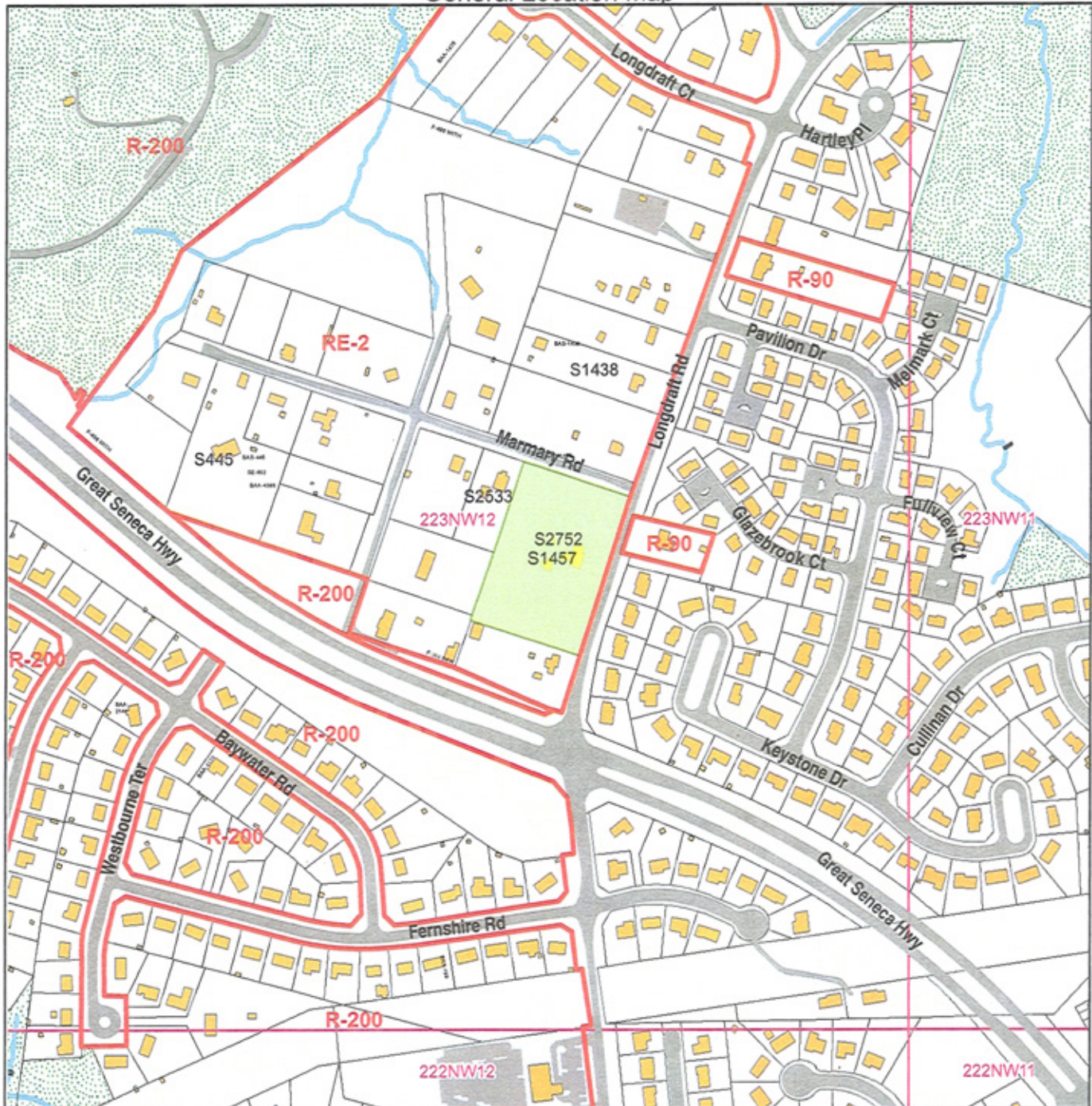
F. CONCLUSION

Based on review of the application and all information of record, staff concludes that the application, with the conditions recommended by staff, satisfies all relevant standards for grant of a veterinary hospital special exception. For these reasons, staff recommends that application S-2752 for a veterinary hospital special exception at 17000 Longdraft Road, Gaithersburg, MD, be approved, with conditions.

