






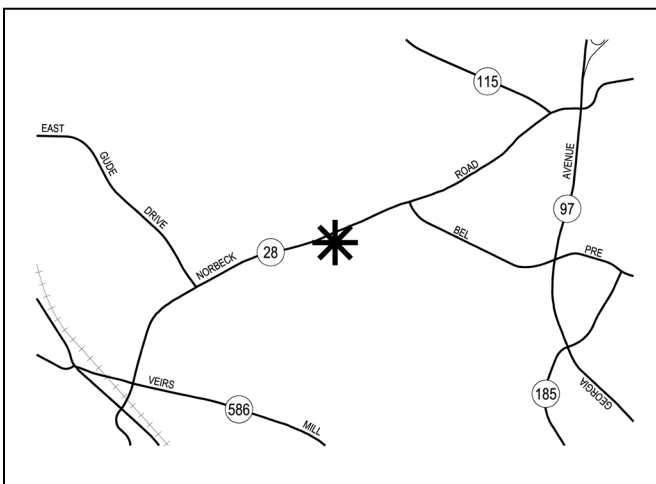
Thrive Veterinary Clinic - Site Plan No. 820200190

-  Parker Smith, Senior Planner, Mid-County Planning, Parker.Smith@montgomeryplanning.org, 301-495-1327
-  Matthew Folden, Supervisor, Mid-County Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539
-  Carrie Sanders, Chief, Mid-County Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

Description

Completed: July 9, 2021

- Request to convert approximately 1,782 square feet of commercial (retail) space in an existing shopping center to veterinary office/ hospital use with an outdoor animal relief area;
- Located within the Rock Creek Village Shopping Center on the south side of Norbeck Road (MD-28), between Baltimore Road and Bauer Drive, within the *1994 Aspen Hill Master Plan* area;
- 9.39 acres in the NR-0.75, H-45 zone;
- Applicant: Rock Creek Village LLC;
- Acceptance date: 5/17/2021;
- Review Basis: Chapter 59, Chapter 22A.



Summary

- Site Plan approval is required for veterinary office/ hospital use in the NR zone where the Subject Property abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is improved with a residential use per Section 59.3.5.1.C.2.a.iii. The Subject Property confronts a Residential Detached zone (R-90 across Bauer Drive) that is improved with a residential use.
- The Application meets the requirements of Chapter 59, the Zoning Ordinance and Chapter 22A, the Forest Conservation Law.
- There are no exterior changes to the existing shopping center, except the outdoor relief area, proposed as part of this Application.

SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820200190, Thrive Veterinary Clinic, for conversion of approximately 1,782 square feet of existing commercial (retail) space to veterinary office/ hospital use with an outdoor animal relief area. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required.¹

Staff recommends approval of Site Plan 820200190 subject to the following conditions:

1. The veterinary office/ hospital use hours of operation, including the outdoor animal relief area, are limited to Monday through Saturday, 8:00 A.M. to 6:00 P.M.
2. The outdoor animal relief area must be fenced and located a minimum of 50 feet away from any residentially zoned property.
3. Animals will not be boarded overnight at the Subject Property, except as needed as a result of recuperation after surgery or for observation after other medical treatment.
4. The subject retail bay must be adequately soundproofed so that noise will not violate County Noise regulations nor will it cause any disturbance in adjacent units. The building shell must attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

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

SECTION 2: SITE DESCRIPTION

Site and Vicinity

The 9.39-acre Subject Property (or the Property) is improved with the Rock Creek Village Shopping Center, which has operated on the Property since it was constructed in the 1960s, and is bounded by Norbeck Road (MD 28) to the north, Bauer Drive to the east, and Baltimore Road to the west. Figure 1 depicts the entire Subject Property (in yellow) and the Site Plan limits (in red).

