

Clarksburg Animal Hospital: Preliminary Plan Amendment No. 12007071A

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Staff Report Date: 1/10/2019

Description:

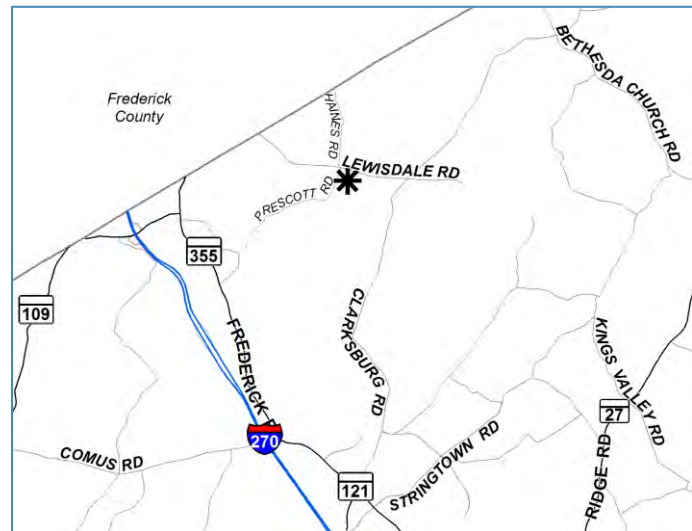
Request to change a condition of approval that currently limits the property to a single-family house to allow a veterinary office. Located on 5.585 acres in the AR zone at 26221 Prescott Road near Clarksburg. 1982/1985 *Damascus Master Plan*.

Recommendation: Approval with conditions

Applicant: Clarksburg Animal Hospital, Inc. and Mashed Potato Properties, LLC

Application acceptance date: April 24, 2018

Review basis: Chapter 50, Chapter 59



Summary

- The Applicant requests a Preliminary Plan Amendment to allow a 4,050 square foot veterinary hospital to treat domestic animals in the Agricultural Reserve (AR) zone. A condition of approval of the original preliminary plan limits the property to a single-family house.
- Lot size and width were exempted from the requirements of the AR zone and were previously determined under its prior zone (Rural).
- Conditional Use application CU-18-07 was recommended for approval by the Montgomery County Planning Board on July 12, 2018. The Hearing Examiner granted the conditional use application on October 17, 2018.
- With the recommended conditions, the application complies with all applicable requirements of Chapter 50, Subdivision of Land and the development standards of the AR zone of Chapter 59, Montgomery County Zoning Ordinance.
- Staff has received correspondence from citizens in support of and in opposition to the application.

SECTION 1: RECOMMENDATIONS & CONDITIONS

Staff recommends **Approval** of Preliminary Plan Amendment 12007071A subject to the following conditions, which supersede all conditions of approval of Preliminary Plan 120070710:

1. This Preliminary Plan Amendment allows for one lot for a veterinary office up to 4,050 square feet.
2. The Applicant must comply with the conditions of approval of the Hearing Examiner's Report and Decision for Conditional Use Case No. CU-18-07 issued October 17, 2018 and as modified on October 26, 2018.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated December 27, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated July 2, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the MCDPS – Well and Septic Section in its letter dated September 25, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the MCDPS – Fire Department Access and Water Supply Section in its letter dated December 20, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
7. The Certified Preliminary Plan must contain the following note:

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

limitations for site development may also be included in the conditions of the Planning Board's approval.

8. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.

SECTION 2: SITE LOCATION AND HISTORY

A. Location

The property is located at 26221 Prescott Road in Clarksburg, in the southeast corner of the intersection of Prescott Road and Lewisdale Road (Figure 1) ("Property"). The Property is zoned Agricultural Reserve (AR), as are all properties in the area.