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ATTACHMENT 1

General Location Map



LEGEND

- Proposed Special Exception
- Parcel
- Building
- Paved Area
- Lake and Pond
- Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 400 feet

Address: 17000 Logdraft Rd, Gaithersburg

Key Map

NTS



1

ATTACHMENT 2



Figure 1: Existing Structure



Figure 2: View from Marmary Lane



Figure 3: Rear of Property (view from driveway)



Figure 4: View of SE property line



Figure 5: Looking SW along Longdraft Rd (from across Longdraft Rd, towards special exception site)



Figure 6: Parking Area



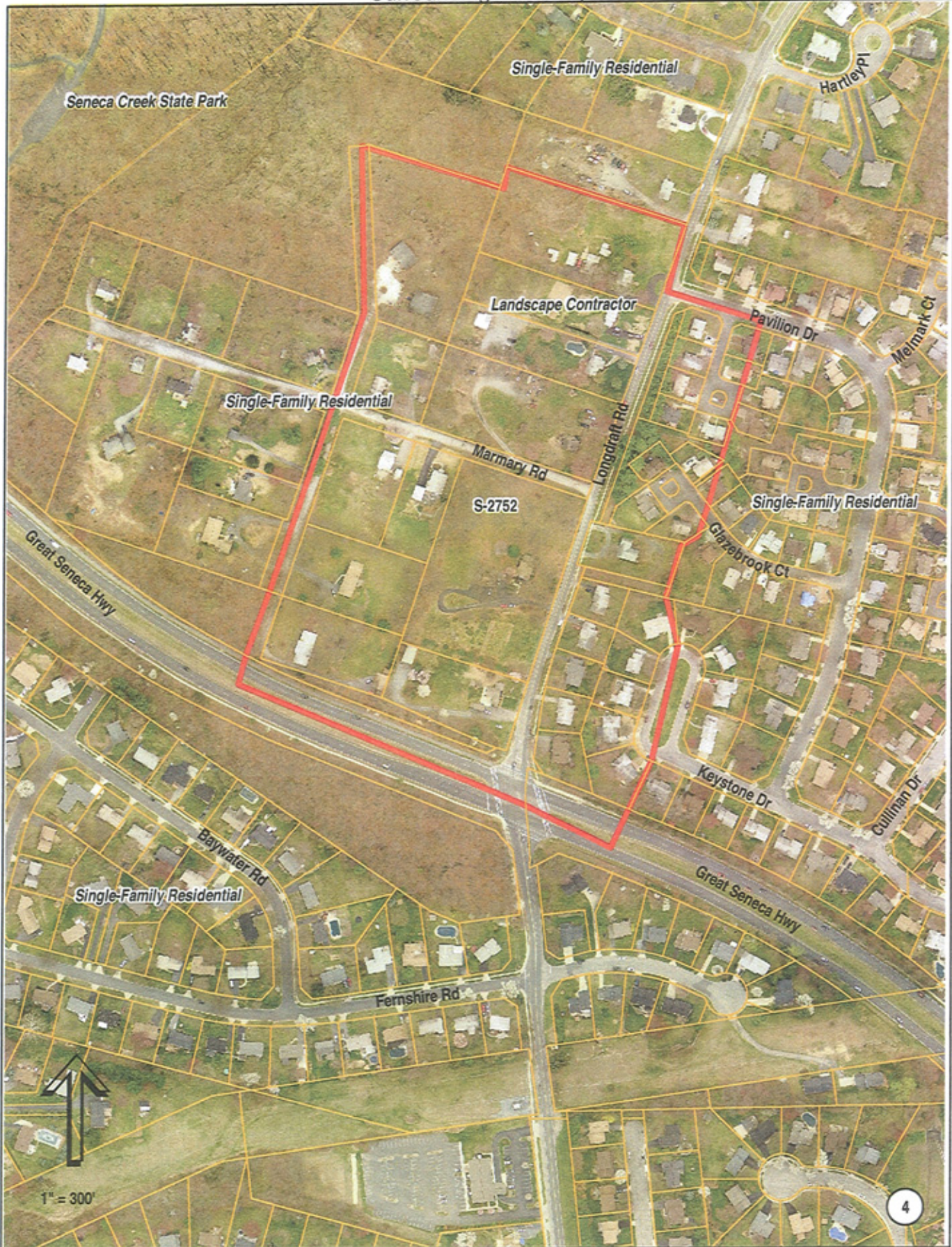
Figure 7: Looking NE of site from driveway edge (Longdraft Rd)



