



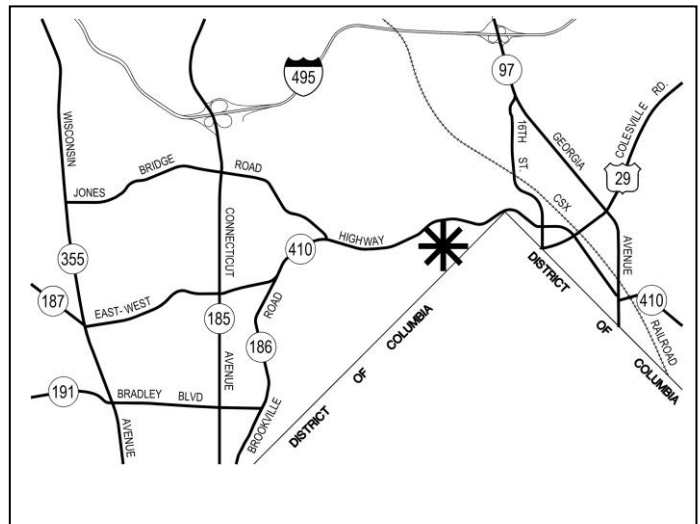
Family Pet Veterinary Practice, Special Exception S-2874

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Staff Report Date: 8/29/14

Description

- Request for a veterinary hospital
- Address: 8313 Grub Road, in the Rock Creek Center
- Zone: C-1
- Master Plan: North and West Silver Spring(2000)
- Size: 2.69 acres
- Applicant: Dr. Nathan Wehrli, DMV
- Public Hearing is scheduled for 9/23/14 at the Hearing Examiner’s Office.



Summary

Staff recommends **Approval** of Special Exception S-2874, for a veterinary hospital subject to the conditions contained on page 2 of this report.

The applicant is proposing to operate a veterinary hospital of approximately 3,701 square feet within an existing and established shopping center known as the Rock Creek Center, which is a neighborhood serving commercial center in Silver Spring.

RECOMMENDATION

Staff recommends approval of Special Exception S-2874, subject to the following conditions:

1. Hours of operation are limited to Monday through Friday, 8:00 a.m. to 7:00 p.m., and Saturday, 8:00 a.m. to 1:00 p.m.
2. The special exception is limited to a maximum of seven employees, consisting of two veterinarians, three veterinary technicians, one pet groomer and one receptionist/administrative aide on-site at any one time.
3. Patient appointments are limited to a maximum of eight patients during any one-hour period.
4. The applicant must keep a written log of all appointments, drop-ins and emergency client activities and make it available for inspection by the County.
5. No animals may be walked or exercised in outdoor areas that are beyond the limits of the shopping center.
6. No animals may be boarded overnight.
7. The animal relief area must be sited in the designated parking space as shown on the submitted Site Plan dated May 5, 2014.
8. The applicant must install a hose spigot near the relief area and clean and maintain this area daily.
9. The applicant must install a pet waste bag dispenser with appropriate signage adjacent to the relief area.
10. The parking space between the animal relief area and the two rear loading spaces shall be designated for parking by veterinary staff only
11. Prior to the Hearing Examiner's public hearing, the applicant must add the following note to the special exception site plan:

The relief area will be made of artificial turf, known as ProGreen K9, Deluxe 60, (or a similar artificial turf grass material). The existing asphalt within the relief area will be demolished and replaced with a raised curb-like edging (made of landscape timbers, blocks, etc.). The soil within the relief area will be mixed with additional topsoil as needed. Permeable aggregate fill will be imported and placed to create the final grade. The aggregate fill will interface with the underlying amended soil allowing infiltration from the surface. A permeable overlay of artificial turf grass will be installed to surface the relief area. The final details and approval of the relief area will be coordinated through Department of Permitting Services (Division of Zoning and Site Plan Enforcement) prior to issuance of a use and occupancy permit for the veterinary clinic

Site Description

The Rock Creek Center is located at the northern quadrant of the intersection of Grubb Road and Washington Avenue. This Center is zoned C-1 and contains approximately 2.61 acres of land. It consists of a one-story commercial building that contains various neighborhood-serving retail uses. The applicant proposes to lease approximately 3,702 square feet of retail space in this center. Access to the Center is provided by one curb cut on Grubb Road along the western property line and three access points on Washington Avenue along the southern property line. Two surface parking lots, one located at the front of the site and one at the rear of the site, serve shopping center patrons with a total of 168 parking spaces.

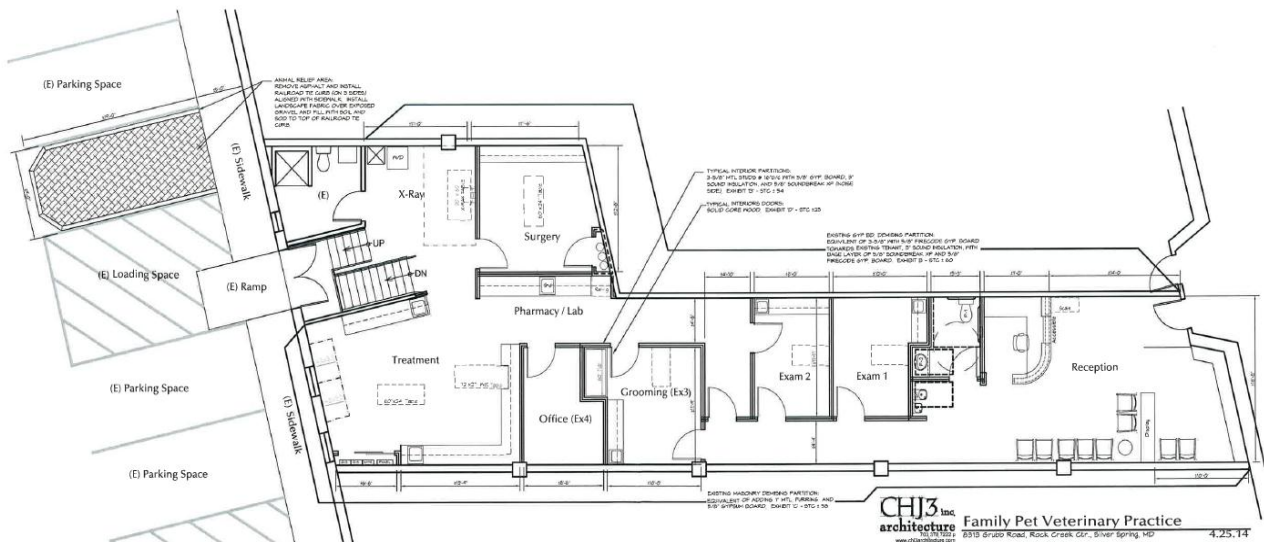


Rock Creek Center (proposed use highlighted in yellow)