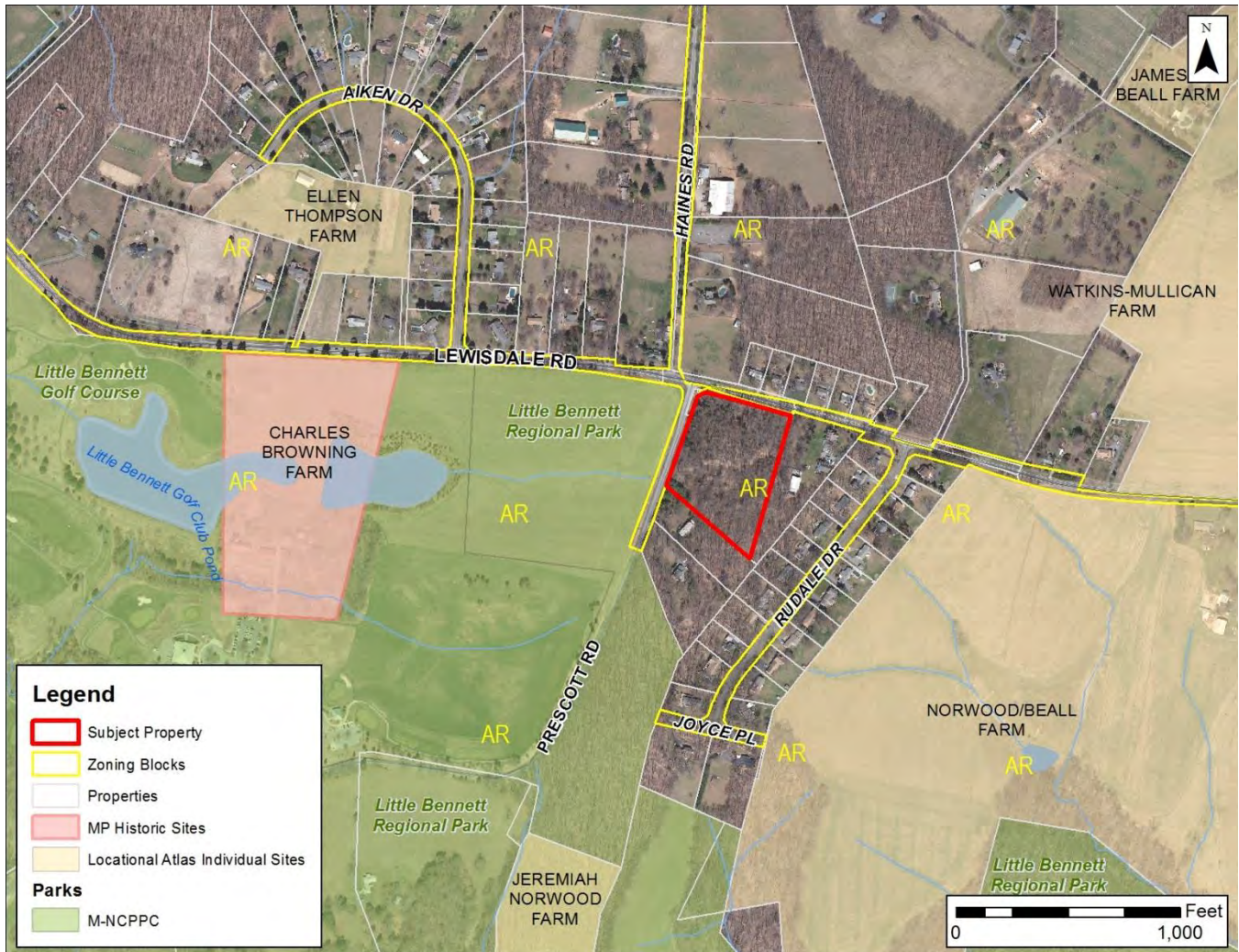


Figure 1. Vicinity Map. All properties in the vicinity are zoned Agricultural Reserve (AR).

The immediate vicinity of the Property consists of a mix of single-family residential detached houses, agricultural fields, forested areas, and open space. The larger vicinity of the site is rural. The Property is near a high point, and a few small, unnamed stream tributaries begin their runs in the area.

West, across Prescott Road from the Property, is Little Bennett Regional Park. This portion of the park contains the Little Bennett Golf Course and the historic Charles Browning Farm. North, across Lewisdale Road from the Property, is a training, breeding, and boarding facility for horses and a few

single-family houses. The two abutting properties, to the east and to the south, contain single-family detached houses.

In addition to the Charles Browning Farm within Little Bennett Regional Park, four other properties on the Historical Locational Atlas are nearby: Norwood/Beall Farm, Ellen Thompson Farm, Jeremiah Horwood Farm, and Watkins-Mullican Farm.

B. Site Description



Figure 2. Subject Property. Much of the Property is covered by a Category I Forest Conservation Easement.

The Property (Figure 2) totals 5.585 acres and is currently vacant. The entire Property is covered by forest. There are no wetlands, streams, or other environmentally sensitive features on the Property, which is in the Little Bennett Creek watershed. The Property slopes downward from east to west towards the frontage along Prescott Road, with an elevation change of approximately 40 feet; there

are no steep slopes on the Property. There is currently a 3.57-acre Category I Forest Conservation Easement on the Property.

C. Plan Approval History

Zoning and Land Use History

The 1980 *Functional Master Plan for the Preservation of Agriculture & Rural Open Space* established the County's Agricultural Reserve. Land within the Agricultural Reserve, which includes the Property, was categorized within the Rural Density Transfer (RDT) zone established by this plan. Prior to being placed in the RDT zone, the Property had been zoned Rural. The 1982/1985 *Damascus Master Plan* ("Master Plan") recommended retaining the RDT zone designation for the Property. The RDT zone was renamed the AR zone by the 2014 Comprehensive Zoning Code rewrite. The Property is vacant and there is no evidence of any prior development.

Preliminary Plan Approval

The existing record lot was created as a result of Preliminary Plan 120070710, which was approved on December 13, 2007. Per grandfathering provisions in the zoning code in effect at the time, the Property was exempt from the area and dimensional requirements of the RDT zone because the property had been created by deed prior to the sectional map amendment that applied the RDT zone. As such, the standards of the Rural zone were applied, which had a minimum lot size of five acres. The Planning Board reviewed the lot for adequacy to accommodate a single-family home and a condition of approval of the preliminary plan only allows "one residential lot for 1 one-family detached dwelling unit" (Attachment A). A similar note appears on plat 23886 ("This lot is approved for a 4 bedroom house") (Attachment B). The main drawing detail of the approved preliminary plan is shown in Figure 3.