Figure 8: Front of building

ATTACHMENT 3

Surrounding Area Map



ATTACHMENT 4

Diamond Veterinary Hospital, Gaithersburg

17000 Longdraft Road

Special Exception to continue operations

County BOA Case S-2752

SEP 21 2009

Comments for Development Review - Zoning Team

Vision/ CBP Division Comments

R. Cashion Sept. 18, 2009 (Final)

Vision/ CBP:

Review comments are based upon information provided in the Applicant's June 16, 2009 Special Exception petition and exhibits.

Master Plan

1. The application is consistent with the Approved and Adopted Gaithersburg Vicinity Master Plan (as amended 1988 and 1999). The site is located within the Smokey Glen Area of the master plan and in the designated RE-2 section west of Longdraft Road (pages 50 - 53, and Figure 17 pg. 51).
2. For the area including and surrounding the site the master plan recommended changing the R-200 zoning to 2 acre lots as currently designated with the RE-2 category.
3. While the master plan states a preference for cluster development under RE-2C for the area, the plan (text page 50) addresses the difficulty of cluster development requiring assembly of large single family lots.
4. The master plan places emphasis upon protection of the mature trees in the site area. The approved: Natural Resource Inventory/ Forest Stand Delineation (NRI/FSD) and the Forest Conservation Plan exemption for the site demonstrate the application's compliance with this master plan provision (refer to Environmental Planning August 13, 2009 memorandum). As stated in the Environmental Planning memorandum the application received a forest conservation plan exemption since no clearing of existing trees will be required for the use in the existing structure. Retention of the existing significant tree stand on the site is documented with the applicant's approved Site Plan (April 20, 2009) for Forest Stand delineation.

Zoning

A veterinary hospital use is a permitted special exception use in the RE-2 zone.

Site Plans

Approval of the Special Exception petition as proposed should be conditioned upon consistency with the Applicant's June 16, 2009 Petition and Exhibits including but not limited to:

1. The functions and operational aspects of the continued veterinary use including the limits of:
 - Sales of pet food, medicine and supplies to no more than 20% of gross sales

- Hours of operation - Monday through Saturday, 8:00am to 6:00pm; and no more than six staff including 2 veterinarians at any one time
 - Client visits scheduled by appointment
 - No exterior illumination
 - 11 on-site parking spaces
 - No outdoor runs, exercise areas or other exterior areas for keeping animals; and no animals outside between 6pm and 8am
 - No animal boarding, with animals kept overnight only for medical purposes.
2. The approved NRI/FSD and the application Site Plans dated April 20, 2009 (NRI/FSD) and July 9, 2009 (Site Plan showing setbacks of the existing structures).



ATTACHMENT 5

MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 22, 2009

MEMORANDUM

TO: Renee Miller
Development Review Division

FROM: Ki H. Kim, Planner-Coordinator
Transportation Planning Division *KKH*

SUBJECT: Animal Veterinary Hospital, Gaithersburg
Special Exception Case Number: S-2752

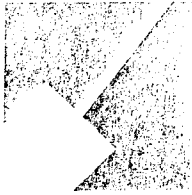
SEP 22 2009

This memorandum represents Transportation Planning staff's review and recommendation on the subject special exception application of the Diamond Veterinary Hospital located at 17000 Longdraft Road in the Gaithersburg area.