Project Description

The applicant, Dr. Nathan Wehril, is requesting a special exception for a veterinary hospital use to be located at 8313 Grub Road in the Rock Creek Center Shopping Center, Silver Spring. The applicant proposes to lease approximately 3,702 square feet for a Family Pet Veterinary Practice that will offer veterinary services primarily to companion animals, dogs and cats, but also to small mammals and reptiles. The practice will provide surgery, dental procedures, x-ray examinations, and limited in-house blood testing. Pet grooming services will also be offered on site. Seven employees are associated with this use consisting of two veterinarians, three veterinary technicians, one pet groomer and one receptionist.

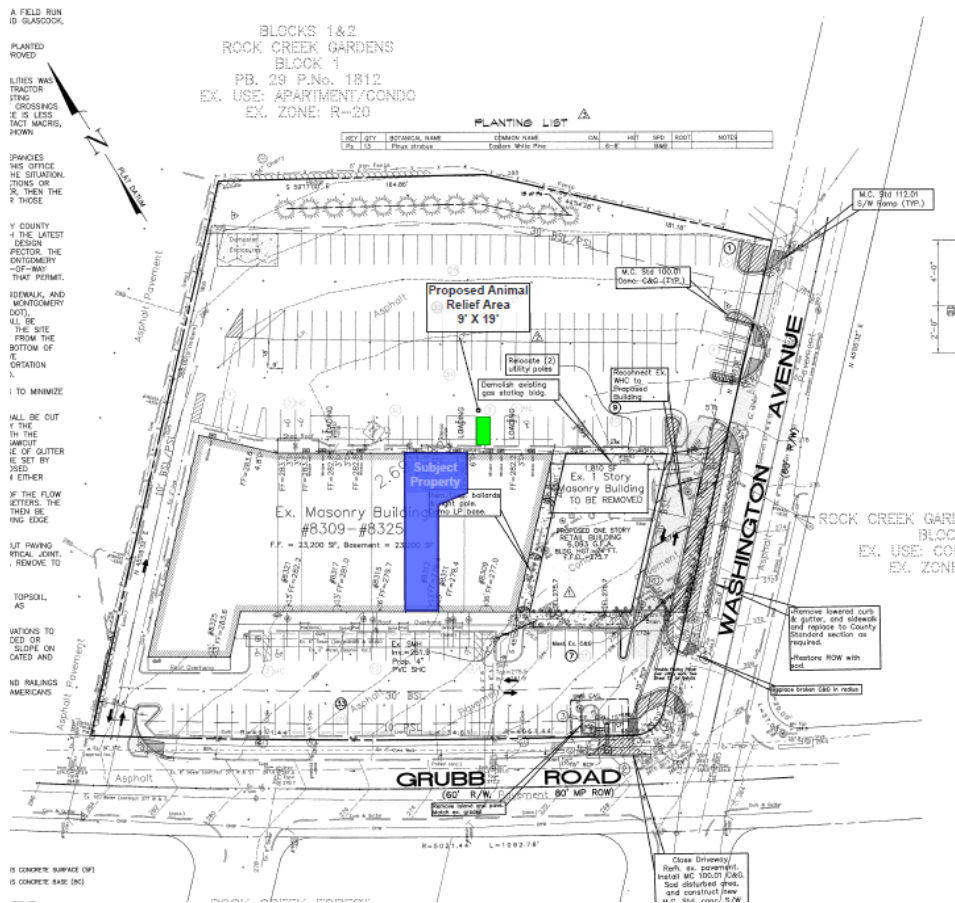
The hours of operation will be Monday through Friday, 8:00 a.m. to 7:00 p.m., and Saturday, 8:00 a.m. to 1:00 p.m. Patient appointments are limited to a maximum of 8 patients an hour. A pharmacy will be located within the proposed space and will dispense medications for patients only and will not be open to the general public. Additionally, the applicant intends to sell animal products such as medical supplements, parasite preventions measures, dietary products, dental home care products, medicated shampoos, ear cleaning solutions, and specialized collars. The amount of square footage devoted to the sale of these products is approximately 10–20 square feet.



Internal Layout of Proposed Use

There will be no boarding of animals overnight. There will be no exterior runs or exercises yards associated with this use. There will be a relief area immediately outside the rear door of the animal hospital where the dogs can relieve themselves. This relief area will be 19 feet by 9 foot, (171 square feet) and will fit into an existing parking space that is located at the rear of the proposed use. The relief area will be made of artificial turf, known as ProGreen K9, Deluxe 60, (or similar) which has been manufactured for animal use. This turf can withstand the rigors of dogs scratching and has an odor control element. The turf is characterized by rapid flow pattern for increased drainage and has a rainfall capacity of up to 118.3 inches per minute per square yard. Construction of the relief area will require the loss of one parking space from the shopping Center's rear surface parking lot. It is anticipated that a technician will walk a dog to the relief area prior to or after a procedure. The technician will then clean and dispose of any animal waste products in the relief area. The applicant is proposing to clean and maintain this relief area daily.