Figure 3. Detail from approved Preliminary Plan 120070710. The originally approved conservation easement, septic area, and driveway are emphasized.

Conditional Use Approval

The conditional use application to operate a veterinary office on the Property was recommended for approval by the Planning Board at its meeting on July 12, 2018. The Hearing Examiner approved the Conditional Use on October 17, 2018 (Attachment C) and modified a condition of approval regarding accessory sales on October 26, 2018 (Attachment D).

SECTION 3: PROPOSAL

Dr. Greta Stamberg, president and managing member of co-petitioners Clarksburg Animal Hospital, Inc. and Mashed Potato Properties, LLC (“Applicant”), requests approval of a Preliminary Plan Amendment (“Application” or “Amendment”) to allow a veterinary hospital on the Property. Dr. Stamberg currently operates the Clarksburg Animal Hospital at an old U.S. Post Office building on Frederick Road (MD 355) in the Clarksburg historic district.

The Property is identified as Lot 1 of “Widow’s Purchase” as shown on plat 23886. A condition of approval of the original Preliminary Plan limits the Property to “one residential lot for 1 one-family detached dwelling unit.” Because this Application is for a non-residential use requiring a conditional use, the Applicant requests to change this condition to also allow a veterinary hospital. The Amendment will bring the preliminary plan into agreement with the Conditional Use approval.

The facility proposed on the Property, Clarksburg Animal Hospital (CAH), will contain up to 4,050 square feet of floor area and will be architecturally styled to resemble a one-and-a-half-story single-family detached house (Figure 4).



Figure 4. Front façade of proposed facility.

As required under the conditional use approval, CAH will not exceed five veterinarians and fifteen support staff present at any one given time. The facility will not provide boarding services at any time, although periodically patients may be hospitalized overnight. CAH will contain a pharmacy, but also offers an online store/pharmacy to fulfill orders offsite to be delivered directly to a client’s home. CAH also plans to add “telemedicine” in the future for follow-up appointments, which should reduce the number of trips to the Property.

The Applicant intends to operate the facility Monday through Friday from 7:30 a.m. to 7:00 p.m. and on Saturday from 7:30 a.m. to 1:00 p.m. It will be closed on Sunday. The Applicant will only rarely keep sick patients in the facility overnight and may need to visit the facility to provide treatments outside of

normal operating hours, but otherwise the sickest patients are referred to a 24-hour facility for overnight care.

28 parking spaces are included in the Application. This is the minimum number required by the Zoning Ordinance. The main Preliminary Plan Amendment details are shown in Figure 5. The septic area has been enlarged and the driveway has been widened and shifted slightly to the south compared to the original Preliminary Plan. The Applicant proposes some small areas of regrading and replanting within the existing conservation easement.

