



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

MCPB No. 21-066
Site Plan No. 820200190
Thrive Veterinary Clinic
Date of Hearing: July 22, 2021

JUL 27 2021

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on May 17, 2021, Rock Creek Village LLC ("Applicant") filed an application for approval of a site plan for conversion of approximately 1,782 square feet of commercial space in an existing shopping center to a veterinary office/hospital use with an outdoor animal relief area on 9.39 acres of NR-0.75, H-45 zoned-land, located within the Rock Creek Village Shopping Center on the south side of Norbeck Road (MD-28), between Baltimore Road and Bauer Drive ("Subject Property"), in the Aspen Hill Policy Area and the 1994 Aspen Hill Master Plan ("Master Plan") area; and the applicant was required to submit a site plan application because the property confronts a residential detached zone, R-90, that is improved with a residential use across Bauer Drive, per Zoning Ordinance Section 59.3.5.1.C.2.a.iii.

WHEREAS, Applicant's site plan application was designated Site Plan No. 820200190, Thrive Veterinary Clinic ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 9, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 2021, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

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Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200190 for conversion of approximately 1,782 square feet of commercial space in an existing shopping center to a veterinary office/hospital use with an outdoor animal relief area, the Subject Property, subject to the following conditions:¹

1. The veterinary office/hospital use hours of operation 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Thrive Veterinary Clinic, 820200190, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development 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.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

Not applicable.

¹ For the purpose 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.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

The new 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.

b. Development Standards

The Subject Property includes approximately 9.39 acres zoned NR-0.75, H-45. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: Site Plan Data Table

NR-.75 Zone	Required/Permitted	Approved (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. The existing shopping center conforms to the development standards and general requirements of the Zoning Ordinance.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

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.

b. 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.

6. *The development 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.

7. *The development substantially conforms to 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.

8. *The development 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.*

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.

9. *The development 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 27 2021 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, July 22, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board