



Conditional Use 201503—Dog’s Day Pet Care, LLC

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Description

Conditional Use 201503—Dog’s Day Pet Care, LLC

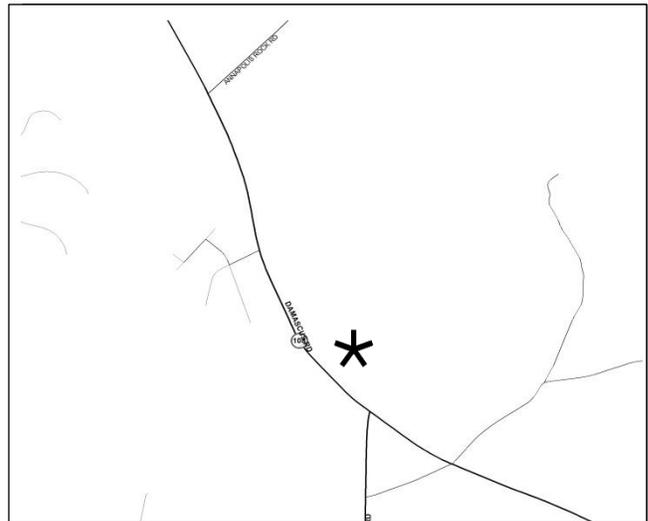
Dog’s Day Pet Care LLC request for Conditional Use approval for an animal boarding and care facility, located at 7235 Damascus Road, Gaithersburg; 25.02 acres; AR Zone; *Damascus Master Plan*

Staff Recommendation: Approval with conditions

Submittal Date: February 5, 2015

Applicant: Dog’s Day Pet Care, LLC

Review Basis: Chapter 59.3.5.1.B; Chapter 59.7.3.1.E



Summary

- The Petitioner, Dog’s Day Pet Care, proposes to use the existing main house and outbuildings on its Property to establish an animal boarding and care facility.
- The proposal is consistent with the *Damascus Master Plan*, with applicable standards for conditional uses, with standards for the Patuxent Primary Management Area and with applicable development standards.
- The proposal includes an application for an Alternative Method of Compliance for screening standards, which consists of a proposal to plant approximately 3,400 evergreen and deciduous trees on the Property. This memorandum recommends approval of the alternative method of compliance.

RECOMMENDATIONS

Planning staff recommends approval of the petition with the following conditions:

1. No more than 30 dogs may board overnight at the facility, and no more than 30 dogs may be at the facility for daily care, for a facility maximum of 60 dogs;
2. No more than 30 dogs may be outdoors at any given time;
3. No dogs are permitted outside between 9:00 pm and 7:00 am;
4. All outdoor exercise and play areas must have fencing appropriate to contain dogs of varying sizes;
5. Arrivals and departures will occur by appointment only between the hours of 7:30 am and 7:00 pm;
6. Accessory services, such as bathing or transportation, may not exceed 20 percent of total revenue.

Planning staff also recommends approval of an alternative method of compliance with applicable requirements for landscaping and screening, with the following condition:

1. Petitioners must comply with the requirements of the forest stewardship plan prepared for the Property by the Maryland Department of Natural Resources, including tree planting and subsequent regular inspections.

PROPERTY DESCRIPTION

The Property proposed for the conditional use is at 7235 Damascus Road in Gaithersburg. It is a 25.02-acre unrecorded parcel, P327, and is in the Agricultural Reserve (AR) Zone. It is about 2,100 feet north and west of the intersection of MD 108 and MD 650 (New Hampshire Avenue Extended) in Etchison. The Property is irregularly shaped and slopes from west and east to a wooded low point in the center of the Property that is wooded. A stream channel can be discerned on the adjoining Property to the north.

There are four buildings on the Property: a main house and three outbuildings. There are gravel areas that have been used for parking and other activities, fenced areas, and driveways that serve the main house and outbuildings. Previous Property owners had conducted equestrian activities there.