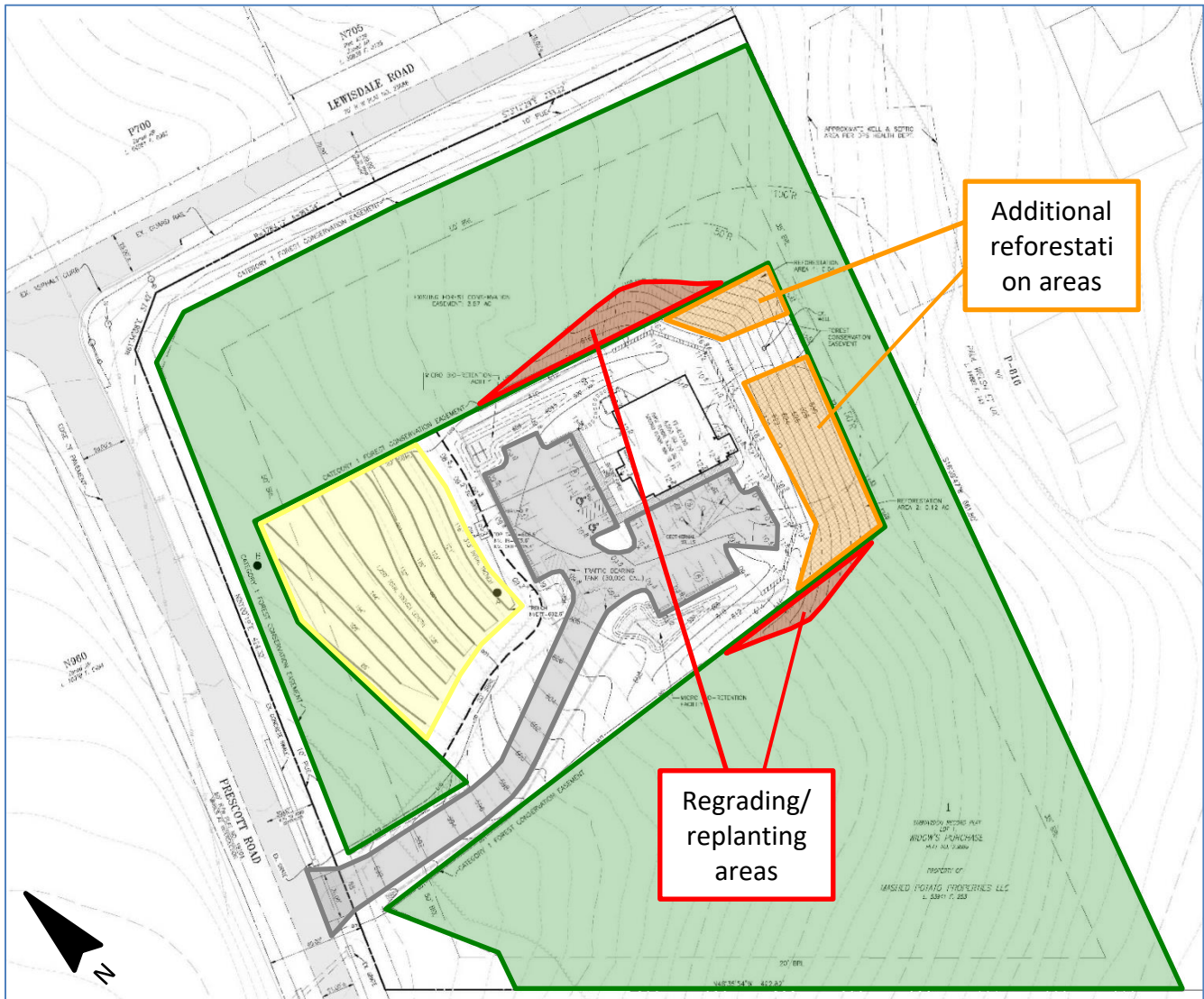


Figure 5. Preliminary Plan Amendment detail. The existing conservation easement, revised septic area, and revised driveway/parking area are highlighted, as is an additional reforestation area that is to be added to the conservation easement to the rear of the proposed structure. The Amendment also proposes some areas of regrading and replanting within the existing forest conservation easement (shown in red).

To minimize impacts to the existing forest conservation easement, the Applicant is proposing a retaining wall to the rear (east) of the proposed building (Figure 6). A similar retaining wall is proposed to the north of the building. This will minimize the amount of grading on the site and will further reduce sounds that may emanate from the use. The area behind the retaining wall will be reforested, and additional landscaping is also proposed around the building and parking lot.

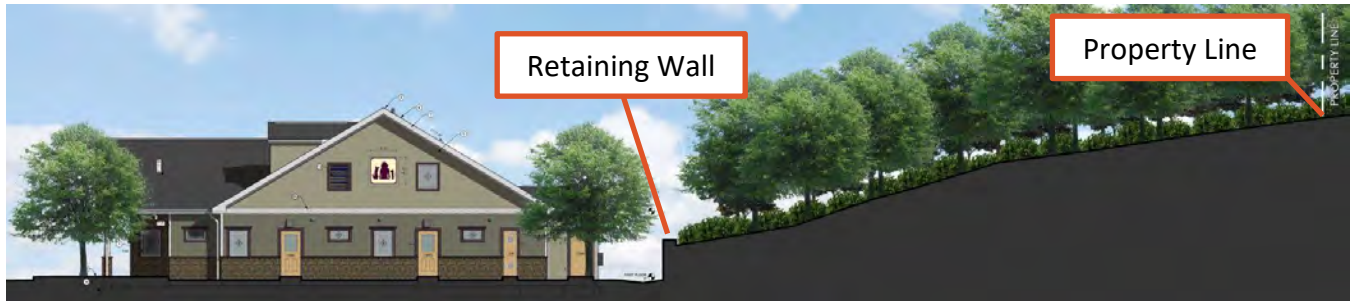


Figure 6. South cross-section showing retaining wall and reforested/forested area to the east of the building extending to the property line.

SECTION 4: ANALYSIS AND FINDINGS

The configuration of the lot, including all necessary dedication for roads and site setbacks, was approved with preliminary plan 120070710. However, that plan approved the lot based on a residential use, and the Amendment proposes a veterinary hospital (a non-residential use). Therefore, Staff must review the required findings of the Subdivision Ordinance (Sec. 50.4.2.D).

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of chapter 59.*

The existing lot can easily accommodate the proposed veterinary hospital and parking lot within the development envelope established by the approved preliminary plan (Figure 7). Therefore, the lot is appropriately dimensioned to accommodate the veterinary clinic and all necessary infrastructure. No changes to roads are included in this plan.



Figure 7. Previously approved Preliminary Plan 120070710 and proposed Preliminary Plan Amendment 12007071A. The proposed facility fits within the development envelope established by the approved plan, although some regrading/replanting will occur within the existing forest conservation easement.