Transportation Planning staff has reviewed the existing veterinary hospital facility's proposal to restrict the use to a total of six (6) staff members and four (4) client visits per hour finds that the proposed use would not have an adverse effect on the nearby road system. The site is located off Longdraft Road which was built as an arterial residential street with 80-foot-wide right-of-way and 20-foot-wide pavement width. The existing vehicular access point and pedestrian circulation system on the nearby road system would not be affected by the proposal. The site would generate less than 30 peak-hour trips (and less than 3 new peak-hour) with granting the subject special exception application. Therefore, the subject special exception application is not subject to the Local Area Transportation Review (LATR) or the Policy Area Mobility Review (PAMR).

KK:tc

ATTACHMENT 6



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

MEMORANDUM

TO: Renee Miller, Development Review

VIA: Stephen D. Federline, Supervisor, Environmental Planning *SA*

FROM: Doug Johnsen, RLA; Planner Coordinator, Environmental Planning *dj*

DATE: August 13, 2009

SUBJECT: Special Exception Case S-2752
17000 Longdraft Road, Gaithersburg

RECOMMENDATION

Environmental Planning recommends approval of Special Exception Case # S-2752.

BACKGROUND

The 3.0-acre property, currently zoned RE-2, is located at 17000 Longdraft Road, approximately 250-feet north of the intersection of Longdraft Road and Great Seneca Highway. Currently, there is an existing veterinary hospital on the property and the applicant is seeking a special exception to convert what was previously a home occupation into a veterinary clinic. The request will require no new construction or land clearing operations.

Special Exception Required Findings

Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance reads as follows:

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff finds that the uses on the site, as explained in the "Petition for Special Exception" submitted with the application, would not likely cause objectionable vibrations, fumes, orders, dust, illumination, glare, or physical activity.

In regards to potential noise impacts, an acoustical study was performed at the site on May 13, 2009 by Polysonics, Inc. The study was done between the hours of 4:30 pm and

5:30 pm when the veterinary hospital was accepting patients. The veterinary hospital only accepts patients during the hours of 9:00 am to 6:00 pm on weekdays and does not house animals overnight. The measurements were taken from two locations; one was ten feet from the building façade facing Longdraft Road and the other was at the property line fronting Longdraft Road. Sound levels measured at ten feet from the building were 56 dBA due primarily to background traffic noise from Great Seneca Highway and Longdraft Road. Sound levels measured at the property line were 68 dBA once again primarily due to traffic noise. During the acoustical study between the times of 5:10 pm and 5:15 pm the veterinary staff reported that a dog was barking within the hospital. Polysonics, Inc. did not record or observe any audible noise from the animal at the exterior of the hospital or at ten feet from the building façade. Given these observations Polysonics, Inc. believes the interior sound levels at the animal hospital are expected to be reduced to 40 dBA or less measured ten feet from the building and that the sound levels measured at the closest property line are not expected to exceed 60 dBA. Based on this information, the proposal can be found to be in compliance with this required finding.