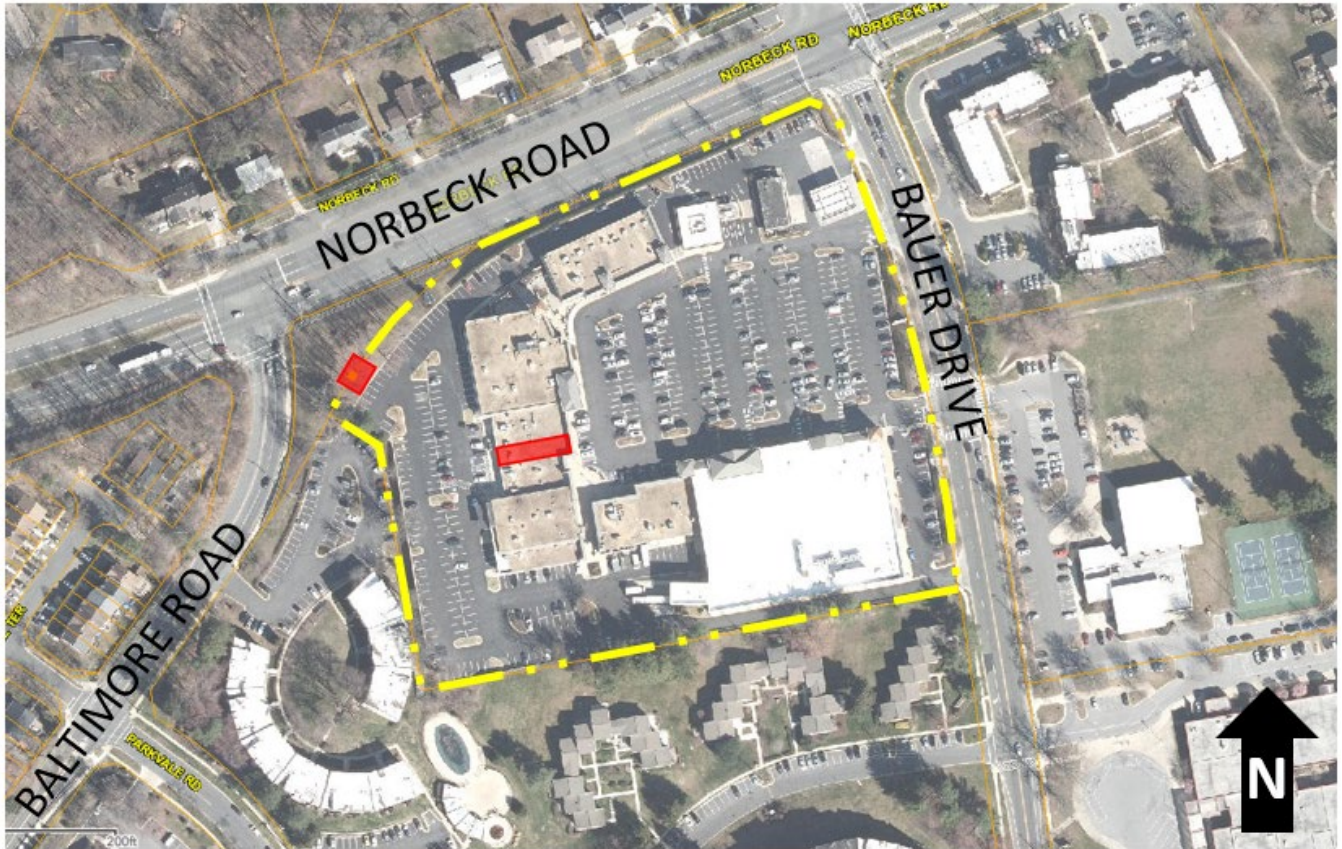


Figure 1: Subject Property and Site Plan Limits

The area surrounding the Subject Property is predominately residential. To the south and west, the Property is adjacent to multi-family buildings (zoned R-30 and R-20, respectively). To the east, across Bauer Drive, the Property confronts multi-family buildings (zoned R-90). An area of single family detached residential development (zoned R-90 and R-200) exists across Norbeck Road to the north. The Property is within the 1994 *Aspen Hill Master Plan* area and is zoned NR. Across Bauer Drive, to the east of the Property, is the Bauer Drive Community Recreation Center, Earle B. Wood Middle School, Earle B. Wood Park, and further east Lucy V. Barnsley Elementary School. To the west of the Property is Rock Creek and its associated trail network, and to the southwest along Baltimore Road is Rockville High School.