The intent of the Agricultural Reserve (AR) zone (Sec. 59.4.2.1) is to promote agriculture, mainly by providing large areas of contiguous properties suitable for agricultural and related uses. Although agriculture is the preferred use in the zone, “uses that are not exclusively agricultural in nature must satisfy additional use standards or the conditional use approval process.” The proposed use on the Property is not agricultural and is allowed conditionally. Conditional Use case CU 18-07, approved on October 17, 2018, found that the use conforms to the conditional use standards for a veterinary office/hospital (59.3.5.1.C) and the intent of the zone.

The relevant development standards are shown in Table 1.

Table 1. Development Standards

Development Category	AR Standard	CU Standard	Proposed
Minimum site area	25 acres		5.585 acres
Minimum lot area ¹	5 acres		5.585 acres
Lot width at front building line ¹	300 ft.		584.2 ft.
Lot width at front lot line ¹	25 ft.		424.3 ft.
Maximum lot coverage	10%		1.3% (3,250 SF)

Development Category	AR Standard	CU Standard	Proposed
Minimum building setback, principal building:			
• Front	50 ft.		50 ft.
• Side street	50 ft.		50 ft.
• Side ²	20 ft.	50 ft.	50 ft.
• Rear ²	35 ft.	50 ft.	50 ft.
Maximum Height:			
• Principal building	50 ft.		50 ft.

¹ Per Section 59.7.7.1.D.9, the lot area and lot width must conform to the standards of the zone of the Property before being classified in the AR zone, which in this case is the Rural.

² The minimum setback for a veterinary office is 50 feet from any residential lot line. If a single-family house is built instead of a veterinary office, the AR setback standards shall apply.

The Application is well within the development standards except for the minimum site area, which is 25 acres in the AR zone. However, the lot was created in 2008 under the previous zoning code, which allowed the lot to be exempt (grandfathered) from the area and dimensional requirements of the former Rural Density Transfer (RDT) zone as long as the deed was recorded prior to its reclassification into the RDT zone and it met the requirements of the prior zone, (Section 59-C-9.74 of the old Zoning Ordinance). The Property was in the Rural zone (5-acre minimum lot size) prior to being rezoned RDT and the Property was found to meet the requirements of the Rural zone when the Preliminary Plan was approved.

Specification for Principal Building Setbacks

- a. The front setback and side street setback must consist of any scenic setback recommended by a master plan or 50 feet, whichever is greater.*

The Master Plan does not recommend a scenic setback on the Property, so the 50-foot standard setback applies to the front and side street setbacks. The Conditional Use standard is 50 feet from any residential lot line (Sec. 59.3.5.1.C.b.vi), which affects the side and rear setbacks here, making all setbacks 50 feet. The conservation easement surrounding the use adds a further buffer, ensuring that the building will be at least 90 feet from a property line. The proposed retaining wall will add further seclusion for the clinic. The nearest dwelling is at least 175 feet from the inside edge of the conservation easement.

The Application satisfies the development standards of the Agricultural Reserve zone and the prior Rural zone, as applicable.

2. The preliminary plan substantially conforms to the master plan.

The Property is within the area covered by the 1982/1985 *Damascus Master Plan*. The Master Plan confirmed the RDT zone on the property but does not make any specific recommendations for the Property.

The Property lies within the Little Bennett Creek drainage basin. The Little Bennett tributary is a Class III Use Class (natural trout waters), and the Master Plan stresses that “[t]he water quality of these streams must be strictly controlled to preserve the trout’s aquatic environment. Protection of these valuable fisheries must be achieved through stormwater detention, sediment control and water quality enforcement. Open space uses, conservation areas and low-density residential development are preferred land uses in these drainage basins” (p. 20).

The Master Plan states that “[n]o development, land disturbance or stripping will be permitted on slopes in excess of 25 percent” and that “approval should not be given to a subdivision where paved surfaces, structures or septic fields are likely to be located on slopes in the range of 15-25 percent and where soils are classified as severely eroded. ... [L]ots should be designed to provide a buildable area which does not intrude on the 15-25 percent slopes” (p. 22).

Due to concerns about the sensitive headwaters of several watersheds, the Master Plan recommends onsite stormwater management for areas not controlled by programmed centralized facilities (p. 25). “For smaller tributary streams not controlled by centralized facilities, a conservation easement up to 200 feet from the bank is recommended” (p. 25).

The Property is not in an area controlled by a programmed centralized facility. The proposed facility will comply with an approved stormwater management plan, which provides onsite stormwater management facilities that will, once approved, ensure the drainage area is adequately protected. The Property does not contain any slopes greater than 15 percent on the Property.

The Master Plan does not recommend any road changes for Lewisdale or Prescott Roads, which are not Rustic Roads.

The Master Plan’s land use recommendation is that “[t]he existing development pattern outside the sewer service area consists of homes along ridge lines and farms in the valleys. This form of development is continued and encouraged” (p. 35). The Master Plan stresses the importance of preserving agriculture in this part of the County. “Lands designated Agricultural Reserve are afforded special protection from urban and suburban development pressures. Non-farm uses, especially intensive residential development, are discouraged and farm-related activities, such as farm markets and primary agricultural processing, are encouraged. ... [F]arming is the preferred use in the Agricultural Reserve” (p. 79-80).