The center's trash dumpsters are emptied daily and will be utilized to dispose of any non-medical trash associated with the proposed use. Medical waste will be placed in biohazard containers, which will be kept within the proposed veterinary use. A licensed waste disposal company will provide this service for the veterinary hospital via the rear door. In the event of a deceased animal, the animal will be placed in a cadaver bag and placed in a specialized freezer in the facility. Pet owners will have the option of collecting the remains or a pet cremation service will pick up the remains as necessary. Animal remains are typically picked up once a week by the cremation service. Another service is available where containerized ashes of a pet can be returned to the pet owners.



Proposed Site Plan

Neighborhood Description

The neighborhood in which the subject property is located is defined by East- West Highway (MD 410) to the north and east the District of Columbia line to the south, and Ellington Drive to the west. The abutting properties to the north and east are developed with 3 three-story multi-family garden-style residential units known as Rock Creek Gardens, and are zoned R-20 (multiple family medium-density residential). Beyond the R-20-zoned and developed properties, the northeast corner of Washington Avenue and MD 410 is zoned R-10 (multiple family high-density residential) and developed with a high-rise residential complex.

West of the shopping center and across Grubb Road the properties are zoned R-60 (one-family residential) and developed with one-family detached residential units and the Rock Creek Forest Elementary School. A special exception (S-1926) was approved for elderly housing on 2/4/81 at the northwest corner of the intersection of MD 410 and Washington Avenue.

Master Plan

The subject use is located in the Rock Creek Shopping Center which is zoned C-1 (convenience commercial). The Rock Creek Shopping Center is defined within the North and West Silver Spring Master Plan (2000) as a small neighborhood serving commercial center that provides convenience retail. The Plan recognizes that this is an attractive center providing retail uses commonly desired within the County. The Plan notes that the center is aging and may have challenges attracting appropriate tenants but notes its many benefits, including its walkability and ample parking.” As such, it specifically states that “its function as a community focal point – a gathering place for neighborhood eating and shopping--should be enhanced”. The Plan supports “the use of the Rock Creek Center as a neighborhood-oriented retail facility.”

The applicant is proposing a veterinary practice which is a permitted special exception use in the C-1 zone and is not expressly restricted by the Master Plan. The Master Plan makes no other land use or zoning comments regarding the Rock Creek Center. The proposed use is in line with the overall North and West Silver Spring Master Plan theme of neighborhood-serving uses. The proposed use is an acceptable use in this retail center.

Transportation

The site is located within the existing Rock Creek Shopping Center, which has vehicular access via one curb cut on Grubb Road and three curb cuts on Washington Avenue. Grubb Road (A-60) is an arterial road with a pavement width of 36-feet and one travel lane in each direction along the site’s frontage. Washington Avenue is a 36-foot wide primary residential street.

There are 168 parking spaces provided in two on-site surface parking lots. One parking lot is located in front of the shopping center along Washington Avenue and contains 56 spaces. The rear parking lot contains 112 spaces and is located behind the shopping center. Although on-street parking is prohibited along Grubb Road, there are approximately six additional public on-street parking spaces available along Washington Avenue adjacent to the shopping center. The subject special exception application does not propose any modifications to the existing vehicular access points. However, one (1) parking space in the rear parking lot will be removed to accommodate the proposed animal relief area (discussed in further detail below). No adverse impacts will result from the proposed veterinary hospital.

Originally, the applicant proposed to provide an animal relief area beyond the existing rear parking lot within the landscaping area which separates the shopping center from the abutting multi-family residential uses. As proposed, the relief area location would have increased the potential for pedestrian-vehicle conflict in the rear parking lot. It would have also required removing at least three parking spaces to provide a direct and accessible pedestrian route between the proposed veterinary hospital and the relief area. In the revised plan, the proposed animal relief area is located immediately outside the rear door of the proposed use and will utilize one existing parking space. This location eliminates the need to routinely cross the entire width of the parking lot with animals and it limits any potential impacts associated with the relief area on the adjacent multi-family residential properties.

Pedestrian and Transit Service

The site frontages on Grubb Road and Washington Avenue both have existing variable-width sidewalks and grass buffers (measuring four to five feet and one to three feet, respectively). These sidewalks are part of a continuous sidewalk connecting the shopping center with the immediate vicinity and to MD 410 which is located approximately 1,000 feet north of the site. Transit service is available from a bus stop along the site's frontage on Grubb Road and at the Grubb Road/ MD 410 intersection. Specific transit routes within walking distance to the site include:

1. Metrobus routes: J1, J2, J3, and J4; and
2. Ride-On routes: 1 and 11

Master-Planned Roads and Bikeways

The Approved and Adopted 2000 North and West Silver Spring Master Plan and 2005 Countywide Bikeway Functional Master Plan make the following recommendations:

1. Grubb Road is designated as Arterial Street A-60, with an 80-foot-wide right-of-way, between the District of Columbia and Lyttonsville Road. There are no specific bikeway recommendations for Grubb Road.
2. MD 410 is designated as Major Highway M-20, with a 120-foot-wide right-of-way between 16th Street and Rock Creek Park, with a Shared Use Path (SP-9), a master planned bikeway, recommended along the north side.

Local Area Transportation Review (LATR)

The proposed hours of operation (Monday through Friday 8:00 AM – 7:00 PM; Saturday 8:00 AM – 1:00 PM) include site-generated trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The proposed use generates fewer than 30 peak-hour trips and would have no adverse impact on the transportation network.