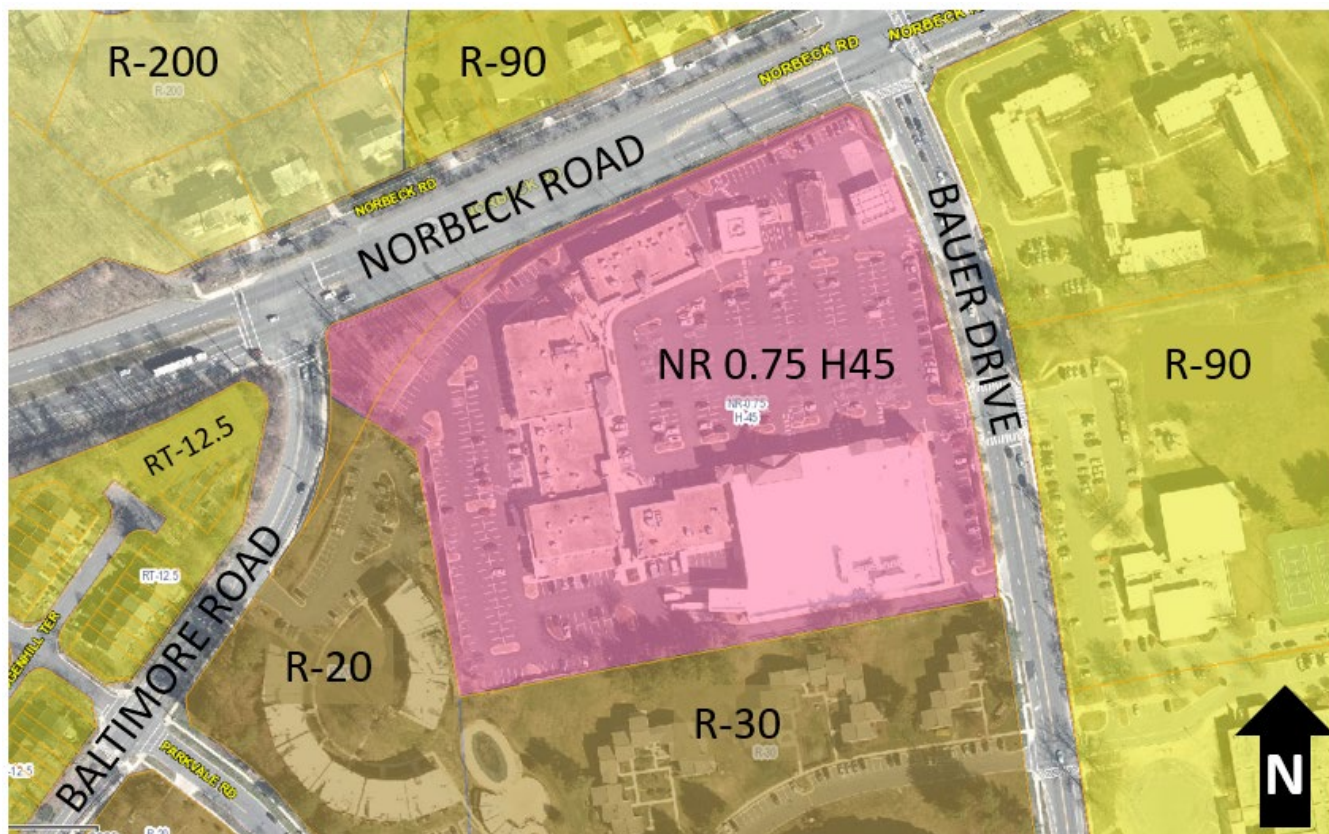


Figure 2: Site Vicinity and Zoning



Figure 3: Existing Retail to be Converted to veterinary office/ hospital use (Front)