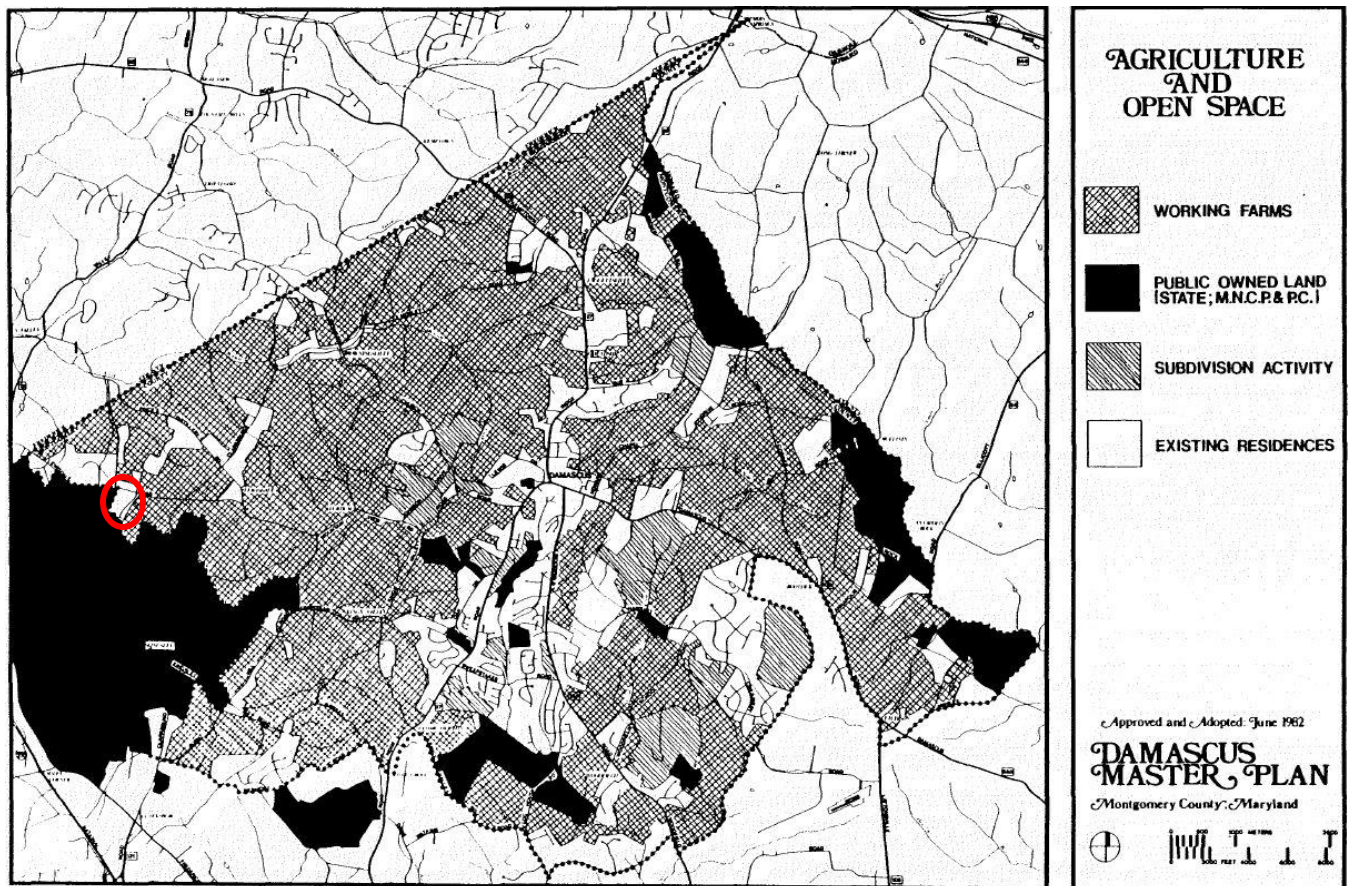


Figure 8. Agriculture and Open Space Map from 1982/1985 Damascus Master Plan. The Subject Property is shown in an area designated as “existing residences” (red-circled area).

The Master Plan discourages, but does not prohibit, non-farm uses. The Property has already been approved for a single-family house, which is a non-farm use that was in keeping with the low-density residential character of the zone. In addition, the Master Plan encourages the existing development pattern of homes along ridge lines; the house-like design of the proposed facility and its location along a ridgeline will help continue this pattern. Furthermore, the Property is included in an area shown as “existing residences” in the Master Plan and not in the “working farms” area (Figure 8 above). Although Staff could not find any evidence of a house on the Property in the past, it appears that the “existing development pattern” of the immediately surrounding area at the time of the Master Plan was residential and not agricultural. Although a veterinary hospital is neither agricultural nor residential, Staff believes that the Application continues the development pattern of the area and the proposed facility will fit within the same development envelope established for the one family residence.