The applicant is not required to submit a full LATR traffic study, because the proposed use will generate fewer than 30 vehicular trips. As a result of this exemption, the applicant submitted a traffic statement. Based on the LATR trip-generation rate, the proposed use would generate 14 new morning peak-hour trips and six fewer evening peak-hour trips when compared to an existing general retail use (Table 1). As a result of the minimal increase in site-generated traffic during the morning peak-hour period, the traffic generated by the proposed special exception use would not adversely impact the existing traffic conditions.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED VETERINARY HOSPITAL**

	AM Peak Hour (total)	PM Peak Hour (total)
3,702 SF Veterinary Hospital ¹	20	20
3,702 SF Ex. General Retail	6	26
Net Increase/ Decrease	+14	-6

¹ (8) 15 minute veterinarian appointments per hour = 16 trips (8 in/ 8 out), and (2) 30 minute grooming appointments per hour = 4 trips (2 in/2 out) = a maximum of 20 peak-hour trips

Transportation Policy Area Review (TPAR)

New developments within the Silver Spring-Takoma Park Policy Area must satisfy the TPAR test by making a one-time payment equal to 25% of the general district impact tax. The proposed special exception use, however, is not subject to this TPAR payment because it will not increase the building square footage. As a result, the proposed development satisfies Adequate Public Facility (APF) requirements and does not necessitate further transportation analysis.

Environment

Forest Conservation

The proposed special exception application is located on a property that is 40,000 square feet or greater in size and therefore the forest conservation law is applicable under Sec 22A-4 (a) which states:

"... a person required by law to obtain special exception approval or a sediment control permit on a tract of land 40,000 square feet or larger..."

Nonetheless, the subject project qualifies for an exemption from submitting a forest conservation plan under Section 22A-5(q)(1) that applies to a special exception applications if:

(1) the application is for an existing structure and the proposed use will not result in clearing of existing forest or trees;

The requirements of the forest conservation exemption, as described above, have been met, and the *Forest Conservation Law Applicability for Special Exceptions* application form that formalizes the exemption was approved by staff on November 26, 2013. (Attachment B)

Animal Relief Area

The subject application shows a small artificial turf pad located immediately behind the proposed use to allow dogs and other animal patients to relieve themselves. This area will occupy the footprint of one existing parking space (measuring approximately 19 feet by 9 feet, or 171 square feet), located immediately behind the rear door of the proposed use.

Initially, the proposed relief area was planned with natural turf grass. Since the relief areas' location is on the north side of the building, there was concern that the grass would be excessively shaded and not perform adequately. To that end, the applicant has proposed a permeable overlay of artificial turf grass.

The existing asphalt within the relief area will be demolished and a raised curb-like edging (made of landscape timbers, blocks, etc.) will be added. The soil within the pad will be mixed with additional topsoil as needed. Permeable aggregate fill will be imported and placed to create the final grade. The aggregate fill will interface with the underlying amended soil allowing infiltration from the surface. A permeable overlay of artificial turf grass will be installed to surface the relief area. There are number of manufacturers of artificial turf grass for dogs that provide a wide variety of realistic products.

A condition of approval is recommended that the applicant install a hose spigot near the relief area for regular daily cleaning and maintenance of the area. Although the veterinary staff will immediately pick up after pets that use the area, the water spray would be used as needed to dilute pet urine and/or

wash out any surface residues. A pet-waste bag dispenser and appropriate signage will be added to clarify the intended use of the area. To avoid, potential conflicts between the abutting parking space and the designated relief area, staff is recommending a condition that the applicant be required to have the abutting parking space signed for veterinary staff parking only. A condition of approval is recommended adding a note to special exception site plan, outlining the construction and installation of the relief area. Based on this note, the final details and approval of the relief area will be coordinated with DPS (Division of Zoning and Site Plan Enforcement) prior to issuance of a use and occupancy permit for the veterinary clinic.

Noise

The applicant obtained the services of an architect licensed by the Maryland Department of Labor, Licensing and Regulation to provide reports, plans and construction material specifications relative to noise mitigation. The documents appear to demonstrate that the existing masonry walls, along with the supplemental soundproofing materials that will be incorporated in the structure as part of the tenant fit-out, will appropriately address the noise mitigation requirements. The architect's April 16, 2014, supplemental report concluded with following statements:

“With the improvements proposed to the interiors of the subject special exception property, noise generated by animals within the vet clinic would be barely perceptible or audible in the adjacent rental units or by a person walking past the front of the premises. Based on the above analysis and information attached it is my restated opinion that the proposed construction will result in operation of the of the Family Pet Veterinary Practice as 8318 Grubb Road as being in compliance with Section 59-G-2.32(a)(2) of the county Zoning Ordinance.”

Based on the architect's documentation and conclusions, the proposed noise mitigation is adequate and acceptable for the proposed use.

Stormwater Management

A stormwater management concept plan is not required for the proposed use as there will be less than 200 square feet of disturbance to the site, which does not exceed the 5,000 square foot threshold level for review.

Community Concerns -Staff has not received any comments regarding the proposed veterinary hospital use.

Inherent and Non-Inherent Adverse Effects

The Zoning Ordinance specifies a standard of review for evaluating compliance with general and specific conditions that requires an analysis of inherent and non-inherent adverse effects. The first step in analyzing the inherent and non-inherent adverse effects of a special exception or modification is to define the boundaries of the surrounding neighborhood. Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent adverse effects associated with the use must be determined. In addition, non-

inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

The inherent, generic physical and operational characteristics necessarily associated with a veterinary hospital include: (1) vehicular trips to and from the site; (2) noise and odor of animals; (3) deliveries of mail and small parcels; (4) specialty medical equipment needing servicing, mostly by technicians in regular vehicles; (5) drop-off and pick-up of pets in parking areas.

The veterinary hospital use in this application will occupy an existing 3,702 square foot space in an existing shopping center. The proposed use will occur entirely within the building and will be in harmony with this neighborhood shopping center and its other retail uses. Staff finds that the size, scale, and scope of the proposed use is minimal and is not likely to result in any unacceptable noise, traffic, illumination or environmental impacts. There are no non-inherent adverse effects associated with this use.

General and Specific Special Exception Provisions

The application, as conditioned by staff, satisfies all of the general and specific requirements for a veterinary hospital found in Sections 59-G-1.21 and 59-G-2.32 of the Zoning Ordinance.

59-G-1.21. 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.

The subject property is zoned C-1. A veterinary hospital is an allowed special exception in the C-1 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.

The requested use satisfies the standards and requirements prescribed in Section 59-G-2.32 of the Zoning Ordinance.

(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.