Figure 4: Existing Retail to be Converted to veterinary office/ hospital use (Rear)



Figure 5: Animal Relief Area (as viewed from the Subject Property)

SECTION 3: PROJECT DESCRIPTION

Proposal

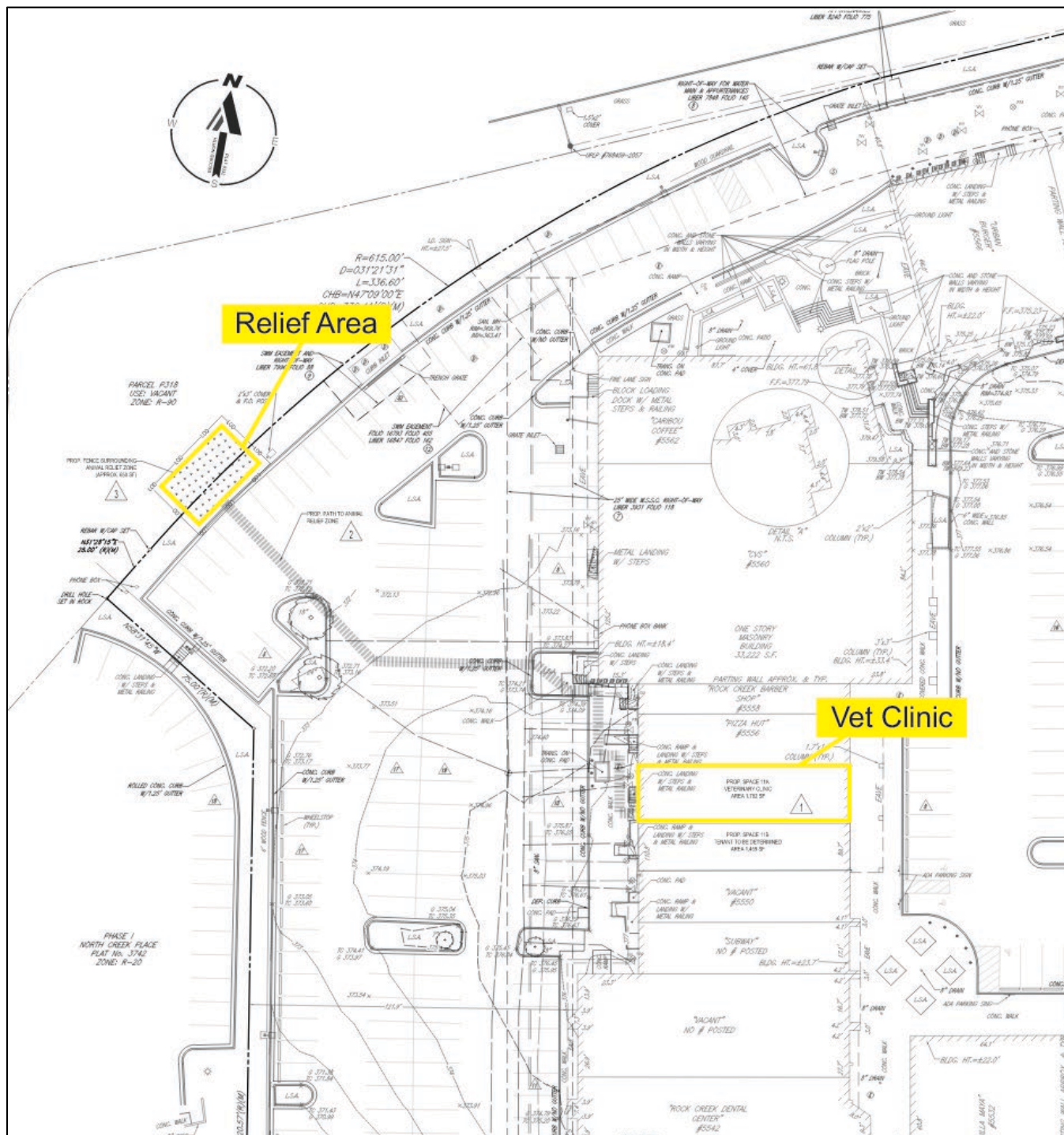
As a limited use in the NR zone, a Site Plan is required for a veterinary office/hospital that abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is improved with a residential use per Section 59.3.5.1.C.2.a.iii. This provision of the Zoning Ordinance applies to the Subject Property because the Site confronts a single-family detached-zoned neighborhood (R-90) improved with a residential use across Bauer Drive.