The Property is across Prescott Road from Little Bennett Stream Valley Park. The Master Plan states “[t]his is a significant natural resource area because of Little Bennett Creek’s high water quality and its attributes as a natural trout stream (brown trout reproduction). All efforts should be made to protect the natural environment in this stream valley area, as well as protecting the migration routes for

wildlife in and out of Little Bennett Regional Park (p. 90). As mentioned above, the Applicant's stormwater management plan will help maintain the water quality in the watershed.

The Master Plan recommends implementation of the Plan through several processes, among which are zoning practices, subdivision review, and citizen involvement (p. 97). The Master Plan maintained the existing zoning of the Property. The Property has already gone through subdivision and conditional use reviews; the Applicant seeks an amendment to change the allowed use on the property. Both the subdivision and conditional use application processes allow for citizen involvement.

The Property does not fall within the area of the Master Plan designated to receive public sewer service (p. 103). The Applicant will construct a septic system onsite.

The Preliminary Plan Amendment substantially conforms with the recommendations of the Master Plan.

3. Public facilities will be adequate to support and service the area of the subdivision.

Transportation

The facility will have one access point along Prescott Road at an existing asphalt driveway apron. An updated sight distance evaluation was submitted by the Applicant and has been found acceptable by MCDOT (Attachment E). The proposed animal hospital will generate 22 new person trips during the AM peak travel period and 25 new person trips during the PM peak travel period. The Application includes a traffic statement exempting it from the Adequate Public Facilities (APF) Local Area Transportation Review (LATR) test under the 2016 Subdivision Staging Policy as the site will generate fewer than 50 new peak-hour person trips.

Master-Planned Roadway and Bikeways

There are no master-planned roads or bicycle routes on or abutting the Property. Prescott Road is an unclassified road with a 60-foot right-of-way providing access to Little Bennett Regional Park and Little Bennet Golf Course. Lewisdale Road is an unclassified road with a 70-foot right-of-way. Right-of-way dedication was provided with the previous Preliminary Plan (120070710) and platting of the Property; no further dedication is required.

Pedestrian and Bicycle Facilities

There are no pedestrian or bicycle facilities on Prescott Road and Lewisdale Road. Chapter 49, Streets and Roads, requires an applicant to install sidewalks if a lot fronts on a public road. Several exceptions are made to this, including building a sidewalk on any roadway classified as exceptional rustic, rustic, country arterial, or country road (Sec. 49-33.e.1.B). Sidewalks may also be omitted on a tertiary residential street if the Planning Board finds that it is unnecessary for pedestrian movement (Sec. 49-33.e.1.C). Although Prescott and Lewisdale Roads are not classified, Lewisdale Road functions much like a country arterial and Prescott Road functions similar to a country road or a tertiary residential street. Staff recommends that sidewalks not be included in the Amendment for the following reasons:

- Staff could find no sidewalks along any road abutting AR-zoned property in the entire County with the exception of a 260-foot section connecting two residential areas along Lewis Drive in Damascus and a 250-foot section on a bridge over Little Bennett Creek.
- The Property has approximately 850 feet of frontage on the two roads; installing that length of sidewalk would be cost prohibitive and disruptive to the terrain, including the forest within the existing Category I Conservation Easement.
- Because sidewalks are not required on lots greater than 25,000 square feet for a single-family detached dwelling in a rural zone (Sec. 49-33.e.1.A), no other property in the vicinity would ever be required to build a sidewalk. Requiring them here would lead to a “sidewalk to nowhere.” Since there is no planned pedestrian connectivity anywhere near the site, sidewalks here are unnecessary for pedestrian movement.

Public Transit Service

There is no transit service in the site vicinity.

Well and Septic

MCDPS requested an additional 230 linear feet of septic trench for a total of 1250 linear feet; the Preliminary Plan Amendment drawings show this extended septic field. MCDPS approved the well and septic for the proposed use on September 25, 2018 (Attachment F).

Other Public Facilities and Services

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 20, 2018 (Attachment G). The Applicant was required to locate a 30,000-gallon water supply within a one-mile travel distance to the Property to satisfy Montgomery County Fire and Rescue requirements. Since no such suitable supply was available, the Applicant has proposed a 30,000-gallon cistern beneath the parking lot.

The Hyattstown Volunteer Fire Department is located approximately 2.6 miles from the property. The Property is served by Montgomery County Police District 5D, which is in Germantown. There are health clinics nearby in Clarksburg and a hospital in Germantown. The Property is adequately served by police stations, firehouses, and health clinics.

The public facilities are adequate to support the proposed veterinary hospital.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is substantially forested by a mixed hardwood forest. The Property lies within the Little Bennett Creek watershed, which is classified by the State of Maryland as Use III-P waters.

Natural Resource Inventory/Forest Stand Delineation

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420022210 for the Property was approved on February 13, 2002 and recertified on February 27, 2007. The NRI/FSD identifies the

environmental constraints and forest resources on the subject Property. The Property contains 5.13 acres of a mixed hardwood forest with no streams, wetlands, or other environmentally sensitive features.