The proposed use will be consistent with recommendations of the North and West Silver Spring Master Plan (2000). The veterinary hospital will be located in the Rock Creek Center. The Plan recommended this center as a neighborhood oriented retail facility. The proposed use is in keeping with this recommendation as it supports the Plan's theme of neighborhood serving uses throughout the planning area.

- (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 veterinary hospital use in this application will occupy a vacant retail bay of approximately 3,702 square feet within an existing shopping center that contains approximately 52,493 square feet of commercial uses. Because the use will be housed in an existing retail structure, the proposed use is in harmony with the general character of the neighborhood. The only proposed change is the removal of one parking space at the rear entrance to the proposed use and its replacement with an animal relief area. This relief area will not increase the intensity of activities associated with the proposed use. It will be visible from the street (Washington Avenue) and will not be visible when vehicles are parked next to it. Adequate parking is available on site. Traffic conditions will not be adversely affected.

- (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.

The proposed use will be in an established neighborhood shopping center. The use will fill a void for neighborhood veterinary services. The use will not be of detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (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.

The proposed use will not create any noise inconsistent with noise levels that now exist in the area. According to the acoustical study submitted by the applicant, the existing masonry walls along with supplemental soundproofing materials will appropriately address the noise impacts from this use. There will be no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site.

- (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.

The special exception will not increase the number, intensity or scope of special exception uses in the area sufficiently to affect the area adversely, as there is only one approved special exception for an elderly housing complex in the defined neighborhood area.

- (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.

There is no evidence to support a finding that the veterinary use would have an adverse effect on residents, visitors, or workers in the area.

- (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.

- (i) 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. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

This provision is not applicable. The Rock Creek Shopping center is a recorded plat in the county land records. There are no adverse impacts on utilities or public facilities associated with the proposed use.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

The proposed use will not have an adverse effect on the existing transportation network as analyzed in the submitted traffic study. The site will be served by public water and sewer, and the necessary police and fire rescue services are adequate.

59-G-1.23 General Development Standards

(a) Development Standards The special exception is subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The proposed special exception satisfies the development standards of the C-1 Zone as shown in the following table:

Development Standards Table for C-1 Zone		
	Required	Proposed
Minimum lot area	N/A	2.69 acres (117,220 square feet)
Maximum building height	42 feet	24 feet
Minimum setbacks		
Front	10 feet	78 feet
Side	10 feet	25 feet
Minimum rear setback	10 feet	145 feet
Minimum Green Area	10%	10.3%

(b) Parking requirements Special exceptions are subject to all relevant requirements of Section 59-E.

Section 59-E-3.7 of the Zoning Ordinance does not specify off street parking requirements for veterinary hospitals. Additionally, Section 59- G-2.32(b)(9) of the Ordinance states that for veterinary hospitals in a residential or rural zone, a minimum of five (5) parking spaces is required. As shown on the submitted site plan, the proposed use will be located in an existing shopping center that is zoned C-1, a commercial Zone. Parking at this center totals approximately 168 parking spaces, which are shared with the other retail uses. If the standard for 5 spaces in a residential or rural zone were applied to this site, existing parking can accommodate the proposed use.

(c) Minimum frontage

The use will be contained within a strip shopping center. This shopping center has approximately 460 feet of frontage on Grub Road.

(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.

The proposed special exception is exempt from Article II, Chapter 22A, (Forest Conservation Law) as the application is for an existing structure and the proposed use will not result in clearing of existing forest or trees. The Forest Conservation Exemption was confirmed on November 26, 2013.

(e) Water quality plan

A water quality plan is not required for the proposed special exception.

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

The proposed signage will be 16 inches in width by 2-3 feet in height, well within the 200 square foot limit for individual signs within in a commercial zone.

(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.

The proposed use will be housed in a building that is located in a commercial zone, (C-1) and is not a residential zone.

(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) Luminaires 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.

This site is not located in a residential zone. There is no outdoor lighting proposed by this use.

Sec. 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.

No exterior runs, exercise yards, or other facilities for the "keeping" of animals in exterior spaces will be provided on-site. The proposed use is not a boarding facility and no animals will be kept overnight. There is a small area located at the rear of the facility where a dog can be taken to relieve itself when necessary. The dog will be leashed and accompanied by a veterinary assistant who will clean up and dispose of any animal waste. This relief area will not be used as an exercise yard.

(2) All areas for the keeping of animals must be soundproofed.

The existing masonry walls will separate the veterinary hospital from the adjoining businesses. A report prepared by the applicant's architect's stated that the noise generated by animals within the veterinary hospital will be barely perceptible or audible in the adjacent businesses or by individuals walking in front of the clinic. The architect's report proposed supplemental soundproofing material that will be incorporated into the structure to address the noise issues. These measures should serve to sufficiently mitigate the noise typically associated with the proposed use.

(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 be adjacent to or confronting a central business district or a property zoned for commercial use.

Not applicable. The subject property is located in a commercial zone C-1.

(2) Exterior areas used to exercise, walk, or keep animals must be set back 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.

The application does not propose exterior areas for exercise or walking and the site is not located in a residential zone.

(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.

Not applicable. The subject property is located in an existing shopping center zoned C-1, which is a commercial zone.

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

Not applicable. The subject property is located in a commercial zone, C-1 in an existing commercial structure.

(5) No animal may be outdoors between 6 p.m. and 8 a.m.

Not applicable. The subject property is located in a commercial zone.

(6) On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 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 a.m. to 6 p.m. and 50 dBA between 6 p.m.

and 9 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.

Not applicable. The subject property is located in the C-1 which is a commercial zone.

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

Not applicable. The subject property is located in a commercial zone. The applicant does not propose to exercise or walk dogs in outdoor areas that are off-site.

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

(i) acoustical engineering studies that demonstrate that the proposed use meets the standards in Sec. 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.

The applicant, as part of this application, has submitted study demonstrating that noise levels from the proposed use will be mitigated through the use of construction materials.

(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. This number must in no case be less than 5.