The Site Plan proposes conversion of approximately 1,782 square feet of existing commercial (retail) space to veterinary office/hospital use with an outdoor animal relief area. The veterinary office/hospital will operate within an existing retail space and will not require exterior modification to the shopping center except for the installation of an outdoor animal relief area on the northwest frontage of the Site.

The exterior animal relief area will function in support of the interior space by providing a natural landscaped area for animals under the care of the veterinary office/ hospital use. As proposed, the animal relief area is within easy walking distance from a rear door of the rental space and will be fenced so that animals may be taken outside to relieve themselves. The proposed animal relief area is approximately 200 feet from the rear door of the veterinary office/ hospital and about 220 feet across Norbeck Road from the nearest residential detached development. There is also buffering between the relief area and the multi-family development to the west and south in the form of a 6-foot-tall wooden fence along the property line. Beyond that, the area is buffered by parking lots for the multifamily buildings. The animal relief area will be approximately 650 square feet. Based on the distance from both the adjacent residential use and other shopping center tenants, the animal relief area will be adequately buffered.

The animal relief area exists on the property line between the Rock Creek Village Shopping Center and Parcel 318. The owner of Parcel 318 is SL Real Estate Limited Partnership. The owner's representative, Samuel Lehrman, has authorized Rock Creek Village, LLC to use Parcel 318 in order to operate Thrive Veterinary Clinic. The owner authorization letter is an attachment to this staff report.

The range of services proposed with the veterinary office/ hospital generally include vaccines; microchip placement; heartworm, flea and tick protection; spay and neuter; dental care; X-ray services; treatment of broken limbs; and some surgical procedures involving mass removal. The clinic's operating hours will be 8AM to 6PM, Monday through Saturday. Staffing includes at least one but not more than two veterinarians and between four and six staff persons. The veterinary office/ hospital will not board animals, however some animals may be kept overnight to recuperate after a surgical procedure or for observation after other medical treatment.



SECTION 4: SITE PLAN ANALYSIS AND FINDINGS

Conditions for Granting a Limited Use- Section 59.3.5.1.C.2 Necessary Findings

a. *Where a Veterinary Office/Hospital is allowed as a limited use, it must satisfy the following standards:*

- i. *In the Commercial/Residential and Employment zones, an outdoor exercise yard is allowed if:*
a) *It is fenced and set back a minimum of 50 feet from any Residential zone; and*

The proposed veterinary office/ hospital use will be located in the NR zone, a zone listed in the "Employment" category of zones. An outdoor exercise and animal relief area is therefore allowed under designated circumstances. The outdoor area to serve the proposed veterinary office/ hospital use will be fenced. This exterior area is situated more than 150 feet from any residential zone (R-90 and R-200 to the north, R-20 to the south, RT to the west). Only the land area zoned R-20 abuts the area subject to site plan review.