Damascus Road runs generally southeast to northwest in this area. Although both sides of the road are in the AR zone, the land use pattern is mixed, with single-family detached houses interspersed with working farms in the area. Seneca Overlook, a neighborhood of single-family homes, is on the west side of Damascus Road about 1,000 feet from the Subject Property. A portion of Great Seneca Stream Valley Park is directly opposite the Property. The Property, neighboring properties to the south and north, and the Seneca Overlook community comprise the neighborhood for this proposal.



Figure 1: Subject Property and Vicinity

PROPOSAL

The Petitioner, Dog’s Day Pet Care, proposes to use the existing main house and outbuildings on the Property to establish an animal boarding and care facility. The Petitioner intends to offer both daily and overnight care for dogs, and will focus on providing indoor and outdoor spaces that enable exercise, play and stimulation without confining the dogs to cages or requiring leashes. The main house will provide space for overnight stays, and the outbuildings will be used for indoor exercise and shelter. Several fenced areas will be available for play and exercise. Dog’s Day Pet Care also plans to offer some

accessory services, including baths and transportation. It estimates that these services will account for about five percent of total revenue.

With its overnight boarding component, the facility is considered a 24-hour, 7 day operation. Dogs using daily care will arrive and depart between 7:30 am and 7:00 pm.

No more than 30 dogs will board overnight, and no more than 30 dogs will use the day care service, for a facility maximum of 60 dogs. All dogs will be supervised at a ratio of one supervisor for 15 dogs, which Petitioners state is an industry standard. Dog's Day Pet Care intends to use on-site evaluations to acclimate prospective "clients" to the facility, its operations and other dogs before using either the day care or the boarding services. The firm believes that these evaluations, along with full-time supervision and the "cage-free" operating philosophy, will reduce negative impacts from noise, conflict and other disturbances.

To accommodate the dogs, the facility will provide four indoor areas (two in the main house and two in a smaller building called the "day care house"). There will be four fenced outdoor areas as well, one of which will be sheltered. The fences will be capable of containing dogs of varying sizes and will be five to six feet high. Each area will be large enough to handle up to 15 dogs, which is planned as the basic group size for managing exercise, stimulation and other activities. Dog's Day Pet Care intends to limit the number of dogs outside at any time to 30. Figure 3 shows the arrangement of buildings and exercise areas.

Groups of dogs will include both boarding and daily care dogs, and the groups will spend portions of each day both inside and outdoors. Boarding dogs will be fed food provided by their owners twice a day and will be supervised overnight indoors in groups of no more than 15. Daily care dogs may spend all or portions of a day at the facility, and will be allowed indoor and outdoor exercise, play and stimulation.

The relatively large size of the Property means that outdoor exercise areas are located some distance from neighboring residences. About 500 feet separates an exercise area from the nearest house to the south; it is nearly 800 feet from a fenced area to the nearest home to the north; and it is more than 600 feet to the nearest house on the west side of Damascus Road. In addition, the Petitioner plans, in cooperation with the Maryland Department of Natural Resources, to plant more than 1,000 evergreen saplings around three sides of the Property's perimeter, and about 2,400 deciduous trees on the east side of the Property. This planting, which is already underway, is designed to create a significant landscaped screen for the Property and to help mitigate noise.

Dog's Day Pet Care plans to require appointment times for pick-up and drop-off of all dogs, as a means of managing access to the site as well as the task of integrating dogs using both daily and overnight services. It will also offer "taxi service," in which staffers will use a facility vehicle to pick up or drop off dogs at their homes. There is currently space on the Property to accommodate eight vehicles, and an existing circular driveway will accommodate the pick-up and drop-off system. The appointment system will enable Dog's Day staffers to meet arriving owners and transfer dogs without the need for owners to park. This arrangement will also allow the facility to schedule employee and taxi service arrivals and

departures to limit peak hour activity. No more than one staff arrival and one shuttle trip will occur during the morning or evening peak period, for a total of three trips in each peak.

As many as five staff members will manage the facility, although Dog's Day Pet Care's owners anticipate that a staff of three will be routinely present because they expect the 60 dog maximum to be reached irregularly, and have set a target of 30 to 45 boarding and daily care dogs for a typical day.