Not applicable. The subject property is located in the Rock Creek Center, an existing shopping center that is zoned C-1 a commercial zone.

(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.

Not applicable. The subject property is located in the C-1 and the applicant is not proposing to board or provide a dog run.

(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 and drop-in and emergency client activities must be kept, to be available for inspection by County authorities.

The proposed hours of operation will be Monday through Friday, 8:00 a.m. to 7:00 p.m. and Saturday 8 a.m. to 1:00 p.m. Animals will be seen by appointment only, except for emergencies and for visits to pick up prescriptions and pet-related items, which may occur within office hours and without prior scheduling. As a condition of approval, the applicant is required to maintain a written log of all appointments and drop-in and emergency client activities for inspection by County agencies.

(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%.

The applicant's statement of operations states that pet supplies will be available for sale. Sales will occur at the front reception area and the applicant's representative estimates the amount of square footage allotted to this activity will be between 10 to 20 square feet. Pet grooming services will be provided and have been analyzed in the review of this application. The amount of square footage allotted to pet grooming will be approximately 120 square feet. The total square footage for entire veterinary use is 3,702 square feet. When combined the total square footage allotted to accessory operations is approximately 140 square feet or 3.78% of the proposed use's total footage and well below the 20% threshold.

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

The applicant will utilize the shopping center's trash dumpsters to dispose of any non-medical trash associated with the veterinary hospital. A waste contractor regularly picks up this waste daily. All medical waste will be placed in biohazard containers that will be kept within the proposed use. A licensed waste disposal company will provide this service for the veterinary hospital via the rear door. In the event of a deceased animal, the animal will be placed in a cadaver bag and placed in a specialized freezer in the facility. Pet owners will have the option of collecting the remains or a pet cremation service will pick up the remains as necessary. Animal remains are typically picked up once a week by the cremation service.

(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.

As a condition of approval, no animals will be kept overnight.

(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.

The facility will be served by existing public sewer and public water.

(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.

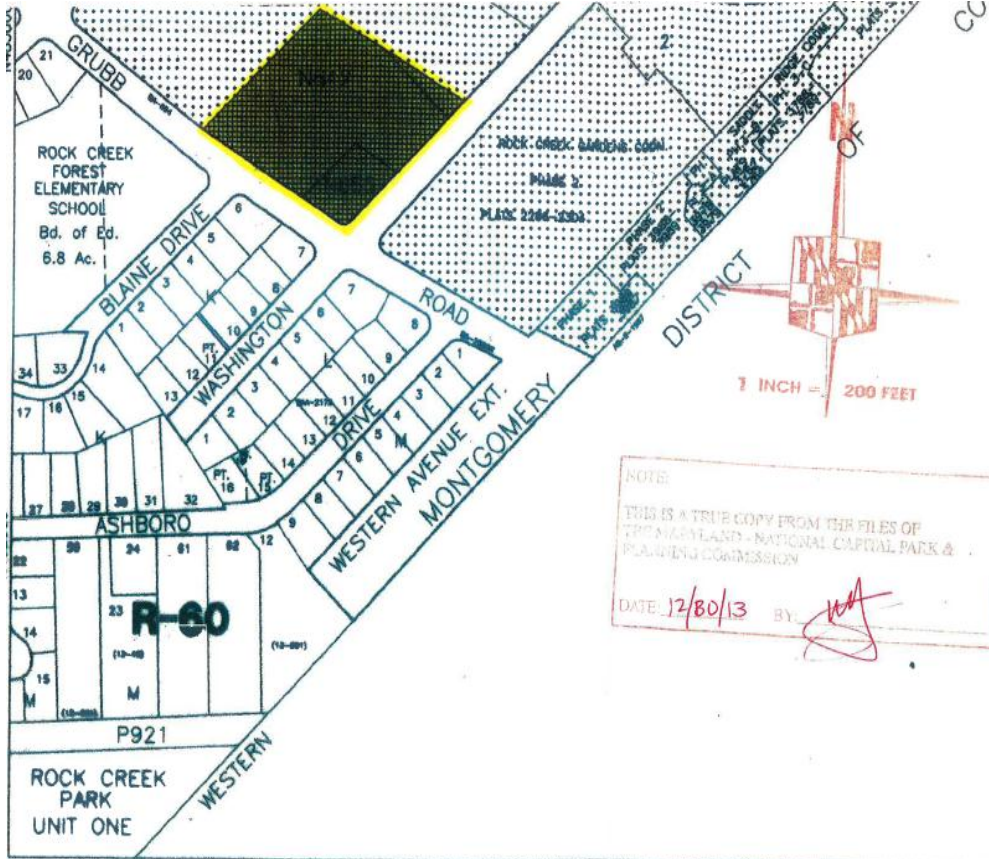
Not Applicable.

Conclusion

Based on the foregoing analysis, staff recommends approval of the application subject to the conditions found at the beginning of the technical staff report.

Attachments

1. Attachment A Official Zoning Map
2. Attachment B Planning Staff Memos



Montgomery County Zoning Map

The Maryland National Capital Park and Planning Commission; Montgomery County Planning Department

210NW02

PROPERTY UPDATES	ZONING UPDATES
	S.M.A. 0-783 ADOPTED 07/18/00
	S.M.A. 0-787 ADOPTED 03/27/04

4

MEMORANDUM

DATE: July 21, 2014
TO: Kathy Reilly
VIA:

FROM: Melissa Williams, Area One Division
REVIEW TYPE: Special Exception for Veterinary Practice
CASE NUMBER: No. SE- 2876
ZONE: C-1
LOCATION: 8313 Grubb Road
MASTER PLAN: North Silver Spring Master Plan

Master Plan Conformance

8313 Grubb Road (Rock Creek Center) is zoned for C-1 commercial uses. The Rock Creek Center is defined within the plan as a small neighborhood serving commercial center that provides convenience shopping and/or retail. The plan recognizes that this is an attractive center providing retail uses commonly desired within the County. The Plan notes that the center is aging and may have challenges attracting appropriate tenants but notes its many benefits including its walkability and ample parking. As such, it specifically states that “its function as a community focal point – a gathering place for neighborhood eating and shopping---should be enhanced.”