- b) *Any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.*

As conditioned, the proposed veterinary office/ hospital use will utilize the outdoor recreation/ animal relief area so that no animal will be in the fenced compound before 7:00 a.m. or after 9:00 p.m.

- ii. *Any part of a building used for animal boarding must be soundproofed.*

Although the Subject Application does not propose commercial animal boarding, there may be some instances in which animals are kept overnight to recuperate from surgery or for observation following a medical procedure. For these reasons, the Application includes specifications for acoustical treatment of walls between the retail bay to be utilized as the veterinary office/ hospital use and adjacent units. Narrative information provided with these application materials demonstrates that the subject retail bay will be adequately soundproofed so that noise will not violate County Noise regulations nor will it cause any disturbance in adjacent units. The wall between the subject retail unit and the adjacent unit to the south is constructed of concrete block and has a very low co-efficiency of noise transmission. The wall between the subject unit and the new Unit 11B will be designed, constructed and treated so that it will not communicate any sound that would exceed County Noise Law standards.

- iii. *In the Commercial/Residential and Employment zones, where the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 59.7.3.4.*

Because the Rock Creek Village Shopping Center confronts property zoned Residential Detached that is improved with a residential use across Norbeck Road, site plan review is required and is provided via this application.

Per Section 59.7.3.4 of the Zoning Ordinance,

2. *To approve a site plan, the Planning Board must find that the proposed development:*

a. *satisfies any previous approval that applies to the site;*

Not applicable. The subject Property is not covered by any other land use approval except Preliminary Plan 119990550, of which the approval conditions do not conflict with this site plan proposal.

b. *satisfies under Section 59.7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

Not applicable.

c. *satisfies under Section 59.7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

Not applicable.

d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

The proposed use, a veterinary office/ hospital, is allowed as a limited use in the NR zone and the setting and proposal meet all of the limited use requirements as well as the development standards for the NR zone. Development Standards are provided in Table 1, below.

Table 1: Site Plan Data Table

NR-.75 Zone	Required/Permitted	Proposed (as existing)
Lot Area		
Lot (min)	n/a	9.39 acres
Density (max)	.75 FAR	103,200 sf (.25 FAR)
Public Use Space (min)		
Percentage	10%	11.60%
Square footage	40,902 sf	47,570 sf
Parking (min)	516 spaces	606 spaces
Parking for Veterinary Office/Hospital	11 spaces (2x2.5 for veterinarians, 6x1.0 for staff)	Provided within existing parking

The Project does not involve any changes to development density and does not propose any changes to the existing shopping center except the addition of the outdoor animal relief area, as discussed in this Staff Report. The existing shopping center conforms to the development standards and general requirements of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

There are no structural, landscape, or hardscape changes proposed as part of this Site Plan except the addition of a fence around the proposed outdoor animal relief area. This activity on site involves less than 5,000 square feet of disturbance and does not require any permits under Chapter 19.

ii. *Chapter 22A, Forest Conservation*

Environmental Guidelines

The Site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property.

Forest Conservation

The Project is exempt from submitting a forest conservation plan as a modification to an existing developed property. An Exemption, designated No. 42020210E, was approved on May 5, 2021. As submitted, the Site Plan is in conformance with the Environmental Guidelines and complies with Chapter 22A, the Forest Conservation Law.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Applicant's proposal is to add a unique tenant in an existing building in a mature shopping center that historically has operated in a safe and efficient manner. Parking is readily available in front of the proposed location and in the larger parking field in the center of the "U" shaped center. Access to the outdoor exercise/ animal relief area will be through a rear parking lot which is primarily used by employees (rather than patrons) of the shopping center, so the parking vehicles are not often moved during the workday and vehicle traffic within this parking area is light. Since the Subject Application does not change any external physical feature of the shopping center (aside from the addition of an outdoor animal relief area), the shopping center is expected to continue to operate in a safe and efficient manner.

g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The master plan covering this Property, the 1994 *Aspen Hill Master Plan*, designates the Rock Creek Village Shopping Center as a "significant parcel". Text in the plan on page 81 reads:

"New uses could be incorporated into shopping center locations that would make them community serving as well as commercial centers. Some of the new or additional uses could be branch post offices, community meeting facilities, and a mix of housing, medical and family services in addition to shopping."