Facility staff will be trained in waste management techniques. Staff will immediately clean up after individual dogs, and regular "poop sweeps" will ensure that no waste is missed. The facility will use lined trash bins for immediate waste disposal. The bins will be emptied daily, with waste bags stored in a designated area for regular removal by a trash hauling firm. This system is designed in part to remove the risk of groundwater and well contamination.

Master Plan

The Petitioners' proposal is consistent with the 2006 *Damascus Master Plan*.

The Dog's Day Pet Care Property is part of the Rural Area identified in the Master Plan. The Plan acknowledges the generally agricultural character of this part of the county and "recommends continued support for the goals of the Agricultural Reserve. The Damascus Rural Area should be an area of agricultural uses, with some low density housing." (p 37) The Plan confirms existing areas in the Agricultural Reserve (AR) Zone, establishes guidelines for residential development in the area and supports sustainable agricultural practices. The Plan also specifies procedures for evaluating conditional uses, particularly those connected with farming.

Because the Property will serve both as a residence and the boarding facility without change to the existing house or outbuildings, it meets the Plan objective to provide some low density housing in the Rural Area. The house and outbuildings are clustered nearer Damascus Road, leaving a significant contiguous portion of the Property open. As noted later in this memorandum, the owners intend to establish the remaining open area as forest, consistent with the Plan's goal of preserving open space. While animal boarding and care is not specifically agricultural in character, use of the existing house and farm buildings preserves them productively, maintains them as a residential resource, and avoids more commercial, industrial or institutional uses that the Plan actively discourages.

Development standards

The accompanying table shows required and proposed development standards for the proposed use:

Development Standards—Chapter 59.4.2.1.F

Standard	Required	Proposed
Site	25 acres	25.02 acres
Lot	40,000 square feet	25.02 acres
Lot width at front building line	125 feet	870 feet
Lot width at front lot line	25 feet	910 feet
Density	1 lot for each 25 acres	1 lot for each 25 acres
Lot coverage	10 percent	0.011 percent (12,300 sf)
Principal building		
Front setback	50 feet	260 feet
Side setback	20 feet	295 feet (north lot line) 490 feet (south lot line)
Rear setback	35 feet	1270 feet
Accessory building		
Front setback	50 feet	420 feet
Side setback	25 feet	190 feet (north lot line) 400 feet (south lot line)
Rear setback	15 feet	960 feet

The outbuildings on the Property were originally intended for agricultural use and are exempt from the ordinance standards governing accessory building footprints in the AR Zone.

The Petitioner intends to use the existing buildings and is not required to subdivide or record the Property.

Noise

To ensure that noise levels from the boarding and care facility meet standards established in Chapter 31A of the County Code, Dog’s Day Pet Care commissioned an acoustical engineering firm to calculate expected noise levels at relevant Property lines when the facility is in operation. The firm measured distances from the outside fenced exercise and play areas to the nearest Property line to the north, east and south. The firm then estimated the decibel level at those Property lines if 15 dogs were in the exercise area and if the maximum proposed total of 30 dogs were in the area. The firm noted that there is no single accepted noise level for all dogs and that noise levels vary across breeds and activity levels of dogs.

The county’s noise ordinance establishes 65 dBA as the maximum allowable daytime noise level at a residential Property line, and 55 dBA as the maximum allowable night level. The ordinance defines daytime as 7 am to 9 pm weekdays and 9am to 9 pm on weekends and holidays.

The following table shows maximum expected noise levels from the outdoor exercise yards at the nearest residential Property line.

Noise Analysis

Property line	Distance from yard to Property line	Expected daytime noise level, in dBA	Expected night noise level, in dBA
P909 (north)	200 feet	61	41
P255 (east)	770	51	n/a
P370 (south)	200	61	41
P489 (south)	350	57	n/a
Damascus Road	300	61	n/a

The firm estimates that, when 30 dogs are present in the same enclosures, the dBA level will increase by 3 dBA, to 64 dBA during the day and 44 dBA at night. These totals are within county acoustic standards.