The Plan supports “the use of the Rock Creek Center as a neighborhood oriented retail facility.”

The applicant is proposing a veterinary practice which is permitted as a special exception within the C-1 zone and is a use not expressly restricted by the Master Plan. The Master Plan makes no other (land use/zoning) comments regarding the Rock Creek Center. Staff believes that the applicants proposed use is in line with the overall North Silver Spring Master Plan theme of neighborhood serving uses.

Recommendation

Staff believes that the veterinary practice is an acceptable use for 8313 Grubb Road.



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

MEMORANDUM

Date: July 22, 2014
To: Kathy Reilly, Area One
From: Marco Fuster, Area One
Subject: Board of Appeals Petition No. S-2874

Environmental Review for Veterinary Practice

Forest Conservation

The project involves a special exception on a property that is 40,000 or greater; therefore forest conservation law is applicable to the project.

Sec.22A-4 Applicability (a) a person required by law to obtain special exception approval or a sediment control permit on a tract of land 40,000 square feet or larger...

However the project qualifies for a an exemption under **Section 22A-5(q)(1)** that applies to a special exception application if:

(1) the application is for an existing structure and the proposed use will not result in clearing of existing forest or trees;

The project meets the requirements of the forest conservation exemption as described above and the *Forest Conservation Law Applicability for Special Exceptions* application form that formalizes the exemption was approved by staff on November 26, 2013. The exemption form is included as an attachment.

Animal Relief Area

A small artificial turf pad is proposed immediately behind the vet office to allow for dogs and other animal patients to relief themselves. The area will occupy the footprint of one existing parking space (measuring approximately 19 feet by 9 feet or 171 square feet). Originally the applicant had proposed to designate a relief area within the existing landscape screen along the north side of the property (near the Existing Rock Creek

Village garden apartments). However there were numerous issues that hindered the use of the originally proposed area.

Furthermore, the currently proposed relief area was initially planned with natural turf grass. However since the location is on the north side of the building there is concern that the grass would be excessively shaded and not perform adequately.

The existing asphalt within the relief area will be demolished and a raised curb-like edging (made of landscape timbers, or blocks etc.) will be added. The soil within the pad will be amended as needed and additional topsoil and permeable aggregate fill will be imported and placed to create the final grade. The aggregate fill will interface with the underlying amended soil allowing infiltration from the surface. A permeable overlay of artificial turf grass will be installed to surface the relief area. (There are number of manufacturers of artificial turf grass for dogs that provide a wide variety of realistic products).

A condition of approval is recommended that the applicant install a hose spigot near the relief area and provide a suitable length of hose to be used for regular cleaning and maintenance of the area. Although the veterinary staff will immediately pick up after pets that use the area, the water spray would be used as needed to dilute pet urine and/or wash out any surface residues. A pet-waste bag dispenser and appropriate signage will be added to clarify the intended use of the area. Furthermore, the veterinary staff will park in the space immediately adjacent to the relief area, to avoid potential conflicts between parking and use of the relief area. The applicant is also agreeable to installing fencing that would provide screening and/or physical separation of the area if warranted. The final details and approval of the of the relief area will be coordinated through the Department of Permitting Services prior to use an occupancy of the veterinary clinic.

Noise

The applicant has obtained the services of a consultant who is currently recognized by the State of Maryland Department of Labor, Licensing and Regulation as an architect. The architect has provided a variety of reports, plans and construction material specifications relative the noise mitigation. The documents appear to demonstrate that the existing masonry walls along with the supplemental soundproofing materials that will be incorporated in the structure appropriately address the noise mitigation requirements. The April 16, 2014 supplemental report concludes with following statements:

“With the improvements proposed to the interiors of the subject special exception property, noise generated by animals within the vet clinic would be barely perceptible or audible in the adjacent rental units or by a person walking past the front of the premises. Based on the above analysis and information attached it is my restated opinion that the proposed construction will result in operation of the of the Family Pet Veterinary Practice as 8318 Grubb Road as being in compliance with Section 59-G-2.32(a)(2) of the county Zoning Ordinance.”

Based on the architects documentation and conclusions, staff finds the proposed noise mitigation to be adequate and acceptable.

Forest Conservation Law Applicability for Special Exceptions

PROPERTY LOCATION

Street Address: 8313 Grubb Road, Silver Spring, Maryland 20910

Subdivision: 0001 Parcel(s) # N642 Lot #(s): n/a Block(s): n/a

Property Tax Identification Number: 03253853, n/a, n/a

Applicant (Owner or Contract Purchaser): Lessee

Dr. Nathan Wehrli
Name
2814 Linden Lane
Street Address
Silver Spring Maryland 20910
City State Zip Code
() (603) 305-3285 Phone No. () n/a Fax No.

Total Area of Property: 2.69 acres 117,219 square feet

APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION

Applicant attests that the following statements apply to the subject special exception:

- The application does not propose any clearing or grading activities on or near the special exception site.

OR, all of the following:

- The application applies to a property of less than 40,000 square feet.
The property is not subject to a previously approved Forest Conservation Plan.
The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

Lessee

Signature of applicant (Owner or Contract Purchaser): Nathan Wehrli

Nathan Wehrli
Signature

11/21/13
Date

FOR STAFF USE ONLY

M-NCPPC acknowledges that the special exception for the above property:

- is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code
is exempt from the Forest Conservation Plan requirements under Section 22A-5 (q)(1) of the Forest Conservation Law

Signature of M-NCPPC Environmental Planning staff reviewer:

(MARC FOSTER)
Signature

11/26/2013
Date

July 23, 2014

MEMORANDUM

TO: Kathy Reilly, Planner Coordinator
Area 1 Planning Division

FROM: Matthew Folden, Planner Coordinator
Area 1 Planning Division

SUBJECT: Veterinary Hospital
Board of Appeals Petition No. S-2874
8313 Grubb Road, Silver Spring
Silver Spring/ Takoma Park Policy Area

This memorandum summarizes the Transportation Adequate Public Facilities (APF) review of the subject Board of Appeals petition. The Petitioner is requesting special exception approval to operate a veterinary hospital within the existing Rock Creek Gardens Shopping Center at 8313 Grubb Road in Silver Spring, a special exception use within the existing C-1 zone. The requested special exception proposes a maximum staff of two veterinarians, three veterinary technicians, one pet groomer, and one receptionist/ administrative aide. The proposed use would operate Monday through Friday (8:00 AM – 7:00 PM) and Saturday (8:00 AM – 1:00 PM).