Rock Creek Village Shopping Center has pursued conformance of the above granted text from the Master Plan with such clever and unique community services facilities as an important and much used kidney dialysis center. Introduction of a veterinary hospital into the center would provide another service that would be valuable for the surrounding community.

- h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board 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;*

This proposal does not change the nature, character or intensity of the shopping center. Today, the shopping center is served by an adequate transportation network and other public services, both utilitarian and emergency in nature. Those conditions will not change as a result of a retail bay in the center now being occupied by a veterinary office/ hospital use. Police, fire protection, water, sanitary sewer, public roads and storm drainage will remain adequate.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable, the Subject Property is zoned NR.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Property is compatible with existing and approved or pending adjacent development. The proposed veterinary office/hospital use is converted from a former retail space and does not constitute a substantial change to the existing compatibility of the Project within the shopping center.

Rock Creek Village Center is a high quality, mature, neighborhood oriented commercial center. Having been in operation since the late 1960s, the center is assimilated into its surrounding neighborhood and operates compatibly with its adjacent development. The introduction of a veterinary office/ hospital use into the shopping center will result in no physical changes to the center (except for installation of a fence around the animal exercise and relief area and a new wall sign to be located at the front entrance) and will not alter the intensity of the existing use.

SECTION 4: CONCLUSION

Staff has not received any comment or correspondence from the community regarding this application.

The proposed Site Plan complies with the general conditions and standards of a Veterinary Office/Hospital, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the *1994 Aspen Hill Master Plan*, will not alter the character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

ATTACHMENTS:

1. Forest Conservation Exemption Letter
2. Owner Authorization Letter

ATTACHMENT 1



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

May 5, 2021

Mr. Michael Beachley
8405 Greensboro Drive, 8th Floor
McLean, Va., 22102

Re: Forest Conservation Exemption 42020210E; Thrive Veterinary Clinic; plat 8332

Dear Mr. Beachley,

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request #42020210E submitted on April 28, 2021, for the property located at 5552 Norbeck Road, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation law), Section 22A-5(t) a modification to an existing: (1) non-residential developed property if:

- (A) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued;
- (B) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or forest located on property in a special protection area which must submit a water quality plan;
- (C) the modification does not require approval of a preliminary or administrative subdivision plan;
- (D) the modification does not increase the developed area by more than 50% and the existing development is maintained; and
- (E) the pending development application does not propose any residential uses.

Since there is no additional clearing or grading a pre-construction meeting is not required with this inspector. If you have any questions you may contact me at 301-495-4581 or at david.wigglesworth@montgomeryplanning.org.

Sincerely,
David Wigglesworth

David Wigglesworth

CC: John Lawall (Bohler Eng.)
Mariah Clayborne (M-NCPPC)

ATTACHMENT 2



SAMUEL LEHRMAN
PRESIDENT

June 22, 2021

To Whom It May Concern:

I, Samuel Lehrman, as an authorized agent of SL Real Estate Limited Partnership (the "Owner"), the owner of 20,908 square feet of land known as Parcel 318 located at the intersection of Baltimore Road and Norbeck Road adjacent to the Rock Creek Village Shopping Center, hereby authorize Rock Creek Village, LLC, and its tenant, Thrive Veterinary Clinic, to use Parcel 318 in any manner permitted by law necessary to operate the Thrive Veterinary Clinic within the Shopping Center.

Sincerely,

SL REAL ESTATE LIMITED PARTNERSHIP

By: 
Samuel Lehrman