While Dog’s Day Pet Care asserts that its plans to limit the number of dogs on site will facilitate noise levels that are within standards, the firm plans added operational initiatives that it believes can reduce noise. Its initial screening evaluation, it believes, will create a generally peaceful and convivial atmosphere for the dogs at the facility, which is likely to reduce noise from aggressive interactions that include barking. In addition, the facility’s program of activities and the availability of open exercise, play and stimulation, the Petitioners contend, will reduce loneliness, boredom and fear, all of which contribute to barking and noise.

Environment and Forest Conservation

The proposed project is exempt from Chapter 22A, the county’s Forest Conservation Law. The law’s requirements do not apply to conditional use proposals when the petition is for an existing structure and the proposed use will not result in clearing of existing forest or trees.

Because the Property lies in the Patuxent watershed, it is subject to the Patuxent Primary Management Area regulations. Land outside stream buffers in the watershed –called the Transition Area—in the county’s Environmental Guidelines for the Patuxent PMA is encouraged to achieve levels of impervious surface that do not exceed 10 percent. As shown in Figure 3, impervious areas on the Property total 50,049 square feet, or about 4.7 percent of the Property area. Imperviousness within the transition area of the PMA is approximately 10 percent. To enable the extensive planting described in the next section, development on the Property is concentrated in the area surrounding the existing house and outbuildings, which is permitted under the county’s Environmental Guidelines.

Landscaping and Screening

Section 6.5 of the Zoning Ordinance sets out screening requirements for standard method development in all county zones. The ordinance requires conditional uses in the agricultural zone to provide screening to a specified standard whenever the Property proposed for the conditional use abuts land in an agricultural or residential zone. For a conditional use in an agricultural zone, the ordinance provides options that require minimum planting of trees and shrubs for each 100 linear feet of screening area and specifies a depth all screening must meet. Berms may be used to help satisfy screening

requirements. The ordinance requires screening “along the full length of the subject structure or use plus an additional 50 percent in length in each direction...”

The Zoning Ordinance provides two options for meeting screening requirements by building type. The following table shows the requirements for buildings devoted to conditional uses in an agricultural zone:

Screening Standards—Chapter 59.6.5.C.7

	Option A	Option B
Dimensions (minimum)		
Depth	8 feet	12 feet
Planting and Screening Requirements		
Trees (minimum per 100 feet)		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100 feet)		
Large	6	8
Medium	8	12
Small	8	--
Wall, fence or berm	4 foot fence or wall	--

Dog’s Day Pet Care is proposing to house the facility in three buildings: the main house, a “day care house,” and a barn. The area of the Property that is subject to the screening requirements totals approximately 260 feet. Under option A, that would require four trees for every 100 linear feet, 22 shrubs for every 100 linear feet and a four foot fence to screen the length of each building. For this proposal, option A screening amounts to 8 trees and 44 shrubs, along with fencing along the specified length. Under option B, screening amounts to 12 trees and 40 shrubs, with no fence.

Section 6.8 of the Ordinance offers an alternative method of compliance with this requirement when site or development circumstances warrant. The Board of Appeals must conclude that the alternative method will satisfy the intent of the applicable division; modify any applicable performance standards the minimal amount necessary to accommodate any constraining circumstances; alleviate any adverse impacts; and be in the public interest.

Dog’s Day Pet Care is requesting approval of the alternative method so that it can implement with the Maryland Department of Natural Resources a Forest Stewardship Plan for the Property. The stewardship plan commits the firm’s owners to follow the agreed-on plan for 15 years and to have professional foresters inspect the Property every three years for compliance.

The owners will plant 1,000 evergreen trees around the northern, southern and western perimeters of the Property to a depth of 60 feet from the Property lines. They will plant 2,400 deciduous trees in the eastern part of the Property, to augment an existing stand of trees. The perimeter plantings are designed to provide a significant visual barrier between the Property and its operations and its

neighbors to the south and north, as well as between the Property and Damascus Road. Figure 2 shows the stewardship concept.