Environmental Buffers

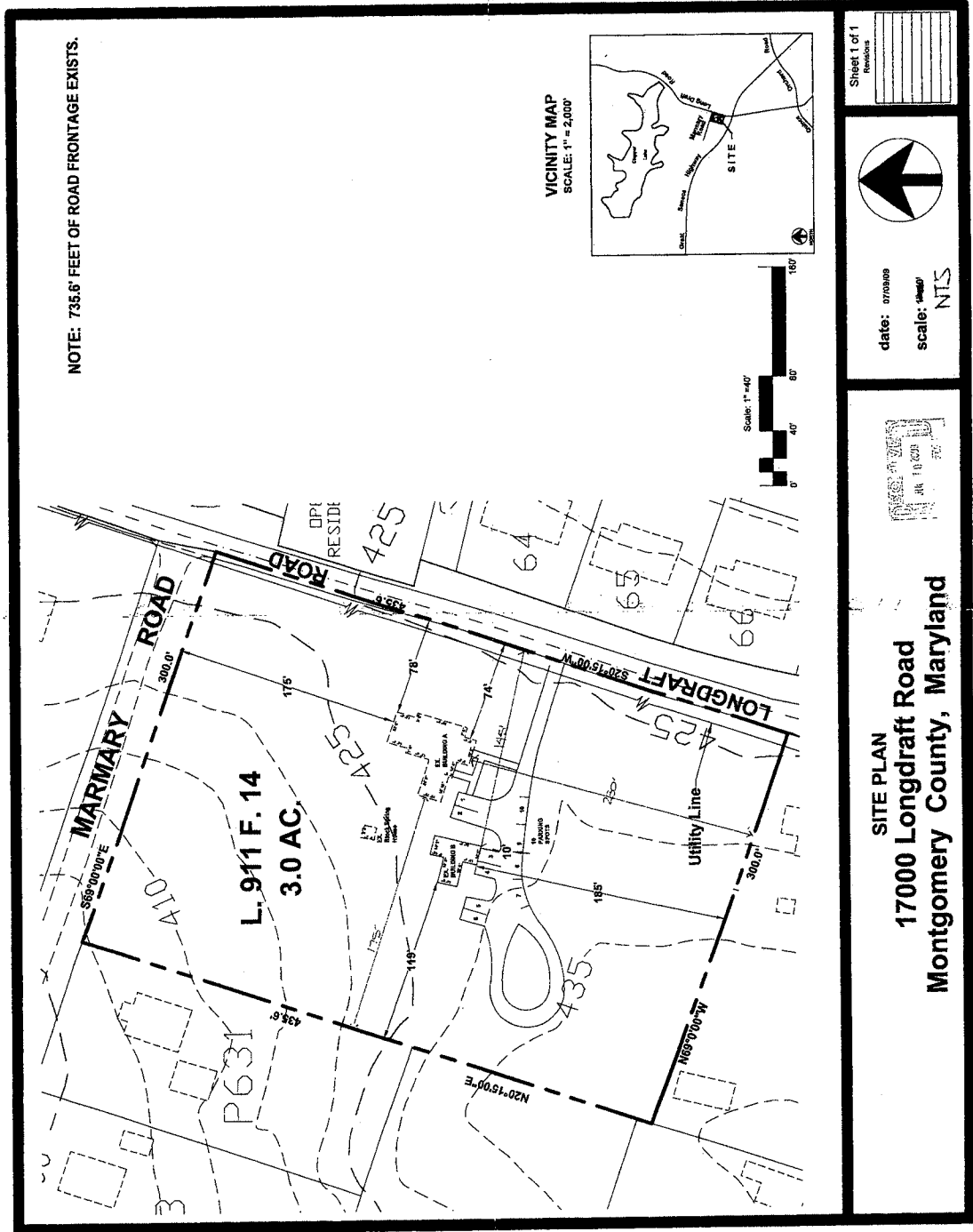
A simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 42009188E was approved by Environmental Planning staff on April 29, 2009. There are no existing forests, streams, wetlands or floodplains on the site.

The project site is located within the Great Seneca Creek watershed which is classified as a Use Class I. The Great Seneca Creek watershed is listed as being in a good to fair condition as reported on the Montgomery County Department of the Environment website.

Forest Conservation

A forest conservation plan exemption (42009188E) was confirmed for this site by Environmental Planning staff on April 29, 2009 under 22A-5(q)(1) in which the application is for an existing structure and the proposed use will not result in the clearing of existing forest or trees. There are forty-three specimen trees on-site and seven specimen trees adjacent to or slightly off-site. No tree save plan is required because no existing trees will be affected by the proposed change to this project site.

ATTACHMENT 7



ATTACHMENT 8

MARMARY ROAD

S 69° 00' 00" E 300.00'

LIBER 911 FOLIO 14

N 20° 15' 00" E 435.6'

6' White Pines, 10' o.c.

EX SHED

EX BUILDING

EX BLDG

S 20° 15' 00" W 435.6'

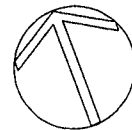
LONGDRAFT ROAD

Existing Tree Canopy

6' White Pines, 10' o.c.

Existing White Pines

N 69° 00' 00" W 300.00'



CORNERSTONE LANDSCAPING, LTD.
2700 Sam's Creek Road
New Windsor, Maryland 21776

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SCALE: 1" = 40'
DESIGNER: PB
DATE: 6-9-09

17000 Longdraft Road
Gaithersburg, MD