RECOMMENDATIONS

Staff finds that the requested special exception satisfies the Local Area Transportation Review and Transportation Policy Area Review (LATR/ TPAR) tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities, as proposed. As a result, staff recommends approval of the special exception application and offers the following conditions and comments:

1. The Petitioner must limit the special exception use to a veterinary hospital with up to seven staff, including no more than two veterinarians, three veterinary technicians, one pet groomer, and one receptionist/ administrative aide.
2. The hours of operation are limited to Monday through Friday (8:00 AM – 7:00 PM) and Saturday (8:00 AM – 1:00 PM) with no overnight boarding of animals.
3. Patient appointments are limited to a maximum of eight patients during any one-hour period.
4. The animal relief area should be located adjacent to the rear face of the building to eliminate unnecessary crossing of the rear parking lot.

DISCUSSION

Vehicular Access and Parking

The site is located within the existing Rock Creek Shopping Center, which has vehicular access via one curb cut on Grubb Road (A-60) and three curb cuts on Washington Avenue. Grubb Road is an arterial roadway measuring 36-feet wide with one travel lane in each direction along the site frontage. Washington Avenue is a 36-foot wide primary residential street.

Approximately 168 parking spaces are provided in two on-site parking lots, located to the front (56 spaces) and rear (112 spaces) of the shopping center. Although on-street parking is prohibited along Grubb Road approximately there are approximately six additional public on-street parking spaces are available along the site frontage of Washington Avenue. The subject special exception application does not propose any modifications to the existing vehicular access points, however, one parking space will be removed from the rear parking lot to accommodate an animal relief area (discussed in further detail below). Staff finds that no adverse impacts will result from the proposed veterinary hospital.

During review of the proposed statement of operations and existing site conditions, staff determined that an animal relief area at the back of the existing rear parking lot, as originally proposed by the petitioner, would have resulted in inadequate internal site circulation. The original relief area location would have increased the potential for pedestrian-vehicle conflict and required removal of at least three parking spaces to provide a direct and accessible pedestrian route between the proposed veterinary hospital and relief area. In its current proposed configuration, the animal relief area is within one existing parking space adjacent to the site's rear entrance. This configuration eliminates the need to routinely cross the entire width of the parking lot with animals and limits the impacts associated with the special exception operation as far from adjacent residential properties as practicable.

Pedestrian and Transit Service

The site frontage on Grubb Road and Washingtonian Avenue both have existing variable-width sidewalks and grass buffers (measuring four-to-five feet and one-to-three feet, respectively). These sidewalks are part of a continuous sidewalk connecting the shopping center with the immediate vicinity and East-West Highway (MD 410), located approximately 1,000 feet from the site. Transit service is available from a bus stop along the site's Grubb Road frontage and at the Grubb Road/ MD 410 intersection. Specific transit routes within walking distance to the site include:

1. Metrobus routes: J1, J2, J3, and J4; and
2. Ride-On routes: 1 and 11

Master-Planned Roads and Bikeways

The *Approved and Adopted 2000 North and West Silver Spring Master Plan* and *2005 Countywide Bikeway Functional Master Plan* makes the following recommendations:

1. Grubb Road is designated as Arterial Street A-60, with an 80-foot-wide right-of-way, between the District of Columbia and Lyttonsville Road. There are no specific bikeway recommendations for Grubb Road.
2. East-West Highway (MD 410) is designated as Major Highway M-20, with a 120-foot-wide right-of-way, between 16th Street and Rock Creek Park. Shared Use Path (SP-9), a master planned bikeway, is recommended along the north side of MD 410.

Local Area Transportation Review (LATR)

The proposed hours of operation (Monday through Friday 8:00 AM – 7:00 PM; Saturday 8:00 AM – 1:00 PM) include site generated trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The proposed use generates fewer than 30 peak-hour trips and would have no adverse impact on the transportation network.

The subject special exception petition is not required to submit a full LATR traffic study because the site will generate fewer than 30 vehicular trips. As a result of this exemption, the petitioner submitted a traffic statement that summarized his petition for a 3,702 square foot veterinary hospital. Based on the LATR trip generation rate, the proposed use would generate 14 new morning peak-hour trips and six fewer peak-hour trips than the existing general retail use (Table 1). As a result of the minimal increase in site generated traffic during the morning peak-hour, staff finds that the traffic generated by the proposed special exception use would not adversely impact the existing traffic conditions.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED VETERINARY HOSPITAL**

	AM Peak Hour (total)	PM Peak Hour (total)
3,702 SF Veterinary Hospital*	20	20
3,702 SF Ex. General Retail	6	26
Net Increase/ Decrease	+14	-6

* (8) 15 minute veterinarian appointments per hour = 16 trips (8 in/ 8 out), and (2) 30 minute grooming appointments per hour = 4 trips (2 in/2 out) = a maximum of 20 peak-hour trips

Transportation Policy Area Review (TPAR)

New developments within the Silver Spring – Takoma Park Policy Area must satisfy the Transportation Policy Area Review (TPAR) test by making a one-time payment equal to 25% of the general district impact tax. The proposed special exception use, however, is not subject to this TPAR payment because it will not increase the building square footage. As a result, the proposed development satisfies Adequate Public Facility (APF) requirements and does not necessitate further transportation analysis.