Planning staff recommends approval of this alternative method of compliance. The Property's relatively large size, irregular shape and building separation mean that relatively small amounts of the Property are covered by the screening standards. Strict adherence to the letter of the screening standards would not provide under the existing standard a sufficient buffer between the boarding and care operation and its neighbors. By providing a substantial landscaped screen around the entire perimeter of the Property, the proposed plantings will create a distinct separation between the proposed use and its agricultural neighbors on three sides and from Damascus Road. The planting plan is designed to "ensure appropriate screening between different building types and uses." The planting plan will significantly increase the portion of the Property screened from neighboring uses and will enhance the standard for screening and protection. Creation of substantial stands of evergreen and deciduous trees will mitigate visual and of the boarding and care operation, contribute to the rural and agricultural character of this part of the Damascus area, an important goal of the *Damascus Master Plan*. As such, the proposal is in the public interest.

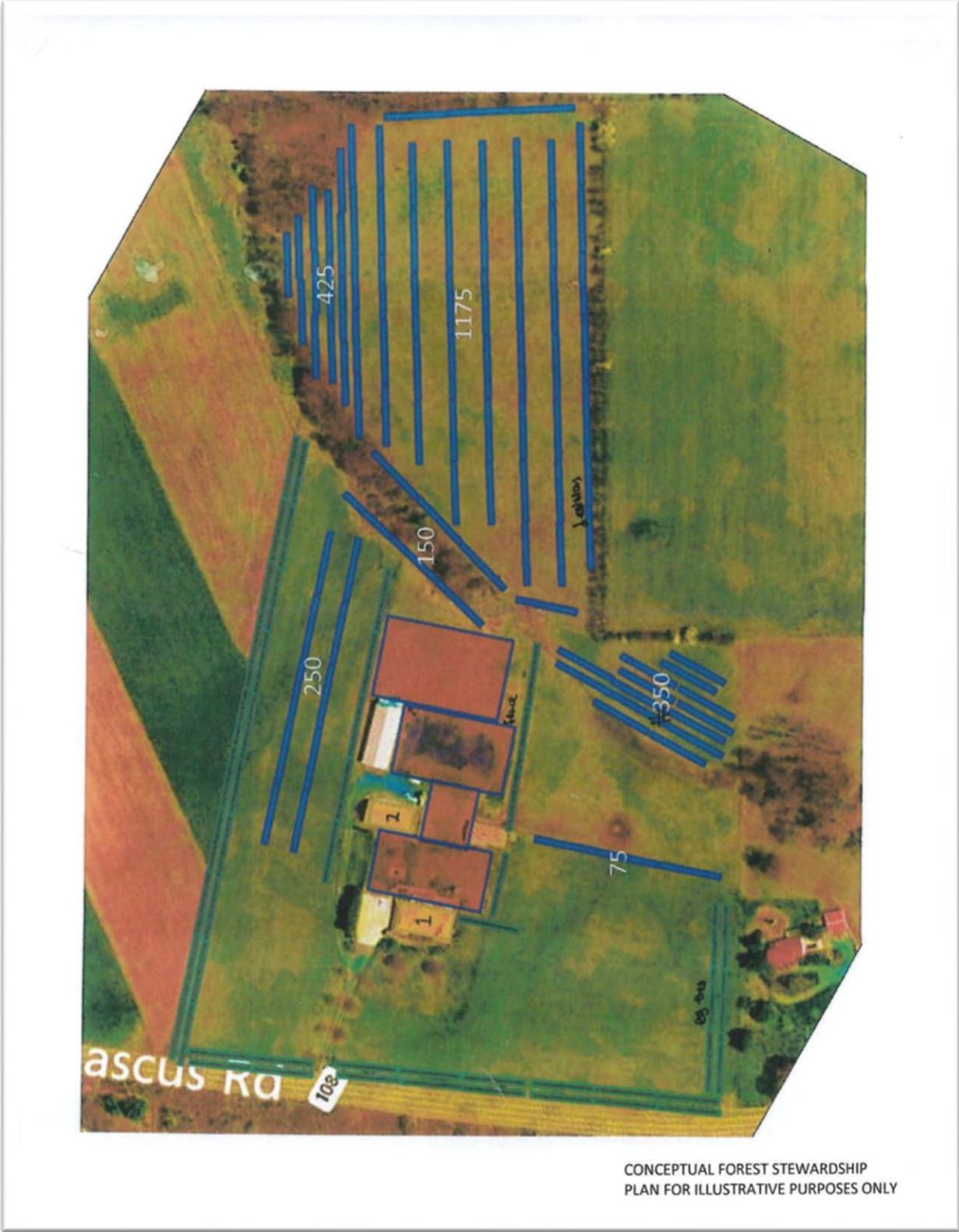


Figure 2--Forest Stewardship Plan Concept

Findings

Chapter 59.3.5.1.B.2.b Animal Boarding and Care

b. *Where Animal Boarding and Care is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Uses, and the following standards:*