Preliminary Forest Conservation Plan

A Preliminary Forest Conservation Plan (PFCP) was approved by the Planning Board on December 13, 2007 as part of the Preliminary Plan application for Widow's Purchase, Parcel 808, Plan No. 120070710. The PFCP called out the Property to be 5.65 acres in size in the RDT zone and showed the proposed construction of a single-family structure within the limits of disturbance (LOD). The plan showed the site to have an existing forest cover of 5.60 acres. The Applicant had proposed to remove 2.00 acres and to retain 3.60 acres of existing forest. This resulted in a Total Reforestation/Afforestation requirement of 0.00 acres. The 3.60 acres of remaining forest was placed into a Category I Conservation Easement.

Final Forest Conservation Plan

The FFCP was submitted on June 27, 2018 and was administratively approved by Staff on August 29, 2018 (Attachment H). The FFCP shows the location and grading necessary for the veterinary clinic but removes no additional net forest from that which the Planning Board has already approved under the PFCP.

The FFCP shows the current proposal of a veterinary hospital within the LOD. The Applicant has also requested approval to remove and replace a small portion of existing forest within three small areas of the Category I Conservation Easement to create a usable building pad area for the veterinary hospital. The Applicant will reforest those disturbed areas and mitigate for the disturbance by planting 0.24 acres in an area to be added to the Category I Conservation Easement, which must be recorded by deed in the Land Records of Montgomery County prior to the start of any clearing, grading, or demolition on the Property. The existing conservation easement will remain unchanged.

A minor change to the LOD that occurred after the FFCP was approved due to a widened driveway apron has been included with the Application and will be approved along with the Amendment.

Staff finds that the proposed Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The FFCP does not alter any of the requirements under the approved PFCP.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

MCDPS found the stormwater management concept acceptable on July 2, 2018 (Attachment I). The concept proposes to meet required stormwater management goals via micro-bioretenment.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.*

The proposed subdivision does not include a known burial site.

7. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

As discussed above, the plat contains the following note: "This lot is approved for a 4 bedroom house." Staff finds that the plat does not need to be modified to remove or amend this note and that the Application, as conditioned, is adequate to allow the use without a revised plat. The lot is still approved for a 4-bedroom house. Another note on the plat indicates that the plat is limited to the uses and conditions as required by preliminary plan no. 120070710 and that any proposed changes will require further Planning Board approval. Staff believes that this note sufficiently allows a change in use without the need to revise the plat.

SECTION 5: CITIZEN CORRESPONDENCE

Staff received correspondence both in favor of and in opposition to the Preliminary Plan Amendment. As with the Conditional Use application, those in favor of the application were typically clients of CAH and generally supported the Applicant and her veterinary practice, while those against the application raised concerns regarding the appropriateness of a commercial facility in the Agricultural Reserve, additional traffic, well-water usage, and the potential for a disturbance of the tranquility of the area. Additional concerns were raised regarding re-use of the facility should the animal hospital ever go out of business, the need for the facility, lighting, and the potential decrease in the value of nearby residential properties. Many in favor of the application cited traffic problems at the animal hospital's current location on Frederick Road as a reason to support moving to the new location.

In response to the above concerns, Staff finds that:

- An animal hospital is an allowed use in the Agricultural Reserve zone.
- The additional traffic created by the facility, as shown in the traffic statement, is minimal.
- The Applicant provided documentation of her current water usage and that of similar facilities that indicates it should be less than the amount used by a single-family home.
- The staggered nature of appointments and the Applicant's procedures for keeping dogs separated minimizes outdoor noises at the site.
- The Applicant does not propose boarding of dogs but may keep sick or injured animals overnight on a rare basis.
- The future use of the structure is not considered at the time of preliminary plan review.
- The presence of similar facilities in the vicinity does not preclude operating another such business.

- The restricted hours at which the building, parking lot, and location sign may be illuminated should prevent diminished night sky viewing.
- There is no evidence that locating an animal hospital in a neighborhood has a negative effect on property values in the area.

While those opposed to the project have raised valid concerns, Staff does not believe that any of these concerns, alone or in combination, is sufficient to recommend denial of the Preliminary Plan Amendment Application.

SECTION 6: CONCLUSION

The Application satisfies all applicable requirements for approval of a preliminary plan amendment as specified in the Montgomery County Subdivision Ordinance. The Amendment is consistent with the recommendations of the 1982/1985 *Damascus Master Plan*. There will be no unacceptable traffic, circulation, noise, or environmental impacts associated with the application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, Staff recommends Approval of Preliminary Plan Amendment 12007071A, subject to the conditions listed at the beginning of this report.

Attachments

- A. Preliminary Plan 120070710 Planning Board Resolution – December 13, 2007
- B. Plat 23886
- C. Hearing Examiner's opinion on Conditional Use case CU-18-07 – October 17, 2018
- D. Modified Hearing Examiner's opinion on CU-18-07 – October 26, 2018
- E. DPS Well and Septic letter – September 25, 2018
- F. DPS Fire Department Access and Water Supply Section letter – December 20, 2018
- G. FFCP approval memo – August 28, 2018
- H. MCDOT approval letter – December 27, 2018
- I. Stormwater Management Concept acceptance letter – July 2, 2018
- J. M-NCPPC Department of Parks comment – August 6, 2018
- K. Citizen correspondence