i. *In the AR, R, RC, RNC, RE-2, RE-2C, RE-1 and R-200 zones:*

a) *The minimum lot area is 2 acres or the minimum lot area required for a detached house building type in the zone, whichever is greater.*

The Property proposed for the conditional use is 25.02 acres, meeting this standard.

b) *Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 200 feet from any lot line and screened under Division 6.5.*

The exercise area nearest an adjoining lot is 200 feet from that lot line, meeting this standard. As noted earlier in this report, the Petitioner has requested an Alternative Method of Compliance for Section 6.5. Planning staff recommends approval of the Alternative Method.

c) *All exterior exercise areas and runs must be fenced.*

As shown in Figure 2, all exercise areas are proposed to include fences, meeting this standard.

d) *Animals are prohibited from being outdoors between 9:00 pm and 7:00 am.*

The Petitioner's application states that overnight boarding dogs will remain indoors between 9:00 pm and 7:00 am, meeting this standard.

e) *Animals must only be walked or exercised in on-site outdoor areas;*

The Petitioner's site plan shows four fenced outdoor areas for play, exercise and stimulation, meeting this standard.

f) *The sound level at the nearest property line must satisfy Chapter 31B;*

The applicable standard for this proposal is 65 dBA; the noise analysis submitted with the application shows that the expected noise levels at the facility will not exceed 61-64 dBA, meeting this standard.

g) *All buildings and accessory structures must be set back a minimum of 75 feet from any lot line.*

The accessory building nearest a property line is 190 feet from the north property line, meeting his standard.

h) *All litter and animal waste must be contained and controlled on the site.*

The Petitioner has prepared a waste management program that includes staff training, immediate waste disposal, staff sweeps of exercise areas, lined trash bins for temporary storage and regular removal by trash hauling firms, meeting this standard.

- i) *Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.*

The Petitioner has included the required information in the statement of operations, and estimates that accessory operations, such as baths and transportation, will account for no more than five percent of total revenue. The proposed activity meets this standard.

- j) *The Hearing Examiner may regulate hours of operation. The Hearing Examiner may also regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.*

The Petitioner proposes a 24 hour, 7 day operation, with arrivals and departures between 7:30 am and 7:00 pm. It proposes a maximum of 30 boarding dogs and 30 daily care dogs for a total of 60 dogs, although it does not expect regularly to reach the proposed maximums. It has provided a detailed account of its operational philosophy, which emphasizes “cage free” and leash-free care, with specified areas for indoor and outdoor exercise, play and stimulation.

- k) *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 on groundwater or septic systems.*

The Petitioner has provided a detailed waste management system that includes staff training, immediate waste disposal, staff sweeps of exercise areas, lined trash bins for temporary storage and regular removal by trash hauling firms. The Petitioner’s civil engineering consultant has reviewed these plans and has stated that the facility will not have negative impacts on groundwater or existing septic systems.

- l) *The applicant must submit the following:*
 1. *Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.*
 2. *Detailed floor plans that show all the interior areas, including runs and kennels.*
 3. *Site plans that show the layout of all exterior areas used to exercise, walk or keep animals.*

The Petitioner has submitted the required studies and plans, and they are included in the official record of this Petition, meeting this requirement

m) In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

This proposal has identified a discrepancy between sections of the ordinance regarding transferrable development rights in the AR Zone. While Section 59.3.5.1.B.2.b.m states that this use may be prohibited, Section 59.3.1.5.A does not include Animal Boarding and Care Facilities on its list of uses prohibited when lots or parcels are encumbered by recorded TDR easements. Commission Legal staff has indicated that Section 59.3.5.1.B.2.b.m was included inadvertently and that the inclusion will be rectified in an upcoming zoning text amendment.

Chapter 59.7.3.1.E Conditional Use Necessary Findings

1. *To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

a. *Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

There have been no previous approvals on this Property. Because no building permits are needed for the proposed use, no subdivision is necessary.

b. *Satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;*

The proposed use satisfies the relevant requirements. It is allowable in the AR Zone and, as this technical staff report demonstrates, satisfies the additional standards required when exclusively agricultural uses are not proposed for a Property in the AR Zone; is proposed under the Standard Method; is located in a way that meets the general requirements for the zone; does not involve transfer of development rights; does not involve creation of child lots; meets use standards under Article 59-3, as shown by the table set out earlier in this report; meets general requirements of Article 59-6, as shown in this section of the technical staff report.

c. *Substantially conforms with the recommendations of the applicable master plan;*

The proposed use conforms to the recommendations of the 2006 Damascus Master Plan. It does not propose residential uses, so the development guidance provided by the Plan does not apply. The Plan recommends that special exceptions [now conditional uses] in this part of the Damascus planning area specially consider visual character to insure that long vistas be preserved. The proposed use is located in existing structures and proposes no additional uses that would diminish the existing visual character along this portion of Damascus Road.

d. *Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The proposed conditional use will not alter the character of the surrounding neighborhood. It proposes no new structures, and will use barns, outbuildings and fenced areas in ways that are similar to those used for farm activities. Travelers along Damascus Road will see nothing that appears to conflict with agricultural activities. The development guidance in the Damascus Master Plan focuses on the impact of residential development on agriculture, its language encourages preservation of open fields and forests as a way to maintain residential character. This proposal's use of existing agricultural structures, retention of fields and fenced areas, and the planting of trees to create wooded areas combine to maintain rural character.

- e. *Will not when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

The proposed conditional use is not located in a Residential Detached zone, and there are no Residential Detached zones in the neighborhood of the proposed use. There are, nonetheless no existing conditional uses in the neighborhood. This application substantially conforms to the applicable master plan, it does not alter the nature of the area in which it is located.

- f. *Will be served by adequate public facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities is required and*
 - i. *If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

Public services and facilities are adequate. This Property does not require subdivision. It is not a residential proposal and will have no impact on schools other than those of the existing house's residents. It will use existing wells and septic systems and, as noted above, the proposal includes a detailed procedure for storing and removing animal waste. The Property has adequate road frontage. The Petitioner will structure arrivals and departures to minimize peak period trips and has submitted a traffic statement outlining its trip generation impacts. The proposal will not significantly impact public safety services beyond those required for the existing one-family home, nor will it have a significant impact on stormwater management beyond that required for the existing home and outbuildings.

- g. *Will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*
 - i. *The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
 - ii. *Traffic, noise, odors, dust, illumination or a lack of parking; or*
 - iii. *The health, safety, or welfare of neighboring residents, visitors, or employees.*

The proposed use will cause no undue harm to the neighborhood. No new buildings need be constructed to undertake the proposed use, and its outdoor areas will be created by fencing existing areas. It will therefore retain its agricultural atmosphere. Its primary inherent impacts—noise and animal waste—will be managed using the evaluation, dog group management and waste disposal techniques described above. As noted above, it meets requirements for noise attenuation. In addition, the relatively large size of the Property and the significant screening proposed for it will also diminish impacts on neighboring properties. The proposed use has no physical or operational characteristics beyond those associated with the use.

Conclusion

Planning staff recommends that the Planning Board forward to the Hearing Examiner a recommendation of approval of Dog's Day Pet Care's petition. It meets the standards set out for Animal Boarding and Care facilities and the general standards for conditional uses. It is consistent with the 2006 Damascus Master Plan and with standards for the Patuxent Primary Management Area. It is exempt from Forest Conservation Law requirements. Planning staff also recommends approval of an Alternative Method of Compliance for screening requirements. The Petitioners' proposal for extensive planting of evergreen and deciduous trees will create significant forested open space on the Property that satisfies the intent of the ordinance and is in the public interest.

